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Senate

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

PRAYER

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

Let us pray.

O mighty God, our gracious Father, thank You for the gift of this day. Lord, You are the one clear manifestation of love in the midst of lesser powers. Today, use our lawmakers to bring more of Your love to our world so that Your kingdom may come and Your will be done on Earth as it is in heaven.

May our Senators discover the stillness of soul needed to begin to comprehend what is the height, length, breadth, and depth of Your great love. Use them as Your instruments of righteousness and justice in our world. Lord, open their minds to think Your thoughts and give them the courage to do Your will.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 488, S. 2648, the emergency supplemental appropriations act dealing with the border crisis.

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

The legislative clerk read as follows:

Motion to proceed to Calendar No. 488, S. 2648, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes.

SCHEDULE

Mr. REID. Following my remarks and those of the Republican leader, the Senate will be in a period of morning business until 12 noon, with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the final half.

At 12 noon, the Senate will proceed to executive session to consider Robert Alan McDonald to be Secretary of Veterans Affairs.

The Senate will recess from 12:30 p.m. to 2:15 p.m. to allow for weekly caucus meetings.

At 2:45 p.m. there will be a rollcall vote for confirmation of the McDonald nomination, followed by several voice votes to confirm the Andre, Hoza, and Polaschik nominations.

Upon disposition of the Polaschik nomination, the Senate will consider the Highway and Transportation Funding Act. Senators should expect five rollcall votes this evening in relation to Wyden-Hatch, Carper-Corker-Boxer, Lee, and Toomey amendments and on passage of H.R. 5021, as amended, if amended. Senators will be notified when those votes are scheduled.

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

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

MEASURES PLACED ON THE CALENDAR—S. 2673 AND H.R. 3393

Mr. REID. There are two bills at the desk due for second readings.

The PRESIDING OFFICER. The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 2673) to enhance the strategic partnership between the United States and Israel.

A bill (H.R. 3393) to amend the Internal Revenue Code of 1986 to consolidate certain tax benefits for educational expenses, to amend the Internal Revenue Code of 1986 to make improvements to the child tax credit, and for other purposes.

Mr. REID. I would object to any further proceedings of these two matters.

The PRESIDING OFFICER. Objection is heard.

The bills will be placed on the calendar.

VETERANS' CARE

Mr. REID. Almost 2 years ago, within a few days 2 years ago, we were in Las Vegas to dedicate this beautiful new veterans facility. Taxpayers' money spent on it was about $700 million. It is beautiful. It is the second one we have been able to do in southern Nevada. We built a nice little hospital with a joint venture between the Veterans Administration and the Air Force.

But with the wars in Iraq, and Afghanistan, we ran out of room to accommodate the influx of veterans.

It became very difficult for veterans. We have a huge veterans population in southern Nevada. We have all kinds of military bases there that they are stationed in. They come, and they decide they want to live in southern Nevada.

So the veterans in southern Nevada found themselves in a difficult situation. When this new hospital was dedicated—it took 7 years of work to get this done. I worked hard, as did others, to obtain this money. It was a state-of-the-art facility, 100 inpatient beds, a nursing home unit, and an ambulatory care center. It was a state-of-the-art facility. It was unquestionably, probably without exaggerating, the finest veterans hospital in the country. It was brandnew. But, more importantly, it was a precious resource to veterans throughout the State of Nevada.

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

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We have a facility in northern Nevada. It has been there for many decades. To the credit of Senator MIKULSKI from Maryland, she came and visited it a number of years ago and said: This is wrong. In that facility we couldn't get the modern equipment down the halls and into the bedrooms. We had to renovate, so it is in good shape. So the veterans in northern Nevada had a facility long before southern Nevada.

But in spite of all this happy talk about what a wonderful facility this is, veterans depending on VA care have been stunned. Why? Because they are waiting 50 days. If you are a new patient, you call and they say: Well, we will see you in a couple of months. Come on in. About 2,000 patients have been waiting 90 days in order to even get an appointment. This is unacceptable.

It is not a problem only in Las Vegas, it is all over the country: a nationwide, systemic problem where these combat veterans and other veterans have been languishing on some nonexistent waiting list.

When I learned that BERNIE SANDERS from Vermont and Congressman MILLER had worked out something, I was stunned. I was so happy. I got a call from Senator SANDERS on Saturday telling me: I think we have got it done. That is wonderful. That is truly remarkable, what they have done.

I don't need to go through the bill, what it does, but it provides billions of dollars for emergency funding to hire new doctors and nurses. It will authorize 27 new medical facilities around the country, allowing the VA to grow as it needs to grow.

That is wonderful news. That is the way we should be legislating. We couldn't find two more politically different people than BERNIE SANDERS of Vermont and Chairman MILLER. They are very different people; they have very different views. But they know we have sent hundreds and hundreds of thousands of people to Iraq and Afghanistan, when these veterans come home, they need help. We took care of the war efforts, and rightfully so. The military needed every penny they have to fight these wars, but we haven't been as generous in taking care of these people when they come home from these wars.

The main point I want to make is that Chairman MILLER and Senator SANDERS understand we owe America's veterans.

It is good we are talking about this, rather than an impeachment of the President or suing the President. Look in the papers today. The American people are totally opposed. We shouldn't be off on these tracks of impeachment, suing the President. We should be legislating. An exemplary standard of that is what I hope will be completed this week when the conference report comes to us from the House to complete this legislation. It is truly a good day for the American veterans and the American people.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

VETERANS HEALTH CARE

Mr. MCCONNELL. America makes a promise to every man and woman who puts on the uniform. In exchange for their service, our country pledges they will be well trained, well equipped, and treated with the dignity and respect they deserve.

It is the least we can offer to the brave soldiers, sailors, airmen, and marines who put everything on the line so we can live in freedom. It is a solemn pact, and that is why the American people were so shocked to read some of the headlines we have seen over the past few months, headlines such as: ''Veterans languish and die on a VA hospital's secret list.'' Then, as the Obama administration tried to cover its tracks, a headline such as: ''Veterans Affairs spies, stonewalls on people investigating it.''

It is a national disgrace, ailing veterans being put off for months by a hospital system that should be rushing to their aid, and veterans dying while waiting for care.

According to the government's own report on these failures, we also know these problems were so systemic that they spread to more than three-quarters of the VA facilities surveyed, literally to every corner of the country, including Kentucky.

Kentuckians heard shocking news stories such as the one about a Harrodsburg veteran who was being treated at the VA facility in Lexington. The staff there declared him dead. Yet when the veteran's wife came to say her final good-byes, she found her husband breathing—with a pulse.

I was glad to hear this veteran is now back home with his family and recovering. But no veteran and no spouse should ever have to go through such a horrific ordeal. Yet I continue to receive letters from Kentucky veterans who have been denied the care they deserve, such as this one from a disabled veteran in Gradyville. This is what he had to say:

> I have had some of the most frustrating of times trying to receive the quality of health care that anyone deserves.
>
> Not only has it taken me months to be seen, but I have been told by a primary care physician that ''He did not need to see me until my 6 month checkup''. . . . I simply no longer have the time and money to invest in the run around I receive in trying to make an appeal. . . . I gave up 4 years of my life and proper use of my right arm in this nation's defense. I would have given my life without question to protect a country that I love. It breaks my heart to no longer be a part of an institution I so lovingly became a member [of]. Our nation's veterans deserve so much more.

Well, he is certainly right. Thousands of Kentuckians have had to wait for more than a month at VA facilities in Louisville and Lexington.

So the Obama administration needs to use every tool available to address the systemic failures of the VA, and it needs to work with Congress on reforms that can help address these challenges too.

Initially, the Obama administration was slow to respond to the crisis. The White House tried to treat it as some PR predicament to get beyond rather than the true tragedy that it was—a tragedy that required bipartisan action to investigate and address.

Ultimately, pressure from Republicans and revulsion from the American people forced the White House to take this crisis seriously. Audits were conducted. Management changes were undertaken. And the necessity of serious reform was accepted—eventually.

I was proud to support bipartisan VA reform legislation that passed the Senate last month, and I am encouraged by the progress of the conference committee toward completing a final compromise that can pass Congress and be signed into law. The compromise legislation would introduce some much-needed accountability into the VA system and help increase patient choice. In fact, the compromise appears to include two initiatives I specifically pressed with the President's nominee to head the Veterans Affairs Department when I recently met with him.

One, I said we need to make it easier to fire VA bureaucrats who fail our veterans; and, two, I said we need to allow veterans to seek care outside the VA if they face long wait times or if they do not live near a VA facility.

The conference report, fortunately, appears to include both. I thank Senators BURR, MCCAIN, and COBURN for steadfastly fighting for the veterans choice part of the conference agreement that will allow our deserving veterans the option of accessing care in hospitals when VA facilities are not available.

As for the President's nominee to run the VA Bob McDonald, we all know he has a tough job ahead of him after his confirmation. I made clear my expectations for dramatic change when I met him. But if Mr. McDonald is willing to work in a collaborative and open manner with Congress—and I expect he will—he will find a constructive partner on this side of the aisle.

Look, we know there is much we can and should do to address this crisis together. So I am hopeful because when veterans are denied care, it is a priority deserving of bipartisan attention, and the government needs to start living up again to the promises it made to our veterans. We certainly owe them no less.

EMERGENCY SUPPLEMENTAL APPROPRIATION

Mr. President, Israel's military campaign against the terrorist organization Hamas has a clear-cut objective: to restore Israel's security by eliminating rockets, shut down these infiltration tunnels from which Hamas is launching its attacks against Israel, and, indeed, to demilitarize Gaza. That is Israel's objective.

This is clearly justified in the face of more than 2,300 rocket attacks into

Israel from Gaza since early July. I strongly support Israel's recent efforts through Operation Protective Edge to defend itself and to end the threat of additional rocket and infiltration attacks by Hamas. Operation Protective Edge also serves a larger purpose, and its resolution has broader implications for the future of the Palestinian people.

If Hamas declares victory by keeping its weapons stockpile, by continuing to undermine Israel's security, and by turning away from Egypt's efforts to forge a reasonable cease-fire, the net result will be a relative weakening of the Palestinian Authority and of those in the West Bank who have worked toward a peaceful resolution of the overall conflict.

So I support any effort which brings this campaign to an end in a manner that increases Israel's security. That means specifically that Hamas cannot be left with a large stockpile of missiles and rockets and cannot be left with infiltration tunnels. They must be destroyed. Hamas cannot be allowed to aggressively rest, refit, and build up a weapons stockpile. That weakens Israel and the Palestinian Authority.

Here is what I oppose. I oppose any efforts—any efforts by the international community, especially the United Nations—to impose a cease-fire on Israel that does not meet these military objectives and that therefore risks actually rewarding Hamas for a campaign of terror and that seeks to make additional concessions to Hamas such as easing security along the borders of Gaza.

An unfavorable settlement, especially one that left the terrorist group Hamas with a stockpile of weaponry, would create incentives for Hamas to continue smuggling arms from Iran and, of course, to return to violence. An unfavorable settlement would also undermine the leadership of the Palestinian Authority, which has attempted to negotiate with Israel through peaceful means.

So let's be clear. The terror tactics employed by Hamas show contempt for human life, whether Israeli or Palestinian. By employing rockets and mortars as weapons of terror against Israel's civilian population or by using its own schools within Gaza as weapon depots, Hamas has shown a gross disregard for civilians.

The Prime Minister of Israel put it very well when he said: ''[Israel] uses missiles to protect our people. They (Hamas) use their people to protect their missiles.''

There is no moral equivalency—none whatsoever. These tactics should be loudly and widely condemned, and Israel's right to defend itself should be affirmed.

As I noted last week, Secretary Hagel wrote to the majority leader seeking urgent funding for components of the Iron Dome missile defense system. I and others support this request, as Iron Dome has afforded Israel some real protection from these indiscriminate rockets.

This morning some of my colleagues will further explain the importance of Iron Dome and the need for the Israeli Defense Forces to press on and finish the job in destroying the infiltration tunnels and weapons stockpiles. Republicans are united in our support of Israel's defense, and this morning my colleagues will explain our opposition to any effort to force a cease-fire on Israel that does not further its security objectives.

In a situation such as this, Israel only has one dependable friend. The United States should not be trying to pressure Israel to make a bad deal that leaves Hamas in a position to continue these attacks against Israeli civilians.

No one has been more active on this issue than my colleague from South Carolina. I see him on the floor now. Therefore, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12 noon, with Senators permitted to speak therein for up to 10 minutes each, and the time equally divided and controlled between the two leaders or their designees, with Republicans controlling the first half and the majority controlling the final half.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I return the compliment to Senator MCCONNELL from Kentucky, the Republican leader.

I have been here now since 2002. There is no better friend of the State of Israel than MITCH MCCONNELL. He is the former chairman and ranking member of the foreign ops subcommittee on appropriations that deals with aid to the world—particularly Israel—and it was his idea to come to the floor today and have voices speak in support of Israel at a time when they need friends.

Friends are great to have. They are wonderful in good times. They are a necessity in bad times. Israel is going through some pretty bad times and so are the Palestinian people.

I wish to clearly make myself known. I have nothing against the legitimate hopes and aspirations of the Palestinian people to have their own country, to live in peace and prosperity by Israel. But they have to want it more than I do.

The Palestinian people are suffering. Children are being killed, and the most innocent people on the planet are children. It breaks all of our hearts to see them as a casualty of war.

But now is the time to be clear-eyed and focused as to what the problem really is. The problem is very simple in many ways. Hamas is a terrorist organization in the eyes of the U.S. Government. Hamas should be a terrorist organization in the eyes of any decent person in the world.

What did they do? They have as their goal not a two-state solution but a one-state solution—the complete and utter destruction of the State of Israel. If you don't believe me, just check out their own charter. They have as their tactics using their own people and children as human shields to win a propaganda war.

When Israeli children are killed, it breaks Israel's heart. When Palestinian children are killed, it breaks the heart of all decent Palestinians, but Hamas sees it as a victory. They literally try to put women and children in harm's way to marginalize the ability of Israel to defend itself against two things.

The tunnels are something new in this fight. Forty-one tunnels have been discovered that go from the Gaza Strip—some into Israel itself—and yesterday five Israeli soldiers were killed by an attack that came from Hamas fighters that penetrated Israel through the tunnels.

So Senator MCCONNELL is not only speaking for Republicans when he says the Senate stands firmly behind Israel's right to destroy the terrorist tunnels, but I think that is the body's view and Democrats' as well.

There is a resolution that is bipartisan in nature before the body, and I hope we can pass it before Thursday. In the resolved clause, it says the Senate opposes any efforts to impose a cease-fire that does not allow the Government of Israel to protect its citizens from threats posed by Hamas rockets and tunnels. That, I believe, is the view of the Senate in a bipartisan fashion.

Today, Republicans take the floor to clearly state where we stand in this conflict. We stand with Israel's right to defend itself against a terrorist organization called Hamas. We stand with the Palestinian people's legitimate aspirations to have a better life. But until that day comes, we are going to be firmly in the Israeli camp to defend themselves, because what would we do as a nation if a neighboring nation dug tunnels under our border for the express purpose of kidnapping and killing our citizens. What would America do if one rocket coming from a neighboring nation fired indiscriminately to kill American citizens? We would respond in the most aggressive fashion, and we would have every right to do so.

As the minority leader stated, there is no moral equivalency. Israel tells you they are going to attack. Israel calls before the attack. Israel gives notice about an impending attack. Hamas secretly fires rockets, caring less where they land. Their hope is that it hits a kindergarten. That is their desire. And the only reason they have not been successful is because of the Iron Dome program that has been a collaboration between the United States and Israel for many years.

There has been discussion about appropriating additional dollars for Iron Dome. That discussion needs to turn into a reality. We don't need to marry it with controversial topics. Israel is under siege. We are the best friend of the State of Israel. They need this assistance. Every Republican stands ready to work with every Democrat to pass—in the next 5 minutes—additional money for the Iron Dome program.

In tough times, what is the smart thing and right thing for America to do? The smart thing for America to do is pursue a lasting peace, a peace with meaning, and not repeat the mistakes of the past. Insanity is doing the same thing over and over and expecting a different result. Israel is beyond that moment. America needs to stand by Israel's legitimate right to get to the heart of the problem and not face this threat 6 months or 1 year from now.

The one thing I can tell you that is not a smart thing to do is to give Hamas a bunch of concrete. They are not going to build schools with it; they build tunnels. All the aid the international community has been providing to the Gaza Strip, through the hands of Hamas, has not gone into building hospitals, schools, and the economic improvement of the lives of Palestinians but to create tunnels of war. The tunnels are weapons of war. The thousands and thousands of tons of concrete and iron that have been misappropriated to build these tunnels came from people with a good heart.

How long does it take the international community to wake up to the fact that Hamas has a bad heart—an evil, wicked heart. They could care less about their own people. They want to destroy Israel.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. GRAHAM. Absolutely.

Mr. MCCONNELL. We all remember that 10 or 12 years ago Israel—which had previously occupied Gaza for the purpose of preventing these types of devastating attacks—left. They said: We are through. They made a solid statement and said: We are uncomfortable occupying, and all we ask in return for the removal of our occupation is a peaceful border.

The Senator from South Carolina has just outlined that periodically this is what they have gotten in return for basically leaving Gaza alone and giving it a chance—if it chose to—to have a normal, peaceful existence. Yet they choose to continue the conflict, as the Senator from South Carolina indicated, because they are not in favor of a two-state solution; they are in favor of a one-state solution.

Mr. GRAHAM. Senator MCCONNELL is dead on point—land for peace. Give the Palestinians land and in return Israel gets peace. They gave the Gaza Strip to the Palestinians, and what have they gotten in return? They got 2,500 rockets in the last 3 weeks and terrorist tunnels.

The idea that leaving an area will lead to peace in the Middle East with the Palestinians has not borne fruit. What to do? No. 1, pass more appropriations for Iron Dome because it is the right and smart thing to do.

No. 2, pass a resolution saying we oppose any cease-fire that does not allow Israel to get to the heart of the problem when it comes to terrorist tunnels and dealing with the rocket threat against their country.

No. 3, push back against the United Nations that has lost its moral way. The Human Rights Commission—which is a subcommittee, for lack of a better term, of the United Nations—passed a resolution 27 to 1 about the Israeli-Palestinian conflict in Gaza, and I will read the first paragraph:

> Deploring the massive Israeli military operations in the Occupied Palestinian Territory, including East Jerusalem, since 13 June 2014 that have involved disproportionate and indiscriminate attacks and resulted in grave violations of the human rights of the Palestinian civilian population, including through the most recent Israeli military assault on the occupied Gaza Strip, the latest in a series of military aggressions by Israel, and through actions of mass closures, mass arrests and the killing of civilians in the occupied West Bank.

This resolution is 1,600-and-something words, and it has a half sentence about rockets against Israel and nothing about the tunnels and never mentions Hamas.

The third thing I would like this body to do, through a letter of resolution, is let the United Nations know we condemn this one-sided view of the conflict and that we find the Human Rights Commission report objectionable and, quite frankly, immoral.

The vote was 27 to 1, and we were the only nation that objected to this resolution, which I think should make every decent person in the world feel the shame of the United Nations.

I thank our leader on the Republican side for creating this opportunity and allowing us to speak on this issue, and I thank him for his longstanding support for the State of Israel.

I close with this thought: In times of trouble, try to do the right thing and the smart thing, and they both come together on this issue. The right thing to do is to stand by your friends in Israel; the smart thing to do is to stand by your friends in Israel. The right thing and the smart thing to do is to oppose Hamas, which has a wicked heart, and allow Israel, once and for all, to fix this problem by demilitarizing Gaza and dealing with the tunnels and the rockets.

As Senator MCCONNELL said, Israel has tried cease-fires time and time again without dealing with the military threat they face. Not this time. When Israel says never again, they are referring to the Holocaust. America needs to stand with Israel and Israel should say to Hamas: Never again will we allow a cease-fire that allows you to dig tunnels under our borders to kidnap and kill our citizens, and never again will we allow you to rearm and rain holy terror on our people through thousands of rockets being fired at innocent civilians.

Now is the time for the Senate to say with Israel, never again.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, briefly before Senator AYOTTE takes the floor, I wish to commend Senator GRAHAM for his suggestions. All three of those suggestions should be carried out this week. Time is of the essence.

In listening to the litany of actions by the Palestinians that he recounted—and we all remember, going back almost to the founding of the State of Israel—I am reminded of what one of Israel's early Foreign Ministers once said about the Palestinians. He said the Palestinians never miss an opportunity to miss an opportunity.

Mr. GRAHAM. Sad but true.

Mr. MCCONNELL. Sad but true. I recall when Prime Minister Barak was in office at the end of the Clinton years. The administration brokered a deal that Israel at that time was willing to offer and Palestine said no. It was a deal they probably could not get today.

We have seen a litany of opportunities wasted over the years, and the people who suffered as a result of it have obviously been the Palestinian people.

Mr. GRAHAM. Absolutely. With that, I will turn over the debate to my good friend, the Senator from New Hampshire, Ms. AYOTTE, who has been one of the leaders on our side on foreign policy and is a steadfast ally of our friends in Israel.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. I thank my colleagues, the Senator from South Carolina for his leadership and our leader, the Senator from Kentucky, for the incredible work he has done in supporting our great friend Israel and also leading this body in terms of the issues he has brought forward, not only in supporting important protections, such as the Iron Dome program, but also by ensuring America remains safe and strong. I thank Senator MCCONNELL very much for his leadership.

I rise because I had the privilege in March of traveling to Israel. I went there not only to meet with the leadership in Israel but I had the opportunity to meet with some of the Palestinian leadership as well.

I went to Sderot, which is a town in Israel. I was very much struck by what the Israelis are facing every day and the threat they face from Hamas, a terrorist organization. Go to a town such as Sderot and everyone in their household has a bomb shelter. I met with mothers there whose children feel traumatized because they never know when the next potential rocket may be coming toward their town, and it has very much affected their children. It has affected them so much so that when one

goes to the playground where the children play, the playground itself contains a bomb shelter. There is a caterpillar which looks like something your kids would play in, but it is actually a bomb shelter because this town in Israel has been facing rockets from Hamas. That is what we need to understand in this conflict: Hamas, a terrorist organization, has not only used its own civilians, the Palestinians, as human shields but they have also continued to threaten the children of Israel so much so that their playgrounds have bomb shelters.

What is happening right now in this conflict is that Israel is trying to defend itself against the threat of rockets from Hamas which threaten their children and the Palestinian children, who unfortunately have been put in harm's way by this terrorist organization, Hamas.

They are facing a new threat. Can you imagine if we were faced with a threat where terrorists could pop up through a tunnel and suddenly terrorize the people in this country? Can you imagine what we would do under the same circumstance? That is the threat the Israelis are facing right now. They need to eliminate these tunnels to ensure that their people can be protected from this threat.

How did they build these tunnels? They actually built some of these tunnels by using concrete the Israelis let the Palestinians have for building places such as schools, and instead Hamas has taken this concrete and used it to build terror tunnels to allow them to either kidnap or kill Israeli citizens.

We stand with the people of Israel and their right to defend themselves against this terrorist organization Hamas and the terror it has brought upon not only the country of Israel but also the terror it has brought to the Palestinian people and how Hamas stands in the way of peace in the region overall.

We also stand against the hypocrisy we have seen on many levels, and that hypocrisy and double standard has been most apparent in the U.N. Human Rights Council and the recent resolution passed by that council. I have to wonder why that council exists in the United Nations because they have countries such as China, Cuba, Russia, and Venezuela issuing a resolution condemning Israel for what is happening in this conflict but in no way even mentioning Hamas or what Hamas is doing to use civilians as shields and basically as targets so they can try to get support from the international community.

The opposite is happening in terms of what Israel is doing. There is such a contrast. Israel is taking steps to notify civilians if there is going to be a missile launched in their area. They have warned civilians to leave areas. They have taken extraordinary steps to protect civilian lives in contrast to what Hamas is doing; they are using civilians as shields.

We condemn in this body very clearly what the Human Rights Council has done. The notion that we are going to follow what China, Cuba, Venezuela, and Russia tell the world, which is their view on human rights—and they don't even mention the actions of a terrorist organization that is at the root of the conflict we see right now in Gaza—talk about the situation where the fox is watching the henhouse. That is what has happened with this human rights council. Frankly, this council, in my view, should be eliminated because it is the opposite of standing for human rights; it is for standing for terrorist organizations such as Hamas.

I stand with the recommendations of my colleague from South Carolina and our leader that we need to absolutely condemn the human rights council. We need to reaffirm in this body this week before we leave our support for Israel's right to defend itself and to eliminate the threat these tunnels present to the Israeli people, and, frankly, also to the Palestinian people as well, and to allow them to finally address this threat from this terrorist organization Hamas.

Until this threat is eliminated, there can be no peace in this region. There cannot be peace for the Israeli people and there cannot be peace for the Palestinian people. So it is my hope that we will take this up this week and make sure we clearly send a message to Israel; that we stand with Israel, that we clearly send a message to the U.N. that we are not going to accept the hypocrisy of the human rights council; that we clearly send a message to Hamas: We know who you are. You are a terrorist organization. Stop using civilians to try to accomplish your purpose and we stand with you.

I yield the floor for my colleague.

Mr. MCCONNELL. Mr. President, if I may before Senator AYOTTE leaves the floor, I commend her on her contribution to this discussion and particularly with her stories with regard to Israel, and I would also add that I am sure the Senator from New Hampshire agrees with me that the last thing the American Government needs to do right now is try to pressure Israel into a bad cease-fire that doesn't allow this terror to be stopped.

At times it appears to me that the American administration is trying to push the Israelis into stopping before they have finished the job. We all know, based on past history, that unless this operation is completed, these challenges will continue.

I wanted to see if the Senator from New Hampshire shared my view.

Ms. AYOTTE. I would fully share the Senator's view. In order to end this threat we need to support Israel and its right to eliminate the tunnels, to address the missiles and eliminate missiles and the stash that Hamas has that they are targeting Israel with—which, by the way, would have had many more civilian casualties but for the Iron Dome system that we have supported and worked with Israel on.

Finally, we need to get to a point where Gaza is demilitarized and they are put in a position where this threat cannot continue. That is what we need to get to thinking about. But we need to allow Israel to deal with the threat of these tunnels and the missiles so the children in Sderot will not continue to be targeted, so children—not only Israeli children but also Palestinian children—can live in peace in the region. That cannot happen when Hamas continues to be a terrorist organization that threatens all children in the region.

Thank you.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I wish to end on what my colleagues, the Senator from Kentucky and the leader, Senator MCCONNELL, say. Senator GRAHAM, Senator AYOTTE, and I appreciate Senator MCCONNELL's leadership in making very clear what is at stake here, pushing hard to make sure that the Senate is doing its job in support of Israel, making sure they are able to defend themselves and the funding for the Iron Dome which has been so effective as a defense mechanism against these rocket attacks is done in a way that allows them to continue to use it in that capability.

As you look at the situation in Gaza, I want to start by taking a step back and looking at this conflict in both the historic and regional context. In Israel we have the only functioning democracy in the Middle East. Israel is a nation that emphasizes human rights and tolerance. Its population includes religious, ethnic, and cultural diversity. In Jerusalem you can hear the Muslim call to prayer, the bells from Catholic and Greek Orthodox churches, and the prayers of the Jews at the Wailing Wall all at the same time. There is no other place like this on Earth.

This democracy, however, is situated in a region of intense brutality and extremism. Historically that has meant seemingly endless conflicts with Israel's neighbors, intentionally targeting civilians in order to maximize casualties. One need only look across the border into Syria to get a glimpse of this brutality. When Syrians made the first attempt at striving for democracy, the Assad regime began systematically slaughtering opponents, including gassing civilians with chemical weapons. As that violence spread into Iraq, radical terrorist organizations such as ISIS began killing not only Shia opponents but also other Sunni clerics who would not swear allegiance to ISIS. Communities with ancient traditions such as the Christians in Mosul, who just 10 years ago numbered 60,000, have been forced to flee for their lives. Mosul has been completely emptied of Christians for the first time in 1600 years.

It is in this context the people of Israel have built their nation. It is in this context that we now view the conflict in Gaza. The current conflict in

Gaza is one that Israel did not start. It started with Hamas firing over 2300 rockets from Gaza into Israel, specifically targeting civilian populated areas to maximize potential casualties. In response, Israel has conducted a methodical and enforceable response, as you would expect any nation to do. First Israel locates the source of the rocket. Then an attempt is made to call the residents by phone to tell them to evacuate. In many cases a flare is sent onto the roof as a warning that the location is about to be hit, before that location is ultimately destroyed.

In a region where neighboring leaders indiscriminately drop barrel bombs on residential areas for the sole purpose of slaughtering civilians, Israel goes out of its way to save lives. These are not just civilian lives Israel is saving, because they know that by their efforts they are giving the aggressors a chance to escape as well.

After Hamas continued to launch rockets into Israel, even when Israel agreed on multiple occasions to cease fire, tunnels were used to insert combatants near Israeli settlements. Israel responded with a ground assault to destroy the tunnels and eliminate Hamas's stockpiles of weapons. As the attacks and rocket launches continue, it is understandable that Israel would want to seek out and destroy stockpiles of weapons to keep the cycle from being repeated a few months from now.

Like all of my colleagues on the floor today, I want to see peace in the Middle East. Specifically I want to see peace in the Gaza and West Bank. I want to see peace in such a way that the Palestinian people can live with the prospect of a better life. But as we have seen, peace is not possible when a terrorist organization continues to pursue its cause of annihilating Israel. Peace cannot be achieved while Hamas rejects cease-fire agreements and continues to fire rockets. As violent as the current conflict in the Gaza strip is, it would be far worse—it would be far worse—if Israel did not have the Iron Dome. In any conflict, civilian casualties are a tragedy and if Israel did not have the sophisticated, purely defensive weapons system that allows it to shoot these rockets out of the sky, the number of civilian casualties would be far greater.

Hamas does not drop leaflets telling civilians to evacuate. Hamas does not send flares to warn residents to get out of harm's way. If not for Israel's Iron Dome, civilian casualties in Israel would be staggering. The United States must continue to support Israel by ensuring that Iron Dome missile defense systems remain an effective deterrent to even greater civilian casualties. For as long as Israeli men, women, and children need to run to bomb shelters ahead of Hamas rocket attacks we must support Israel's ability to defend itself.

The United Nations Council on Human Rights and other countries around the world continue to do things that are consistently at odds with the facts and with reality. Here in the United States we need to do as my colleague from South Carolina said, the right thing and the smart thing, and in this case, the right thing and the smart thing are one and the same. So I hope my colleagues in the Senate will make a priority providing the necessary funding for Iron Dome and in standing united—united—behind our ally and our friend Israel as they defend themselves from these attacks.

Mr. President, I see my colleague from Texas is on the floor, and I would simply ask him what role he sees the United States playing in both supporting Israel and providing support for the Iron Dome.

Mr. CRUZ. I thank my friend from South Dakota.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I am pleased and saddened to stand here in support of my colleagues as we stand united in support of the Nation of Israel.

In the last several weeks over 2500 rockets rained down over the Nation of Israel. Eighty percent of the population had to flee what they were doing and run to bomb shelters to hide—moms, dads, children. When the alarm goes off they have sometimes 10, 15 seconds to get to a bomb shelter.

I want you to imagine if the same situation were happening in America. Imagine if 80 percent of this country in the last several weeks had run to a bomb shelter. Imagine if 240 million Americans in the last several weeks had been sitting at work or in the doctor's office or having breakfast and had to grab their children and run in panic toward a bomb shelter. Imagine what our country would be doing in response.

In recent weeks we have discovered that Hamas has opened a new chapter in the annals of terrorism. It is not just raining rockets down from on high, but it is now attacking from below. Some 32 full-scale terror tunnels have been discovered dug under the ground under the border and coming up in kibbutzes inside Israel along Gaza. Some of the tunnels come up inside kindergartens. We have discovered in recent weeks a terrifying plot that was underway for Hamas terrorists on Rosh Hashanah to come through those tunnels—hundreds of them—to emerge in kindergartens to kidnap and murder vast numbers of young Jewish children.

Imagine right now if enemies of this country had dug tunnels into this country and were coming up into our schools. Imagine if Iran or China or some other hostile foreign nation had tunnels from which your children and my children were at risk of being kidnapped or murdered. Today in Gaza we see massive civilian casualties that are the direct consequence of the violence of Hamas.

You see, the human casualties are not an unintended side effect of the conflicts. They are the objective that Hamas seeks—dead Palestinian children and women and men. We know this because Hamas is engaging in a war crime right now, not that the United Nations Human Rights Council would ever say anything about it. But Hamas is engaging in a war crime of using human shields—deliberately using human shields. Where do they place their rockets with which they are raining down death and destruction upon Israel? They place them in schools. They place them in private homes. They place them in mosques. Deliberately they surround their rockets and their terror tunnels with innocent civilians.

Israel right now is engaged in something unprecedented in the annals of modern warfare. It is undertaking more humanitarian effort to spare civilian deaths than any military has in recorded history. Before attacking, Israel sends out texts. When they discover a rocket battery they need to take out because it is firing rockets targeting innocent civilians, they send texts saying: Clear out of the area. They try to save the Palestinian civilians. They drop from the sky pamphlets on an area that is about to be bombed to take out the rockets that are coming from that area. The pamphlets say to the civilians: Get out. Get out because we are going to take out the rockets and you are in harm's way. Not only that, they have a practice of sending an initial knock bomb. What does that mean? It means the first bomb lands on the roof and makes a knock. It doesn't explode; it just makes a loud knock. They do that for a reason: So the people inside the building can look up, can hear the knock, and can flee the building so the second missile can take down the building and the rockets that are housed inside and being used to try to murder innocent civilians.

A few weeks ago Prime Minister Netanyahu summed it up very powerfully when he said: Israel uses missile defense to defend our citizens. Hamas uses its citizens to defend its missiles.

Israel has tried to warn Palestinian civilians: Don't be located where the missiles are because we are going to respond as any sovereign nation will to protect our citizens.

What does Hamas say? Hamas tells the Palestinians: Stay there.

Picture that for a second. Israel is warning civilians to clear the area because they are going to take out the rockets and they are going to take out the tunnels. The response from Hamas is: No. Stay there.

Why? Because what they want to see is Palestinian children, Palestinian women killed so they can put the pictures on the Sunday night news because they know the world—many at the United Nations, many in the media—will behave like useful idiots. They will point to the civilian casualties that are Hamas's fault. When you put rockets on top of children, when

you tell the children ''do not leave,'' when you know the rockets are going to be taken out—it is Hamas, the terrorists who are responsible for those children's deaths. Yet the international community puts the pictures on the evening news and blames the nation of Israel.

I am proud this week to have joined my colleague, Senator GILLIBRAND from New York, in filing a bipartisan resolution in this body condemning Hamas's use of human shields, condemning it as a war crime, condemning it as an outrage, condemning it as the direct reason we are seeing so many civilian deaths.

I have to note that one of the reasons civilian deaths have been mitigated in Israel is because of the incredible success of the Iron Dome missile defense system. Ronald Reagan's ''Star Wars'' is today's Iron Dome.

We see unfolding in recent weeks in Israel the product of President Reagan's vision when he proposed the Strategic Defense Initiative, or SDI, on March 23, 1983. Critics at the time dismissed it as ''Star Wars.'' The Presiding Officer will recall—we were both teenagers at the time, and we recall learned experts, so to speak, going on television saying SDI was a fool's errand; it was a dream. The analogy that was given was you cannot hit a bullet with a bullet; it can't work. Well, run the clock forward three decades, and we see an Iron Dome, the strategic vision of President Reagan, playing out in real-time.

There is a wonderful video on YouTube that I encourage anyone who is interested to Google and watch. It is a video called ''Iron Dome Wedding.'' If people Google it, they will discover a video from a wedding in southern Israel. It is an ordinary wedding video, just like I suspect the Presiding Officer and I both had from our weddings. But in the midst of it, rockets begin coming through the night sky. We see rockets come across the sky, and then we see Iron Dome interceptors come up and explode the rockets. One after the other is hit and explodes, and the whole thing looks like fireworks. In the background we hear the wedding music and the sound of celebrating, and we think, were it not for these Iron Dome interceptors, those missiles might be landing on that wedding and causing carnage and death and destruction. But because of the potential, the power, the actuality of missile defense, instead they are intercepted.

There are indisputable differences between the intercontinental ballistic missiles that SDI was designed to target and the low-tech missiles Hamas is firing over Israel that Iron Dome is intercepting. That is why Iron Dome is one part of a three-tiered system that includes David's Sling and the Arrow 2 and 3 systems, which are designed to guard against more sophisticated weapons, such as the longer range missiles being provided to Hamas by Syria and Iran, and they would also defend against nuclear ballistic missiles of the sort being developed in Iran.

It is worth underscoring, even as the fighting in Gaza grabs the headlines, that we have to keep our eye on the far more serious danger of a nuclear Iran. The threat of a nuclear-armed Iran would make Hamas and their rockets seem like child's play. And our support for Iron Dome should be understood in the context of support for the continued development of these systems, which not only protect our friend and ally Israel, but they protect us. There is a reason why Hamas and Iran refer to Israel as the ''Little Satan'' and the United States as the ''Great Satan,'' because their intention with both is the same terror, the same murder, the same death and destruction.

Israel is currently working to carry out the grinding work to eradicate these terror tunnels that have been built under schools and kindergartens designed to kidnap and murder young children. I would note that it is an enormously difficult task, one that might prove impossible were it not for the success of Iron Dome limiting the effectiveness of those rockets.

I encourage this body to stand together, united as one, Republicans and Democrats. There may be issues on which we disagree—there may be a great many issues—but we ought to be able to stand together as one and speak in unison that we support the nation of Israel and that we will work with the nation of Israel immediately to replenish their Iron Dome supply so they can protect the citizens there and so they can do what is necessary to eradicate the Hamas rockets and terror tunnels being used to commit war crimes. There should be a unified, bipartisan voice in this body, and it is my hope that by the end of this week that is exactly what it will be.

I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Maryland.

Ms. MIKULSKI. What is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in a period of morning business.

Ms. MIKULSKI. May I proceed or does the other party wish to—how much time is remaining on our side?

The PRESIDING OFFICER. The minority has 3 minutes remaining, the majority has 47 minutes remaining.

Ms. MIKULSKI. With the concurrence of the minority party, I wish to proceed. I know they haven't yielded back their time. If that is agreeable, and hearing no objection, I will proceed.

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

Ms. MIKULSKI. Mr. President, I rise today as the chair of the Appropriations Committee to talk about several challenges facing our country.

First, I wish to respond to the comments made by many of the Senators this morning on the compelling need to pass supplemental appropriations to help Israel replenish the rockets it has used in its Iron Dome missile defense system. I am an unabashed, unrelenting supporter of that effort.

For many years, as a U.S. Senator on the Appropriations Committee, on the Defense Subcommittee, as well as as a member of the Intelligence Committee, I know how important the Israeli missile defense system is, including Iron Dome, David's Sling, and others that are absolutely crucial. I worked hands-on with Senator Inouye—the late great Senator, a Congressional Medal of Honor winner—to make sure we funded the missile defense system for Israel and to work on a bipartisan basis with Senator Stevens and Senator COCHRAN. We worked together, and thank God it worked. We also implemented an agreement signed by President Bush with the Government of Israel that we would always help Israel maintain its qualitative edge. We have done it, and I am proud of it.

Now more than ever an antimissile defense system that has worked needs to continue operation. We know the technology works, but they need to make sure they have the tools to make the technology work—these additional rockets.

We know Israel is under attack. It has always been under attack since its very founding. This is not an existential threat; this is not an abstract threat; it is a daily threat. We know Israel is trying to defend itself against the grim, unrelenting attacks by Hamas—a self-avowed terrorist organization that has sworn in its documents not to allow Israel to continue. They absolutely oppose an independent Israeli State.

This month we are commemorating the Warsaw uprising. The Presiding Officer is a member of a group we affectionately call the Polish Caucus—those of us who have a relationship with the Polish Government, one of our greatest supporters in the NATO alliance. We recall that 70 years ago people were willing to fight back against the Nazis, rising out of the sewers of the Warsaw ghetto to be able to fight them off with sticks and stones and out-of-date weapons, working to liberate Poland from Nazis oppression.

Miles away, in places such as Dachau, Auschwitz, and others, there were the death camps. We are 1 year away from commemorating the liberation of the death camps. We know that as those people marched out of those death camps, they made their way into Palestine, which became the State of Israel.

We were the first Nation to recognize the necessary and rightful place for Israel to exist as an independent government and forever and a day the homeland for the Jewish people so they would be safe from terrorism and what occurred.

I am for this whole Iron Dome supplemental, and we need to do it, but it cannot be the only thing we put in this supplemental. We have neighbors right now hurting in our own country—our -

Western States with wildfires raging over hundreds of thousands of acres, land being depleted, local resources for first responders being exhausted, local funds being worn down. We have to—we have to—be able to respond to the Western border.

Then there is the crisis at our border, and the crisis is at our border because of the crisis in Central America.

So when we move on the supplemental, let's look out for the great State of Israel, let's look out for our neighbors who are facing wildfires, and let's look out for what is going on at our border.

But, Mr. President, I came to the floor, first of all, to compliment Senator SANDERS for the outstanding job he did working on a bipartisan basis to pass the Veterans Access, Choice, and Accountability Act of 2014. What a great job they did, out of a scandal—a terrible scandal—affecting our Nation's veterans, where they had to stand in line simply to see a doctor in the very country they fought to defend.

Now they have found they have had to defend themselves against VA bureaucracy and in some places duplicitous action.

Well, the Sanders bill goes a long way, again, working on both sides of the aisle and both sides of the dome. Gosh, when we do this, this is why I wanted to be a Senator. I know this is why many others wanted to be a Senator: coming here, working on concrete problems, shoulder to shoulder, on a bipartisan basis, hands across the aisle, hands across the dome. And they did it. When this bill is passed, we will reduce the long wait times for veterans, we will increase doctors and nurses and specialty providers. It will allow veterans to see local providers if they have been on a wait list for an extended period of time or have to drive 40 miles to be able to get to a VA clinic.

Boy, do I know that when I look at some of the rural areas.

We are going to pay for it with $10 billion in mandatory emergency funds. Mandatory emergency funds, that is the way to do it.

The Sanders bill will go a long way in increasing personnel and also in expanding a number of clinics—27 new clinics. So I think it is great.

But as important as that bill is—and it is an important step—it cannot be the only step we take this week. I am so excited that shoulder to shoulder, again, if we work together, we can do a trifecta for our veterans. We can pass the Veterans Access, Choice, and Accountability Act—new opportunities for health care, where veterans do not have to stand in line. Also, we are going to vote today on Robert McDonald to give the VA a new Secretary, a new CEO, new leadership, hopefully new energy, new vitality, and new ways of doing business, bringing the practical know-how of the private sector to meeting our mission. But as important as those two are, I also come as the chair of the Appropriations Committee to say, why don't we take a third step that really will do the job? Let's pass the VA MILCON appropriations bill so we can actually put next year's funding in the Federal checkbook rather than just putting VA on autopilot? We can actually make a big difference with the new accountability, expansion of care bill, but that will take days, weeks, months to put in operation. Right this minute we could pass the VA MILCON bill as well as giving new leadership.

I come here because I really do want to move the VA MILCON bill.

The Appropriations Committee works through its subcommittees. And, wow, I have two great leaders on the VA MILCON Subcommittee, the chairman and ranking member, two outstanding Senators: Senator TIM JOHNSON of South Dakota and Senator MARK KIRK of Illinois. They have worked so assiduously on coming up with a bill for funding our veterans for fiscal year 2015. It is an outstanding bill. But right now we are out there in the wilderness. We have moved it through the subcommittee. We have moved it through the full committee. It passed unanimously. We are out in the ethers waiting to come to the floor. JOHNSON and KIRK, MIKULSKI and SHELBY, we are like people with our noses pressed against the glass. We see it within our grasp but we cannot get through. All we want to do is help to complete the job we are trying to undertake today.

As much as the bill will be that Senator SANDERS worked on, without the VA MILCON appropriations bill, the veterans will lack key tools to expand care, important support personnel that allows the doctors and nurses to do their job, important technology to run contemporary institutions. By the way, the bill we are going to be working on, the Sanders bill, is focused on health care, but we on the Appropriations Committee dealt not only with aspects of that but also the terrible backlog on veterans disability.

Mr. President, veterans disability—not only do you have to stand in line to get health care, but you are standing days, weeks, months to get your disability claim. You have lost an arm or a leg or you cannot breathe or you have PTSD and we cannot get your disability processed. This is unacceptable. What we do in the VA bill is come up with the funds to really modernize the VA.

First of all, just in terms of health care, to complement the Sanders bill, we have money in there to develop state-of-the-art technology so the doctors can provide medical health care, to make sure we have the modern equipment and the modern IT systems.

Right now, we need to be able to have DOD talking to the VA because veterans come from DOD. But we have an interoperable system. We work to fix this. We also deal with this backlog. You have no idea, Mr. President. My State of Maryland and my office in Baltimore have not had a good track record. I vowed to my veterans that I would try to break that backlog. And you know what. Working together we have been able to do this.

In the fiscal year 2015 bill, we fund an appeals process, we train additional claims processors, we require the management at the Veterans Benefit Administration to deal with the backlog, working with the new Administrator. We have not only great ideas, but we actually put the money in the Federal checkbook. JOHNSON-KIRK did it. Do you know how they did it? Yes, talking to the VA, reviewing tons of GAO and inspector general reports, and guess what else they did. They talked to the veterans. They talked to these wonderful volunteer service organizations.

So I am going to propose something later on today or later on this week. I do not want to be the chair of a committee who has her face pressed up against the glass looking longingly at the Senate floor with a bill I know will help the Veterans' Administration with the heavy lifting to deal with the health care and disability backlog. Because I believe in no surprises and no stunts, later on today or later on this week, I will ask unanimous consent to bring up the VA MILCON on third reading to be able to compliment what we are doing here today. I want to be able to do that and I hope no Senator will object to it.

Now, just again, in the spirit of full disclosure—because I truly have pledged to my colleagues on both sides of the aisle I would never be a surprise chair and I would never be one to pull gimmicks or stunts—I am going to ask that consent. I want people to know about it so they can discuss it, chew on it, talk at their respective luncheons.

When I ask unanimous consent, I am going to ask that it be brought up on third reading. Why am I doing that? Because under the rules of the Senate, if you bring up a bill on third reading, there are no amendments. So the question would be: Senator MIKULSKI, are you trying to stiff-arm again? No. I am trying to get the job done. I am not trying to stiff-arm the opportunity to offer amendments. But we have 72 hours left before we take this really long break—really long, long, long, very long—did I say ''long''—break. I do not think, when you need health care for veterans, when you need to modernize technology, when you need to crack the backlog—while we are kind of basking in the Sun somewhere—I do not want them in line.

So either this afternoon or sometime tomorrow, I will ask unanimous consent. I will turn to my 99 colleagues, and in the spirit of really meeting compelling needs of our veterans, I will ask that bill come up so that as we move through the other two aspects that we are going to do to help veterans, we can do the VA MILCON bill.

So I wanted to come to the floor today to talk about how we support a

treasured ally, how we look out for our neighbors in the West fighting our wildfires, and how we deal with the crisis in Central America, where children are being victimized and brutalized every day so they are making the long march across that terrain and territory to come to the United States of America.

So I hope in the short time the Senate is going to be in session this week and this month and even this year we could use this week to meet the needs that are confronting us, but, most of all, I would hope we do not just do part of the job for our veterans; we do this trifecta that I am recommending: passing the Veterans Accountability Act, the health care act; give us a new CEO; and have a chance to pass the VA MILCON bill.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I want to associate myself with the remarks of the chairwoman of the Appropriations Committee, my chairwoman, Senator MIKULSKI.

I would add perhaps one particular point; that is, this Senator will be basking in the Sun in Illinois during the recess, and I invite the Senator from Maryland to come join us any time she would like to. But it will not be in ordinary vacation climes; it will be in my home State. I am sure the Senator is going to be spending a lot of time in hers as well.

Ms. MIKULSKI. If I could respond to the Senator from Illinois, yes, I am staying in Maryland because I had hoped we would even be working on conference reports and so on. But while the Senator is in Illinois and I am in Maryland, most of all, we do not want our veterans standing in line for their health care or their disability benefits. So shoulder to shoulder, forward together.

Mr. DURBIN. I thank Senator MIKULSKI.

Mr. President, this supplemental appropriations bill is important. It is timely. One of the provisions in it is an additional $225 million for the Iron Dome defense. The Iron Dome defense is a joint effort by the United States and Israel to protect Israel from rocket attacks. Imagine you are living in your hometown and a neighboring State or neighboring town just fired 2,000 rockets into your hometown. These are not Fourth of July rockets; these are deadly rockets that kill. You want some protection. The Iron Dome provides protection for Israel.

This joint effort by the United States and Israel has been successful. Despite 2,000 rocket attacks, the casualties on the Israeli side have been minimal, relatively minimal, and it is because of the Iron Dome defense.

What attacks does Israel face today? Well, they face Hamas attacks from Gaza. Hamas is an organization which the United States characterized as a terrorist organization almost 20 years ago. We know Hamas. We know their tactics. What they are doing is putting rocket launchers in civilian neighborhoods near hospitals and apartments and homes, and they are launching these missile attacks on Israel and daring them to fire back into civilian populations.

Iron Dome protects the Israeli population from the missiles being shot by Hamas in Gaza. Now the Israelis have invaded Gaza to go to the source to stop these rocket attacks.

Sadly, during the course of this effort in Gaza, there have been casualties—some on the Israeli side, of course; but hundreds, maybe a thousand on the side of the civilian population in Gaza. This is because the strategy of Hamas is to put their armaments smack-dab in the middle of civilian populations. As has been said, in Israel, they use weapons to protect civilians; and in Gaza, they are using civilians to protect weapons. That has to come to an end. We have to have an end to the hostilities between Gaza and Israel. No nation—no nation on Earth—would sit still for 2,000 rocket attacks into their population. That is what Israel has faced over the past several weeks. But the people of Gaza also need much better than they are receiving when it comes to Hamas.

Hamas, sadly, is engaging in tactics using human shields at the expense of the civilian population. When they are told about the civilians that are dying in Gaza, leaders in Hamas say: Well, they are martyrs for the cause. I will have to tell you, it would be very difficult for me to understand and explain to a family that has lost a child they love that their child has just become a martyr.

This has to come to an end. The hostilities between Gaza and Israel have to end, I hope, in some negotiation and peaceful resolution. Maybe it is wishful thinking, but I do believe we need to make the effort. I commend Secretary of State Kerry for his effort at trying to engage Egypt and others in this conversation.

The supplemental bill before us today provides more money for interceptor missiles for Iron Dome—to protect Israel—money requested by our Secretary of Defense, money which I support. As chairman of the Defense Appropriations Subcommittee, we added some $350 million for Iron Dome defenses in the next fiscal year which begins October 1. This money is needed now because of the hostilities between these two countries. I certainly support it.

A second part, the major part of this supplemental appropriation, deals with the humanitarian refugee crisis we have on our border. It is not often the United States faces a refugee crisis. Think back in history. The only refugees who come to our shores are usually from nearby countries: Haiti, Cuba. Occasionally, we have refugees coming such as after the Vietnam War, the Hmong people who were our allies in that war.

But we are not like most countries in the Middle East, for example, that have a steady stream of refugees. The United States does not engage in refugee crisis alleviation because of our location and geography and our history. Seldom have we been challenged. But today we are challenged. We are challenged because in the first 6 months of the year 57,000 unaccompanied children—children—presented themselves at the border with Mexico. They were not trying to sneak in. They literally walked across the border and presented themselves to the first person in uniform.

They were told to do that by their families. Why did they make the trip to the border as kids—by themselves—to present themselves? Because in three countries in Central America there is a state of lawlessness: Guatemala, Honduras, El Salvador. Eighty percent of the children who have come to the border came from those three countries. They are not just coming to the United States, incidentally. There has been a 700-percent increase in refugees to adjoining Central American countries from those three countries.

This has been going on for some time. But for the past 2 or 3 years, it has gone from bad to dramatically worse. We met last week with the Ambassadors from these three countries, and we talked about what created this. A lot of it has to do with the drug gangs—drug gangs that are transporting drugs through those countries for sale largely in the United States. These drug gangs have become powerful and rich, well armed and notorious for their barbaric tactics.

They recruit young people into their drug gangs at the point of a gun. They mutilate those who even hesitate to join the drug gangs. God forbid it is your daughter, because they have a reputation for raping young girls. If they are not satisfied with their response, they kill them on the spot and leave them in plastic bags by the highway. That is why many families are sending their kids away from this deadly violence.

Two weeks ago I went to a shelter in Chicago. This was a transitional shelter where 70 children from the border are being held until they can be placed with their families in the United States or with some trusting family that takes up foster care. I saw these kids firsthand. Your image of them may be different than what you actually see.

My wife said to me: Well, why do they not show pictures of these kids? Well, they try to protect their identity and confidentiality by not showing photos. But if you could see them, you would see children of all ages. There were five women who walked into the dining hall at this transitional shelter.

They did not seem to me to be 14 years of age. Each one was carrying a baby. They were the victims of rape in Honduras. They were carrying these newborn infants in their arms, as they

had done during the 8-day bus journey to get to the border. I asked some of the staff at this transitional shelter—I had been told that many of the families, before they send their young girls on this dangerous and sometimes deadly journey, give the girls birth control pills because they anticipate they will be attacked during the course of this journey. They said: It is true.

What desperation would you have to reach before you turned your daughter loose under those circumstances? These families are literally trying to escape a burning home and sending their kids to the only safe and secure place they can think of.

What do we need to do? First, we need to get to these countries and tell them: Stop. Stop these deadly journeys, these journeys which, sadly, lead to harm and even death for some of these children. Do not let this happen any more. We have to work with the governments of those countries to make it clear this is the wrong thing to do. It is wrong because once these kids get into America, they are not entitled to stay. They are not entitled to be citizens, unless, perhaps, they qualify for asylum. They are going to be sent back.

After they are sent back to these countries, if they ever try to reenter the United States they can be found guilty of a felony. This is serious. So the notion that they can just come to America and stay here if they wish is not true. That is the first thing we need to do.

The second thing we need to do is to stop the smuggling and the coyotes that are bringing these kids into the United States. They are charging these poor families in Central America thousands of dollars they do not have to bring these kids to the border. We have to work with Mexico to hold these coyotes and smugglers accountable.

Third, I want to tell you, I think this really is key to our discussion. This is a test of who we are as a country. How many times in our history has the United States rallied for families and children around the world?

Do you remember just a month or two ago in Nigeria when 300 girls were kidnapped by Islamic extremists? Members of the Senate from both parties came to the floor to protest outrage that 300 young teenage girls would be kidnapped by these extremists. We engaged at every level to let the world know America cared. It was not the first time. There is a long history of it. We have stood for families and children around the world for humanitarian purposes throughout our history. Look back to the refuseniks, the Russian Jews who were being discriminated against in the Soviet Union. The United States was one of the leading nations in the world to stand behind those families and those children, bringing them to the United States so that they could escape antisemitism and Communism.

When you look at the victims of the Haitian earthquake, the United States was providing foreign aid to those families and children because we are, in fact, a caring nation. That is who we are. Throughout our history we have shown it. We need to show it again with these children. Some extreme American politicians have said: It is not our problem. Put them on a bus. Put them on a plane and dump them back wherever they came from—not our problem.

God forbid that is the verdict of history, that the United States, when it saw vulnerable, helpless children, did not care. I think more highly of this country. I think we have proven over and over that we do care. There have been some extraordinary statements made about this crisis by many people. The one that caught my eye was from a friend who happens to be the Governor of the Commonwealth of Massachusetts. Deval Patrick was born in Chicago. Maybe that is why I am partial to him. But Deval Patrick spoke about Massachusetts and its feelings toward these children.

He recalled moments of history. Here is what he said: My inclination is to remember what happened when a ship full of Jewish children tried to come to the United States in 1939 and the United States turned them away. Many of them went back to their deaths in Nazi concentration camps.

He went on to say:

> I think we are a bigger hearted people than that as Americans.

I agree with Governor Patrick. President Obama has asked for resources to care for these children, to place them, to give them the right of seeking asylum if they can make that established legal claim and, if not, to return them, humanely, to the countries they came from. Two of the three Ambassadors we met with, incidentally, said they could not guarantee the safety of those children in Honduras or El Salvador, if they came back. Let's do the right thing and pass this supplemental appropriation. Let's provide the resources so these children are treated humanely, ultimately given their hearing, ultimately returned, in most cases, to the country they came from.

How will history judge us? How will we be judged if, when these refugee children came to our border, they were turned away and sent back to harm, violence or even death?

We do not want that to happen. That is not who we are as Americans. We care. We show it. Our government should show it as well. The Senate will get an opportunity to do that very soon—we hope maybe this day or this week—as we wind down the session.

The last point I want to make is a tribute to two of my colleagues who have done an extraordinary job when it comes to the Veterans' Administration. I am referring to JOHN MCCAIN, my friend who came to Congress with me many years ago, the former Republican candidate for President and a conservative from Arizona. He teamed up with—of all people—BERNIE SANDERS of Vermont, self-styled independent socialist Democrat. How about that? SANDERS and MCCAIN sat down to solve the challenge facing the VA. God bless them. They did it. They are reporting a bill to us which is a dramatic improvement over the current VA system.

We are now overwhelmed with the Veterans' Administration disability claims. Forty-five percent of the veterans coming home from Iraq and Afghanistan have filed a claim. We have tens of thousands of these claims pending, many of them for post-traumatic stress disorder.

We have said, incidentally, that we are going to help all veterans. Some 400,000 veterans from other wars are making PTSD claims. In addition, we have those who served in Vietnam, exposed to Agent Orange and with nine different diseases being treated. We have those who were victims of Gulf War Syndrome being treated. We have homeless veterans who are now being brought in and counseled so they can get their lives back on track. It is an overwhelming responsibility which the VA has today.

The Sanders-McCain veterans bill is going to address them by providing more resources for our veterans and more medical professionals, which we need. Remember—we all should every single day—that we said to the men and women who enlisted in our military and who volunteered: If you will raise your hand, swear allegiance to this country and risk your life, we will stand by you when you come home.

We are going to keep our word. We promised. We are going to keep our word. This bill—this veterans bill that is going to come before us this week—does exactly that. SANDERS and MCCAIN met with the House conferees and worked out an agreement—an agreement which is going to benefit the Hines VA in Chicago with an additional facility which they need. There is an amendment which is going to help facilities all across this country serving our veterans—an amendment which says: If you happen to live too far away from a veterans hospital, we are going to find a way to make sure you get timely care that is near your home. I think it is the least we can do. We owe it to our vets.

I tip my hat to my colleagues, Republican and Democrat alike, who put this together. I am looking forward to voting for it this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I agree with my distinguished colleague, the senior Senator from Illinois. I think Senator SANDERS and Senator MCCAIN showed that things can get done around here. I think of the tremendous work the Senator from Illinois did last year and helped us get an immigration bill through this body. We had a large majority of the Senate vote for it—Republicans and Democrats alike.

How I wish the leadership in the House had allowed them to vote on it. I think we would be in a far better position to deal with these problems with the DREAMers and with those seeking to come into our country. I applaud the Senator from Illinois for never giving up.

Mr. DURBIN. If the Senator from Vermont would yield for just one moment. I want to thank him personally. As chairman of the Senate Judiciary Committee, he has made a point of making sure the DREAM Act, a bill which I introduced 13 years ago, has had a fair hearing before the committee on more than one occasion and has been reported by the committee. It was part of that comprehensive immigration bill. I thank him for bringing it up.

I just want to say for the record that one Republican Senator has said he wants to deport all of the DREAMers. He is in for a fight because these young men and women are proving over and over they can make a valuable contribution to this country. I thank the Senator from Vermont.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 2658 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FRANKEN. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. HEITKAMP). Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ROBERT ALAN McDONALD TO BE SECRETARY OF VETERANS AFFAIRS

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

The bill clerk read the nomination of Robert Alan McDonald, of Ohio, to be Secretary of Veterans Affairs.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 will be equally divided in the usual form.

The Senator from Vermont.

VETERANS HEALTH CARE

Mr. SANDERS. Madam President, as the chairman of the Senate Committee on Veterans' Affairs, I rise today in strong support of the nomination of Robert McDonald to serve as Secretary of Veterans' Affairs.

I also thank Majority Leader REID for moving this important nomination forward as quickly as he has, and I very much hope that later this afternoon, with a very strong vote, the Senate will vote to confirm Robert McDonald as Secretary of the VA.

Before I talk about Mr. McDonald's qualifications, I wish to take a moment to express my sincere thanks to GEN Eric Shinseki for his dedicated service to our Nation, first as a soldier and then as head of the VA, working tirelessly to provide for those injured during war and the families of those who perished on the battlefield. He set very ambitious goals, and under his leadership VA made significant strides in reducing veteran homelessness and transforming a paper-based claims system to one fit for the 21st century. I thank him and his family very much for his service.

It is my strong belief that Robert McDonald will bring two very important qualities to the position of Secretary of Veterans Affairs.

First, he is familiar with the military as well as the needs of veterans and their families. Mr. McDonald and his family have a history of service to our Nation. Mr. McDonald began his service as a cadet at the United States Military Academy at West Point. He graduated in 1975 in the top 2 percent of his class with a degree in engineering and went on to serve as an infantry officer in the Army's 82nd Airborne, earning Airborne and Ranger qualifications during his military service. His father served in the Army Air Corps after World War II. Additionally, his wife's father was held as a POW after being shot down over Europe. Her uncle served in Vietnam and still receives care at the VA. Also, Mr. McDonald's nephew is currently serving and deployed with the U.S. Air Force. In other words, Mr. McDonald and his family have a deep understanding and service with the U.S. military.

Upon hearing Mr. McDonald at the hearing we held in our committee for the confirmation process, I was convinced that he has a deep passion to do everything he can to protect our veterans.

The other quality Mr. McDonald brings to this job is that he has been the CEO of one of America's leading corporations, a company which has tens of thousands of employees. His more than 33 years with Procter & Gamble gives him the tools to create a well-run and accountable VA. In other words, he will bring the tools of a CEO and a private corporation to the VA—a huge bureaucracy that needs a significant improvement in accountability and in management.

As we begin debate on Mr. McDonald's nomination, I believe it is important that my colleagues understand the realities he will face in leading the VA.

The VA operates the largest integrated health care system in the United States, with over 1,700 points of care which include 150 hospitals, 820 community-based outreach clinics, and 300 vet centers. In fiscal year 2013 the VA provided 89.7 million outpatient visits each day—today, tomorrow, yesterday. The VA conducts approximately 236,000 health care appointments. In other words, it is a huge system.

VA's problems, which Mr. McDonald will have to address immediately, have been widely reported in recent months. In my view, Acting Secretary Sloan Gibson has done an excellent job in taking a number of critical steps to address the problems confronting the VA, but clearly there is much more to be done.

We now know, among other issues, there is a significant shortage of doctors, nurses, and mental health providers within VA, as well as the physical space necessary to provide timely access to quality care. This is a major problem because at the end of the day, no matter how well run the VA is or any health care system is, we are not going to be able to provide quality, timely care unless there are the doctors, nurses, and other medical personnel available to do that work. As a result of the shortages, we know that we have tens of thousands of veterans today in many parts of this country on lists that are much too long in order to gain access to the VA. We also know that hundreds of thousands of veterans who have appointments scheduled are waiting too long to be seen and receive care.

I think it is important that everybody recognize that as a result of the wars in Iraq and Afghanistan, in the last 5 years 2 million more veterans have come into the VA. This is on top of an aging population of VA patients who served in World War II, Korea, and Vietnam—patients who often need a whole lot of care as they age. So combine new people coming into the VA, often with very serious problems—including some 500,000 veterans coming home from Iraq and Afghanistan with PTSD and TBI—and an aging population with difficult problems, and that is where we are, and those are some of the issues the VA is going to have to address.

While I am on the subject, let me say that most people understand—and that includes many of the veterans I talk to every day in Vermont, veterans across the country, and the national veterans organizations that represent millions of veterans—that once people get into the VA system, in general the quality of care is good. That is not just what veterans and their organizations say; that is what a number of independent studies show. Our problem right now is how to figure out a way that when people apply for VA health care, they get into the system quickly and that once they are in the system, they get the appointments they need in a timely manner. That is our job. It is not going to be an easy job, but that is the job we face.

My hope is that tomorrow or Thursday the House and the Senate will be voting on a comprehensive piece of legislation authored by Congressman JEFF MILLER, chairman of the House Veterans' Affairs Committee, and me. I think it is terribly important that we pass that bipartisan legislation with a strong vote in both Houses because

that legislation will give the new Secretary the tools he needs to go forward aggressively in addressing many of the problems facing the VA.

I hope every Member of the House and Senate understands it is unacceptable that veterans in this country are on terribly long waiting lines and cannot get the health care they need in a timely manner.

This legislation, which I hope will be passed this week by the House and the Senate, provides $10 billion for emergency health care so that if a veteran can't get into the VA, that veteran will be able to go to a private physician, a community-based health center, a military base, or whatever but will be able to get timely care.

In addition, the legislation puts $5 billion into the VA so that they will be able to hire the doctors, the mental health counselors, nurses, and other medical personnel they need so that as soon as possible, when veterans apply for VA health care, they will get not only quality care but timely care.

In addition, this legislation addresses an issue many veterans around the country, especially in rural areas, are worried about—that if they live long distances away from the VA, they will not have to travel 100 miles to get the health care they need; that if they live 40 miles or more away from the VA facility, they will be able to go to a doctor of their choice in that community. This is an important step forward.

This legislation will also do some terribly important work in making sure that widows—women who lost their husbands in battle—will be able to get the education they should be entitled to under the post-9/11 GI bill.

This legislation deals with an issue passed by the House; that is, instate tuition for veterans who today may not be able to take advantage of the post-9/11 GI bill.

This legislation also addresses a very serious crisis within the military today; that is, the issue of sexual abuse and providing women and men who have been abused sexually in the military with care at the VA.

We are at a very important moment in terms of the Veterans' Administration. We will have new leadership at the VA after Mr. McDonald is confirmed. We have a significant piece of legislation that I hope and expect will be passed this week to give the new leadership the tools it needs to start addressing the problems facing our veterans.

It seems to me that if this Nation stands for anything, it must protect and defend those who have protected and defended us. When people put their lives on the line and they come back wounded from war—either in body or in spirit—it seems absolutely immoral if we turn our backs on those men and women.

The legislation we will pass this week begins to address those concerns, and I hope we will do so under the new leadership Mr. McDonald will provide.

Madam President, I yield my remaining time to Senator BROWN to hear his comments on the nomination.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I applaud Senator SANDERS for his work on the veterans conference report.

I spoke at a breakfast today. I was with the Presiding Officer from North Dakota at the Air Force Caucus. As important as the Air Force is in North Dakota, it is equally important at Wright-Patterson Air Force Base in Dayton, OH—outside of Dayton.

One of the things I talked about at this breakfast is how proud I am, when it looks as if the Senate does not get as much done as we would like, that Senator SANDERS and Senator MCCAIN—with a supporting cast but principally the two of them—were able to negotiate with a sometimes reluctant, sometimes erratic House of Representatives on some of these issues. They were able to negotiate a very good veterans bill that will primarily do three things: first, make those accountable at the VA actually accountable; second, take care of those veterans who have had to wait longer than 30 days for their care in the VA, veterans who have earned this care; and third, will scale up the VA—the most important parts—so there will be enough doctors and nurses, mental health therapists and occupational therapists, and enough beds and enough capacity at the VA centers and at the community-based outpatient clinics. If you are in the system, you get good care. It is just that too many haven't been able to get into the system, partly because when we went to war a decade-plus ago, the people running the administration in those days and the Congress said: This war will be short. We don't need to bother with scaling up the VA.

That was shameful. They were dead wrong. Unfortunately, far too many veterans have paid the price. That is why this legislation is so important. The timing is perfect to get this reform at the same time that we have an opportunity this week to confirm Robert McDonald, a fellow Ohioan from Cincinnati who ran a company that had more than 100,000 employees, one of the world's biggest, most prestigious consumer companies.

He went to West Point. He served veterans before. He understands veterans' issues. I talked with him a number of times, as has Chairman SANDERS, and Mr. McDonald, as the soon-to-be—I hope the new Secretary. I ask my colleagues to support him—new Secretary will have these new tools because of this conference report which I am hopeful we pass this week

Mr. McDonald understands the importance of VA health care. He knows—he said this to me in my office and a couple of other times—that the Veterans' Administration has a hospital system unlike any other in the country. It knows how to treat unique illnesses and unique injuries—unique mostly to veterans—various kinds of brain trauma, various kinds of physical injuries, other kinds of treatment. That is why it makes sense for Mr. McDonald to be the new Secretary of the VA. That is why this veterans conference report is very important.

Mr. BROWN. I yield for my distinguished friend from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I ask unanimous consent to address the Senate for up to 5 minutes.

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

Mr. ISAKSON. Madam President, I want to commend Chairman SANDERS for his leadership. Last night at 9:30 p.m., I came back to the Capitol and executed a conference agreement that he has worked very hard on, and ranking member Senator BURR worked very hard on, and pulled together disparate factions to address the needs of our veterans in a bill that is going to be a toolkit for Robert McDonald, who I hope will be unanimously approved as the next Secretary of the VA in the President's Cabinet.

I rise to talk about Mr. McDonald, but before I do, I want to talk about that conference report.

Our veterans have been abused in the last 10 to 12 years because of a veterans' medical service that has not performed the services they need to perform for our veterans in America. One of the reasons they did this is, Admiral Shinseki, who was the former Secretary, was actually insulated from a lot of the information that was going on in his own Department by the senior leadership at the VA who had become comfortable and passive and not active in terms of the operation of VA medical services.

The bill we signed last night that the Senate will vote on in the next few days is the bill that gives Mr. McDonald and the next Secretary to come the tools they need to enhance the VA and to make it a responsive organization to the 22 million veterans, 6.5 million of whom use veteran medical services, and to the 774,000 veterans in my home State of Georgia who deserve and demand, if you will, the services they were promised when they went into the U.S. military.

Bob McDonald is an outstanding American. He was president, CEO, and chairman of the board of one of the most respected companies in America, Procter & Gamble.

He is the father of two, grandfather of two additional children. He is an outstanding American and his wife Diane is an outstanding lady in support of him and his job at Procter & Gamble. He is going to need that support now as he heads to the VA.

He was a captain in the U.S. military. He graduated from West Point, was trained in airborne warfare, desert warfare, and subtemperature warfare, and he is going to need those talents at the VA in each and every case because it is a mess.

The conference committee report we have passed gives him two tools that are essential. It gives him the authority to hire and fire title 38 and title 5 employees. Title 5 employs the senior leadership and title 38 the next step in leadership down, which is what the VA needs. The VA is an organization of 340,000 people which in the last 3 years has averaged 3,000 disciplinary actions a year. Each of those disciplinary actions meant people were moved from one job to another within the VA and did not lose pay. There is no accountability in the VA and there really has not been. That is why the systemic problems on appointments and veterans services and everything else going on in the VA has not happened. By giving him the opportunity to hire and fire, he will have the respect and attention of those who work in the VA to understand full well they are going to have to carry out the game plan of this leader.

He understands metrics. He understands accountability. He understands leadership. He has taken a job he didn't have to accept, a job he didn't need to have to do at this time in his life, but a job he wants to do to give back to the country he loves and the country he served in the military.

I am confident Bob McDonald will be an outstanding Secretary of the Veterans' Administration, and I commend him to my fellow Senators with my highest recommendation in the hopes that he will be approved unanimously.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Thank you, Madam President.

I stand today also with high hopes that the new leadership at the VA will bring much needed changes to a department that is clearly, quite frankly, in a shambles, failing our Nation's veterans. During his committee hearing, the nominee Robert McDonald promised to bring a high level of accountability and transparency to the VA, two characteristics that are sorely needed. This is extremely important in an agency where under the leadership of the previous Secretary it would often take months to get answers to routine questions—or in many cases you would never get answers at all.

By the end of this week I am also hopeful that besides confirming the new Secretary, we will send to the President the Veterans Access Choice and Accountability Act. This important legislation includes many needed reforms to the VA, including bringing that accountability to the Department and actually providing our Nation's veterans with choices about where they can receive care.

The bill also, perhaps most importantly for Louisiana, finally authorizes much needed community-based clinics around the country, including two which have been long delayed in Louisiana by pure ineptitude and bureaucratic screw-ups at the VA—clinics and expanded clinics in Lafayette and Lake Charles. For 4 years I have been fighting the Washington bureaucracy tooth and nail to get these new expanded outpatient clinics. They are vitally important to Louisiana veterans who now sometimes have to drive up to 4 hours to receive services that have been promised to them much closer to their community.

The current clinics in Acadiana are overcrowded and don't offer the full range of services that these new clinics will. As I said, VA ineptitude delayed the clinics in the first place. If it weren't for their mistakes, these clinics would actually already be built. When they were finally teed up and ready to go, then the Congressional Budget Office made a ridiculous decision that again threw these clinics into limbo because of a scoring issue out of the blue. Finally in December, the House was able to pass a bill that dealt with these CBO concerns that passed 346 to 1.

Normally when a bill passes with that sort of margin the Senate will quickly pass it by unanimous consent. Unfortunately, that didn't happen.

First we needed to attach an amendment to address some marginal concerns. Then even after we had done that—even after that received full agreement in the Senate, unfortunately Senate Democrats, led by the Chair of the Veterans' Affairs Committee, held up the legislation basically as a hostage to try to get a broader VA package. Actually I had to come down and ask unanimous consent for the House clinics legislation six times on the floor. Unfortunately, six times Senator SANDERS denied that unanimous consent. It was only after the VA scandal broke that momentum shifted and, thankfully, it looks as though we will finally pass this into law, the clinics legislation, along with this important reform bill.

When the authorization occurs, I strongly urge Mr. McDonald and the VA to streamline the process to get these two clinics built as soon as possible, given the long and arduous history of VA delays and screw-ups. The veterans of Louisiana have waited patiently, literally for years. These clinics are overdue. Let's get on with it. Louisiana veterans have had to wait for numerous delays caused by VA mistakes. The least the Department can do is to make sure these clinics are now built with the utmost haste and efficiency.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. 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. MORAN. Madam President, I ask unanimous consent to address the Senate for approximately 4 minutes.

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

MCDONALD NOMINATION

Mr. MORAN. Madam President, I have been a Member of Congress in both the House and in the Senate, and in my entire time as a Member of Congress I have served on either the House or Senate Veterans' Affairs Committee. Over that time I have worked with nine Secretaries of the Department of Veterans Affairs.

Today I am here to add my support and ask for the confirmation of someone who I believe will be the next Secretary of the Department of Veterans Affairs, Mr. Bob McDonald.

I had believed—I do believe—that a change at the Department of Veterans Affairs was necessary. I made clear that we needed to change the leadership at the top, and I believe this change is a good thing for the Department—the management of the Department, but, most importantly, for the veterans whom the Department is to serve.

I also know a change in the leadership of the Department of Veterans Affairs in and of itself is insufficient to solve the problems our veterans are facing in access to health care and in the long time our veterans are required to wait to receive their benefits.

I have met with Mr. McDonald in my office. I also, as a member of the Senate Veterans' Affairs Committee, had the opportunity to listen to him testify and to ask him questions in the confirmation process, and I was completely impressed by his candor, his sincerity, and certainly his commitment to serving our Nation's veterans. He is a leader in the tradition of the 82nd Airborne Paratroopers who are well regarded as the first to be called when there is a military emergency. As they say, when the President calls, the 82nd Airborne will answer. In my view, that is exactly what we have in Mr. McDonald. When the President called, he answered that call. He answered the opportunity to serve the veterans of this country.

When the President needed help, he found someone, in my view, who will dutifully fulfill the responsibilities of being a Cabinet Secretary and work on behalf of our Nation's veterans.

It seems to me there is no certainty in this world in which we know people for brief amounts of time, but it certainly seems clear to me that Mr. McDonald is the right person to lead the VA. He is willing and capable of restoring hope in veterans so they can trust the agency and the Department that was created for their benefit.

I asked the President—I don't know that he ever saw my request or certainly never probably listened to my request, but the plea was please nominate someone from outside the Department of Veterans Affairs. This gentleman, Mr. McDonald, while having

military experience, has a significant background of being the CEO of Proctor & Gamble, and in that position he was well-known for his value-based leadership, believing that ''the best companies and leaders operate with a clear purpose and consistent set of principles or values.''

What the VA must do right now is to dismantle the bureaucracy, break down the culture of indifference, and review its commitment to the core values of the Department. There is no higher calling than to take care of the men and women who served our country.

Mr. McDonald shares that dedication to making certain our veterans have access to quality care—the best our Nation can offer—and he is focused and ready to take on the challenges that lie ahead. At least he convinced me that is the case.

There is now, fortunately, compromise legislation poised to pass both the House and Senate this week that will soon offer veterans more access to the quality care they deserve. Although this legislation is significant, it is impossible for Congress to mandate a change in attitude. Leaders can change attitudes at the Department. Congress does not have the power to control or develop a workforce that treats veterans like patriots, deserving care from a grateful nation, rather than to make them feel as though they are a burden.

Leadership throughout the institution, starting with Bob McDonald at the top, must command the VA to head down a new path of redemption and hope. We must create an agency that is more cost-effective, more compassionate, and more caring toward the veterans it serves. The VA must become an agency that is worthy of the service and sacrifice of our Nation's veterans.

Madam President, I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

NOMINATION OF ROBERT ALAN McDONALD TO BE SECRETARY OF VETERANS AFFAIRS—Continued

The PRESIDING OFFICER. Under the previous order, the time until 2:45 p.m. will be equally divided in the usual form.

The Senator from Washington.

Mrs. MURRAY. Madam President, before I begin I do want to take a moment to commend the chairmen of the Veterans' Affairs Committees in both the House and the Senate for their commitment to reaching a deal that puts our veterans first and gives the VA the tools they need to address immediate challenges.

More importantly, I really applaud their work to build and strengthen the VA system in order to continue to deliver the best care for our Nation's heroes over the long term.

The deal they announced yesterday is a very important step toward addressing a lot of issues that we know exist within the VA system, but it cannot be the final step. As transparency and accountability increase at the VA, so will the investigations and reports of additional concerns, requiring even more action from the VA, from the administration, and from this Congress.

However, as Chairman MILLER said yesterday, we cannot legislate good character here in Congress. It is going to be up to the leadership at the Department of Veterans Affairs to truly enact those reforms.

So I have come to the floor today in support of the nomination of Robert McDonald, someone I believe has the skills necessary to make these necessary changes as the next VA Secretary.

As I told Mr. McDonald last week, he is faced with a truly monumental task. Even as we pass comprehensive legislation to bring significant reforms at the VA to reduce wait times, to improve accountability, there are still many serious challenges the VA must address.

Twenty-two veterans still take their own lives each day. Thousands of veterans are alone, coping with sexual assaults. And while the Department has made commendable progress, it will be an uphill battle as we work to eliminate veterans homelessness and the claims backlog. Mr. McDonald will have to grapple with these and many more issues—all on day one.

When I met with Mr. McDonald in my office a few weeks ago, he told me he was one of the veterans who was lost in the system during his transition from military life to civilian life. So I trust—I trust—he understands what a critical moment this is for the VA and why we must finally fix many of these systemic and cultural challenges.

We have all made a promise to those who have signed up to serve. So I encourage my colleagues to support this nomination. I am hopeful the steps we are taking here this week on behalf of our Nation's heroes will finally ignite the much-delayed reforms our veterans have been demanding and they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I stand today not to rehash with my colleagues the crisis that exists at the Veterans' Administration or to share it with the American people. They know the story, and especially our Nation's veterans, who have been given the runaround.

I am here to highlight a success in the Senate. See, my colleagues, on July 7, 2014—not even a month ago—we received the nomination for the new VA Secretary from the President.

On July 22 of this month, we had a confirmation hearing on that nomination. On July 23—the next day—Robert McDonald was passed unanimously out of the committee. Today—before the end of July—we are on the Senate floor to confirm Robert McDonald as the next VA Secretary.

I rise to urge my colleagues to support this nomination. The VA needs a confirmed Secretary in place to begin a long, arduous process of reform and cultural change.

By now, our colleagues probably know that Bob McDonald is a veteran himself. He is a graduate of West Point. He served 5 years in active duty, and served most of that time at Fort Bragg, NC. So I consider him one of ours.

He spent more than 30 years working for Procter & Gamble—I think the most competitive manufacturing company in the world. His work led him across the globe. But he also had prominent roles at a number of other organizations—Xerox, United States Steel Corporation, and the Business Roundtable.

Mr. McDonald has frequently lectured to groups on leadership skills, and his leadership philosophy was highlighted in the book ''The Leader's Compass.'' He is the type of leader we need at the VA at this very crucial time.

Bob McDonald clearly has the experience to run an organization as large and as diverse as the Department of Veterans Affairs. Perhaps more importantly, he has selflessly agreed to take the challenge of leading the VA at its most critical time—something many people might have passed on.

I hope this week, in addition to this nomination, we will pass legislation to help the VA and its next leader address the systemic problems with access to VA health care and a corrosive culture that led to this crisis. But that legislation would be just one step. An enormous amount of work must be done from within the VA to rebuild its reputation and to turn it into an agency that will live up to the expectations of our veterans and a nation grateful to them for their service. We need a strong leader to do that, and I am glad Robert McDonald has agreed to serve his country once again in this important role.

The nomination received the unanimous support of the Veterans' Affairs Committee. I urge my colleagues: Confirm Robert McDonald as the next Secretary of the VA, and let's get on with the important work of reform at that agency.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, my colleague from North Carolina has just spoken on behalf of the nomination of Robert McDonald to be the Secretary of the Department of Veterans Affairs, and I will do likewise. He has also spoken of his background as a graduate of West Point, as an Army officer, and as the CEO of one of the largest companies in the world.

I had the occasion to meet with Mr. McDonald, and he could be the man of the hour. I hope he will be. He looks that way now.

With that in mind, I rise today in support of Robert McDonald's nomination for Secretary of the Department of Veterans Affairs. It is my hope that Robert McDonald will bring a renewed commitment, energy, and acumen to address the Department's systemic problems that we all know exist.

The allegations against the Department of Veterans Affairs are incredibly serious. Therefore, I rise in defense of our Nation's veterans. Our veterans have put themselves in harm' way to defend us, and I think it is only right that we do everything in our power to defend them and their interests when they return home.

Allegations that veterans were not only denied timely access to care but that scheduling delays, secret waiting lists, and lost records may have led to veterans' deaths are totally unacceptable. These allegations of mismanagement and cover-up at the Veterans' Administration are beyond disturbing; they are sickening, they need to be corrected, and they need to be corrected immediately.

Our veterans deserve better. Our veterans have earned these benefits through their dedicated service and sacrifice to our Nation, and the VA must correct these problems, not just study them. It is my hope that Robert McDonald will actively work to address these tremendous challenges.

But according to the VA's recent nationwide audit, new patients using the Central Alabama Veterans Health Care System waited an average of over 74 days to see a primary care doctor. That is totally unacceptable. That is nearly three times greater than the national average of 27 days for new patient wait times. I look forward to working with the new VA Secretary to review the Department's plan to initiate corrective action, both in Alabama and across the Nation.

While the VA's wait time statistics are certainly disturbing to all of us, the problem does not end there. Allegations that VA employees may have submitted false records to justify their own receipt of performance bonuses suggest the possibility that the deceit and mistreatment I have described may also have been compounded by a lot of fraud.

In May, Appropriations Committee Chairwoman BARBARA MIKULSKI and I wrote a letter to Attorney General Eric Holder and called on the Department of Justice to begin appropriate criminal and civil investigations into allegations of misconduct at the Veterans' Administration. We have also recommended that the Commerce-Justice-Science appropriations bill—and we serve as the chair and ranking member of that committee—provide the resources for these investigations. The Veterans Affairs and Military Construction appropriations bill provides an additional $5 million to investigate VA scheduling practices. And legislation introduced this week requests an additional $17 billion to improve the VA over the next 3 years.

While I commend these efforts to initiate corrective action, I believe it is only a starting point. A lack of funding is not the mainspring of the VA's troubled past. I look forward to working with the Presiding Officer and others—with the new VA Secretary—to ensure these problems at the VA are rectified as soon as possible before any more veterans are adversely affected.

Solving the issues at the VA has never been more imperative than it is today, as American service members continue to risk their lives every day for our Nation. Support for our Armed Forces must never waiver, and it must be just as strong when they return home. Who will fight our wars in the future if we do not prove that we respect our veterans today?

Veterans have risked their lives for the freedoms we all enjoy and thus should receive the care they most assuredly deserve and have earned. Defending veterans' access to timely medical care today is the very least, I believe, we can do because they defended us first.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

ISRAEL

Mr. NELSON. Madam President, a part of the appropriations supplemental bill we will consider tomorrow is approximately $245 million—I think I have that figure right—for the additional assistance to the Israeli Government for the Iron Dome system.

The United States has been assisting Israel in order to be able to buy this system. To the credit of the scientists and the military planners in Israel, they developed this system, and it is a very sophisticated system. As a matter of fact, when you watch the rockets go off, you will see an incoming round coming, in this case from Gaza, often without any precision guidance.

That is an interesting thing, that they are shooting at urbanized areas where the general civilian population is, and they have incoming rounds that no one knows where they are going; thus, the need for a sophisticated radar that can track it and distinguish first if it is going to fall in an area where there is nobody, where there is nothing in the way of equipment that would be harmed and, therefore, save the ordnance that otherwise would be shot. But the radar is so sophisticated that within seconds and fractions of seconds it can determine that, and then shoot off the round that will intercept the incoming round.

It is a sight to behold to see this Iron Dome rocket go upward and then change its trajectory, almost at a 90-degree angle, to home in on the incoming warhead, and they have a 90-percent success rate.

When this system was first produced, it was so successful that the Israeli people, who had been bombed from outside their territory and had been accustomed to running to bunkers, to shelters, to places where they could be safe, with the institution of Iron Dome, often would come outside and see this aerial fireworks display because it had such a tremendous success rate.

Now things have changed because in the latest conflict with Hamas—and this is just in the course of the last 3 or so weeks—over 2,300 rockets have been fired into Israel. Hamas continues to fire more rockets.

Each night, if you turn on your television news shows, you see another display of all of this going on over on that side of the planet. Thus the need to supply more of the Iron Dome system and the ordnance that goes with it. And thus there will be this item that will be part of the supplemental appropriations request. I commend it to our colleagues to vote for it. It is a system that consistently the U.S. has helped to fund. It has saved a lot of lives.

Remember, the ordnance that is being shot into Israel is usually not a guided system. That is part of the terror that is being aimed at Israel, because it is to inflict casualties upon a civilian population. Yet, with this sophisticated system, 90-percent effective, it is saving a lot of lives. That is what I wanted to share with the Senate.

I yield the floor, and I ask unanimous consent that the time during quorum calls be charged against both sides.

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

Mr. NELSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOOKER. 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. BOOKER. Madam President, I rise today filled with anguish and heartbreak that is shared by so many Americans who have been watching over the past week as countless innocent children and innocent civilians have been killed and live in states of great fear or even terror. Millions are running for bomb shelters time and time again. We are seeing people in Gaza killed or maimed and seeing people in Israel live under the terror in the sky and terror coming from below.

I want to stand resolute and clear about the true cause of this crisis. That lies squarely with Hamas, a terrorist organization whose ends do not start and finish with the well-being of the Palestinian people. Their primary focus and their clear agenda is not peace for their people. Written into their very charter is the firm determination to eliminate the State of Israel. They have proven this evil determination to do everything necessary to achieve their goal. They are willing

to kill Israelis. They are willing to kill Americans. They have killed them both. Even worse, they are willing to put innocent Palestinians in harm's way, causing death and destruction within their own communities, to their own children, to their hospitals and to their schools.

They are in the interests of wracking up casualties to add what they consider, in a warped way, moral force for their terrorist aim. I believe clearly in the evidence that this terrorist organization is willing to stop at no end in order to build their tunnels and to advocate and advance their independence.

They are willing to deny their people food. They are willing to deny their people construction materials that could be building schools and building infrastructure. They are willing to deny medical supplies. They are willing to deny a higher standard of living in order to support clearly terrorist activities.

This is unacceptable. This is unacceptable. This is unacceptable. We as Americans cannot advocate for or in any way accept a false peace that will allow Hamas, a terrorist organization, to continue their effort to destroy the State of Israel. Hamas is not seeking peace. Hamas is not seeking the peaceful coexistence between two states. What they are simply doing is they are willing to cause death and destruction to destroy Israel. Hamas is not a democratically elected organization. They are a terrorist organization. They do not speak for the Palestinian people. Hamas speaks for Hamas.

Their history of killing Americans and Israelis and putting countless of their own people in harm's way, causing their destruction and their denial of the basics, must be stopped. For the sake of the Palestinian people and for the sake of the Israeli people, we as a Nation cannot support any measure or any agenda that gives this terrorist organization harbor or support, that gives this terrorist organization any advantage in trying to achieve their end.

We cannot in this Nation advocate for that kind of false peace that allows Hamas to go back to tunneling, to firing rockets, to hiding missiles in schools and in hospitals, and putting more innocent children in harm's way. We as Americans must advocate for a true peace where two sides clearly recognize the right for peaceful coexistence and where both sides pledge to a true cessation of aggression, not a peace that allows one side to go back to its evil end, to tunneling, to plotting, to preparing just for the next attack. We have seen this before in recent history. We cannot allow it again. Right now we are in a state of crisis. America's voice must be resolute.

We stand with our allies. We stand with the democratic State of Israel. We stand against terrorism.

This is why today I come before you in support of the $225 million in additional funding requested by the Department of Defense to ensure that the Iron Dome in Israel remains equipped to protect civilians from Hamas-fired rockets.

Hamas has fired over 2,500 rockets at Israel over the past 3 weeks, while putting innocent Palestinians at risk to protect their stockpiles and their evil ends. Yesterday alone 51 rockets and mortar shells were fired at Israel.

In this time of crisis, America must stand for a true peace for the Palestinian people and for the Israeli people. Now, as a terrorist organization has evil ends to destroy the State of Israel, we must stand with our ally. We must stand with the State of Israel. We must stand for peace. Therefore, I support this expenditure and continue a resolute, unwavering, and unequivocal support of the continuance of the State of Israel.

Mr. MCCAIN. Madam President, I am pleased that the Senate is taking action this week on two extremely important measures for our Nation's veterans. First, Congress is poised to pass the Veterans Access, Choice, and Accountability Act. This compromise, bipartisan legislation will, for the first time, provide our Nation's veterans who cannot easily get into a Department of Veterans Affairs, VA, health care facility, the ability that most Americans already have: to choose their own doctor. I am also extremely pleased that the legislation allows senior managers of the VA to be fired if they fail to do their jobs.

The Senate is also set to approve the nomination of Mr. Robert McDonald to head the VA. As important as our legislation is for fixing the VA, we cannot legislate a change in culture. Only the head of an agency can reform a toxic culture that allowed veterans to die on wait lists while senior officials lied in order to collect their bonuses.

I have met with Mr. McDonald and we see eye to eye on the massive problems that need to be fixed and the challenges that lie ahead. I am confident he is the right person with the right experience to lead the VA during this challenging time. He is a veteran himself but also has decades of private sector management experience that will serve him well in implementing the Veterans Choice Card and repairing the culture of the VA to focus on the veteran and restore honesty and accountability to that workforce. I thank him for accepting this challenge to serve the Nation again and look forward to working with him in the days ahead.

Mr. LEAHY. Madam President, as we have learned over the past several months, there has been a clear and inexcusable lack of well-earned quality care and timely service provided to many veterans who depend on it from the Department of Veterans Affairs. I hope that the confirmation of Robert McDonald as VA Secretary will be the next step forward in ensuring that our veterans and their families receive the benefits, compensation, and support services they rightfully deserve. While I continue to recognize the hard work and commitment of the many men and women working in the VA system, the broader organizational culture has failed to harness and strengthen individual efforts in order to fulfill our promises to men and women that serve and their families.

When he assumes his new post Robert McDonald will have his work cut out for him at the VA, and he must lead the Department's deep soul-searching. It is my hope that his management experience at Procter & Gamble, including his experience addressing inefficiencies in a corporate entity, will make him the right man for the job. The replacement of a Cabinet Secretary alone does not increase accountability, nor does it reform the underlying problems that enabled the environment we now find ourselves in. These foundational reforms must take place throughout the management of the VA system, and they must address long-term, as well as short-term, challenges.

I was also pleased to hear that after many rounds of negotiations, Senator SANDERS and his counterpart in the House have finally reached a compromise that addresses many of these needed reforms. I commend them both, and I hope this legislation will be swiftly brought to the Senate and House floors and then signed by President Obama, so we can get back on track in serving our veterans as they so honorably have served our Nation. I look forward to working with the future Secretary McDonald to ensure that timely access to quality care for our veterans and their families is the ultimate priority of the VA.

The PRESIDING OFFICER. All time is expired.

The question is, Will the Senate advise and consent to the nomination of Robert Alan McDonald, of Ohio, to be Secretary of Veterans Affairs?

Mr. GRASSLEY. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

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

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 243 Ex.]

YEAS—97

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

NOT VOTING—3

Alexander	Roberts	Schatz

The nomination was confirmed.

NOMINATION OF LARRY EDWARD ANDRE, JR., TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA

NOMINATION OF MICHAEL STEPHEN HOZA TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON

NOMINATION OF JOAN A. POLASCHIK TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Larry Edward Andre, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania; Michael Stephen Hoza, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon; Joan A. Polaschik, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria.

VOTE ON ANDRE NOMINATION

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

Mr. REID. Mr. President, I yield back all time.

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

The question is, Will the Senate advise and consent to the nomination of Larry Edward Andre, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania?

The nomination was confirmed.

VOTE ON HOZA NOMINATION

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

Mr. REID. Mr. President, I yield back all time.

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

The question is, Will the Senate advise and consent to the nomination of Michael Stephen Hoza, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon?

The nomination was confirmed.

VOTE ON POLASCHIK NOMINATION

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

Mr. REID. I ask unanimous consent that all time be yielded back.

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

The question is, Will the Senate advise and consent to the nomination of Joan A. Polaschik, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria?

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

HIGHWAY AND TRANSPORTATION FUNDING ACT OF 2014

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 5021, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5021) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

AMENDMENT NO. 3582

(Purpose: To Modify the Provisions Relating to Revenue)

Mr. WYDEN. Mr. President, I call up amendment 3582 from the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment number 3582.

Mr. WYDEN. Mr. President, I ask unanimous consent to dispense with the reading.

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

(The amendment is printed in the RECORD of Wednesday, July 23, 2014, under ''Text of Amendments.'')

Mr. WYDEN. Mr. President, the amendment that has just been offered is an amendment the distinguished senior Senator from Utah, Mr. HATCH, and I have worked on for many weeks. It is a bipartisan agreement on emergency transportation funding that the Senate Finance Committee reported virtually unanimously 2 weeks ago.

I urge our colleagues to support this amendment as a replacement for title II of the House legislation. I will briefly describe why.

As the Senate debates transportation funding, it is abundantly clear that all sides agree on the need for a long-term plan to rebuild the Nation's infrastructure. A number of our colleagues, led by Chair BOXER, a number of Republicans, Senator CORKER, and Senator CARPER have made that point repeatedly, and it is one I share.

We cannot have a big-league economy with little-league transportation, and the chair of the Environment and Public Works committee, Senator BOXER, has consistently been on target, calling for a long-term plan to rebuild the Nation's infrastructure. The reality is that every Member of this body has constituents who are driving on highways full of potholes and ruts, and our citizens end up having to write a big check for car repairs because of it.

The best way to fix America's transportation system is with a long-term plan. The reality, however, is that to get to the long-term plan, what is needed first is a short-term path so we do not have the transportation equivalent of a government shutdown where we don't have the contracts being let and thousands of our people are put out of work, and a big set of economic dominos starts to fall. We need a short-term solution to prevent that from happening. That is what the Senate has before us today under a proposal from the Senate Finance Committee which

Senator HATCH and I developed in a bipartisan fashion, working under the regular order. This bill is before the Senate under regular order and it includes with Democratic proposals and Republican proposals. Senator HATCH and I worked with every member of the committee to draft our bill.

The House has offered its own plan, and Senator HATCH and I agreed to incorporate to the greatest extent possible House ideas in drafting our alternative, including adopting a measure of customs user fees and some pension smoothing as revenue sources.

I would like to take a moment early on to highlight three major differences between what the Senate has done and what the House has done because I think they are at the heart of the bipartisan case for passing this amendment.

First, I think the other body simply overuses pension smoothing. I was struck in conversations with Senator HATCH and conversations with colleagues—one of our colleagues said: What is really striking about what the House is talking about today is that instead of having one problem, we would have two. We already know we have a huge challenge in paying for transportation long-term, as Senator BOXER has noted, but if you go with the House approach, it overuses pension smoothing. You are going to have two challenges—one, to pay for transportation, and second, what are you going to do with the hopes and aspirations of all those workers who are depending on their pensions?

The second is the House ignores the whole concept of tax compliance—something else that has had a strong bipartisan tradition here in the Congress. Tax compliance is not increasing taxes. It is not tax hikes. It is not somebody jacking up people's taxes in the dead of night. This is about collecting taxes owed under current law. Let me emphasize that. It is taxes owed under current law. Grover Norquist—somebody who is not exactly soft on taxes, and I probably wouldn't quote him on everything—makes that point as well, agreeing that what is in the Senate finance bill involves collecting taxes that are owed.

Finally, the House bill again ignores some of the important bipartisan legislation that Senator HATCH and I have included on matters that are of great interest to many Senators, including the distinguished President of the Senate.

Our bill promotes natural gas vehicles—natural gas, 50 percent cleaner than the other fossil fuels. Senator BENNET and Senator BURR came together with some very good ideas on that. Senator ISAKSON and Senator NELSON also came up with an approach to strengthen pensions and how they are accounted for. And I was very pleased that Senator CRAPO was very involved with Senator BENNET in improving water transportation—something hugely important for the West, particularly right now when it is so dry back home and in all of the Western States.

So these are major differences between the House and the Senate efforts, and, again, each of those ideas I describe is a sensible, bipartisan approach that comes about because we used our regular order. For example, the Bennet-Burr amendment adjusts tax laws to treat liquid natural gas and diesel fuel on an energy-equivalent basis. That is going to reduce the tax on liquefied natural gas. That is going to help us encourage more use.

What Senator ISAKSON and Senator NELSON did clarifies pension rules and ensures that workers receive their earned benefits. Many of these individuals took their jobs in their teens and put in three decades of work by their late forties. When I look at what the House did in terms of pension smoothing, this raises real questions in my mind about whether the Congress, without really thinking through an alternative set of pay-fors, is going to cause those young workers additional problems.

Finally, as I have touched on, Senator CRAPO and Senator BENNET have done very good work. As we all know—particularly the chairman of the Environmental Public Works Committee—it is dry, dry, dry in the West, and what Senator CRAPO and Senator BENNET did was come up with a bipartisan proposal that Senator HATCH and I have included that is going to help deliver water to farmers across the West.

With those bipartisan initiatives, we were able to pick up support from such important groups as America's Natural Gas Alliance, the National Rural Electric Cooperative Association, and the Western Agriculture and Conservation Association. They know that the only way to advance these important ideas is by adopting the amendment the distinguished Senator from Utah and I have offered.

We have had some talk about how there is just not enough time to send a Senate amendment back to the House. I heard that statement made earlier today. I have made it clear to all concerned and I will state it again: This work is going to be done this week. This is non-negotiable. The Congress is going to get this resolved this week, and in no way, shape, or form are we going to have the transportation equivalent of a government shutdown. But the idea that the other body says, ''Hey, it is our way or no highway,'' I don't think is a way to advance the kind of bipartisan, bicameral approach that is going to help us deal with the big challenges.

I have already indicated, as Senator BOXER, the chair of the Environment and Public Works Committee, has said so eloquently, we are going to have to deal with the long term. There are a lot of good ideas for the long term. I think Senator PAUL from Kentucky deserves to have his ideas on repatriation addressed. We have a number of colleagues who are interested in the innovative approach used in Virginia. So we are going to have a variety of ideas to look at transportation funding for the long term, but we have to get the short-term patch resolved in order to get to the long term.

That is why I think for the House to just say, Our way or no highway—I think for us to accept it today would simply be to abdicate our responsibilities. I don't think we are sent here to just wring our hands and say, Oh, my goodness, we can't do anything. There is no time.

We are going to get this done this week. I believe the approach we have built in the Finance Committee is a more responsible approach. There certainly is time to compromise. The reality is our staff—and Senator HATCH and I have had a number of conversations with Chairman CAMP on this, as I indicated earlier—Senator HATCH and I have agreed to adopt many of the House proposals. There is no reason this body can't quickly come to agreement with the House. The Congress has addressed much bigger pieces of legislation and differences between the Senate and the House on tight timeframes in the past. The reality is the Senate has to act first or we are sending a message—and I will close with this because my colleague from Utah has been very patient and the distinguished chair of the Environment and Public Works Committee has been very patient. If we simply say all we are going to do today is accept this House approach, this ''our way or no highway'' kind of approach, we are going to advance a bill that overuses pension smoothing, and we are going to move away from an approach both political parties have felt very strongly about, which is that tax compliance should be an ongoing part of our work. It should be a part of our work today and it should be part of the bipartisan efforts for tax reform that Senator HATCH and I are pursuing. It is not in the House bill. It is in the Senate bill. We would be walking away from that provision by accepting the House approach, and we also would, as I have indicated, be walking away from bipartisan efforts that are going to promote cleaner natural gas vehicles, bipartisan efforts that will promote water use, and the good work done by Senator ISAKSON and Senator NELSON on pensions at a time when we are very concerned about their future. We shouldn't do that today.

I am going to yield to my colleagues who have been doing very good work on this issue. I think our plan is now Senator HATCH will make remarks on behalf of the bipartisan efforts in the Finance Committee. Senator BOXER, the chair of the Environment and Public Works Committee, will speak after Senator HATCH. It is my intention to stay here throughout the afternoon. I think both sides would like to get this done expeditiously, and I hope we can.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I would be happy to allow Senator BOXER to go first.

Mrs. BOXER. No, not at all. Please proceed.

Mr. HATCH. Mr. President, I appreciate the comments of my distinguished colleague, the chairman of the Senate Finance Committee.

Today the Senate will vote on a short-term extension of funding for the highway trust fund.

While it remains to be seen what shape that extension will take, Congress appears to be poised to pass legislation that will ensure that the trust fund will not face a shortfall and that States will be able to continue to plan and implement their transportation projects. This is important. As many have noted, passing this extension will preserve thousands of jobs and prevent disruption of a number of different highway projects that are currently in existence.

It has taken a lot of work to get to this point. It has required the collective good will of Members of both parties and it has meant compromise on both sides.

In the Senate Finance Committee, both Chairman WYDEN and I worked together for weeks on a bipartisan Federal highway funding extension. At the outset of these negotiations, I stated that I hoped any agreement to extend the solvency of the highway trust fund would contain spending cuts and reforms to go along with any revenues. I fought hard on that point, but in the end that particular goal of mine, with one exception, had to be set aside in order for an agreement to be reached. Of course that is how we pass legislation. If everyone got everything they wanted out of a deal, it would not be a compromise. While I maintain that a deal to extend funding for the highway bill should include reductions in spending, I am willing to continue that particular fight on another day.

After weeks of negotiations—some of which were very hard fought—we were able to come to an agreement on a funding bill that I believe both parties can support. That, in my view, is more important than any individual demand I may have had going into the discussions.

I wish to take a few minutes to speak about the specifics of our proposal. Overall, our bill would provide nearly $11 billion in funding for the highway trust fund, which is enough to extend its life until the middle of next year. Of that total, $2.7 billion would be provided by pension smoothing. I do have to say I am not a fan of using pension smoothing as a pay-for on the highway bill or in any other context for that matter. We stated as much on the record numerous times. However, we do face a funding emergency with regard to the highway trust fund. That being the case, I was willing to compromise on that point.

Next, the bill provides an additional $2.9 billion by extending Customs user fees. Once again, in other contexts, I have been skeptical of using this tactic as a pay-for, mostly because it diverts necessary funding away from national trade priorities. However, we drafted the bill to ensure that enough money was left in future extensions to pay for things such as the Generalized System of Preferences, the African Growth and Opportunity Act, and the miscellaneous tariff bill, all of which are important to our Nation's trade agenda.

Our compromise bill also transfers $1 billion from the leaking underground storage tank trust fund—called LUST—to the highway trust fund. The remaining funds would be raised through a variety of tax compliance measures, all designed not to raise taxes but to realize revenues already owed to the Treasury.

The Finance Committee bill does include a provision designed to claw back orphan earmarks. The provision deals with earmarks included in previous highway bills. I wish to thank Senator COBURN for the idea that was the basis of this provision, though in the end we didn't go as far as he or I would have liked.

As I said, all told, our bill will provide nearly $11 billion in funding for the highway trust fund and prevent the funding crisis that is on the horizon if Congress does not act. Once again, this legislation represents a bipartisan agreement between Chairman WYDEN and myself. It was reported out of the Finance Committee by a voice vote, so it is an agreement by both sides.

I wish to thank Chairman WYDEN for his willingness to reach across the aisle in this effort. He has been a particularly good partner with whom to work. The Finance Committee has a long tradition of working on a bipartisan basis to provide funding for the highway trust fund, and I am glad we have been able to continue that tradition with this legislation.

My only regret is that we were not able to reach an agreement with Chairman CAMP of the House Ways and Means Committee, whom both the chairman and I highly respect. He has a tough job over there, and we have nothing but great respect for him.

The two committees met over the July 4 recess, and I believe both Chairman CAMP and Chairman WYDEN acted in good faith to try to reach an agreement, but in the end, it did not end up happening. In my view, this is unfortunate. Had we been able to reach a bipartisan, bicameral solution on this issue at the outset, it would have helped to speed this process along. Still, if we take a look at the bill the House passed earlier this month, we will find it is similar in many respects to the legislation Chairman WYDEN and I have put together. They provide virtually the same level of funding, so there is not a substantive difference in the amount of time they would extend the trust fund. The major funding pieces—pension smoothing, Customs user fees, and the LUST transfer—are all the same. The primary difference is that the House bill does not include the tax compliance provisions.

Neither the House bill nor our bill is perfect, in my opinion, but they both accomplish the same goal and they do so in a way that under the circumstances I think both Democrats and Republicans can and should support.

So while some would say we failed to reach an agreement on the highway bill, I think it is pretty clear there is a lot of agreement on these matters and that one way or another we are going to get a solution soon.

In the end Chairman CAMP produced what I think is a good bill. I think Chairman WYDEN and I have done the same. I would vote for either approach because, as I said, they aren't all that different from one another. I reiterate that the funding levels in the House bill and the Finance Committee bill—and therefore the length of the two extensions—are virtually the same. That point is important, as there is an effort, as evidenced by another amendment we will be voting on today, to put an artificial deadline on the extension. I gather from the statements made by proponents of this approach that they hope this amendment will somehow force Congress to reach an agreement on a long-term extension before the end of this year. This effort is, in my view, misguided, and I would hope, given the fact that both the House of Representatives and the Senate Finance Committee have reached virtually the same conclusion on the length of the extension, Senators will think twice before voting to shorten it.

Ultimately, we all want to get to a long-term deal when it comes to the highway trust fund. That desire is shared across both Chambers and both parties. I think we can get there. I don't think we need to impose an artificial timeline or deadline—one that would create a similar crisis to the one we are facing now just a few months down the road—in order to do it.

There are other efforts out there that would seriously alter the trajectory of this bill. I wish to stress that what we are working on is a short-term extension. Once the highway trust fund has been funded by this bill, we will need to start working on a long-term bill that will give the transportation community stability and predictability, and I believe both the chairman of the committee and myself truly mean we will do so. We will need to be thoughtful in our approach and must consider every option to ensure that our Nation's infrastructure will be safe, efficient, and reliable well into the future. But before we discuss any fundamental changes to the structure of the highway trust fund, we need to get this step out of the way first.

As I conclude, I wish to take a moment to once again commend our chairman, Chairman WYDEN, for his efforts on this legislation. From the outset he was willing to reach across the

aisle on this bill and as a result the Finance Committee produced a viable, bipartisan product. His leadership in getting us to this point has been essential.

We are very close to solving this problem and avoiding a crisis. We just need to get a bill over the finish line, and I hope we can do that in short order. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to take my time off the general debate time; is that appropriate?

The PRESIDING OFFICER. The Senator may proceed.

Mrs. BOXER. I thank the Chair. I am so pleased to be on the floor because the Senate has to be heard on this issue of the highway trust fund and our whole transportation system for that matter. I do wish to praise Senators WYDEN and HATCH for coming together across party lines and making some real improvements in the pay-fors that are associated with this extension. I am very much in favor of the way they handled this bill, and I am also very much in favor of the way the pension smoothing was handled in the Carper-Corker-Boxer amendment because that does away with it altogether, because we shorten the timeframe so we don't need any pension smoothing in there.

Before I speak specifically about the wisdom of what the Finance Committee did and my hope that we can get it over the finish line today, I want to give kind of an overview of where we are in general.

For 2 years we have known that our Transportation bill expired September 30. We have known this for 2 years. Yet, and still, here we are at the 11th hour with an extension.

This is probably, I think, the 12th extension in a few years. I think that is so unfair to the people of this great country who rely on their bridges and their highways and their transportation systems. It is so unfair to the thousands of businesses that work to rebuild our infrastructure, and it is very unfair to the millions of workers who work in construction.

We still have 700,000 unemployed construction workers. When we do a piecemeal bill like this, of course, it is better than doing nothing—there is no doubt about that; I would not argue that—but it still sends a message of indecision and, frankly, I think of incompetence on our part, and I step to the plate on that.

But I am very proud to say that my committee—100 percent bipartisan; we did not have a dissenting vote—passed the 6-year transportation bill. When we did that, I went to my colleagues and said: I know you have the hard job. You have to figure out the long-term funding. I want to help you. I came forward and I said: Why don't we look at several proposals. One is what they are doing in Virginia. This was a Republican idea. It is to do away with the gas tax completely and replace it with a fee at the refinery level. That would be a more broad-based tax. We would do away with the gas tax. No more Federal gas tax at the pump. That would solve our problems. You set it at a rate where it floats, and we would have 100 percent certainty. Senator WYDEN was quite open to it. He took a look at it. I know he floated it. Clearly, we did not have the type of support we would need.

Then the Chamber of Commerce and the AFL–CIO said: Do you know what. We have not raised the gas tax in 21 years. Mr. President, we have not raised the gas tax in 21 years. I did a little reading and found out the first President to initiate the gas tax—and I say to Senator HATCH, he might be interested in this—the first President to formulate a gas tax—and it came in at a penny—was Herbert Hoover. The next President who raised it was President Eisenhower, who had that great vision to then put it into a trust fund for highways, and he raised it a couple of cents. So it was about 3 cents. The next President to raise it was President Reagan. And the next President to raise it was George Herbert Walker Bush. They were all Republican Presidents. Then President Clinton raised it.

Clearly the Congress supported it each and every time because it is a user fee. So that is an alternative. There are many other ideas. I know Senator WYDEN and Senator HATCH have a number of ideas, and I know Senator HATCH prefers a user fee. It makes sense. But because of the time crunch—because of, because of, because of—we did not get it done.

I am proud. Senator VITTER is proud. We got it out of our committee, a 6-year bill. It is not a great, massive bill. It just takes the current program, adds inflation, and extends it for 6 years. I can tell you, if Senator VITTER and I can agree, if Senator CARPER and Senator BARRASSO can agree, if Senator CARDIN can agree with Senator SESSIONS, and Senator SANDERS with Senator FISCHER—I could go on. Our committee goes from left to right, and everybody agreed we should have the 6-year bill.

So as I stand here today, I am distressed that we do not have that before us, but I am still grateful to my friends for doing what they could politically do. But I feel it is a sad day for us, and I know and I hope we pass this Wyden-Hatch substitute. It is a much-improved way to pay for the extension. But we are extending all the way to May, right up against the next construction season. Now, if you are a State—whether it is Utah or California or West Virginia or Maryland or Oregon; it does not matter—you are not going to enter into any agreement. No businessperson is going to take this on where you do not know what the future holds.

So we are putting it off again, and it is sad we are doing it, and we have 60, 70, 80 groups out there, which I will list later, that are supporting our shortening the timeframe.

Now, my friend says artificial deadlines are bad. But let's face it. Their bill raises—I think it is $11 billion. Am I right on that? So we know it takes it to May 31. That is their deadline. Our bill, in the Carper-Corker-Boxer rewrite, takes it to December. We cut it back. We totally eliminate pension smoothing—totally eliminate it—and we take it back to $8 billion, and that forces us to do the job in December.

Look, this Congress has to do its work. The trust fund expires during this Congress. Now we are kicking it down the road to the next Congress.

Whatever the Senate wishes, I will go along with it. If the Senate says, no, we are going to go with that longer term extension, so be it. I will fight just as hard to move forward with a 6-year bill, I say to my colleagues, when we get back or in a lameduck.

I want to close by talking a little bit about pension smoothing for just a minute because I so agree with Senator HATCH when he says this is not his favorite thing. It is not my favorite thing either, and we come from different sides of the aisle.

So just to be clear, what we are saying to companies is, you can set aside less money for your pension requirements to your employees. Now, I have to admit in the light of day, I voted for that the last time when Senator Baucus brought that forward. I did. But it also was a company buy, an increase in the amount of money companies had to pay into the Pension Benefit Guaranty Corporation. If a company goes broke and they cannot pay their pensions because they have not set aside enough—and with our help they are not having to set aside enough—what happens then? The Pension Benefit Guaranty Corp kicks in, and that is funded by the companies. But if that does not have enough—and my information is it is short $34 billion, as we speak—the taxpayers will have to bail it out. So this pension smoothing is really, really dangerous. It is an offset that is not a good one.

Now, the Wyden-Hatch proposal is much, much better than the House proposal because it cuts it basically in half. The Carper-Corker bill cuts it out completely. So we just have to step to the plate. I think Senator WYDEN is right. Here we are bailing out—if I could use those terms—the highway trust fund until May, while we set up another potential weakness in our pension system. It is not smart. It should not be done. We had 2 years to figure this out.

But no question—no question—the Wyden-Hatch proposal is a far better proposal. Just making sure people pay their taxes, that is something we should all believe in, and, for the first time, the two Senators brought that issue forward to a successful conclusion. I am very, very grateful to them for that. So I very strongly support this.

I hope we will see a lot of support for the amendment that Senators CARPER,

CORKER, and I brought forward because we do away with pension smoothing. So if you do not like pension smoothing, vote for that one; and we cut back the money so we can take this whole thing up in December and give some certainty to all the groups out there, whether it is the Chamber of Commerce or the general contractors or the cement people or the gravel people or the AFL–CIO or the laborers. All these folks want to make sure we are not just doing a little cut and paste and get us up against the next thing.

I keep saying ''in closing,'' but I really mean it now. What you are dealing with here, if you want to use an analogy, is: You find a house you really like, so you go to the bank, and the bank looks at you and says: Well, you are a good risk. Yes, we will definitely give you a mortgage, but it is only for 9 months. Nobody is going to take that mortgage. Our States are not going to enter into 3-year contracts when they know they only are going to get the funding for 9 months. We have an amendment by Senator LEE which would cut the Federal Government's ability to help the States and wind up with an 80-percent cut in funding. So it is very risky moving out with all these things hanging over our head.

But I am still pleased with what the Finance Committee did. I thank Senators REID and MCCONNELL for allowing us to have this time on the floor and all of my colleagues for agreeing, because this is a debate that has to start somewhere. So it is starting today. We know whatever happens, we are just doing a patch, and we are going to have to sit down together with good will and good ideas and solve this problem for the good of our country.

Ms. MIKULSKI. Mr. President, I rise in support of the Carper, Corker and Boxer amendment to the highway trust fund extension Bill before us today. This amendment will provide certainty and a guaranteed funding stream that our State departments of transportation and the construction industry desperately need. It provides a short-term extension through December 19, 2014, which will allow Congress to complete its work on a multi-year bill this year. The underlying bill only prolongs uncertainty by extending the solvency of the trust fund to May of 2015.

In the last transportation authorization bill, I fought for a Federal formula that gives the State of Maryland approximately $780 million annually from the highway trust fund: $580 million for highway funding and $200 million for transit funding. The Maryland Department of Transportation's, MDOT, average weekly expenditure of these Federal funds is $10 to $12 million. Right now during construction season, MDOT is submitting reimbursements to the U.S. Department of Transportation for $20 million a week.

Without this extension, the Federal highway trust fund will go bankrupt in a matter of weeks. What does this mean for my home State of Maryland? I am advised that MDOT will not meet its commitments. The Department would be unable to begin new projects. It would be forced to focus on safety and system preservation instead of putting shovels into the ground. Existing projects will slow down or stop. The State of Maryland would have to find bond or State revenues to pay existing contracts. Most importantly, over 9,000 construction jobs will be in jeopardy.

This is why MDOT, other State departments of transportation, and the construction industry support a multi-year bill. Enacting a long-term bill this year will provide certainty with a guaranteed funding stream, allow MDOT to plan for the future, and provide stability to the construction industry. Projects take time and thoughtful planning averaging approximately 10 years to complete through construction.

In addition, a multi-year bill will strengthen our transportation networks improving safety and reducing congestion. It also will create 3 million jobs and support our economy.

I urge all my colleagues to vote for the Carper, Corker and Boxer amendment. I also ask unanimous consent that the op-ed Senator CARDIN and I wrote in the Baltimore Sun be printed in the RECORD.

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

TIME TO END THE GRIDLOCK THAT TAKES ITS TOLL ON MARYLAND'S HIGHWAYS

(By U.S. Senators Barbara A. Mikulski and Ben Cardin (Both D–Md))

It is now peak construction season and without congressional action the federal highway trust fund will go bankrupt (expenditures will exceed receipts) in August—next month. As the Senators for Maryland, we are fighting for a multi-year transportation bill to provide planning and funding certainty to our state.

Federal gas and diesel taxes paid at the pump are the primary revenue streams for the highway trust fund, which provides formula funding to states for both highway and transit projects.

We fought for a formula that provides Governor Martin O'Malley and Maryland Transportation Secretary Jim Smith approximately $780 million annually to spend across the state: $580 million in highway formula funding and $200 million in transit formula funding.

The cause of the Highway Trust Fund's insolvency is threefold: big improvements in vehicle fuel efficiency; reduced driving; and inflation. The last time Congress increased the gas tax was in 1993 from 14.1 cents per gallon to 18.4 cents per gallon. These three factors have resulted in lower gas tax revenues, reduced purchasing power, and trust fund receipts not keeping up with demand.

A bankrupt Highway Trust Fund means the Maryland Department of Transportation (MDOT) would stop receiving $80 million a month in reimbursements from the U.S. Department of Transportation. As a result, MDOT will have to use state money obligated for other project to cover its federal expenditures. In other words, MDOT will be forced to rob Peter to pay Paul. New projects will not be initiated and existing projects will slow down or stop. The Department also will be forced to focus solely on system preservation instead of new construction needed to improve safety and modernize our transportation network.

Maryland needs a multi-year bill that ensures the solvency of the federal highway trust fund. A multi-year transportation bill is estimated to create two million jobs nationwide and transportation loans and grants create another million. Doing nothing is utterly unacceptable, and short-term extensions do not provide the planning and funding certainty states need to put those three million workers on the jobs necessary to maintain and improve our nation's essential transportation assets. In an uncertain economic climate, investments in transportation infrastructure creates jobs in construction, engineering, and manufacturing right here in the United States.

A multi-year transportation bill will help businesses succeed by making sure goods and products get to where they need to go. U.S. trade is expected to double in the next thirteen years and our national transportation assets must serve the growing economic demands for U.S. goods and services. We must modernize and maintain our infrastructure or we risk diminished profits and falling behind our international competitors in the global marketplace.

It also creates certainty for commuters and families. Traffic congestion wastes over 2.9 billion gallons of fuel each year. Maryland commuters have the longest commutes in America.

Unfortunately, the gridlock in Congress only leads to more gridlock on our nation's roads. When it comes to funding our nation's infrastructure, we've suffered from roadblocks and standstills. Despite our calls for more funding our roads, highways, bridges and railways are in dire need of repair.

That's why we work hard as Maryland's one-two punch for transportation funding Senator Cardin serving on the Environment and Public Works, and Finance Committee creates the policy and authorizes the programs that guide infrastructure investments for Maryland and the nation. Senator Mikulski as Chairwoman of the Appropriations Committee puts the funds in the federal checkbook to keep Marylanders moving.

We know strong transportation infrastructure is a key ingredient to economic growth. It protects the safety and reliability of travel and transportation. It also supports our economy with investments in the highways, public transit, airports, passenger rail and ports. This money creates engineering and construction jobs today and prepares us for jobs tomorrow bringing growth to our economy. The $13.1 billion Maryland spent in transportation over the last five years has generated $29.3 billion in business output, including $12.9 billion in wages and nearly 35,000 jobs per year.

We also know that infrastructure projects don't just happen but they require smart planning. It's why we are united with the U.S. Chamber of Commerce, the American Society of Civil Engineers, and the American Association of State Highway and Transportation Officials in fighting for a multi-year transportation this year.

Mr. LEAHY. Mr. President, our tight knit communities in Vermont are part and parcel of my State's culture of neighbors helping neighbors. Our neighbors are not just next door; they are often in the most rural parts of the State, which can be difficult to reach. Our roads and our bridges connect us in a most basic way, and Hurricane Irene was a stark reminder that our infrastructure connects us not only in commercial ways, but in practical social ways that are integral to the spirit of Vermont communities. After Irene, with some of our roads and bridges completely destroyed, we saw, felt and lived what it truly meant to be cut off and isolated from our surrounding communities.

As Congress faces a deadline in the Highway Trust Fund, we are facing yet another artificial, made-in-Congress crisis for our States, their people, and for the Nation. Congress is senselessly imposing these strains and lost opportunities on this country. There are

those in Congress in recent years whose approach to governing is ''my way, or the highway.'' This time, even the highway is not safe from their obstructionism. This is a crisis we can avert if we would only work together to agree on a long-term funding plan for the Nation's transportation programs. I commend the Committee on Environment & Public Works for their hard work on legislation to reauthorize the Moving Ahead for Progress in the 21st Century Act, MAP–21, and I commend the Committee on Finance for its hard work in trying to solve the funding issues we face in developing and improving our country's infrastructure.

However, I had hoped the Senate would have responsibly agreed to a long-term plan to give State and local governments the certainty and stability they need to plan. Unfortunately, that was not the case. And while a short term fix avoids a transportation catastrophe this summer, it will also increase costs of transportation projects, limit the ability of State and local governments to plan infrastructure improvement, and ultimately result in the degradation of our country's infrastructure. Start-and-stop highway construction is even more wasteful than start-and-stop driving is on our roads. It is wasteful, it hurts our communities and our economy, and it is needless.

The Highway Trust Fund is a critical asset for Vermont, as it is for every State. It provides millions of dollars to repair our roads and bridges and creates jobs for thousands of Vermonters. According to the State of Vermont, every $1 million of transportation funding supports about 35 jobs in Vermont, directly and through the maintenance of the State's transportation infrastructure. Construction companies, sign-makers, State employees, and every citizen will suffer the consequence of the inability to make progress on this vital issue.

While this short-term fix has become necessary, we must acknowledge what long-term funding for infrastructure represents: opportunity. Large, long-term investments in infrastructure have paid off in the past. President Eisenhower's ''grand plan'' for the Interstate Highway System was an ambitious project that many questioned at the time. Today, it is indisputable that the vision of President Eisenhower and the foresight of the legislators in Congress who authorized the Interstate Highway System have strengthened our economy in every corner of the Nation, providing the opportunity for the American people and their families and businesses to grow, travel, and invest in the future. There are many Vermonters, and citizens all across the Nation, who are counting on us to provide a comprehensive, long-term solution to this problem. By coming together, we have an incredible opportunity to invest in the wellbeing of future Americans, and of our country. Let us not continue this latest made-in-Congress crisis. Let us pass the reauthorization of MAP–21 before the new December deadline.

I thank the Presiding Officer very much and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 3585

Mr. TOOMEY. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so I may call up my amendment No. 3585, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 3585.

Mr. TOOMEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ease Federal burdens on State and local governments recovering from catastrophic events)

At the end of subtitle A of title I, add the following:

SEC. 10___. EMERGENCY EXEMPTIONS.

Any road, highway, railway, bridge, or transit facility that is damaged by an emergency that is declared by the Governor of the State and concurred in by the Secretary of Homeland Security or declared as an emergency by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and that is in operation or under construction on the date on which the emergency occurs—

(1) may be reconstructed in the same location with the same capacity, dimensions, and design as before the emergency; and

(2) shall be exempt from any environmental reviews, approvals, licensing, and permit requirements under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(D) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(E) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(F) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(G) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(H) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetland); and

(I) any Federal law (including regulations) requiring no net loss of wetland.

Mr. TOOMEY. Mr. President, let me start by complimenting my colleagues, the chairman and the ranking member of this committee, for a genuine, sincere effort at a bipartisan solution to a difficult problem. There are provisions I like in this legislation. There are provisions I do not like. But I do like the fact that at least with respect to this legislation at the moment the Senate is functioning. The committee was functioning and had a vigorous debate and discussion and came up with a reasonable approach. I thank Chairman WYDEN and Ranking Member HATCH for their cooperative effort to do this.

But I want to address this particular amendment, amendment No. 3585. I thank my cosponsor on this amendment, Senator MCCONNELL. What this amendment does, in short, is it allows communities that are recovering from a natural disaster to rebuild damaged infrastructure without having to acquire—or maybe I should say reacquire—Federal environmental permits.

Now, there is no question we all agree it is vitally important we protect our environment. I should point out there is nothing in my amendment that would change Federal environmental permitting requirements for any new construction—nothing at all. We should also recognize that States have their own very substantial standards in place to protect their environments, including during the construction of transportation infrastructure projects. There is nothing in my amendment that would weaken in any way or change in any way any State environmental laws or regulations.

The fact is our Federal environmental permitting process for infrastructure is broken. It is too cumbersome. It takes too long. It is too costly. It is a huge problem. I think the most damming statistic I can think of—that I am aware of anyway—is from the Federal Highway Administration itself, which in fiscal year 2011 estimated that on average transportation projects required 79 months to complete the National Environmental Policy Act review process, the NEPA review process—79 months. That is 6½ years to get permission from the Federal Government to build a road or a bridge or to rebuild an existing road or bridge that has been damaged—6½ years. That is often longer—sometimes a lot longer—than it takes to actually do the construction, and that is a problem. It is a problem because it just drives the costs up dramatically and unnecessarily.

Two weeks ago, constituents of mine in Northampton County, PA, reported to my office that just one environmental survey for a small bridge repair—we are not talking about some massive, new ''Golden Gate Bridge'' here; we are talking about a little bridge that is just going to be repaired—just one of the environmental surveys was $21,000 alone.

Senator ROB PORTMAN reports that in Ohio Federal environmental permitting alone increases project costs on average by 20 percent.

The reason these delays are so expensive is all of these delays, all of these permitting requirements, require consultants to carry it out, and there are all kinds of engineering and consulting fees that get paid, often on retainer over time; it also means that while

waiting for a road or a bridge to be rebuilt or restored, there are longer commutes, there is a big detour, there is more consumption of gas. That is all a waste of time and money. The bottom line is that projects cost more the longer they take. That is the reality. The fact is, recovering communities do not need to have to incur this extra cost.

I will give you an example, again in Pennsylvania. Since 2010, Federal environmental permitting has delayed nine projects by over a year. The Cherry Creek Bridge in Monroe County, PA—this is an area that is flood prone; it was struck by Tropical Storm Lee and Hurricane Irene in 2011—the reconstruction for the damaged transportation infrastructure should have started pretty much right away, but Fish and Wildlife review delays alone cost us 2 years before construction could even begin. Senator Ben Nelson recognized this problem—a Democrat from Nebraska who served in this body—and offered a bipartisan amendment to the last highway bill, MAP–21.

What his amendment would have done would have been to exempt roads and bridge repair projects from Federal environmental permitting if the roads and bridges were destroyed by a declared emergency, such as Superstorm Sandy, for instance, and provided that the reconstruction would occur entirely within the footprint of the existing structure, the original footprint.

Unfortunately, Senator Nelson never got his vote. He was denied a vote. Instead, he got a watered-down provision put into the final bill that allows the Department of Transportation, under certain circumstances, to exclude certain repair projects from this whole process. But they cannot make that exclusion if the project is deemed to be ''controversial.'' Undefined. I do not know what that means. The exclusions do not apply to the Army Corps of Engineers or the Fish and Wildlife Service, the reviews of which constituents tell me are the most time consuming, cumbersome, and costly to comply with.

The result is that recovering communities today, after they have been hit hard by a natural disaster, after they have incurred damage to their roads, their bridges, their infrastructure, do not know what environmental standards are going to apply to them, except that some certainly will, and others may or may not be exempted.

It still leaves them subject to a lengthy, costly, and unnecessary procedure. Because, once again, let me emphasize, we are talking about roads and bridges that are already there. We are not talking about new infrastructure, new capacity. We are talking about rebuilding what was there already and what was damaged.

This amendment I am offering is almost identical to the Nelson amendment. The difference is, at the request of SPTA, which is the Southeast Pennsylvania Transit Authority, it has been expanded to include not just roads and bridge but also rail and transit facility repair projects. That is it. So it simply says: These existing transportation infrastructure facilities, if they are damaged or destroyed by a declared natural disaster, the rebuilding, the identical rebuilding in that very same footprint should not be subject to going through the whole environmental permitting process all over again. That is all it says.

I am glad to have the endorsement of a number of organizations and groups: Associated General Contractors, National Association of Counties, Americans for Prosperity, Americans for Tax Reform, Citizens Against Government Waste.

I argue this is just common sense. This is a modest, narrow amendment. As I say, it does not in any way, shape, form, or fashion change any regulations or permitting requirements for any new construction. It says nothing whatsoever about the extensive State requirements. It is silent about all of that. It simply says: With respect to Federal environmental permitting, if you are rebuilding an existing road or bridge because it has been damaged in this way, you do not have to go through this costly, lengthy process that is costing us time, money, jobs, and infrastructure.

I urge my colleagues to support my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, I thank my colleague from Pennsylvania for his comments and the manner in which we are proceeding.

I rise in strong opposition to the amendment offered by my friend from Pennsylvania, and for many reasons.

First, let me compliment Senator BOXER and the leadership on the Environment and Public Works Committee. Because when we approved MAP–21, we took up this issue. We dealt with it. It was not without controversy. We had strong views on both sides of this issue. Because what the Senator from Pennsylvania is doing is removing completely replacement facilities from any—not just the NEPA procedures, but also from the Endangered Species Act, from the Clean Water Act—basically putting a dome over the process so anything goes, basically. Anything.

We debated that issue in the Environment and Public Works Committee. There were different views. Quite frankly, Senator BOXER was extremely accommodating to the legitimate concerns the Senator from Pennsylvania has raised. That is why there is an expedited procedure already in law, passed in MAP–21, that deals with this issue. The Senator talks about using the proper legislative process. We did that. The committee of jurisdiction debated it. We had difficult compromises, but we reached these compromises.

Let the process work, because the process is working. Let me point out, I was one of those who was not excited about giving up any of our environmental protections on replacement facilities, because I pointed out the fact that when we had a bridge collapse in Minnesota, that bridge was replaced within a matter of a very short period of time, before we did our compromise, which now expedites the process. My point is, in emergencies we seem to work things out. But in order to deal with the concerns the Senator has raised, we put into the law this expedited procedure for replacement facilities. It is in MAP–21. It is the law.

This amendment would open it to significant abuse. It is very conceivable that when you give this type of an exemption, you basically are exempting a geographical spot so that anything goes. It could be a total ending of the protections that we have in the Federal Clean Water Act. It could be eliminated.

I would urge my colleagues to reject this amendment. It is unnecessary. It certainly opens it to tremendous abuse. We have a process in place. It was negotiated. I would urge my colleagues to accept it.

Before I yield the floor, I want to thank Senator WYDEN. I want to thank Senator BOXER and Senator HATCH—I see them on the floor—and Senator CARPER for their incredible work on this bill. I agree with Senators Boxer and WYDEN. It is very important that we pass a bill before we leave this week so that there is no delay in making sure the Federal Government pays its bills to our State and local governments on transportation projects.

I strongly support Senator WYDEN and Senator HATCH's effort in our committee to get a better funding flow for the patch so we deal with collecting the taxes that should be paid, rather than causing a disruption in some of the revenue sources that are in the House bill. I strongly support Senator WYDEN and Senator HATCH's efforts in our committee.

I certainly support Senator CARPER's amendment that would say it is our responsibility to act in this Congress.

Let me point out, we have 5 months left before this Congress goes out of business. It would be wrong for us to pass just a patch and not to do the 6-year reauthorization. The Environment and Public Works Committee, by unanimous vote, recognized that we could get a 6-year bill done. We have already talked about from where revenues can come. There are bills we could take up dealing with supplemental ways to fund infrastructure, infrastructure banks, using the Tax Code. I am sure we can get bipartisan agreement on some of these issues.

The Carper amendment says we are going to get our job done in this Congress and we are not going to subject our States to the uncertainty of just a patch. In my State of Maryland, we have many long-term commitments that we are trying to get funded. A short-term patch will put us in a hole.

We are okay to the end of the year, but let's make sure we enact a 6-year bill before this Congress leaves.

Mrs. BOXER. Would the Senator yield for a question?

Mr. CARDIN. I would be glad to yield to my colleague from California.

Mrs. BOXER. I thank my friend. I wanted to ask him a question. Because I think the way the Senator responded to the Toomey amendment was exactly right on point. It was almost a deja vu as I listened to my friend from Pennsylvania, because he is not on the committee of jurisdiction. But we had this debate, as my friend pointed out. As a matter of fact, I started to get a little stressed as he related what we went through to get to the point where we have an expedited procedure that takes care of the problems my friend from Pennsylvania talks about.

But we do not throw out every landmark environmental law. That would be a disaster. I can give you an example and ask my friend if he agrees with this example.

I also want to point out the American Public Health Association strongly opposes Senator TOOMEY's amendment, because they know the health of the people is at stake.

But let's say you had a situation where you brought in a contractor to clean up after there was a disaster, collapse, let's say, of a highway. There was a body of water nearby. The contractor came in. Instead of having a good clean operation, he started dumping his fuel and chemicals and everything else into this waterway. Mind you, under our law he has already got an expedited permit, he is ready to roll. But he or she, they have to be good citizens and not make matters worse.

Does my friend not agree that these landmark laws, such as the Clean Water Act, the Safe Drinking Water Act, should be respected, and the Toomey amendment throws them out the window, and we can endanger the health of the people?

Mr. CARDIN. I say to Senator BOXER, through the Chair, she is absolutely right. It is even worse than that, because the contractor could be using a subcontractor whose principal work may not even be directly related to the replacement. It would be virtually impossible to detect what they are doing on the replacement site as to what they are doing on other sites. So it could be absolutely used as a shield in order to avoid the laws that we have to protect public health, protect our clean waters, our drinking water, et cetera. It opens a huge potential abuse. It is throwing out the laws, rather than making the laws work. That is exactly what our committee did after a very lengthy debate and which, quite frankly, we did certain things that make it a lot easier for a replacement facility to be done in an expedited process.

Mr. CARDIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I would like to address another issue connected to this debate. Before I do so, I would yield a moment of my time to my distinguished colleague, the junior Senator from Pennsylvania.

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

Mr. TOOMEY. Mr. President, I thank the Senator from Utah. Let me respond to my colleagues from Maryland and California briefly.

First of all, I am perfectly glad that the committee of jurisdiction addressed this. One of the great things about the Senate is when it is actually functioning, Members who are not on a particular committee still have the opportunity to weigh in on an issue and have that debate on the Senate floor. That is exactly what we are doing today. I am glad we are doing that.

I would also observe that my colleagues seem to have very little faith in the ability and willingness of States to protect their own environment. They should spend some more time in Pennsylvania. We care a lot about our environment in Pennsylvania. We have a Department of Environmental Protection that takes that responsibility very seriously.

Finally, I would point out that the so-called fix in MAP–21 is extremely incomplete. It is incomplete because, first, it occurs at the discretion of the Department of Transportation. They can simply choose not to have an expedited process. If they deem the project to be ''controversial''—undefined. Who knows what that means.

Secondly, the Department of Transportation is not permitted to exclude from this process compliance with the Army Corps of Engineers or the Fish and Wildlife Service reviews, which altogether are extremely time consuming and expensive and costly. Again, we are just talking about repairing existing infrastructure. We are not talking about waiving these requirements for new capacity, for new infrastructure.

I urge my colleagues to support the amendment.

I thank the Senator from Utah.

AMENDMENT NO. 3584

(Purpose: To empower States with authority for most taxing and spending for highway programs and mass transit programs)

Mr. LEE. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so I can call up my amendment No. 3584, which is at the desk.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 3584.

Mr. LEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of July 23, 2014, under ''Text of Amendments.'')

Mr. LEE. Mr. President, we are here today because our Federal highway policy status quo is not working, and it hasn't been working for a long time. This is the sixth time American taxpayers have been asked to bail out the highway trust fund since 2008—the sixth time since 2008.

None of those patches, $52 billion worth of bailouts in 7 years, fixed the problem, and neither will the $10.8 billion authorized by the bill that is before us today. It will buy us only a few months before we are right back in the same place once again, the same place where we are now.

Indeed, this debate is itself the dysfunction of Washington, DC, in miniature. Here—as in health care, higher education, assistance for the poor, energy, and so many other areas—the Federal Government has created a permanent structural problem, and it responds with duct tape. Worse, this bill solves only Washington problems, only the problems of Washington, DC, not those of the American people.

Under the broken status quo this bill not only protects but also extends, in 6 months—and in 6 years—our roads will still remain congested. Too many single moms will still live on a knife's edge trying to make it to their second jobs all the way across town. Too many dads will still have to leave for work before breakfast just to make it to their job and then do the same thing again as they try to make it home for dinner. Children will still look in vain into the empty seats at their piano recitals and at their Little League games. Commuters will still squeeze onto overcrowded subway cars, hold their breath, and hope they don't break down again. Young families will still be unfairly priced out of neighborhoods near the best jobs and the best schools, and diverse communities will still be subject to the monotonous inefficiency of an outmoded Federal bureaucracy.

But it doesn't have to be this way. There is a better way. The Interstate Highway System is one of the greatest achievements not only in the history of the Federal Government but in all of American history. It unified a sprawling continental nation by investing in our common destiny. It simultaneously met the economic, social, cultural, and security needs of an emerging superpower. It was and it remains a wonder of American innovation and self-government.

More than that, the Interstate Highway System was the daring, audacious work of a young nation literally on the move, bristling with confidence in its future and in its people. With the Federal-Aid Highway Act of 1956, Congress threw off the yoke of the status quo and it met the emerging needs of a new generation.

Yet today, some 58 years later, in a new century with new needs, new technologies, and a new economy, Congress anxiously clings to that exact same policy like some kind of a tattered security blanket.

Six decades ago, Federal highway policy represented a triumph of imagination. Today, our refusal to modernize that same policy represents a failure of imagination. So we are here with the duct tape and WD–40 trying to keep this 20th century bureaucracy in place, rather than embracing the worthy challenge of building a new mobility policy, one that is well suited for the 21st century. That is exactly what my amendment, the Transportation Empowerment Act, would do.

In 1956, it made sense for the Federal Government to collect the majority of gas taxes from around the country and then coordinate the construction of a national system. We needed it. But with the interstate system now largely complete and most transportation issues that we see today existing at the local level, there is no longer the same need for Washington to serve as the central coordinator. We have become an intrusive middleman. We need to refocus the Federal Government solely on interstate priorities and to empower a diverse, flexible, open-source transportation network controlled by the States.

My amendment would empower States and communities to customize their own infrastructure according to their own needs, their own values, and their own imagination.

It would, over 5 years, gradually transfer funding and spending authority over local transportation infrastructure projects to the States.

Today the Federal gasoline tax stands at 18.4 cents per gallon. My amendment would lower it by 2019 to 3.7 cents per gallon.

In the interim, we would gradually send States more of their allotment without strings to prepare them for the eventual transfer of this differential. After this gradual transition, Congress would retain enough revenue to continue to maintain the Interstate Highway System, which rightfully, properly remains a Federal priority and a core competence of our government at a national level, but States and communities would be newly empowered to launch a new era of local investment and local innovation.

The idea behind this plan is not only that there is a better way to improve America's infrastructure, there are 50 better ways and even thousands of better ways. In our increasingly decentralized world, there are as many ideal transportation policies as there are communities across this great country.

Washington is standing in the way, imposing obsolete conformity on a vibrant, diverse society. For if we truly love local transportation infrastructure—and who doesn't—we should set it free.

Under the Transportation Empowerment Act, Americans could finally enjoy the local infrastructure they want. More environmentally conscious States and towns could finally have the flexibility to invest in more green transit projects and bike lanes. Regions reaping the benefits of America's recent energy renaissance could accelerate their own infrastructure and their own buildouts to keep up with their explosive growth. Dense cities could invest in more sustainable public transit networks. Meanwhile, surrounding counties could reopen the frontiers of the suburbs to a new generation of far more livable communities. State and local governments will also be free to experiment with innovative funding mechanisms not necessarily tied to the unreliable, unpredictable, gasoline tax. By cutting out the Washington middlemen, all of those States, communities, and taxpayers will be able to get more for less.

My amendment would not reduce America's investment in infrastructure any more than Uber reduces America's investment in car services. In the real world, value is not a cost. Rather, my plan would empower a nation hungry for greater mobility to spend its infrastructure dollars on steel and on concrete instead of on bureaucracy and special interests.

Some of my colleagues oppose this plan. Some will offer Washington's eternal promise. The status quo will work, it just needs more money. That is all it needs, and it will work. The Federal gasoline tax has not changed since 1994, they will say. We are starving the trust fund, they will add.

But it is not true—at least it is an inaccurate and incomplete picture. For in the 12 years prior to 1994, the gasoline tax skyrocketed by an alarming 460 percent from 4 cents per gallon to 18.4 cents per gallon.

Put another way, since 1982, the Federal gasoline tax has grown by an equivalent of 6.1 percent per year. Chasing ever more money will not solve this problem. That is what we have been doing, and the bill before us today is incontrovertible proof that it hasn't worked.

Others argue that reducing Washington's role in local transportation would invite economic and infrastructural catastrophe. This makes two very peculiar assumptions.

First, it assumes that Washington is uniquely competent in the area of local transportation, even as a long train of abusive boondoggles and bridges to nowhere tell us exactly the opposite.

Even more bizarrely, this argument assumes that the 50 States of our exceptional Republic, many of which would rank among the wealthiest nations in the world on their own, are unstable banana republics nursing the development of primitive hunter-gatherer societies whose only transportation services involve the clearing of woodland paths for their pig-drawn carts.

State and local governments already pay for 75 percent of all surface transportation infrastructure projects in this country.

In my home State of Utah, one of the best run in the country, only 20 percent of our transportation money comes from Washington. The other 80 percent we raise ourselves. Of course, we raise most of that 20 percent too. It is just that under the broken status quo, Washington middlemen take their cut before sending that back to us.

Why not just leave that extra 25 percent to the States and communities who need and use it in the first place?

The States already own and maintain the highways and local transit projects that are inherently local. So why not let the Federal Government focus on interstates and let Oregonians plan, finance, and build their bike paths; San Franciscans their green energy transit experiments; and Texans their eight-lane expressways, in their own way, tailored to their local needs and their own local values? All we add to the process in Washington, DC, is unnecessary overhead and self-congratulating press releases, trying to take credit for it all.

Finally, many who admit that the status quo is unsustainable nonetheless support it because they believe their particular State benefits by receiving more money back from the highway trust fund than it puts in. Washington perpetuates the myth that transportation money is free, especially for these so-called net donee States. But as in every other middleman arrangement, the status quo policy ensures that States actually get less value back than they should.

Federal regulatory strings not only make infrastructure projects unnecessarily expensive, they specifically divert resources away from actual infrastructure and waste it on special interests and bureaucratic redtape.

The Federal Davis-Bacon Act, for instance, costs States an additional 10 cents for every single dollar they spend on infrastructure construction projects.

Numerous regulations under the National Environmental Policy Act—or NEPA, as it is frequently called—collectively cost State governments an additional 9 cents on the dollar. No wonder the trust fund needs to be bailed out every year. Washington is charging taxpayers a 20-percent processing fee off the top.

I encourage my colleagues to work out the math for their own States.

But for Utah, that means that of the $335 million we receive annually from the highway trust fund, nearly $64 million goes to political overhead instead of steel and concrete.

Everything in our economy and our society today is moving away from rigid, centralized, bureaucratic control and toward flexible, open-sourced community and individual empowerment. This is a simple question of old versus new, of bold versus unimaginative.

The Interstate Highway System met a crucial need in its time and represented a wonder of innovation, but so did Borders bookstores at one time, so did Blockbuster Video at one time, so did record stores, and so did rotary telephones.

America still needs books, movies, music, and communication, and it still gets those things. Today those goods are just delivered more efficiently, more affordably, through flexible models customized to the needs of individual customers. In the very same way Americans still need highways, bridges, subways, and bike paths. Indeed, we need them now more than ever, but Federal policy hasn't kept up with the times. That is why, even without my amendment, more than 30 States have begun or are considering their own transportation modernization programs.

This is just one more piece of evidence that the transportation renaissance America needs is one that our centralized bureaucratic status quo cannot deliver—not with another $10.8 billion or 10 times as much.

After six decades and historic successes, the time has come for a new Federal transportation policy—one that taps the creativity of our diverse Nation. Today, Americans are unnecessarily stuck in traffic, stuck in overcrowded subway cars, missing their kids' games and recitals, priced out of neighborhoods close to their jobs, and they spend almost a full 40-hour workweek per year stuck in gridlock. They deserve better than what Washington is offering—which is just the status quo, plus a little more money. A new era demands a new approach.

The Interstate Highway System is a success, and the people who created it deserve our great admiration and gratitude. But the way to honor their legacy is to stop imitating them and start emulating them by investing in an innovative transportation network for our own era, just as they did for theirs. Just as it was in 1956, the status quo is once again no longer good enough. We need to transcend it.

The future of America's mobility is not a rigid, monolithic, centralized bureaucracy frozen in amber; it is a flexible, organic, open-sourced network of empowered individuals and communities as diverse as the Nation itself.

My amendment would empower Americans to start to build that future together, and I respectfully ask my colleagues to support it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, it is really almost hard to know where to start in my opposition to this amendment, but let me say that some people call it devolution, meaning you devolve all responsibility for the highways and transits to the States. I call it not devolution but complete and utter destruction of a system that has been in place that the States have grown to count on. That is why the States that my friend speaks from, the States' point of view—they oppose this amendment strongly. AASHTO—they represent not one State but every single State.

There are so many things my friend said that we can't refute—that a State should have the right to spend whatever they want. Sure, they can. They can spend anything they want right now. But they count on the basic bread and butter of these grants.

If we look at history, it has been Republican Presidents who have stepped to the plate on this all through history. That is why I think this is so radical. It is shocking to me. It is shocking to me because some of the biggest proponents of the Interstate Highway System and aid to the States have been Republican Presidents.

Let's be clear. If, God forbid, this were to become the law, immediately the States would see a cut in their transportation funding of 80 percent. That is my friend's answer to gridlock—cut the funding to the States by 80 percent.

The last time I heard and listened, we were one nation under God, indivisible. That is why the visionary Dwight Eisenhower saw this. He knew we had to be able to move equipment. He knew logistics because he was a general. He knew we were one Nation, sea to shining sea. And my friend would have us lose that.

I really wish my colleague Senator INHOFE would come to the floor because I think he has a voting record that is as conservative as any, and he feels transportation is a basic function, along with defense.

I think it is important to note that counties and cities and States depend on this program, and they have for years. Again, this is a national interest, to have this one Nation.

If we really want to see Republicans and Democrats united around the country, look at who is opposing the Lee amendment: the American Trucking Association, the American Road and Transportation Builders Association, the American Society of Civil Engineers, the American Highway Users Alliance, the National Stone, Sand, and Gravel Association, the general contractors, the Associated Equipment Distributors, and the Association of Equipment Manufacturers. And if they agreed with Senator LEE—set us free; set us free; we are going to build so much—I don't know what he is talking about, set us free. Set us free with 80 percent less money? That is really great. What are we going to build? Nothing. We are going to have to raise taxes. I was a county supervisor. That doesn't work.

Proponents of this amendment weakly claim that with the completion of the interstate system, we don't need a Federal role in transportation. Well, guess what. We have to maintain our Federal highways even though they have been built. We have to maintain our bridges even though they have been built.

I said on a TV show the other day: I know I have gotten a little older. I need more maintenance. That is just the way it is. I am not happy about it.

Stop laughing. But that is a fact of life.

So don't tell me ''we are free at last; do away with this'' and then think the States are going to be happy when the very States my friend says he speaks for are totally against his amendment. We would be massively cutting transportation infrastructure spending.

Let's talk about the impact on thousands of businesses and millions of workers. I don't know if we have the picture of the stadium. I wish to show my friend—when he comes here and makes an ideological speech, I like to talk about the real world. Here is the real world. This is a Super Bowl game. This is a stadium that holds 100,000 people. We have seven stadiums full of unemployed construction workers. He wants to cut the Federal involvement by 80 percent. Just don't see some of these workers. It started out that we filled 20 of these stadiums in the height of the recession. Now we have got it down to seven, and we still don't have enough work.

And this isn't make work. This is work our American businesspeople want. This is work our American workers want. This is work that can't be outsourced. This is work that pays a good wage. What a time to cut back our investment by 80 percent and sock it to the workers.

The same people who vote for this amendment won't raise the minimum wage—support this pension smoothing that is taking away dollars from our employees' pensions.

So I am at my wit's end to understand. My friend is a nice man, and I know he believes this. But don't come on the floor and say let's forget about Eisenhower's vision and have a new vision, which is that there is no more Federal role.

Some will get up and say: Maybe it is better to do this than to do nothing. Maybe this is better.

No. We have to do our job around here, and that is a multiyear bill. We are faced with a short-term extension because we haven't done our work.

Senators CARPER and CORKER and I are going to put forward an amendment that is going to force us to do our work in December if we are lucky enough to have it passed. We hope it will pass because if we vote for that amendment, we are cutting back the short-term money we have to pay, and we are cutting back the time. And that is good. But we are not walking away from the responsibility we have as a nation, one nation under God, indivisible, from sea to shining sea, a vision of America that my friend's amendment would destroy. It is not devolution, it is destruction, and I hope we will vote no.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I strongly, respectfully disagree with the characterization my distinguished colleague from California has made suggesting that this somehow represents an 80-

percent cut in the transportation funding. That simply is not true. The idea here is to transfer both the revenue collection authority and the spending authority back to where most of it belongs, which is at the State and the local level.

There isn't a State in the Union that wants to do away with transportation infrastructure spending. Quite to the contrary, our States and localities and those who assist the contractors, who provide the services, provide the gravel and other materials that go into these roads and bridges and transit projects—they want to get to work, but they want to put this money into steel and concrete in the ground rather than spending so much of it on lobbying, rather than spending so much of it on things that have nothing to do with steel and concrete in the ground.

I also wish to refer to something my colleague said with regard to the fact that it costs money to maintain the Interstate Highway System. I absolutely agree—I could not agree more—which is exactly why I wrote this amendment so as to retain a 3.7-cent-per-gallon gasoline tax that would be collected and spent better to make sure we would maintain the Interstate Highway System. That is exactly what we do.

A reference was made to my distinguished colleague from Oklahoma, Mr. INHOFE, expressing remorse over the fact that he is not here with us at this moment to have a discussion and wondering what he would say about it. To respond to my colleague's point, Senator INHOFE has voted for this provision in the past. In fact, in the past Senator INHOFE himself has introduced a version of this very piece of legislation.

My colleague also referred to groups that happen to oppose this legislation. I would encourage those groups to learn more about it and also point out that there are lots of groups that support my legislation, including Americans for Prosperity, Americans for Tax Reform, Heritage Action, Club for Growth, National Taxpayers Freedom, Freedom Works, and the list goes on and on.

It is also important to remember that our Federal gasoline tax did increase substantially between 1992 and 1994, increased from just 4 cents per gallon to 18.4 cents per gallon. During that time period we were told that if the gasoline tax was increased at the Federal level, we would be backing up the highway trust fund, that we would make sure it was secure.

Did that happen? No. What happened instead was the Federal Government overreached. The Federal Government started getting more and more involved in surface streets and things that have nothing to do with our Interstate Highway System. That is why we are here today.

I therefore yield back the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I will be very brief. I know my colleagues want to present the Carper-Corker-Boxer amendment. I will just say that we just did the math. The Senator cuts the gas tax to such a degree that the States would get an 80-percent cut. The Senator can do the math himself, but I am happy to work with the Senator on it.

It is not convenient—it is not right to speak about another Member when they are not here, but my understanding is Senator INHOFE does not currently support this. I could be wrong. We will find out in a couple hours. One of us can apologize. But I will apologize if I misstated his objection to this.

I yield the floor.

AMENDMENT NO. 3583

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent that our amendment, the Carper-Corker-Boxer amendment 3582, be made pending and that it be reported by number at this time.

The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER] for himself, Mr. CORKER, and Mrs. BOXER, proposes an amendment numbered 3583.

(The amendment is printed in the RECORD of Wednesday, July 23, 2014, under "Text of Amendments.")

Mr. CARPER. Mr. President, I will make some comments to lead off and then will yield to Senator CORKER and back to Senator BOXER, and we have others who would like to speak on behalf of this amendment.

I wish to start off by saying to the Senator from Tennessee who is here with us, the lead Republican on the amendment, how grateful I am to have this opportunity to work with you on an important issue. Thank you for your courage. One of the definitions of leadership is the courage to stay out of step when everyone else is marching to the wrong tune. In this case, not everyone else is marching to the wrong tune, but a few people are. I thank you for showing that courage and standing up to do what we believe is the right thing to do.

I would like to give a big shout-out to Senator BOXER. She chairs the Environment and Public Works Committee on which I serve as the subcommittee chair for transportation and infrastructure. She and Senator VITTER and Senator BARRASSO and I worked to fashion a 6-year transportation plan for our country that is a very well thought out, excellent roadmap for the future of transportation in America, and what we now need to do is to fund it. It is great to have a plan. How about some money to make it happen? That is what this is all about.

This is the question: At the end of the day, how do we best ensure that we actually fund the 6-year plan Senator BOXER and others helped us develop?

I thank not just Senators CORKER and BOXER for their great support and for their leadership, I also thank the Democrats and Republicans and even an Independent or two for their support of our amendment.

I will yield the time now to Senator CORKER and Senator BOXER, and I will take some time out. Senator KING is welcome to speak as well.

UNANIMOUS CONSENT REQUEST

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order with respect to H.R. 5021 be modified to allow for 2 minutes equally divided in the usual form between the votes and that all after the first vote be 10-minute votes, with all other provisions of the previous order remaining in effect.

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

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. I thank the Senator from Delaware and the Senator from California for going ahead with this amendment. I thank Senator CARPER for this leadership not just on this issue but other issues. I know we are working with other long-term issues that need to be resolved, and I thank him for the way he is going about doing that.

If I could just lay out what is happening today, a House bill is coming over here today that is a short-term extension. Mr. President, I don't know if you know this, but this will be the 11th short-term extension since 2008. Let me say that one more time. This will be the 11th short-term extension that has occurred since 2008.

This is the fifth time we have taken money out of the general fund—taken money out of the general fund—to fund the highway trust fund, which is supposed to be funded through user fees. So what I would like to say to my friends on this side of the aisle is that this is the fifth time for the highway trust fund, which builds highways and bridges around our country, that we are engaging in generational theft—generational theft—where we take money out of the general fund. Everyone knows it is not paid for. We use gimmicks to pay for something that the Constitution says we are actually supposed to deal with.

The House sent over a bill, and there has been a lot of consternation on the floor about that. They used $6.4 billion worth of pension smoothing. Everyone in this body knows it is not a real pay-for. All it does is move revenues up a decade. And because it uses $6.4 billion worth of pension smoothing, it has a $5 billion budget point of order against it. Let me say that one more time—a $5 billion budget point of order against the House bill that is coming over. So there has been some consternation.

People say: Well, if you don't take up the House bill, the road program is going to fall apart, and we are going to go home for the August recess and everybody is going to be blamed.

Well, fortunately—fortunately—today Speaker BOEHNER said: No. If the

Senate sends something over, we are going to send something right back.

So everybody ought to be relieved. So it doesn't matter today that many of our Finance Committee members who serve with Chairman WYDEN—they have made commitments to him that we are going to get on the Senate Finance Committee, and they should all know it is not a problem now. The House today said they are going to send something right back.

So the first vote that is going to take place today is a vote to strip out the House bill, which has $6.4 billion worth of pension smoothing—a total gimmick. Everyone knows it is not a pay-for. It loses money—loses money. And the Senate Finance Committee bill is going to—the first vote is to replace the House bill with the Senate Finance Committee bill—by the way, which was done under regular order, done the way bills are supposed to be done. Unfortunately, it also is a short-term fix. I have never voted for a short-term fix for the highway trust fund because it is so simple for us to resolve. The only issue is we haven't been willing to address it. There are no new ideas that I am aware of.

I am going to have to vote against a short-term extension. But we have an amendment to improve it, and what that amendment does is it takes out all of the pension smoothing that unfortunately is in the Finance Committee bill. I thank them for doing their work, but it has $2.9 billion worth of pension smoothing, which, again, is a gimmick. In other words, it moves up revenues. It weakens, by the way, the pension system in our country. You ought to know that. It weakens our pension system. It moves money into this decade, but from then on it loses even more money. It is absolute—no offense to those who put it in place—generational theft. So what this amendment does is it takes pension smoothing out of the Senate finance bill and leaves everything else in place.

The secondary benefit is that it means the highway trust fund will not have funding except to make it through this year. What that means is that this body in 2014 will have the opportunity to actually deal with this issue.

I have to tell you, seriously, I am embarrassed. I have been here in the Senate 7½ years—7½ years—and we have yet to deal with one of our long-term issues. I cannot remember a single issue this body has come together on to deal with one of our long-term structural issues. It is an embarrassment. They really aren't new ideas around here; there has just been a lack of willingness to deal with it.

I thank the Senator from California, the Senator from Delaware, and others who will join in this amendment. And all we are doing is one thing: We are taking a gimmick out of the Senate finance bill and forcing this body to act responsibly before year-end. That is all.

I would urge my colleagues to come to the floor and say: Look, it has been a long time, 11 short-term reauthorizations.

By the way, think about the economic issues that come with this. We do these reauthorizations, and departments of transportation around the country have no idea whether there is going to be funding in place. What do the contractors do? They don't hire people long-term. They don't buy equipment. Yet we come and do this 11 times since 2008. Five times, again, transferring money out of our general fund—the greatest generational theft that can occur—taking money out of the general fund and spending it over a 6-month period, paying for it over 10 years.

To my Republican friends who railed against the President over the health care bill because he was using 6 years' worth of costs—by the way, I was one of those railers—6 years' worth of costs, 10 years' worth of revenues—we couldn't get off of it because it was so irresponsible. Yet in this bill we are going to spend the money over 6 or 7 months and pay for it over 10 years. It is an order of magnitude worse.

I know that a lot of people have worked and they have said: No, there is no way we can come up with a solution by year-end.

You have got to be kidding me. How could we not come up with a solution to such a simple issue—a trust fund that has been funded by user fees. How could we not figure out some way in 5 days? The Senate Finance Committee has some of the smartest people in the Senate on it. They know there are no new real options. The chairman has floated some ideas as to how to get there, and I applaud him for it.

By the way, I know that the Senate Finance Committee is only doing its job today. In other words, you have to come up with a short-term solution. I got it. I cannot support it. I cannot support it. I cannot support another kicking of the can down the road on one of the simplest issues we have to deal with in the Senate because elections are coming. Let's face it. Every time it is the election. We can't deal with this issue, so what we said is: OK. We got it. We realize that during elections people don't really want to show their cards, apparently. So we are saying, hey, let's strip the gimmick that is in this bill—the pension smoothing that we all know is not a pay-for. It is a gimmick. Let's strip that and let's force the Congress before the end of this year to actually deal with an issue that is very important to our Nation.

I hope people will support it. I have heard people say: Well, I just don't see how we can figure out a solution.

You have got to be kidding me. I mean, how many new ideas are there relative to this?

So, look, I thank my colleagues for joining in this amendment. I hope we will have support. Again, this amendment lessens the kicking of the can down the road. It takes out a gimmick. It forces us to deal with a long-term solution, which we should have done a long time ago.

I thank all of those Senators who support this amendment. I hope others will consider it before they come down to the floor. I hope this Senate will have the opportunity—and the House—before year-end to actually deal with this issue.

Again, let me say this: The kick-the-can down-the-road that is occurring takes us into next May and June. Think about it. So we are going to have a Presidential race underway. So then people are going to say: Oh, we can't deal with this issue. We don't want our nominees to have to deal with this issue.

Remember, the primaries this year are early. So our Republicans will say: Well, we don't want to deal with this issue in May or June because a Presidential race is coming up. And the Democrats will say the same thing: We don't want our candidate to have to talk about this issue. So again and again we will kick the can down the road. We will engage in generational theft. We will weaken our economy. We won't do the things we should be doing with our infrastructure. It is the wrong thing to do.

Please support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank Senator CORKER for his remarks because I have been here a while, and I haven't heard a more honest speech in my life on the Senate floor. I haven't heard a more passionate speech, a speech in which the Senator just spoke from his heart and with his brain, which is quite competent. I thank the Senator for it because there are some times when you do feel like shouting. I guess that was a movie, ''I Can't Take It Anymore.''

It is ridiculous that we are where we are. We knew for 2 years—2 years—that the highway trust fund was going to run out of money. We knew it for 2 years. That is why in May Senator VITTER and I, Senator CARPER, Senator BARRASSO, and others on both sides of the aisle passed a 6-year bill. We knew it was coming. We wanted to wake up our colleagues. And we did wake them up but, sadly, to a short-term fix instead of a long-term fix, a multiyear bill.

I so agree with my friend. It is the political will that is lacking. There is always an excuse followed by an excuse. The next thing we know they will say: The dog ate my homework. We have heard every excuse. And the Senator is so right. We will be in Presidential races, and then we will start with more Senate races and more congressional races, and people won't want to take a tough vote again.

This is the greatest Nation on Earth, but we have to reflect the greatness in our work here, and we are not.

The one thing I disagree with my friend on—he said we are only doing one thing in this amendment. We are actually doing two things in this amendment. One is we are getting rid of that gimmick called pension smoothing. I have kind of studied it over the last few weeks to really understand what we are doing, which is when you use this pension smoothing, you are saying to companies: Don't put any money into your pension obligations. And through some smoke and mirrors—because then it means they get to pay a little more income taxes—by the way, some don't pay more income taxes—it comes out a plus. The fact is, it is in essence telling companies they don't have to set aside money for their workers' pensions. That is not something that is good, especially since the pension guaranty corporation is short $34 billion.

I don't know if my friend knows this. The last time we used pension smoothing for a short-term fix, at least we had in the committee a comparable measure that ensured that companies gave more to the pension guaranty corp. So although they had a chance not to put the money into the pensions, they did have to pay more to the pension guaranty corp. If the pension guaranty corp. isn't there—the Pension Benefit Guaranty Corp. is broke—the taxpayers have to pick up the tab. I am looking at my friend in the Presiding Officer's chair, the Senator from Massachusetts, Ms. WARREN, who knows what happens when everybody is broke and the Federal Government says: Oh my God. That is too big to fail.

So this attack that you make on smoothing as a gimmick—it is worse than a gimmick because it has real-life impacts, and those real-life impacts are that the companies aren't putting aside enough money. So let's think about what we are saying. We are saying the highway trust fund is going broke, so to fix it we are going to endanger another fund, the pension funds of our workers. That is terrible.

That is why I love the Carper-Corker-Boxer amendment, and I thank my friends for their leadership on the pay-for. It does two things, this good amendment. It says we are not going to use the smoothing; we are going to protect our pensions. Secondly, we are going to attack the long-term issues of the highway trust fund in December, in the lameduck, after the elections, and everybody knows that is the best time to do it.

So I stand proudly with my friends. I hope we pass this. I don't know what happens or what the House will do, but my dad used to say you can only control what you can control. We can't control them, but we can control us.

So I hope anyone listening to this debate—I am going to support the Wyden amendment because it does strip some of the pension smoothing. I am going to oppose the Toomey amendment and the Lee amendment because I think they are dangerous, and I am going to strongly support the Carper-Corker-Boxer amendment.

I thank my colleagues. I know there is some very important business about to come to the floor, so I will yield the floor at this time.

The PRESIDING OFFICER (Ms. WARREN.). The Senator from Maryland.

MILCON—VA APPROPRIATIONS

Ms. MIKULSKI. Madam President, we have just listened to a very lively debate on the highway trust fund, which is certainly a great issue confronting our Nation because our infrastructure is crumbling.

But we also know another great infrastructure has really been crumbling, and that is our VA infrastructure, including the ability to deliver health care to our veterans as promised, as well as to meet their claims when they file for their benefits, particularly those poignant, compelling claims around disability benefits.

I come to the floor today to see if we can't do a trifecta this week by passing the serious reform bill advocated by Senators SANDERS and MCCAIN——

The PRESIDING OFFICER. Senators will take their conversations out of the Chamber.

Ms. MIKULSKI. These are excellent Senators whose voices are heard and heard and heard, as is mine.

In addition to the Sanders-McCain bill that comes as a result of the conference, really what that bill does is focus primarily on the health care issues facing us. What concerns me is also the fact that we need to eliminate the VA disability claims backlog for which there is also a compelling need.

Now, what I am advocating is that we do a trifecta this week; that is, we pass the conference report that has been advocated by Senator SANDERS and Senator MCCAIN that will deal with the important reforms, including adding new personnel. We have given the VA a new chief executive officer to bring about the reforms with the know-how of business. I also wish to bring to the floor the VA-MILCON appropriations bill.

This is a fantastic bill that moves from the subcommittee, led by my very able subcommittee chairman, Senator TIM JOHNSON, with the help of the ranking member, Senator MARK KIRK of Illinois. They have done such incredible diligence on how we can use the taxpayers' dollars wisely to really provide the services we promised the veterans—yes, health care, but also that veterans shouldn't stand in line for health care and veterans also shouldn't stand in line and wait in line and then hope the line gets smaller for disability benefits.

What the VA-MILCON bill does this year, under the very able leadership of Senator JOHNSON, with the cooperation of Senator KIRK, is to implement these very important reforms, and the committee responded. I wish the Presiding Officer could have been in the full committee that day. We passed it on a bipartisan basis of 30 to 0.

Now I want to be able to bring this bill to the floor so this week we could do all three of these and make sure that the Sanders-McCain conference report bill is not on a weak foundation. We need to modernize our VA infrastructure.

There is over $10 billion of backlog in crumbling physical infrastructure at the VA. Its technology is dated. We want them to have great technology. Most of all, we finally want to crack this veterans backlog.

So I am going to propound shortly a unanimous consent request. I talked about it earlier. But before I make this request—I have spoken about this bill—I would like to yield to my colleague and my very able subcommittee chairman, Senator TIM JOHNSON, who has spent more than a decade working on these issues, and now, on a bipartisan basis, we have such a splendid bill—so wise, so prudent, so effective—that I wish we could do it.

I yield the floor for Senator JOHNSON and then I will reclaim the floor for my unanimous consent request.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON of South Dakota. Madam President, I thank the chairwoman for her strong leadership on the Appropriations Committee and her unfailing dedication to our Nation's vets. She is absolutely right in pointing out that passage of the fiscal year 2015 MILCON-VA bill is crucial to implementing the Sanders bill. The Sanders bill provides funding and expanded access for medical care for vets, but the MILCON-VA bill provides a far broader range of funding and oversight that covers every aspect of VA operations.

By a unanimous vote, we just confirmed Robert McDonald to be Secretary of the VA. He is assuming the leadership of an agency in crisis, and he will need every resource available to him if he is to succeed in turning the VA around.

The Senate has given him the job, and the Senate should now give him the resources to accomplish that job. This is no time to delay or shortchange VA funding.

For the sake of the Nation's vets, we must keep our focus on the full scope of VA operations, including but not limited to access to medical care. The disability claims backlog is a perfect example. In the past year, with the resources and oversight provided in the fiscal year 2014 MILCON-VA bill, VA has made great progress in reducing the backlog. The fiscal year 2015 bill provides additional resources for claims processing to sustain this momentum. The move to paperless claims was key to streamlining and expediting claims processing, and it was made possible by improvements to VA Information Technology systems—improvements which were funded in the MILCON-VA bill.

IT is the backbone of virtually every program the VA administers. An antiquated and cumbersome electronic scheduling system was a key factor in the patient scheduling scandal. The VA

is in the midst of an entire overhaul of its electronic health record system to make it more accessible to patients and to exchange information with DOD. This effort is crucial to the VA's ability to deliver timely care and benefits to vets.

The MILCON-VA bill also provides the funding to implement a wide array of programs that are crucial to the health and well-being of vets. Many of these aren't the kinds of programs or initiatives that make splashy headlines, but they are essential in delivering timely care and benefits. For example, the fiscal year 2015 MILCON-VA bill contains $7.8 million for a centralized mail system at the VA. The VA estimates that once the centralized program is implemented, it will take as many as 10 to 15 days off the time it takes to process a disability claim. The bill also provides increased funding to expand the Access Received Closer to Home program for vets in rural areas. These are just a few of many examples I could cite.

The Sanders bill and the MILCON-VA bill are separate components of a single requirement and they should move forward at the same time. I hope we can pass these bipartisan bills before we adjourn for recess.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—H.R. 4486

Ms. MIKULSKI. Madam President, I am really eager to bring at least one appropriations bill to the floor. There are only 72 hours left before we break for August.

I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 400, H.R. 4486, the Military Construction-VA appropriations bill; that the Committee-reported substitute amendment be agreed to; that there be no other amendments, points of order or motions in order to the bill other than budget points of order and the applicable motions to waive; that there be up to 1 hour for debate equally divided between the two leaders or their designees; that upon the use or yielding back of time, the bill, as amended, be read a third time and the Senate proceed to vote on the passage of the bill, as amended; that if the bill, as amended, is passed, the Senate insist on its amendment, request a conference with the House, and authorize the Chair to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Reserving the right to object, our side is eager to schedule floor consideration of appropriations bills with a full and open amendment process, and the MILCON-VA bill would be at the top of our list.

Would the Senator from Maryland agree to modify this consent request as follows: that following disposition of the highway bill this evening, the motion to proceed to S. 2648, the Senate border supplemental bill, be withdrawn and the Senate proceed to the immediate consideration of H.R. 4486, the MILCON-VA bill; I further ask that the first amendment in order be offered by the Republican leader or his designee, and that the two sides then offer amendments in alternating fashion; that following the disposition of all amendments, the bill, as amended, be read a third time and the Senate proceed to vote on passage.

The PRESIDING OFFICER. Does the Senator from Maryland so modify her request?

Ms. MIKULSKI. The answer is no, I will not modify my request. But my response should not be interpreted as a pugnacious rejection.

I appreciate the civil and courteous way the Senator from Alabama has responded. But in a nutshell, what the Senator from Alabama is requesting is that we not pick up the supplemental, we bring up the VA-MILCON instead. I would like to bring up both bills, which is why I am asking that there be no amendments on VA-MILCON. They are practically identical between the House and the Senate. There were no amendments except a few perfecting ones in the Senate. We could get this done in an hour. So, therefore, I will not modify my request.

The PRESIDING OFFICER. Is there objection to the original request?

The Senator from Alabama.

Mr. SHELBY. Madam President, I object to my distinguished chair's motion to consider and pass the MILCON-VA appropriations bill. This is not because I oppose the underlying bill, as I have said. This a bill that has wide bipartisan support. Its support is predicated upon the premise that we will engage in what we call ''regular order'' here. Regular order, by its very nature, includes the ability to offer, consider, and to vote on amendments.

If we were to agree to this unanimous consent request by the Senator from Maryland, we would be trading away every Member's prerogative on both sides of the aisle to offer and to vote upon amendments. I would, therefore, encourage the chair and the majority leader to revise their unanimous consent request to allow for an open amendment process. Until then, we will be compelled to object.

Thank you.

The PRESIDING OFFICER. Objection is heard.

The Senator from California.

Mrs. BOXER. Madam President, I know my friends Senator MIKULSKI and Senator SHELBY are doing everything they can to work the will of the Senate. I know how they both want to get something done on this appropriations bill.

I simply want to say that I looked at the modification of my Republican friend—and he is my friend—that he offered, and I think for the good of America, who could be watching, I want to make a couple of points that will take me 30 seconds.

First of all, there is no limit on the number of amendments. We do not know if it will be 5, 10, 20 or 1,000 or 2,000 or 1 million. We have no idea. They would not even have to be related to the bill at hand, and they will not tell us what this list of amendments is.

I have looked back at some recent requests, and I want to be very honest with my friend. The recent requests I have seen before have been attacks on the Clean Air Act, attacks on the Clean Water Act, attacks on the Safe Drinking Water Act, attacks on women's health care. Frankly, that is not something I can agree to.

So I just want to say I am so saddened that we cannot seem to take up the most popular bill. I know how hard everybody has worked on MILCON-VA, and my friend, Senator SHELBY, said: Our side is eager to schedule floor consideration of appropriations bills. Well, if they are really eager, they should work together with Senator MIKULSKI. You could not find anyone more fair. Get a finite list of amendments. If they are controversial, we have the 60-vote threshold. We know how to do our work around here.

So I am sorry it has come to this, and I appreciate the leadership of both Senators.

The PRESIDING OFFICER. The senior Senator from Maryland.

Ms. MIKULSKI. Madam President, first of all, I thank all of those advocating the highway bill for their courtesy in letting us bring this to the floor. Senator JOHNSON and I are deeply appreciative.

I think we have just had a very good discussion. We have stated what we would like to do to move VA-MILCON in the most time-efficient way possible—with the least controversial bill. I am not going to have anything more to say about this tonight, but now that we have kind of put a lot of ideas out there, we have heard what the expression is of the vice chairman of Appropriations, I would hope that over the next 36 hours perhaps we could find a way forward to do the trifecta I am hoping for to serve America's veterans: pass the conference report that helps improve veterans health care—we have done one part of that now by approving Mr. McDonald—and all we would have to do before Thursday night is to finish VA-MILCON.

So I intend to reach out across the aisle, and I appreciate the effort and courtesy and the cooperation of the highway Senators, who are moving this bill forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Thank you very much, Madam President.

I know we have a number of colleagues who still want to speak, and we want to get to votes tonight, so I want to be very brief speaking in opposition to the Lee amendment and in support of the amendment of my friends Senator CARPER, Senator BOXER, and Senator CORKER.

Madam President, I want to quickly tell you about the Norwalk River Bridge, which is a bridge in the State of Connecticut, which is pretty important to the transit of people and goods throughout the Northeast because it spans the Norwalk River and allows for trains—Amtrak trains, Metro-North trains—to be able to transit millions of people over millions of trips up and down the Northeast Corridor. Without the Norwalk River Bridge, you cannot get from New Haven to New York, but you also cannot get from Washington, DC, to Boston.

That bridge is 118 years old, and it is a miracle that it opens at all. It needs to open in order to allow maritime traffic to go up and down the Norwalk River. It is a miracle that it opens at all. But, in fact, on 16 of its 271 openings last year, it did not open and it interrupted Metro-North service 175 times.

The result for not just Connecticut but the entire region is hundreds of thousands of dollars in lost productivity. Our inability to pass a long-term transportation bill means that big projects like the replacement of the Norwalk River Bridge cannot get done. Why? Because when you only budget for 12 months or 24 months at a time—or in this instance only 6 months or 4 months at a time—there is no way for a State to be able to plan to do that kind of massive work.

So I am here on the floor to beg my colleagues to support the amendment from Senator BOXER and Senator CARPER because it is time we started to get some political courage and admit that the emperor has no clothes when it comes to Federal transportation policy. Yes, it is politically difficult to make the choices necessary to come up with the funding to fill that gap.

Senator CORKER and I have one particular idea, but we would love to hear others. But it is time for us to sit down and have that honest conversation because you cannot do projects like this if you do not.

But to Senator LEE's amendment, this is exactly why you need a Federal commitment to transportation funding. The idea that you are just going to devolve all of these projects down to the local level is preposterous. Why? Because this is a regional asset. The Norwalk River happens to be located in the State of Connecticut. But if all transportation funding came from the States, and Connecticut, for one reason or another, decided not to spend money on replacing the Norwalk River Bridge, it is not just Connecticut that is affected by that; transit stops in Massachusetts, in New York, in New Jersey, in Delaware, all the way down to Washington, DC.

So the reason we have made a robust commitment to Federal funding for both highways and mass transit is because the benefits accrue to all of us.

Senator LEE said that this is just an innovation in the way we fund transportation, like, as he said, the innovation in the way in which people buy books. That analogy speaks to our imperative for Federal funding because the way that books have been sold is different. It used to be that you just used the local roads to drive down and buy your book from the local bookstore. Today, you buy at amazon.com, and it is the Interstate Highway System, the interstate rail system that is used to get your book from a warehouse somewhere out in the Midwest to you after you ordered it online in Connecticut. If you want to talk about the great innovations of the last 20 to 30 years, they all buttress the idea that we live in an interconnected, interstate world in which we need a Federal commitment to highway funding—one that does not just parse out funding one month at a time.

My State is particularly dependent on this kind of funding. Connecticut only survives if we are able to unlock the congested highways and byways and rail lines that connect my State to New York and to Boston in particular. But this Nation as a whole will not succeed, will not survive economically if we do not grapple with the fact that as China spends 12 percent of its GDP on infrastructure, Europe spends 6 percent of its GDP on infrastructure, even if we just held the line, we would still only be spending 3 percent of our GDP on the most important asset to the future of America's economy.

So I hope we reject the Lee amendment. I hope we pass the Carper-Boxer-Corker amendment. I am glad to join them in support of it this evening.

I yield back.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, just for purposes of making a unanimous consent request, I ask unanimous consent that the only remaining time be 5 minutes each for the following Senators and the Senate then proceed to vote on the amendments and the bill as provided under the previous order: Senator CARPER, Senator FLAKE, Senator WYDEN, and Senator KING. The unanimous consent request is for 5 minutes each, and then the votes.

Mrs. BOXER. Madam President, reserving the right to object, will we still have 2 minutes before each amendment then? It will be in between?

The PRESIDING OFFICER. Yes, we will.

Mrs. BOXER. I thank the Chair.

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

The Senator from Delaware.

Mr. CARPER. Madam President, I understand in the unanimous consent agreement I have 5 minutes.

The PRESIDING OFFICER. Yes, that is correct.

Mr. CARPER. I yield 1 minute of that to Senator KING. Oh, great, he has 5 minutes. I would like to have 4 of his minutes.

I will start by saying my thanks to Senator WYDEN for his leadership as well. I am pleased to be able to support his amendment. I am grateful he is supporting ours.

I say to some of our Republican colleagues, I have talked to most of you in the last several weeks about this approach that Senator BOXER and Senator CORKER and I are proposing; that is, to lower from $11 billion to $8 billion the amount of money that would go into the transportation trust fund. That would force us to come back and make a decision by the end of this calendar year. That would force us to do something real, do our job during the lameduck session.

One of the reasons Republicans have said to me is: We can't do that because then that would force the bill to go back to the House from which it has emanated. Well, let me just say the bill is going back to the House. The Wyden amendment is going to pass. So get over it. The bill is going to go back to the House. It is not going to die there. They will do something with it. They may send it back to us in that same form or some different form. But for Republicans who have said: I understand the importance of doing something in a lameduck session, and we know we need to be compelled to do that but I just can't do it, well, you can.

For the folks, our Republican friends who say: I don't like that pension smoothing at all, the idea of mucking with people's pensions in order to fund something entirely unrelated—and that is building roads, highways, bridges, and transit systems—well, you do not have to do that. You can use an honest pay-for, an honest set-aside, and feel good about doing that.

We are going to be here, maybe, Friday night, December 19, and if we have provided $11 billion to carry us to fund programs through the end of next May, I promise you, if we have not worked out a 6-year transportation funding plan by December 19, that Friday night, we are going to be gathered right here and people will say: What are we doing here? It is almost Christmas. I want to go home or go somewhere to be with my family. We have money to run these programs until the end of May, so let's just kick the can down the road and come back a little bit before May and we will do it then.

One problem with that: We did something like that 5 years ago, and we did it again and again and again and again—11 times. This will be the 12th time we do it.

Why am I concerned we will do it again?

I say to Senator DURBIN, let me ask, what did Albert Einstein say about the definition of ''insanity''? He said: It is the notion that we are going to do things the same way we have always done them and we get a better result or a different result. We will not. We will do it again.

All over this country, State and local governments, mayors, Governors, people who build roads, people who run contracting companies, the truckers,

all kinds of people are saying to us one message: Do your job. Our job is to provide transportation infrastructure. Do it in a time-responsible way so that States and local governments that have these programs, that have them on the drawing boards can build them or the ones that are underway, they want to complete them.

We can help them do that. We can do that by voting for the Carper-Corker-Boxer amendment.

Let me close with another great quote from another great guy who used to criticize this place, Mark Twain. He was always saying bad things about the Congress, even then when he was around. But one of the things he said is relevant today. Here is what he said: When in doubt, do what is right. You will confound your enemies and amaze your friends.

I will just say to my Republican colleagues, especially: We love you. We want you to join us in doing what is right, and you will confound your enemies and you will amaze your friends, and not only that, you will do the right thing for our country, strengthen our economic recovery, do what we are supposed to do, providing strong transportation infrastructure for this Nation.

The people of this country are counting on us. Let's not let them down.

I yield back my time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, in just a short time we are going to have some votes—five—and we have been very lackadaisical. We have waited for people to come here to vote for up to 25, sometimes 30 minutes. We are not going to do it. We have first a 15-minute vote, and then we have four 10-minute votes, and we are going to cut off the time. We will have the 5-minute period we always have at the end of these votes, but, everyone, there is no excuse. It is not fair to everybody to wait around here while you are doing whatever you are doing. It is impolite, and it is not courteous, and we need to move things along. People have things to do tonight. So when we finish the speeches, we are going to move to the voting, and we are going to stick to the times. So, everybody, there are no excuses. Everybody should understand that.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Madam President, I will be brief in support of the amendment by the Senator from Utah to devolve highway trust fund spending to the States. I want to correct something that was said earlier. It was said that all money would be devolved to the States and it would be up to the States to maintain the Interstate Highway System. That is not the case.

This amendment is similar to many that have been submitted over the years, myself included. I have submitted some in the House to do this very thing.

I think we can all agree that the highway trust fund is in need of a major overall. Since 2008, we have taken, I think, $53 billion from the general fund to replenish the highway trust fund because cars have better gas mileage, and when we have recessions, less driving is done and less money goes into the trust fund, and we are trying to make that up now.

In the future, it simply is not going to meet the need out there. So we have got to do something to make sure we get more bang for the buck for highway spending. One way to do that is to allow States greater flexibility to use these moneys and give the States those responsibilities as well. When you do that, you can increase the bang for the buck. When you look at what a lot of the money is now spent on—the Federal money—instead of putting it toward highways, it is diverted to mass transit, bike paths, ferry boats, streetscaping, and countless other projects that are, at best, very local in nature and, at worst, very wasteful.

The States generally have a better idea of what their needs are and are better stewards of taxpayer money in that respect. I have been told that if you build two bridges—if a State has two bridges to be built, they are next to each other across the same river and about the same location, if you build one with Federal funds and one with State funds, the one with Federal funds will cost you about 20 percent more, when you take into account the Davis-Bacon requirements and other mandates and lengthy approval processes. So States simply get a lot more bang for the buck. If we want highway dollars to go farther, we ought to do this.

In an issue brief by Common Good, it states, ''The environmental review process has grown onerous and expensive, adding years to the length of infrastructure projects without improving environmental outcomes.'' That is another thing that Federal laws require oftentimes is lengthy environmental reviews.

We can correct a lot of this by devolving some of these responsibilities to the States. I think the Lee amendment goes a long way toward doing that.

I want to say that I appreciate some of the amendments that are being brought forward today. Some of them are a lot less gimmicky than we are used to dealing with on the highway trust fund. But the Lee amendment is one that actually deals with the highway trust fund long term and offers a long-term solution to the problem of not enough money in the fund and misplaced priorities with some of the spending.

I urge my colleagues to support the Lee amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Madam President, I rise to address the highway funding issue we are discussing today. Four or five years ago, Tom Brokaw wrote a book called ''The Greatest Generation.'' He was talking about the generation that sacrificed—I repeat sacrificed—on our behalf. They struggled through the Depression, they fought World War II. Then when it was over, they paid the debt from World War II and built the Interstate Highway System. I hate to think what Tom Brokaw would call the book written about our generation, which has, in effect, rebuilt the World War II debt, which we are passing on to our children. We cannot even keep the Interstate Highway System fixed. This is shameful.

I am here to support the Carper-Boxer-Corker amendment, because it forces us to deal with it in this Congress. It is not going to be any easier to deal with next May. Let's get it done. We have the answers. We know what we have to do. The highway system is a pay-as-you-go system. The problem is, now we are going more than we are paying. The gasoline tax has not been raised since 1993, 21 years ago. But the cost of maintaining the highways, of course, has been raised precipitously.

Not fixing infrastructure is debt. A lot of people around here talk about debt, and we are worried about the debt we are passing on to our children. I am worried about it too, but I want to make the point that if you do not fix a bridge or do not fix a highway or do not fix an airport, that is debt too because our children are going to have fix them. When they get around to it, they are going to have to pay more for it.

Senator CORKER used the term ''generational theft.'' That is what it is. Our generation is giving ourselves tax cuts borrowing the money to pay for those tax cuts, and our kids are going to have to pay it. That is not a tax cut, that is a shift of a tax from us to our children and our grandchildren. It is wrong.

To think that generation went through the Depression, fought World War II, paid for World War II, and then built the Interstate Highway System in the 1950s and 1960s, and then we cannot even keep it paved, and we have rebuilt the debt from World War II with nothing much to show for it, is unconscionable.

There are a lot of problems we deal with here that are hard and complicated. I deal with, on Armed Services and Intelligence, some very complicated problems that are troubling and difficult to figure the right thing to do. This one is simple: Pay your bills. It could not be more straightforward. Pay your bills. If you want to drive on the highways, have the potholes filled, we have to pay for it. To delay this into next May is just that much easier, and then we are going to start talking about Presidential campaigns and other campaigns and 2016 is going to be coming up. There are always reasons not to do it.

This is the 11th time we have punted on this issue. This is what the American public is sick and tired of. They are sick and tired of us not doing our basic job. There could not be a more

basic job than fixing and paying for and maintaining your infrastructure. So I hope we can pass this amendment.

Yes, it is going to go back to the House. The House has said: Well, we are not going to accept it. But let's see. Let's put something good over there, shorten the time, get to it this year, in December, November or December, and let's solve it. It is not going to be any easier to solve in May. I would argue it would probably be harder.

I think it is time for us to start talking straight to the American people and say: We have to pay our bills. That is what this amendment and that is what this bill is all about. I want that book to talk about another greatest generation, not the worst generation that just passed all the bills on to our kids.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, this debate has shown the urgency of moving on both a short-term patch for funding transportation and a long-term solution. Senator HATCH and I, with the first amendment, offer a bipartisan path forward. We take ideas from the other Chamber. We take ideas from both parties. We take ideas that both sides can build on for the long term, as Chairwoman BOXER has recommended.

There are important differences between the other body and the Senate. The other Chamber overuses pension smoothing. That creates two problems rather than solving one: They ignore the issue of tax compliance. That has always been bipartisan—paying taxes on taxes owed. Not tax hikes, not increases, not jacking revenues through the stratosphere, paying taxes on what is owed.

The other body abandons important bipartisan initiatives, initiatives from Senator BURR and Senator BENNET to promote natural gas vehicles; from Senator ISAKSON and Senator NELSON to protect earned pension rights; and Senators Bennet and Crapo to make sure we can deliver water to farmers across the Nation. The American Farm Bureau has endorsed this amendment.

The other body is saying: It is our way or no highway. I would ask colleagues, is that what we are sent here to the Senate to do, that we accept every dotted I and every crossed T from the other body and say that is just fine?

Colleagues, we talk about regular order. How is it regular order to be a rubberstamp for the other body?

This is going to be done this week. That is nonnegotiable. This bill will be finished this week. What should be negotiable is that the Senate and the other body should have a chance to work out differences. Working that out is as much a part of regular order as voting on amendments. So let's vote to be the Senate, and not have the other body dictate that it is either their way or no highway.

I urge my colleagues strongly to support the first amendment. It is a bipartisan amendment from Senator HATCH and me. It passed with virtual unanimity in the finance committee.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mrs. BOXER. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Have the votes been set for a certain time?

The PRESIDING OFFICER. All time has expired except for the 2 minutes before the vote on the Wyden amendment.

Who yields time?

Mrs. BOXER. Madam President, if Senator WYDEN would like this time, I think that would be really appropriate to sum it up in the 1 minute we have. If there is an opposition person, they can speak. I think the Senator should sum it up in 1 minute.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, as Senator HATCH and I—very briefly—offer a bipartisan amendment, it is a bipartisan amendment based on the ideas from both bodies. It reflects the fact that we have tried to come up with an approach we can finish this week that does not overuse pension smoothing, that ensures we comply with our tax laws, and includes bipartisan initiatives that promote natural gas vehicles, help our farmers, and ensure that earned pension rights are protected.

The other body offers what amounts to our way or no highway. We offer a bipartisan alternative. I hope all of my colleagues will support it. It is the first vote at hand.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3582.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

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

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

The result was announced—yeas 71, nays 26, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—71

Ayotte	Cardin	Franken
Baldwin	Carper	Gillibrand
Barrasso	Casey	Graham
Begich	Coats	Grassley
Bennet	Collins	Hagan
Blumenthal	Coons	Harkin
Booker	Corker	Hatch
Boxer	Donnelly	Heinrich
Brown	Durbin	Heitkamp
Burr	Enzi	Hirono
Cantwell	Feinstein	Isakson
Johnson (SD)	Mikulski	Stabenow
Kaine	Murkowski	Tester
King	Murphy	Thune
Kirk	Murray	Toomey
Klobuchar	Nelson	Udall (CO)
Landrieu	Portman	Udall (NM)
Leahy	Pryor	Walsh
Levin	Reed	Warner
Manchin	Reid	Warren
Markey	Rockefeller	Whitehouse
McCaskill	Sanders	Wicker
Menendez	Schumer	Wyden
Merkley	Shaheen	

NAYS—26

Blunt	Flake	Moran
Boozman	Heller	Paul
Chambliss	Hoeven	Risch
Coburn	Inhofe	Rubio
Cochran	Johanns	Scott
Cornyn	Johnson (WI)	Sessions
Crapo	Lee	Shelby
Cruz	McCain	Vitter
Fischer	McConnell	

NOT VOTING—3

Alexander	Roberts	Schatz

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NO. 3583

The PRESIDING OFFICER. There is now 2 minutes of debate prior to the vote on the Carper amendment.

The Senator from Delaware.

Mr. CARPER. Madam President, let me say to our Republican colleagues, this bill is going back to the House. We can send it back to the House correcting what I think is a misguided approach on pension smoothing. We can knock out that $3 billion pension smoothing. We can set a dynamic that will ensure we do something this year—that we do our jobs this year and get it done.

Across the country, AAA, American Trucking Associations, Governors, Senators, want us to do our job and finish it this year. Let's vote yes on the Carper-Corker-Boxer amendment and do our job this year.

I yield for the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, to my colleagues, we are now on the Senate Finance Committee bill. There is one major flaw in this bill. It has $2.8 billion worth of pension smoothing. This amendment does away with that. What it means is it would be a better bill, but we would also have to solve this problem.

We have had 11 short-term reauthorizations of the highway bill. It is unbelievable. We have had five general transfers such as this, which is nothing but generational theft. So what this amendment will do is cause us to do our job by year-end.

I urge a ''yes'' vote. I thank our cosponsors and hope this amendment will pass.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

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

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

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—66

Baldwin	Franken	Mikulski
Barrasso	Gillibrand	Murphy
Begich	Graham	Murray
Bennet	Grassley	Nelson
Blumenthal	Hagan	Paul
Blunt	Harkin	Pryor
Booker	Heinrich	Reed
Boxer	Heitkamp	Reid
Brown	Hirono	Rockefeller
Cantwell	Johnson (SD)	Sanders
Cardin	Kaine	Schumer
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coats	Landrieu	Thune
Coburn	Leahy	Udall (CO)
Coons	Levin	Udall (NM)
Corker	Manchin	Walsh
Donnelly	Markey	Warner
Durbin	McCain	Warren
Enzi	McCaskill	Whitehouse
Feinstein	Menendez	Wicker
Flake	Merkley	Wyden

NAYS—31

Ayotte	Heller	Portman
Boozman	Hoeven	Risch
Burr	Inhofe	Rubio
Chambliss	Isakson	Scott
Cochran	Johanns	Sessions
Collins	Johnson (WI)	Shaheen
Cornyn	Kirk	Shelby
Crapo	Lee	Toomey
Cruz	McConnell	Vitter
Fischer	Moran	
Hatch	Murkowski	

NOT VOTING—3

Alexander	Roberts	Schatz

The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of this amendment, the amendment is agreed to.

AMENDMENT NO. 3584

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Lee amendment.

The Senator from Utah.

Mr. LEE. Madam President, the amendment we are about to consider would empower States to collect and spend on the transportation infrastructure they need. We have a desperate need within our transportation infrastructure system that is not being satisfied by our current Federal system, one that has been bloated over the years and has centralized too much power within Washington, DC. This has resulted in gridlock within our transportation infrastructure projects. We increased the Federal gasoline tax by 460 percent between 1982 and 1994. Instead of using that to back up and secure the Federal highway trust fund, we instead overreached. We instead expanded dramatically the power of the Federal Government and the expenses we incur.

I encourage all my colleagues to support this measure which would reempower States and move our interests further in the 21st century.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I wish to speak to Senators for a minute and tell Members this amendment is the end of the Federal highway system. The States oppose it.

My friend from Utah gave a very impassioned speech earlier in which he essentially said: Free the States. Let them be free. But the States oppose this amendment. The American Association of State Highway and Transportation Officials strongly oppose it and so does the U.S. Chamber of Commerce, the American Trucking Associations, American Society of Civil Engineers, the National Stone, Sand, and Gravel Association. The fact is it would result in an immediate 80-percent cut to our States at a time when we still have 700,000 unemployed construction workers and thousands of businesses that are waiting—just waiting—to rebuild the infrastructure.

I hope Members will vote no on this radical amendment.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

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

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

The result was announced—yeas 28, nays 69, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—28

Ayotte	Fischer	Paul
Boozman	Flake	Portman
Burr	Graham	Risch
Chambliss	Grassley	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Corker	Johnson (WI)	Toomey
Cornyn	Lee	Vitter
Crapo	McCain	
Cruz	Moran	

NAYS—69

Baldwin	Bennet	Booker
Barrasso	Blumenthal	Boxer
Begich	Blunt	Brown
Cantwell	Hoeven	Nelson
Cardin	Johanns	Pryor
Carper	Johnson (SD)	Reed
Casey	Kaine	Reid
Cochran	King	Rockefeller
Collins	Kirk	Sanders
Coons	Klobuchar	Schumer
Donnelly	Landrieu	Shaheen
Durbin	Leahy	Shelby
Enzi	Levin	Stabenow
Feinstein	Manchin	Tester
Franken	Markey	Thune
Gillibrand	McCaskill	Udall (CO)
Hagan	McConnell	Udall (NM)
Harkin	Menendez	Walsh
Hatch	Merkley	Warner
Heinrich	Mikulski	Warren
Heitkamp	Murkowski	Whitehouse
Heller	Murphy	Wicker
Hirono	Murray	Wyden

NOT VOTING—3

Alexander	Roberts	Schatz

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 3585

There will now be 2 minutes of debate prior to a vote on the Toomey amendment.

The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, in 2011 the Federal Highway Administration estimated the average transportation project in America takes 79 months to go through the National Environmental Policy Act review process—6½ years to get permission to build a road or a bridge. Ben Nelson, a Democrat from Nebraska, recognized the problem and suggested an amendment. The amendment simply says if a bridge or a road is damaged or destroyed by a declared natural disaster or emergency and we rebuild the bridge or road in the exact same place, with the same footprint, the same dimensions—everything is the same—then we don't have to go through the entire environmental permitting process again. This would save a lot of time and money and allow us to maintain our roads and bridges.

I know my friends on the other side think this problem was solved. It was not solved. The Department of Transportation can exclude certain projects, but can choose not to, and does not have the discretion to provide an exclusion for the Army Corps of Engineers or the Fish and Wildlife Service—the very reviews that take the most time and cost the most money. So I urge my colleagues to vote yes.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, this issue was dealt with in MAP–21 in the committee. My friend from Pennsylvania talks about using regular order, and we did. We had a very serious debate and we had many different views and we compromised, and there is an expedited process to deal with replacement facilities. It is in MAP–21. It deals with a way to get this done.

The problem with the amendment of the Senator from Pennsylvania is it totally eliminates all of the protections that are in the law. It eliminates all of the protections under the Clean Water Act and under the NEPA process.

We handled this in the committee. It was bipartisan. It was done. There is no need for this amendment.

I urge my colleagues to reject the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

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

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

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—47

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

NAYS—50

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

NOT VOTING—3

Alexander	Roberts	Schatz

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on passage of H.R. 5021, as amended.

Mrs. MCCASKILL. I yield back time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mrs. MCCASKILL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

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

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

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—79

Ayotte	Gillibrand	Mikulski
Baldwin	Graham	Moran
Barrasso	Grassley	Murkowski
Begich	Hagan	Murphy
Bennet	Harkin	Murray
Blumenthal	Heinrich	Nelson
Blunt	Heitkamp	Pryor
Booker	Heller	Reed
Boozman	Hirono	Reid
Boxer	Hoeven	Rockefeller
Brown	Inhofe	Sanders
Cantwell	Isakson	Schumer
Cardin	Johanns	Shaheen
Carper	Johnson (SD)	Stabenow
Casey	Kaine	Tester
Chambliss	King	Thune
Coats	Kirk	Udall (CO)
Cochran	Klobuchar	Udall (NM)
Collins	Landrieu	Vitter
Coons	Leahy	Walsh
Corker	Levin	Warner
Donnelly	Manchin	Warren
Durbin	Markey	Whitehouse
Enzi	McCaskill	Wicker
Feinstein	McConnell	Wyden
Fischer	Menendez	
Franken	Merkley	

NAYS—18

Burr	Hatch	Risch
Coburn	Johnson (WI)	Rubio
Cornyn	Lee	Scott
Crapo	McCain	Sessions
Cruz	Paul	Shelby
Flake	Portman	Toomey

NOT VOTING—3

Alexander	Roberts	Schatz

The PRESIDING OFFICER. The 60-vote threshold having been achieved, the bill, H.R. 5021, as amended, is passed.

PROVIDING FOR THE CORRECTION OF THE ENROLLMENT OF H.R. 5021

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 108, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 108) providing for the correction of the enrollment of H.R. 5021.

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

The PRESIDING OFFICER. Under the previous order, the concurrent resolution is agreed to and the motion to reconsider is considered made and laid upon the table.

The concurrent resolution (H. Con. Res. 108) was agreed to.

SUPPORTING ISRAEL'S RIGHT TO DEFEND ITSELF AGAINST HAMAS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Res. 526.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 526) supporting Israel's right to defend itself against Hamas, and for other purposes.

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

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 526) was agreed to.

The preamble was agreed to.

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

ISRAEL

Mr. REID. Mr. President, this resolution is sponsored by me, the Republican leader, Senator MENENDEZ, Senator CORKER, and others.

I want the record to reflect that Senator MCCONNELL and I have talked about this personally and we have agreed, without any hesitation, about this legislation.

I have always been a supporter of the United Nations my whole career.

What I saw last week disgusted me. As the U.N. Human Rights Council in Geneva voted to adopt a resolution accusing Israel of human rights violations in the ongoing Gaza conflict, the resolution was so incredibly one-sided and anti-Israel biased that it makes zero—none—mention of Hamas and the atrocities Hamas has committed by indiscriminately barraging Israel and using Palestinian civilians as human shields.

Hamas perpetrated this conflict. They wantonly fire rockets, and they don't care where the rockets go. Hamas has fired almost 3,000 missiles during a 3-week conflict.

In fact, the very day the U.N. Human Rights Council exonerated Hamas, it fired dozens of rockets into Israel the same day.

These aren't firecrackers. These are very violent, powerful weapons. They

have a number of rockets. It is estimated they have 10,000 of them.

They have something called WS–1E. It is a Chinese rocket, but they got the blueprints—Iran did from the Chinese—and, of course, they shipped these surreptitiously into Gaza. They will travel some 30 miles and they carry about 40 pounds of explosives.

They have another one called the Fajr-5. This is an Iranian rocket. It is the most prestigious weapon of Hamas.

The Iranian Revolutionary Guard gave Hamas the technology to manufacture those. They carry a warhead of 400 pounds. They will travel about 55 miles. I repeat, these aren't firecrackers.

They have another missile in their arsenal. It is called a Khaibar M–302. It is a Syrian-made missile with a range of some 12 miles. They carry a 300-pound warhead and, of course, it goes far enough that they believe that with the Fajr and this one, Tel Aviv is within their sights.

The one they have the most of is called the Qassam-1 manufactured in Gaza, with no guidance system, a 3-mile distance, and a 10-pound warhead; the Qassam-2 has 9-mile distance and a 20-pound warhead.

They have something called a Grads. They have lots of weapons—lots of them—and they indiscriminately fire into Israel. These aren't grenade launchers; these are missiles, huge weapons. These rockets are professionally engineered from Iran, Syria, and other countries. They are smuggled into Gaza. They manufacture a few of their own, as I have indicated. These are serious weapons of war.

Hamas also continues to try to construct and use its sophisticated tunnels into Israel, which as one Member of Hamas recently bragged, allow Hamas fighters to invade Israel and kill Israelis.

Hamas's responsibility in the Gaza clash is a fact, but the U.N. Human Rights Council didn't make a single mention of this terrorist organization.

How many of these nations, such as Venezuela, China, Vietnam, and other nations—I wonder how this organization feels about their human rights. How many of these nations which condemned Israel would allow their own citizens to suffer through endless rocket fire—endless rocket fire.

I talked to one American doctor who goes to Israel, as he does often, and all night long there was one air raid siren after another. It has been going on there for weeks. This U.N. resolution that was passed does not mention a single word, nothing.

What is Israel supposed to do?

We all lament the loss of life. It is heartrending. But what else is Israel to do after rocket after rocket after rocket plunges into its territory.

I met with a man today who owns an oil company, oil exploration. They do oil exploration in Nevada. It is called Noble Energy. They are the ones who helped develop gas and oil fields in Israel. This is relatively new, but they say there are rockets dropping all over.

As I mentioned earlier this morning, Iron Dome doesn't protect all of Israel. They need more Iron Domes. Everyone, no matter what they are doing, they can be out in Gaza working in the oil fields and missiles are flying all over from Hamas.

I condemn Hamas's terrorism. We should. Their terrorism is not only against Israel; it is against their own people. As I heard the Republican conservative columnist in the New York Times David Brooks say in the NewsHour—I am paraphrasing, but this is what he said: This is the first conflict I have known where the enemy says: Kill more of us.

I join my friend the Republican leader in doing what other nations refuse to do: condemning the United Nations Human Rights Council's biased resolution. We in this resolution condemn Hamas. The countries that have voted for this are Venezuela, Cuba, China. I repeat, how would they like to look at their human rights violations?

In this resolution, we as a country support in this conflict a lasting peace which can only be realized through the demilitarization of Gaza.

They talked about tunnels. These are not tunnels; these are major operations costing millions of dollars to dig a hole in the ground.

Why? To go into Israeli settlements and kill innocent people.

In offering the resolution before the Senate we stand with Israel and its right to defend itself, its security, and most importantly its people.

I said earlier I am disgusted—as someone who has been a supporter of the United Nations ever since I have been in government—and the United Nations better take a look at this organization. This is ''disgusting''—I use it for the third time, as I mean it.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Oregon.

MEDICARE

Mr. MERKLEY. I rise today to address a topic that is vital to seniors in Oregon and to seniors across our Nation, and that is our Medicare program.

I know how important Medicare is because I grew up in a blue-collar working family. My dad was a millwright and a mechanic. He believed in hard work. He took a lot of satisfaction from his job. A millwright is the individual who does all the mechanical work to keep the mill running. He said if he did his job right, the mill was open, the workers had a payday, the company made money, and everyone was happy.

Meanwhile, my mother managed the finances, and she stretched a dollar as far as anyone possibly could. She shopped for bargains. She used coupons. She collected Green Stamps, and they were able to save, to buy a home, and to have a foundation for raising their children.

I benefited from that enormously.

But despite the foundation they had, their prospects in retirement were dependent upon two critical programs: Social Security and Medicare. Social Security and Medicare—a basic pension and affordable health care—are simply essential for millions of working families in retirement. They are the difference between poverty and stability. The way I see it, Medicare is a covenant with our seniors. It is a covenant with the 650,000 Oregonians who are on Medicare now. It is a covenant with the hundreds of thousands who will utilize Medicare in the years to come. It is certainly a covenant with the millions across America who depend on it—families. Those working families across America are families like my parents, who worked hard their whole lives, paid into Medicare, and expect Medicare to be there for them when they retire. We cannot break that covenant.

The first step in keeping faith with our seniors is this: protecting what works. Pretty simple. We would think that is a no-brainer. But in fact, in Washington, a simple proposition like this—a no-brainer—is sometimes enormously controversial.

For several years now, many in Washington here, and including this Chamber, have been pushing to privatize, to voucherize or to just plain weaken Medicare. They don't understand how important this program is for the secure retirement of our seniors. They don't understand how important this covenant is between each working generation and our retirees. In fact, the House of Representatives has repeatedly voted to effectively end the Medicare Program that Americans know and love and to stick our seniors with an enormous financial burden in their retirement years. This is just a simple way to describe that, and that is to say it is simply wrong.

Others have said: Let's raise the Medicare retirement age to 67 or perhaps 70. I think, when I hear that, about my townhalls. In my townhalls—and I hold one in every county in every year—people come and talk about whatever they would like. I recall a woman coming to a townhall and she said: Senator, I am in my early sixties. I have several major health problems. She went on to describe them, and she said: I am just trying to stay alive until I can make it to age 65 and have access to Medicare.

I have heard that theme of just trying to make it until they can reach that Medicare age in townhall after townhall.

Sometimes those who work in offices, in company circumstances, don't realize how much actual physical labor takes a toll on the body. If someone is working in a post office and moving bags of mail day in and day out, as one

good friend of mine has done throughout his career, it is very likely one would have a bad back and so on and so forth. Then of course there are the diseases that strike like lightning.

Yes, those who happen to have jobs with corporations that provide a wonderful health care program are in a little better shape. But for our seniors, Medicare is a gem—a gem they have contributed into their entire lives, and it needs to be there for them.

So for some who see the difference between 65 and 67 as some modest administrative change, for working Americans it is a monumental chasm and they fear falling into it.

The good news is there is a very simple action the Senate could take right now to protect our covenant with our seniors. The Medicare Protection Act, which I have cosponsored along with Senator PRYOR and others, makes three modest but important changes to our law: It expresses the sense of the Senate that the Medicare eligibility age should not be increased. It expresses the sense of the Senate that the Medicare Program should not be privatized or voucherized. Third, it amends the Congressional Budget Act so that any attempt to reduce or eliminate guaranteed benefits or to restrict eligibility criteria, such as raising the eligibility age, cannot be passed through the budget reconciliation process. This is particularly important since the House has made repeated attempts to end Medicare as we know it, and to do so using the budget process—the Ryan budget—rather than through stand-alone legislation.

It is time to ensure that we keep our covenant with our seniors. It is time to bring this bill to the floor, to debate it, and to pass it.

Tomorrow happens to be the anniversary on which Medicare was signed into law 49 years ago. Maybe a great way to celebrate the 49th birthday of Medicare would be for this Chamber to debate this bill tomorrow and pass it. If not tomorrow, I would like to see it done in this work period. And if not in this work period, let's come back and address this in September.

The days that are left in this 2-year cycle of the Senate are rapidly disappearing, and our seniors are concerned about this constant attack, this constant effort to undermine these programs such as Social Security and Medicare that they have paid into throughout their life and that they expect to be honored when they are retired.

Let's bring this bill to the floor. Let's ensure that American seniors can stop worrying about these assaults on their retirement—retirement security they so much deserve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

(The remarks of Mr. HELLER pertaining to the introduction of (S. 2658) are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. HELLER. I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, first let me express my thanks to Senator GRASSLEY for letting me step ahead of him and I thank the Senator as well for a number of courageous votes today. I also express my gratitude to him and to the Presiding Officer.

I understand earlier on the vote on final passage of the transportation funding legislation 79 Senators voted for the bill as amended. That is a resounding majority of Democrats and Republicans.

The year when Senator GRASSLEY—longer ago than the Presiding Officer and I combined—came here, the idea was for Democrats and Republicans to work together to try to find the middle, to find principled compromises. It has been a while since the Senate actually did that. I feel as though today we were the Senate again. It is gratifying to me, and I just want to thank everyone who voted for the Corker-Boxer-Carper amendment, for Senator WYDEN's support, for everybody who helped to make that amendment part of the bill and supported it in final passage. I hope it sends a message to our friends in the House that will not be lost on them. I hope before they just reject it out of order they will sleep on it and when they wake up in the morning maybe we can have a good conversation. That is not why I rose tonight, but I wanted to get that off my chest and appreciate the chance to do that.

I rise this evening in support of the emergency supplemental appropriations bill introduced, I believe, last week by Senator MIKULSKI.

The bill as you will recall will provide some $2.7 billion in order to address the humanitarian challenge that is playing out in recent weeks on our southern border with Mexico. This money will ensure that the agencies charged with securing our borders don't run out of money this summer. More importantly, it will address some of the underlying root causes of the problems we face along our southern border.

As we all know, we are facing an unprecedented surge in migration from three countries. They are El Salvador, Honduras, and Guatemala. A large number of migrants from these countries are families. Some of them are unaccompanied children. Some of those unaccompanied children are as young as 4, 5 and 6 years old. Let me be clear. These children and these families are not slipping past our borders unprotected. They are being apprehended in large numbers by the Border Patrol almost as soon as they touch U.S. soil. Some of them, many of them actually, turn themselves in voluntarily to our Border Patrol.

Although the influx has slowed in recent weeks, the sheer number of children and families coming across our southern border in South Texas earlier this summer overwhelmed the Border Patrol—overwhelmed Health and Human Services and other Federal agencies. The administration and Secretary Jeh Johnson, Secretary of Department of Homeland Security, have responded to this situation with what I will describe as an ''all hands on deck'' approach.

The Federal Emergency Management Agency is coordinating the DHS-wide response to the problem. The Department of Defense has provided space on some of its military installations to house unaccompanied minors until Health and Human Services can find a placement for them. Immigration and Customs Enforcement has greatly expanded its ability to detain and remove families, and we have surged Border Patrol agents, immigration judges, and other personnel to the border to help process these people.

These measures have been working. For example, the amount of time people are detained before they are removed has decreased significantly in recent weeks, but these emergency measures are expensive and none of the Federal agencies involved have the money they need to sustain the aggressive steps they are taking to deal with this situation.

The consequences of not moving forward with this legislation are severe. Let me give some examples of what failing to act will mean. Without this emergency funding, Immigration and Customs Enforcement could be forced to release thousands of people currently being detained and to stop operating repatriation flights. Health and Human Services could be forced to cut back on the number of children it can care for. Children would be forced to stay longer at Border Patrol stations and Border Patrol agents would spend more of their time taking care of children and less time pursuing the smuggling networks operating along our borders.

Some of my colleagues are suggesting that we will not be able to pass this supplemental until September and that the administration can just move money around until then to make up for the shortfall. That may have been more feasible earlier in the fiscal year, but doing so now will likely have some significant unintended consequences. For example, it would impair our border security because DHS may have to reduce aerial support for the Border Patrol or stop replacing the badly needed x-ray machines at our ports of entry. Our ability to respond to natural disasters could also be harmed.

I also understand my colleagues in the House introduced a bill today that would provide $659 million to deal with this crisis. That is roughly one-quarter of what Senator MIKULSKI has introduced, and $659 million is just a drop in the bucket from what is needed. Incredibly our friends in the House are offsetting this funding by raiding other critical operations which is what Senator MIKULSKI's bill is trying to avoid.

Failing to move an emergency supplemental this week would be in my view unconscionable. I urge all my colleagues to do the right thing and make sure we deal with this before we leave for 5 weeks.

Dealing with the challenge we are facing on the border is, rightly, our main focus right now. However, we cannot lose sight of the root causes that are driving the surge in migration in the first place. In this country all too often we focus so much of our attention on dealing with symptoms of problems and not enough attention on addressing the underlying causes. This is particularly true on our borders. Listen to this. Since 2003 we have spent $223 billion—that is almost one-quarter of a trillion dollars—enforcing our immigration and customs laws, strengthening our borders, strengthening the security of our borders—almost one-quarter of a trillion dollars. We have spent a small fraction of this—a very small fraction—actually less than 1 percent helping El Salvador, Guatemala, and Honduras improve conditions for their citizens.

I commend the President and Chairman MIKULSKI for including $300 million in this emergency supplemental request aimed at addressing what I am convinced are the root causes of this problem. What are they? The lack of economic hope, lack of jobs in Central America, combined with increasing violence and insecurity in the region. I know. I have been there. I have been to two of those three countries, Guatemala and El Salvador. This year down to Mexico, down to Colombia, which 20 years ago was just about a failed nation. Remember in Columbia roughly 20 years ago when a bunch of gunmen rounded up the Supreme Court judges in the country and took them out and shot them to death? That was Colombia 20 years ago. They are no longer a failed nation. They came back from the brink. They are a strong partner of ours, along with Mexico, to turn this situation around in these three Central American countries which are the source of all this migration to our country.

Based on my recent conversation with Central American leaders as recently as last week, the Ambassadors of these three small countries as well as the Ambassador to Mexico, and based on trips to the region, I believe one of the critical needs is to foster economic growth and create jobs. How might we do that? One, by helping restore their rule of law. In those countries we have police who don't police. We have prosecutors who don't prosecute and we have judges who don't adjudicate. We have prisons that either don't rehabilitate or punish. We have kidnappings and extortions. We have people who are scared to stay there and live there and they are bailing. They are voting with their feet. We need to help them restore the rule of law, much as we helped other countries such as Colombia from the last two decades.

Their energy costs are roughly three times what they ought to be. Most of their energy from the electricity grid comes from petroleum. They could use natural gas and spend half of what they spend for energy. They need to improve their education and workforce skills and access to capital. Those are some of the ways to strengthen their economy.

I am not suggesting any of this will be quick or easy to do. It will require a sustained investment and focus on the region by the United States and also by a number of others. This is not our job alone. This is a shared responsibility, and we need to keep that in mind. But it can be done. In fact, we have already done it with two of our most important allies in Latin America, as I mentioned Colombia and more recently with Mexico, where the economic situation was so bad that more than 1 million Mexicans were traveling across our borders every year—more than 1 million. Today both countries have vibrant democracies and vibrant economies and their citizens have hope for their future. Now there are more Mexicans leaving this country going back to Mexico than are coming this way.

I will say again what I just said. We cannot and we should not do this alone. This is not all on America. This needs to be a shared responsibility with the governments of these three countries, with all the partners in the region, including Mexico and Colombia, with all the private sector nonprofits and institutions of faith. Three hundred million dollars as an emergency supplemental is a downpayment on what will need to be a long-term commitment to our neighbors in the region. This cannot be one and done. If we are serious about addressing the surge, we will need to do more, and frankly so will others—and I would underline ''so will others.''

Based on what I have seen, this crisis requires a holistic approach and one that tackles the underlying causes that are pushing people out of Central America and the factors that are pulling them to our borders.

If we turn our backs on these countries I am convinced we will be back 10 years from now dealing with another expensive humanitarian crisis on our border. We don't need that in any of these countries.

I urge all my colleagues to put politics aside and pass this emergency supplemental.

I yield the floor. Thank you so much.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, the distinguished senior Senator from Delaware and I came to Washington together, and I am so proud of the work he is doing and what he has done. He has been a Member of Congress, Governor, and now Senator and chairman of the Homeland Security Committee. He has done a remarkably good job, and I am very proud of the work he does.

MORNING BUSINESS

Mr. REID. Mr. President,

I ask unanimous consent that the Senate proceed to morning business, with Senators permitted to speak for up to 10 minutes each.

TRIBUTE TO NANCY OLKEWICZ

Mr. REID. Mr. President, I rise today to pay tribute to a Senate staffer who is retiring after 36 years of service. Nancy Pittore Olkewicz began her Senate career in February 1978 working for Senator Paul Sarbanes of Maryland, who was her home State Senator. She remained on his staff for 23 years, which included the birth of her three children. She values her time with Senator Sarbanes and is especially grateful for the opportunity to work part-time while her three children, Jenny, Brian and Eric, were small.

After leaving Senator Sarbanes' office in 2001, Nancy joined the staff of the Senate Appropriations Committee, where she worked for me on the Energy and Water Development Subcommittee. She later joined the Legislative Branch subcommittee and served as clerk under Senators DURBIN, LANDRIEU and Ben Nelson. During that time she represented Appropriations Committee chairman Robert C. Byrd on the Capitol Preservation Commission and was instrumental in many high-level decisions regarding the construction and operation of the Capitol Visitor Center. Nancy joined the staff of the Senate Sergeant at Arms in 2011 as the legislative liaison to then-Sergeant at Arms Terry Gainer.

I wish Nancy the best of luck in all of her future endeavors. She will be greatly missed by many in the Senate.

BUDGETARY REVISIONS

Mrs. MURRAY. Mr. President, I previously filed budgetary aggregates and committee allocations for budget year 2015 pursuant to section 116 of the Bipartisan Budget Act of 2013. Today I am adjusting those levels to account for three reported bills from the Appropriations Committee.

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 establishes statutory limits on discretionary spending and allows for various adjustments to those limits, while sections 302 and 314(a) of the Congressional Budget Act allows the chairman of the Budget Committee to establish and make revisions to allocations, aggregates, and levels consistent with those adjustments. The Committee on Appropriations reported three bills that are eligible for an adjustment under the Congressional Budget Act:

1) The State, Foreign Operations, and Related Agencies Appropriations Act, which includes $8.625 billion in budget authority and $2.5 billion in outlays that is designated as Overseas Contingency Operations (OCO) funding.

2) The Homeland Security Appropriations Act, which includes $213 million

in budget authority and $170 million in outlays that is designated as OCO funding and $6.438 billion in budget authority and $322 million in outlays that is designated as disaster funding.

3) The Defense Appropriations Act, which includes $59.719 billion in budget authority and $28.368 billion in outlays that is designated as OCO funding.

Consequently, I am revising the budgetary aggregates for 2015 by a total of $74.995 billion in budget authority and $31.360 billion in outlays. I am also revising the budget authority and outlay allocations to the appropriations committee for 2015 by $16.416 billion in revised nonsecurity budget authority, $58.579 billion in revised security budget authority, and $31.360 billion in total outlays.

I ask unanimous consent to have printed in the RECORD the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates.

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

BUDGETARY AGGREGATES

(Pursuant to section 116 of the Bipartisan Budget Act of 2013 and section 311 of the Congressional Budget Act of 1974)

$s in millions	2014	2015
Current Spending Aggregates*:		
Budget Authority	2,842,558	2,940,213
Outlays	2,819,514	3,004,326
Adjustments:		
Budget Authority	0	74,995
Outlays	0	31,360
Revised Spending Aggregates:		
Budget Authority	2,842,558	3,015,208
Outlays	2,819,514	3,035,686

* Current Spending Aggregates were revised on 6/16/2014 and 7/16/2014 to include a disaster cap adjustment for the Agriculture Appropriations subcommittee and a deficit neutral reserve fund adjustment for terrorism risk insurance.

REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2015

(Pursuant to Sections 302 and 314(a) of the Congressional Budget Act of 1974)

In millions of dollars	Current Allocation/limit*	Adjustments**	Adjusted Allocation/limit
Fiscal Year 2015:			
Revised Security Category Discretionary Budget Authority	521,272	58,579	579,851
Revised Nonsecurity Category Discretionary Budget Authority	492,456	16,416	508,872
General Purpose Discretionary Outlays	1,160,543	31,360	1,191,903
Memorandum: Total Discretionary Budget Authority	1,013,728	74,995	1,088,723

* Current Allocation/limit to the nonsecurity category was revised on 6/16/2014 to include a disaster cap adjustment for the Agriculture subcommittee.

** Pursuant to section 314(a) of the Congressional Budget Act of 1974) the allocation to the Committee on Appropriations will be adjusted following the reporting of bills, offering of amendments, or submission of conference reports that qualify for adjustments to the discretionary spending limits as outlined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2015 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTIONS 302 AND 314(A) OF THE CONGRESSIONAL BUDGET ACT

$s in billions	Program integrity	Disaster relief	Emergency	Overseas contingency operations	Total
Defense:					
Budget Authority	0.000	0.000	0.000	59.719	59.719
Outlays	0.000	0.000	0.000	28.368	28.368
Homeland Security:					
Budget Authority	0.000	6.438	0.000	0.213	6.651
Outlays	0.000	0.322	0.000	0.170	0.492
State-Foreign Operations:					
Budget Authority	0.000	0.000	0.000	8.625	8.625
Outlays	0.000	0.000	0.000	2.500	2.500
Total:					
Budget Authority	0.000	6.438	0.000	68.557	74.995
Outlays	0.000	0.322	0.000	31.038	31.360
Breakdown of Above Adjustments by Category:					
Revised Security Category Budget Authority	0.000	0.000	0.000	58.579	58.579
Revised Nonsecurity Category Budget Authority	0.000	6.438	0.000	9.978	16.416
General Purpose Discretionary Outlays	0.000	0.322	0.000	31.038	31.360

HONORING OUR ARMED FORCES

CORPORAL GARY L. MOORE

Mr. INHOFE. Mr. President, I wish to pay tribute to Army CPL Gary L. Moore. Corporal Moore died March 16, 2009 of injuries sustained when an improvised explosive device blew up next to his vehicle in Baghdad, Iraq.

Gary was born on January 18, 1984 in Del City, OK and graduated from Westmoore High School in Oklahoma City, OK in 2003. After graduation, he worked as a mall security guard before enlisting in the Army in January 2007.

Starting his career at Fort Leonard Wood, MO, Gary was reassigned to the 978th Military Police Company, 93rd Military Police Battalion in Fort Bliss, TX, where he deployed to Iraq in June 2008 to help provide training and oversight of the Iraqi police force.

BG David Phillips, the chief of the military police corps, praised Gary's unit for their service and accomplishments in Iraq. He said people in Baghdad are beginning to experience normal lives again because of the work of Moore and others. ''This past fall, when the elementary schools reopened, young girls were able to go to school,'' Phillips said.

Engaged to be married on November 14, 2009, his fiancee Randi Ivie said, ''He loved life. He wasn't a stranger to anyone. He always had a good smile and a strong handshake.''

Funeral services for Gary were held on March 24, 2009 and he was laid to rest with full military honors in Sunnylane Cemetery in Del City, OK.

At the funeral service, Sam Davison, the church's head pastor said ''Gary was 38 years younger than me, but he was one of my heroes. I'm proud of the service that he rendered. I'm proud of his bravery. I'm proud of Gary.''

Today we remember Army CPL Gary L. Moore, a young man who loved his family and country, and gave his life as a sacrifice for freedom.

CORPORAL STEPHEN S. THOMPSON

Mr. President, I would also like to remember the life and sacrifices of CPL Stephen S. Thompson who died on February 14, 2009 of injuries sustained from small arms fire in Baghdad, Iraq.

Stephen was born on July 14, 1985 in Tulsa, OK and was a 2004 graduate of Memorial High School in Tulsa, OK. After enlisting in the Army on June 27, 2006, he attended boot camp at Fort Sill, OK. He was then assigned to the 1st Battalion, 22nd Infantry Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. The unit had deployed to Iraq in March 2008 and was set to return home within weeks.

BG Ross Ridge, the deputy commander of Fort Sill, said Stephen ''constantly exuded enthusiasm'' and always sought more responsibility to lead men. To his fellow soldiers, he ''was an instant friend and confidante,'' the general said.

Corporal Thompson was buried at Floral Haven Cemetery, in Broken Arrow, OK. Army pallbearers from Fort Sill escorted his flag-draped coffin to the gravesite and an honor guard fired rifle volleys and a bugler played ''Taps.''

''I am so proud of my son. Stephen became a man the day he joined. This young man changed overnight. I remember when I went to his graduation from boot camp, I couldn't hardly believe who the person that was standing in front of me,'' his father Philip Thompson said.

Stephen is survived by his mother Tresa, his father Philip, and two brothers, Austin and Christopher of Tulsa, OK.

I extend our deepest gratitude and condolences to Stephen'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.

CHINESE DRYWALL

Mr. VITTER. Mr. President, there has been an important development in

the effort to bring fairness for the victims of poisonous drywall that was imported from China. Drywall sourced from China was found to emit dangerous chemicals that make people sick and damage metal components of air conditioning and other electronics, among other effects. In Louisiana, the defective drywall came at a particularly troubling time. Just as we were starting to rebuild after Hurricanes Katrina and Rita, the defective Chinese drywall was imported in large quantities. Many homeowners returned after their houses were rebuilt only to soon find them to be inhabitable yet again. We are still fighting today almost 9 years after the storm to bring justice to the affected families.

Some other companies, specifically German-owned entities, that supplied defected drywall from China have participated in the legal process and made settlements that have been helpful to homeowners. However, the Chinese company Taishan, a state-owned entity, refuses to take responsibility for its harmful products and continues to disregard U.S. law and our court system. If the homeowners' contractors got drywall from Taishan, they have thus far been out of luck in seeking fair compensation as Taishan continues to ignore our court system.

In February 2014, the Fifth U.S. Circuit Court of Appeals in New Orleans upheld a $2.7 million default judgment requiring Taishan to cover the cost of removing its defective drywall. Even after losing the appeal, Taishan let the deadline pass for an appeal to the Supreme Court, meaning the case was back in the U.S. District Court for the Eastern District of Louisiana and Judge Eldon Fallon. Earlier this month, Taishan disregarded our legal system and refused to appear in court proceedings in this case. Judge Fallon ruled that Taishan was in contempt of court for failing to appear to address the default judgment entered against the company. He ordered Taishan to pay $15,000 in attorney's fees of the plaintiffs and $40,000 in penalties. Most importantly, his ruling banned Taishan and any of its affiliates or subsidiaries from doing business in the United States unless and until it participates in the court's process on this ongoing case. To help ensure enforcement of the order, the court sent notice of its ruling to the Federal Government.

I applaud the court's effort to protect the integrity of our legal system in taking action to force the Chinese company to comply with the law and the court's orders. If state-owned Chinese companies such as Taishan want to do business in the United States, they must follow the law and must honor our legal system. If they will not honor commitments and work to resolve claims, how can we expect any Americans to trust any business relations with or products from Chinese government controlled companies? Our government must insist that Taishan return to the table and participate in the legal process.

To help stop this situation from happening again, I worked to pass into law bipartisan legislation to stop unsafe drywall from entering U.S. markets by ensuring that the Consumer Product Safety Commission follows a voluntary consensus health and safety standard. Enacted in 2013, this law also ensures that unsafe drywall will not be reused by requiring that it be labeled and that its manufacturers are identified. I specifically offered an amendment to focus the emphasis of the legislation on high sulfur content, the main damaging element emitted from the defective drywall, and to make the origin of the drywall traceable to the manufacturer. This law protects homeowners going forward, but it cannot help the homeowners still looking for justice now. We know that the harmful drywall came from China, and the remedy for these homeowners is for Taishan to follow the court's order, come to the table, and reach a fair settlement.

VOTE EXPLANATION

Mr. RUBIO. Mr. President, due to family commitments in Florida, I was unable to vote on the confirmation of Pamela Harris to the Fourth Circuit Court of Appeals. Had I been present, I would have voted against Ms. Harris's confirmation.

The Senate has few responsibilities more important than providing advice and consent on the President's judicial nominations. These are lifetime appointments with great power, whose decisions directly impact the life, liberty, and property of the parties who come before them.

Americans deserve a judiciary staffed by lawyers who are not just highly capable but who are also men and women of a particular character. We rightfully expect judges to understand their important but properly limited role to say what the law is, without bias, without agenda. As passionately as a judge may feel about a particular issue, when he or she puts on that black robe, all personal views must be set aside.

No one can deny Ms. Harris has a first rate mind or that she has built an impressive career. Unfortunately, many of her statements during that career suggest that her mind is better suited to academia, or elective office, than it is to the bench. She has identified herself as ''profoundly liberal'' and said she views the Constitution as ''profoundly progressive.'' These types of statements, along with troubling interpretations of the First Amendment among other issues, paint a picture of a nominee more likely to become a liberal activist judge than one who neutrally applies the law.

For those reasons, I would not have supported granting Ms. Harris the profound power that comes with lifetime tenure on the Federal bench.

TRIBUTE TO BRYSON BACHMAN

Mr. LEE. Mr. President, I wish to pay tribute to Bryson Bachman, who has served as a critical member of my staff for nearly 3 years, and as my chief counsel for the past year.

Bryson Bachman is an extraordinary judicial talent. His legal pedigree began at Harvard Law School and continued in his clerkship with the Honorable Thomas B. Griffith on the U.S. Court of Appeals for the DC Circuit and later as an associate at Sidley Austin. Bryson's talent and contribution do not come solely from his impressive background and experience but from his personal commitment to making a difference and adding value in everything he does.

I have valued and benefited greatly from his deep understanding of the law and his ability to approach each issue in a thoughtful, respectful and insightful way. Above all I have come to admire and trust him as a person of unmatched integrity. As a member of the judiciary committee Bryson's assistance and guidance have been invaluable. When he briefs an issue I know he has done the often unseen and unrecognized work of truly understanding the issue from all angles. His willingness to do the heavy mental lifting on a wide range of issues always provided me great confidence going into important judiciary hearings or voting on difficult legislation.

The test of a great leader and a great lawyer is not found simply by what they do in a given role, but more importantly, how they do it. Some walk into a room and people recognize them as the smartest person in the room. True leaders, such as Bryson Bachman, walk into that same room, as the smartest person in the room, but leave everyone in the room feeling smarter and better as a result of how the dialogue and discussion were fostered. Creating space for every member of the team to participate in and contribute to a discussion, while still driving the most salient points to consider and evaluating an array of scenarios, is the hallmark of Bryson's time as a member of my staff.

Bryson will be sorely missed in our office but we wish him, his wife Destiny and son Hamilton continued success in their next season of life and work. This CONGRESSIONAL RECORD is but a small note in history of Bryson Bachman's impact on the important work done in the Senate. However, his more important work and longer lasting impact is found in the imprint he has made on the hearts and minds of those with whom he has worked. I count myself as one of those deeply influenced by Bryson. I admire him for his talent, I acknowledge him for his loyal service and thank him for his friendship.

ADDITIONAL STATEMENTS

RECOGNIZING MOOREMART

• Ms. AYOTTE. Mr. President, today I recognize and commend MooreMart, an outstanding charitable organization based in Nashua, NH, that is devoted to supporting America's servicemen and women. For more than 10 years, MooreMart has shipped care packages to American soldiers in Afghanistan and Iraq—lifting the spirit of our brave military members serving in harm's way.

What began in February 2004 as a family project started by Paul Moore and Carole Moore Biggio to support their brother—New Hampshire Army National Guard SSG Brian Moore, who was deployed to Iraq—has developed into a major volunteer effort. Over the past decade, MooreMart has sent more than 63,000 care packages to our troops in Iraq and Afghanistan. Their effort came to be known as ''MooreMart,'' because the soldiers receiving the packages remarked that the boxes ''carry more supplies than WalMart.'' It's a clever nickname that is now well known in the Granite State

Once word spread about MooreMart's wartime effort, hundreds of New Hampshire citizens, and dozens of organizations and businesses, gave their support to this very special organization. At packing events held several times throughout the year at the Nashua National Guard Armory, volunteers have assembled packages containing goods that make deployments a little easier—including candy, toothpaste, dental floss, energy bars, trail mix, lip balm, playing cards, puzzles, white tube socks, crackers, and notes of encouragement. At Christmas, MooreMart has sent Christmas stockings filled with candy canes, Christmas lights, and cookies. In addition to sending these goodies to our troops, they have also treated veterans in New Hampshire and remembered our wounded warriors at Walter Reed.

MooreMart's generosity has also extended to children in Iraq and Afghanistan, sending them school supplies and toys. Through these donations, Afghan and Iraqi children have seen the warmth and generosity of the American people.

The Moore family and all the MooreMart volunteers represent the very best of New Hampshire and our Nation: patriotic Americans coming together to support our troops. This exemplary organization has touched the lives of our brave soldiers serving on faraway battlefields—making sure they know they're not forgotten during tough deployments.

As MooreMart celebrates its 10th Anniversary, I join citizens across New Hampshire and the Nation in commending Paul Moore and Carole Moore Biggio, the Moore family, and all the tremendous MooreMart volunteers for the inspiring work they have done supporting our troops.•

RECOGNIZING STEWART'S 96 RANCH

• Mr. HELLER. Mr. President, today I wish to recognize the 150th anniversary of the founding of Stewart's 96 Ranch in Paradise Valley, NV, which serves as an example of the rich and prosperous history that makes the Silver State so unique.

This year commemorates a very special year—not only for Stewart's 96 Ranch, but also in Nevada's history—during which we celebrate 150 years of statehood. From those days of bitter conflict, Nevada forged a State dedicated to preserving liberty and bettering America. Our dramatic entrance is why our State calls itself Battle Born and why Nevadans, over the past 150 years, have been entrepreneurial, fiercely independent, and as diverse as our terrain. It is an honor to recognize Stewart's 96 Ranch in conjunction with our great State's sesquicentennial here today.

Founded in 1864 by William Stock, a German immigrant, Stewart's 96 Ranch is one of Nevada's most iconic ranching operations. Over the past 15 decades, the ranch has faced many obstacles, from aiding our country in World War II efforts to constantly maintaining and modernizing the operation to keep up with the current demands. Due to the ranch's long and fascinating history, it was chosen as the subject of a 1980 Library of Congress project called ''Buckaroos in Paradise.'' It is considered to be one of the most iconic cattle ranches in the West and one of the last true ''old time outfits'' still in original family ownership. Over the years, the ranch has grown and changed, but the original love of Paradise Valley and commitment to agriculture has never wavered.

What started as a simple homestead has grown into a thriving ranch with a new cattle herd that has grown to nearly 800 mother cows and is continuing to flourish. Today, the ranch is still owned and operated by the fourth and fifth generations of William Stock's direct descendants. Fred Stewart, with the help of his wife Kris and daughter Patrice, currently manages the ranch. Fifth generation Patrice Stewart is now a young woman who owns and manages her own small herd of top commercial beef cattle on the ranch, actively helps her parents on the ranch and is involved in all ranch decisions. She also competes in youth and high school rodeo and takes a leadership role in her local Future Farmers of America. Patrice is the future of the ranch and one day aims to manage the same Paradise Valley ranch that her great-great-grandfather William Stock founded in 1864.

Stewart's 96 Ranch truly exemplifies what it means to be a Nevadan, and I am proud to recognize it and the generations of Stewarts that have worked to ensure the survival of one of Nevada's oldest and largest family-owned ranches. Today, I ask my colleagues and residents of the Silver State to join me in recognizing Stewart's 96 Ranch for this great achievement and honor.•

REMEMBERING WAYMAN GRAY SHERRER

• Mr. SESSIONS. Mr. President, it is proper that we note the death of an American patriot who served the U.S. government with dedication for many years. The Nation lost Wayman Gray Sherrer, 86, on March 12, 2014. He graduated from the fine Howard College, now Samford University, where he was senior class president, and the University of Alabama School of Law in the class of 1956. Before college, he served in the U.S. Marine Corps.

Following law school, he served 6 years with the Federal Bureau of Investigation, after which he was elected county solicitor (district attorney) for Blount County, AL. In 1969, he was appointed U.S. attorney for the Northern District of Alabama and served ably in that position for 8 years. During that time, I served as an assistant U.S. attorney for the Southern District of Alabama and came to know him. We maintained contact over the years and were able to talk over those special times. He served his county and country with distinction, was active in community and civic affairs, and as a member of the Lester Memorial United Methodist Church.

Wayman loved his country and served her with fidelity. I was proud to know him.•

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

In executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The message received today is printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13441 WITH RESPECT TO LEBANON—PM 52

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 Banking, Housing, and Urban Affairs:

To The Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides

for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007, is to continue in effect beyond August 1, 2014.

Certain ongoing activities, such as continuing arms transfers to Hizballah, which include increasingly sophisticated weapons systems, undermine Lebanese sovereignty, contribute to political and economic instability in the region, and continue to constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared in Executive Order 13441 with respect to Lebanon.

BARACK OBAMA.

THE WHITE HOUSE, *July 29, 2014*.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker had signed the following enrolled bills:

S. 653. An act to provide for the establishment of the Special Envoy to promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 1104. An act to measure the progress of recovery and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

At 2:59 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. 594. An act to amend the Public Health Service Act relating to Federal research on muscular dystrophy, and for other purposes.

H.R. 1771. An act to improve the enforcement of sanctions against the Government of North Korea, and for other purposes.

H.R. 2952. An act to amend the Homeland Security Act of 2002 to make certain improvements in the laws relating to the advancement of security technologies for critical infrastructure protection, and for other purposes.

H.R. 3107. An act to require the Secretary of Homeland Security to establish cybersecurity occupation classifications, assess the cybersecurity workforce, develop a strategy to address identified gaps in the cybersecurity workforce, and for other purposes.

H.R. 3202. An act to require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes.

H.R. 3635. An act to ensure the functionality and security of new Federal websites that collect personally identifiable information, and for other purposes.

H.R. 3696. An act to amend the Homeland Security Act of 2002 to make certain improvements regarding cybersecurity and critical infrastructure protection, and for other purposes.

H.R. 3846. An act to provide for the authorization of border, maritime, and transportation security responsibilities and functions in the Department of Homeland Security and the establishment of United States Customs and Border Protection, and for other purposes.

H.R. 4156. An act to amend title 49, United States Code, to allow advertisements and solicitations for passenger air transportation to state the base airfare of the transportation, and for other purposes.

H.R. 4250. An act to amend the Federal Food, Drug, and Cosmetic Act to provide an alternative process for review of safety and effectiveness of nonprescription sunscreen active ingredients, and for other purposes.

H.R. 4490. An act to enhance the missions, objectives, and effectiveness of United States international communications, and for other purposes.

H.R. 4838. An act to redesignate the railroad station located at 2955 Market Street in Philadelphia, Pennsylvania, commonly known as ''30th Street Station'', as the ''William H. Gray III 30th Street Station''.

H.R. 4919. An act to designate the facility of the United States Postal Service located at 715 Shawan Falls Drive in Dublin, Ohio, as the ''Lance Corporal Wesley G. Davids and Captain Nicholas J. Rozanski Memorial Post Office''.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 105. Joint resolution conferring honorary citizenship of the United States on Bernardo de Galvez y Madrid, Viscount of Galveston and Count of Galvez.

The message further announced that the House has passed the following bill, without amendment:

S. 1799. An act to reauthorize subtitle A of the Victims of Child Abuse Act of 1990.

MEASURES REFERRED

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

H.R. 1771. An act to improve the enforcement of sanctions against the Government of North Korea, and for other purposes; to the Committee on Foreign Relations.

H.R. 2952. An act to amend the Homeland Security Act of 2002 to make certain improvements in the laws relating to the advancement of security technologies for critical infrastructure protection, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3107. An act to require the Secretary of Homeland Security to establish cybersecurity occupation classifications, assess the cybersecurity workforce, develop a strategy to address identified gaps in the cybersecurity workforce, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3202. An act to require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3635. An act to ensure the functionality and security of new Federal websites that collect personally identifiable information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3696. An act to amend the Homeland Security Act of 2002 to make certain improvements regarding cybersecurity and critical infrastructure protection, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3846. An act to provide for the authorization of border, maritime, and transportation security responsibilities and functions in the Department of Homeland Security and the establishment of United States Customs and Border Protection, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4156. An act to amend title 49, United States Code, to allow advertisements and solicitations for passenger air transportation to state the base airfare of the transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4490. An act to enhance the missions, objectives, and effectiveness of United States international communications, and for other purposes; to the Committee on Foreign Relations.

H.R. 4572. An act to amend the Communications Act of 1934 and title 17, United States Code, to extend expiring provisions relating to the retransmission of signals of television broadcast stations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4838. An act to redesignate the railroad station located at 2955 Market Street in Philadelphia, Pennsylvania, commonly known as ''30th Street Station'', as the ''William H. Gray III 30th Street Station''; to the Committee on Commerce, Science, and Transportation.

H.R. 4919. An act to designate the facility of the United States Postal Service located at 715 Shawan Falls Drive in Dublin, Ohio, as the ''Lance Corporal Wesley G. Davids and Captain Nicholas J. Rozanski Memorial Post Office''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

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

S. 2673. A bill to enhance the strategic partnership between the United States and Israel.

H.R. 3393. An act to amend the Internal Revenue Code of 1986 to consolidate certain tax benefits for educational expenses, to amend the Internal Revenue Code of 1986 to make improvements to the child tax credit, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2685. A bill to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 29, 2014, she had

presented to the President of the United States the following enrolled bills:

S. 653. An act to provide for the establishment of the Special Envoy to promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 1104. An act to measure the progress of recovery and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6621. A communication from the Director, Office of Special Education Programs, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priority. National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program'' (CFDA No. 84.133A–10) received in the Office of the President of the Senate on July 28, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–6622. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of one (1) officer authorized to wear the insignia of the grade of rear admiral, as indicated, in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6623. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, the Board's Report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects (dated December 26, 2013); to the Committee on Armed Services.

EC–6624. A communication from the Director, Office of Special Education Programs, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priority. National Institute on Disability and Rehabilitation Research—Research Fellowships Program'' (CFDA No. 84.133F–2) received in the Office of the President of the Senate on July 28, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–6625. A communication from the Director, Office of Special Education Programs, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priority. National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers'' (CFDA No. 84.133B–1) received in the Office of the President of the Senate on July 28, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–6626. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Allowability of Legal Costs for Whistleblower Proceedings'' (RIN9000–AM64) received in the Office of the President of the Senate on July 28, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–6627. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–76; Introduction'' (FAC 2005–76) received in the Office of the President of the Senate on July 28, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–6628. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Technical Amendments'' (FAC 2005–76) received in the Office of the President of the Senate on July 28, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–6629. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–76; Small Entity Compliance Guide'' (FAC 2005–76) received in the Office of the President of the Senate on July 28, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–6630. 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 ''Rules Regarding the Health Insurance Premium Tax Credit'' ((RIN1545–BM23) (TD 9683)) received in the Office of the President of the Senate on July 28, 2014; to the Committee on Finance.

EC–6631. A communication from the Board of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, transmitting, pursuant to law, the Board's 2014 Annual Report; to the Committee on Finance.

EC–6632. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, transmitting, pursuant to law, a report relative to the Federal Disability Insurance (DI) Trust Fund becoming inadequate within the next 10 years and the Board's 2014 Annual Report; to the Committee on Finance.

EC–6633. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Washington and Imported Potatoes; Modification of the Handling Regulations, Reporting Requirements, and Import Regulations for Red Types of Potatoes'' (Docket No. AMS–FV–13–0068; FV13–946–3 FIR) received in the Office of the President of the Senate on July 28, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6634. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Domestic Dates Produced of Packed in Riverside County, California; Revision of Assessment Requirements'' (Docket No. AMS–FV–13–0090; FV14–987–2 FR) received in the Office of the President of the Senate on July 28, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6635. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas and Imported Oranges; Change in Size Requirements for Oranges'' (Docket No. AMS–FV–14–0009; FV14–906–1 FIR) received in the Office of the President of the Senate on July 28, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6636. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dried Prunes Produced in California; Increased Assessment Rate'' (Docket No. AMS–FV–13–0065; FV13–993–1 FR) received in the Office of the President of the Senate on July 28, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6637. A joint communication from the Deputy Assistant Secretary of the Army (Installations, Housing and Partnerships) and the Under Secretary of Agriculture for Natural Resources and Environment, transmitting, pursuant to law, a report relative to the BRAC disposal of 12.31 acres and the acquisition of 59.95 acres in Montana; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S.J. Res. 36. A joint resolution relating to the approval and implementation of the proposed agreement for nuclear cooperation between the United States and the Socialist Republic of Vietnam (Rept. No. 113–221).

By Ms. MIKULSKI, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2015'' (Rept. No. 113–222).

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

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.

By Mr. MENENDEZ, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 513. A resolution honoring the 70th anniversary of the Warsaw Uprising.

S. Res. 520. A resolution condemning the downing of Malaysia Airlines Flight 17 and expressing condolences to the families of the victims.

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.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. MENENDEZ for the Committee on Foreign Relations.

*George Albert Krol, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

Nominee: Krol, George Albert.

Post: Ambassador to Kazakhstan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: none.
3. Children and Spouses: N/A.
4. Parents: Anthony J. Krol, none; Anne E. Krol, none.
5. Grandparents: Albert Krol (deceased); Frances Krol (deceased).
6. Brothers and Spouses: David A. Krol, none; Anthony J. Krol (deceased); Alice Milrod, none.
7. Sisters and Spouses: N/A.

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*Marcia Stephens Bloom Bernicat, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Nominee: Marcia Stephens Bloom Bernicat.

Post: Bangladesh.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Olivier Bernicat: none.

Children and Spouses: Sunil C. Bernicat (deceased), Sumit N. Bernicat: none.

3. Parents: Rodney L. Bloom (deceased), Ruth S. Bloom (deceased).
4. Grandparents: Charles & Fanny Bloom (both deceased); Robert & Ruth Stephens (both deceased).
5. Brothers and Spouses: Rodney L. & Cindy Bloom: none.
6. Sisters and Spouses: Kathryn D. Bloom & Luther D. White, Jr.: none.

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*James D. Pettit, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

Nominee: James D. Pettit.

Post: Ambassador to Moldova.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: none.
3. Children and Spouses: Sarah M. Pettit: none, Joshua M. Katzenstein: none, Elizabeth M. Pettit: none.
4. Parents: John L. Pettit—deceased; Doris W. Pettit, none.
5. Grandparents: Leon Pettit—deceased; Ines Pettit—deceased; Edgar White—deceased; Lila White—deceased.
6. Brothers and Spouses: Jerry L. Pettit, none.
7. Sisters and Spouses: Lila Dan, none; Richard Dan, none; Lark Pettit, none.

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*John R. Bass, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

Nominee: John R. Bass.

Post: Republic of Turkey.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee:

1. Self: none.
2. Spouse: Holly C. Holzer Bass: none.
3. Children and Spouses: no children.
4. Parents: Father—John R. Bass—deceased; Mother—Dianne K. Klinger: $100, 10/1/2010, Gillibrand, Kirsten; $100, 9/26/2010, Gordon, Tim, via Friends of Tim Gordon; $100, 11/5/2010, Murphy, Scott, via Friends of Scott Murphy.
5. Grandparents: Edward Schmuckmier—deceased; Vilma Schmuckmier—deceased; Glenn Bass—deceased; Maude Bass—deceased.
6. Brothers and Spouses: none.
7. Sisters and Spouses: Sister—Kristin Bass; $500, 9/30/2013, Young, David, via Young for Iowa, Inc; $1000, 4/30/2013, The Hawkeye PAC; $500, 6/23/2012, Biggert, Judy via Judy Biggert for Congress; $500, 4/28/2010, Lincoln, Blanche L., via; Friends of Blanche Lincoln; $500, 9/30/2010, Lincoln, Blanche L., via; Friends of Blanche Lincoln; $1000, 5/6/2010, Grassley, Charles E., via; Grassley Committee Inc; Pharmaceutical Care Management Association; Political Action Committee (PCMA PAC); $1153, 03/19/2013, 13961282667; $1346, 06/25/2013, 13964045379; $961, 09/24/2013, 13964682308; $2500, 5/24/2012, 12961317589; $1153, 9/20/2012 12972557013; $1346, 12/20/2012, 13960525485; $3269, 09/22/2011 12970787657; $1730, 12/08/2011, 12950084309; $1923, 7/16/2010, 10931439655; $2115, 12/10/2010, 11990042374; Sister—Kimberley E. Bass; None.

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*Allan P. Mustard, of Washington, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkmenistan.

Nominee: Allan P. Mustard.

Post: Ashgabat.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: none.
3. Children and Spouses: Fiona Mustard, none.
4. Parents: Donald Mustard: deceased; Barbara Mustard: deceased.
5. Grandparents: Stanley Mustard: deceased; Vida Mustard: deceased.
6. Brothers and Spouses: Richard Mustard: deceased; Edward Mustard: none.

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*Todd D. Robinson, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala.

Nominee: Todd David Robinson.

Post: Guatemala.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions; amount, date, and donee:

1. Self: $300.00, 02/13/07, Barack Obama; $500.00, 03/31/08, Barack Obama; $1040.00, 06/04/08, Barack Obama; $1040.00, 06/04/08, Barack Obama; $2300.00, 06/04/08, Barack Obama; $250.00, 04/05/11, Barack Obama; $1000.00, 06/30/11, Barack Obama; $250.00, 05/05/12, Barack Obama; $250.00, 08/21/12, Barack Obama; $1500.00, 09/30/12, Barack Obama; $1259.00, 09/30/08, Obama Victory; $650.00, 06/07/12, Obama Victory.
2. Willetta BaCote (Mother): none.
3. All Grandparents—deceased.
4. Jeffrey E. BaCote (Brother): $2300.00, 09/30/07, John S. McCain; Mark D. Robinson: none; Rebecca Scharffe (Sister-in-Law): none; Maribel Robinson (Sister-in-Law): none.
5. Neil L. BaCote (Father)—deceased.

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*Kevin F. O'Malley, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Nominee: Kevin F. O'Malley.

Post: U.S. Ambassador to Ireland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, date, amount, and donee:

1. Self:

Federal: 1/29/2010, $5,000, Democratic National Committee; 4/14/2010, $500, Mark Critz for Congress Committee; 6/30/2010, $250, Robin Carnahan for Senate; 5/27/2010, $500, Democratic Federal Campaign Committee of St. Louis; 6/30/2010, $250, Tommy Sowers for Congress; 6/30/2010, $500, Russ Carnahan in Congress Committee; 9/30/2010, $500, Russ Carnahan in Congress Committee; 9/30/2010, $500, Robin Carnahan for Senate; 10/20/2010, $250, Tommy Sowers for Congress; 6/30/2011, $500, Obama for America; 9/27/2011, $1,000, Russ Carnahan for Congress; 11/3/2011, $2,500, Obama Victory Fund 2012; 12/30/2011, $1,000, Kaine for Virginia; 3/11/2012, $1,100, McCaskill for Missouri; 3/31/2012, $1,000, Russ Carnahan for Congress; 3/31/2012, $1,000, Obama for America; 7/23/2012, $500, Kaine for Virginia; 7/30/2012, $250, Russ Carnahan for Congress; 8/24/2012, $1,000, Obama Victory Fund 2012; 9/25/2012, $704, Obama Victory Fund 2012; 9/30/2012, $1,000, McCaskill Victory Fund; 10/25/2012, $250, Obama Victory Fund 2012.

Local and State: 5/24/2012, $250.00, Wahby for St. Louis City Treasurer; 7/10/2012, $500.00, Wahby for St. Louis City Treasurer.

2. Spouse:

Federal: 6/26/2011, $2,500, McCaskill for Missouri; 7/1/2011, $2,500, McCaskill for Missouri.

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*Jane D. Hartley, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the French Republic.

Nominee: Jane D. Hartley.

Post: Ambassador to the French Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: see attached.
2. Spouse: see attached.
3. Children and Spouses: Katherine Schlosstein: see attached.
4. Parents: deceased.
5. Grandparents: deceased.
6. Brothers and Spouses: James E. Hartley, Jr.: see attached.
7. Sisters and Spouses: N/A.

JANE D. HARTLEY—FEDERAL CAMPAIGN CONTRIBUTION REPORT—ATTACHMENT

Jane D. Hartley:

Contribution, date, and amount:

Dodd—refund, 2/22/2010, ($2,400); Friends of Chris Dodd—refund, 2/22/2010, ($1,100); Martha Coakley, 1/5/2010, $2,400; Jane Harman, 2/1/2010, $1,000; Patrick Leahy, 2/8/2010, $1,000; Arlen Specter, 3/31/2010, $1,000; Michael Bennet, 3/31/2010, $2,400; Michael Bennet, 3/31/2010, $2,400; Friends of Barbara Boxer, 5/25/2010, $2,400; Betsy Markcy, 6/20/2010, $1,000; Barney

Frank, 6/25/2010, $1,000; William Owens, 9/20/2010, $1,200; Schneiderman Attorney General, 9/23/2010, $1,000; Scott Murphy, 9/30/2010, $1,200; Robin Carnahan, 9/29/2010, $500; Lee Irwin Fisher, 9/29/2010, $500; Paul Hodes, 9/29/2010, $500; Jack Conway, 9/29/2010, $500; Andrew Cuomo 2010, 10/20/2010, $10,000; Chicago for Rahm Emanuel, 10/27/2010, $25,000; Jack Conway for Senate, 10/29/2010, $1,000; Ohio Democratic Party, 11/1/2010, $5,000; McCaskill for Missouri, 2012 3/23/2011, $1000; Tri-State Maxed Out Women, 4/11/2011, $1000; Friends of Chris Murphy, 5/22/2011, $2500; Gillibrand for Senate, 5/23/2011, $2500; Kaine for Virginia, 8/11/2011, $5000; Kathy Hochul for Congress, 5/20/2011, $1000; Obama Victory Fund 2012, 4/21/2011, $35,800; Women for Cuomo 2014 5/10/2011, $5000; Bob Menendez for Senate 5/12/2011 $1000; Howard Berman for Congress 10/12/2011 $500; Howard Berman for Congress 10/12/2011 $500; Elizabeth Warren for MA 10/12/2011 $2500; DSCC, 10/12/2011, $2500; Montana Senate Victory, 2012, 10/12/2011, $2500; No Bad Apples Pac, 10/12/2011, $1000; Amy Klobuchar for Minnesota, 11/28/2011, $2500; Andrew Cuomo 2014, 11/28/2011, $2000; New Chicago Committee, 12/7/2011, $5000; SSVF (Swing State Victory Fund), 12/27/2011, $9200; Dan Garodnick, 2013, 1/6/2012 $1000; Debbie Wasserman Schultz, 1/10/2012, $1000; Joe Kennedy for Congress, 2/13/2012, $2500; Bob Menendez for Senate, 2/13/2012, $2500; Missouri—Montana Fund, 2/28/2012, $2500; Friends of Sherrod Brown, 4/19/2012, $2500; Lon Johnson, 4/20/2012, $500; Nita Lowey, 5/1/2012, $2500; Janet Cowell for Treasurer, 5/30/2012, $4000; Committee to Elect Joe Kearns Goodwin, 5/30/2012, $500; Nebraskans for Bob Kerrey, 6/11/2012, $2500; OVF 2012, 6/28/2012, $27,300; Montanans for Tester, 6/28/2012, $1250; DSCC, 1/24/2013, $30,800; Friends of Max Baucus, 2/13/2013, $5000; Booker for Senate, 2/28/2013, $5000; Nita Lowey for Congress, 3/4/2013, $5000; Reshma for New York, 3/1/2013, $2500; The Markey Committee, 3/14/2013, $1000; DNC, 5/8/2013, $16,200; Udall for Colorado, 5/24/2013, 2600; Cy Vance for Manhattan DA, 5/28/2013, $1000; Friends of Congressman George Miller, 6/14/2013, $1000; Cory Booker for Senate, 6/25/2013, $2600; Gina Raimondo, 7/3/2013, $1000; Friends of Gale Brewer, 7/3/2013, $500; Reshma for New York, 6/30/2013, $2450; Bill Thompson for Mayor, 8/8/2013, $2000; Don Berwick for Governor, 8/26/2013, $500; Michelle Nunn for Georgia, 9/13/2013, $1000; Chicago for Rahm Emanuel, 9/20/2013, $5300; Off the Sidelines PAC, 10/30/2013, $5000; Friends of Mark Warner, 10/30/2013, $2600; Moulton for Congress, 11/12/2013, $2000; Alaskans for Begich 2014, 11/21/2013, $1000; Friends of Schumer, 12/4/2013, $5200.

Ralph Schlosstein:

Date, amount, and contribution:

03/01/07, $5,000, (D) Our Common Values PAC; 03/31/01, $2,500, (D) Friends of Chris Dodd; 04/18/07, $2,300, (D) Tom Allen; 05/17/7, $2,300, (D) Jay Rockefeller; 10/18/07, $5,000, (D) All America PAC; 11/06/07, $25,000, (D) Democratic Senatorial Campaign Committee; 12/04/07, $1,000, (D) Jack Reed; 01/09/08, $2,300, (D) Barack Obama; 01/31/08, $4,600, (D) Rahm Emanuel; 03/25/08, $1,000, (D) Tom Allen; 04/01/08, $2,300, (D) John Adler; 04/25/08, $3,200, (D) People for Chris Gregoire; 04/29/08, $1,000, (D) Mark Warner; 06/30/08, $28,500, (D) Democratic Victory Fund; 02/29/08, $1,000, (D) Operation Brian Schweitzer; 07/22/08, $2,300, (D) Udall for Colorado; 09/08/08, $2,500, (D) Jeanne Shaheen for Senate; 07/31/08, $2,300, (D) Hilary Clinton; 08/20/08, $2,300, (D) Barack Obama; 09/28/08, $2,300, (D) Friends of Chris Dodd; 10/24/08, $2,000, (D) Mark Schauer; 10/24/08, $2,000, (D) Gary Peters; 10/24/08, $2,000, (D) Steve Dreihaus; 10/24/08, $2,000, (D) Ann Kirkpatrick; 10/24/08, $2,000, (D) Ashwin Madia, 12/05/08, $2,300, (D) Bill Richardson for President; 04/06/09, $4,800, (D) Friends of Schumer; 06/03/09, $5,000, (D) Democratic Senatorial Campaign Committee; 03/07/10, $1,000, (D) Friends of John Marshall; 04/26/10, $4,800, (D) Friends of Harry Reid; 06/29/10, $2,400, (D) Gillenbrand for Senate; 06/29/10, $2,400, (D) Bennett for Colorado; 09/20/10, $2,300, (D) Michael Bennett for Senate; 09/20/10, $1,000, (D) Scott Murphy for Congress, 09/20/10, $1,000, (D) Bill Owen for Congress; 03/30/11, $2,300, (D) Friends of Maria Cantwell; 04/01/11, $35,800, (D) Obama Victory Fund 2012; 10/05/11, $2,500, (R) Friends of Dick Lugar; 11/20/11, $1,500, (D) Andrew Cuomo; 12/14/11, $2,500, (D) Kaine for Virginia; 02/13/12, $2,500, (D) Joe Kennedy for Congress; 04/24/12, $2,000, (D) Hillary Clinton for President Debt; 06/19/12 ($2,000), (D) Hillary Clinton for President Debt; 04/10/12, $2,300, (D) Friends of Maria Cantwell; 06/11/12, $2,500, (D) Nebraskans for Kerrey; 06/29/12, $30,800, (D) Obama Victory Fund; 06/18/12, $2,500, (D) John Lewis for Congress; 09/24/12, $2,500, (D) Montanans for Tester; 10/16/12, $2,500, (D) Nita Lowey for Congress; 10/18/12, $2,500, (D) Donnelly for Senate; 12/21/12, $2,500, (D) Friends of Max Baucus; 08/07/13, $5,000, (D) Democratic Governors Association; 08/07/13, $5,000, (D) O Say Can You See PAC; 09/16/13, $32,400, (D) Democratic Senate Campaign Committee; 09/20/13, $5,300, (D) Chicago for Rahm Emanuel; 09/24/13, $5,000, (D) Booker for Senate; 12/03/13, $5,200, (D) Friends of Schumer [Check was written for $10,400—$5,200 for Jane Hartley]; 12/13/13, $5,200, (D) Reid Searchlight Fund.

Katherine Schlosstein:

Date, amount, and contribution:

10/13/11, $16,500 DNC Services Corp.; 10/13/11, $2,500, Obama, Barack; 10/13/11, $2,500, Obama, Barack.

James E. Hartley, Jr.

Contribution, date, and amount:

Friends of Chris Dodd, 6/23/2009, $250; Friends of Tate Reeves, 8/4/2009, $2,500; Malloy for CT, 3/5/2010, $155; O'Leary for Mayor, 7/1/2011, $1,000; Phyllis Newton for City Council, 12/7/2011, $500; Joseph Kennedy for Congress, 1/27/2012, $2,500; Larson for Congress, 3/30/2012, $250; Josh Stein for NC Senate Committee, 5/14/2012, $250; Elizabeth for MA, 6/11/2012, $2,500; Berger 2012, 6/28/2012, $100; Obama Victory 2012, 8/6/2012, $500; Bill Thompson for Mayor, 8/5/2013, $2,500; O'Leary for Mayor, 9/1/2013, $1,000; Old Lyme Democratic Party, 11/1/2013, $500; ND Republican Senate Caucus, 11/1/2013, $1,000.

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*Erica J. Barks Ruggles, of Minnesota, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Nominee: Erica J. Barks Ruggles.

Post: U.S. Ambassador to Rwanda

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: none.
3. Children and Spouses: N/A.
4. Parents: Paul A. Barks—deceased.

Nancy E. Barks, $35.00, 2/10, Tarryl Clark for Congress, $50.00, 10/10, Friends of Tarryl Clark, $50.00, 3/12, Klobuchar for MN.

5. Grandparents: N/A.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: Cynthia B. Lynn, none; Karen C. Barks, none.

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*Brent Robert Hartley, of Oregon, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Nominee: Brent R. Hartley.

Post: Republic of Slovenia.

Nominated: June 16, 2014.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse; Elizabeth Hayes Dickinson: none.
3. Children and Spouses: Eleanor Dickinson Hartley: none. Charles Dickinson Hartley: none.

Parents: Jennie Louise Clark, Jack Martin Hartley (deceased): none.

5. Grandparents: Houston and Jennie Pitts (deceased); Charles Alton and Elizabeth Martin Hartley (deceased).
6. Brothers and Spouses: Michael Lynn Hartley: none.
7. Sisters and Spouses: Constance Louise Lister (deceased); Lawrence Lister; none. Brenda Hartley Landes; none. Fred Landes; none.

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*Jane D. Hartley, of New York, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Monaco.

Nominee: Jane D. Hartley.

Post: Ambassador to the Principality of Monaco.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: See attached.
2. Spouse: See attached.
3. Children and Spouses: Katherine Schlosstein: See attached.
4. Parents: N/A.
5. Grandparents: N/A.
6. Brothers and Spouses: James E. Hartley, Jr.—See attached.
7. Sisters and Spouses: N/A.

JANE D. HARTLEY—FEDERAL CAMPAIGN CONTRIBUTION REPORT

ATTACHMENT

Jane Hartley: Contribution, date, and amount:

Dodd—refund, 2/22/2010, (2,400); Friends of Chris Dodd—refund, 2/22/2010, (1,100); Martha Coakley, 1/5/2010, 2,400; Jane Harman, 2/1/2010, 1,000; Patrick Leahy, 2/8/2010, 1,000; Arlen Specter, 3/31/2010, 1,000; Michael Bennet, 3/31/2010, 2,400; Michael Bennet, 3/31/2010, 2,400; Friends of Barbara Boxer, 5/25/2010, 2,400; Betsy Markcy, 6/20/2010, 1,000; Barney Frank, 6/25/2010, 1,000; William Owens, 9/20/2010, 1,200; Schneiderman Attorney General, 9/23/2010, 1,000; Scott Murphy, 9/30/2010, 1,200; Robin Camahan, 9/29/2010, 500; Lee Irwin Fisher, 9/29/2010, 500; Paul Hodes, 9/29/2010, 500; Jack Conway, 9/29/2010, 500; Andrew Cuomo 2010, 10/20/2010, 10,000; Chicago for Rahm Emanuel, 10/27/2010, 25,000; Jack Conway for Senate, 10/29/2010, 1,000; Ohio Democratic Party, 11/1/2010, 5,000; McCaskill for Missouri 2012, 3/23/2011, 1,000; Tri-State Maxed Out Women, 4/11/2011, 1,000; Friends of Chris Murphy, 5/22/2011, 2,500; Gillibrand for Senate, 5/23/2011, 2,500; Kaine for Virginia, 8/11/2011, 5,000; Kathy Hochul for Congress, 5/20/2011, 1,000; Obama Victory Fund 2012, 4/21/2011, 35,800; Women for Cuomo 2014, 5/10/2011, 5,000; Bob Menendez for Senate, 5/12/2011, 1,000; Howard Berman for Congress,

10/12/2011, 500; Howard Berman for Congress, 10/12/2011, 500; Elizabeth Warren for MA, 10/12/2011, 2,500; DSCC, 10/12/2011, 2,500; Montana Senate Victory 2012, 10/12/2011, 2,500; No Bad Apples Pac, 10/12/2011, 1,000; Amy Klobuchar for Minnesota, 11/28/2011, 2,500; Andrew Cuomo 2014, 11/28/2011, 2,000; New Chicago Committee, 12/7/2011, 5,000; SSVF (Swing State Victory Fund), 12/27/2011, 9,200; Dan Garodnick 2013, 1/6/2012, 1,000; Debbie Wassermn Schultz, 1/10/2012, 1,000; Joe Kennedy for Congress, 2/13/2012, 2,500; Bob Menendez for Senate, 2/13/2012, 2,500; Missouri—Montana Fund, 2/28/2012, 2,500; Friends of Sherrod Brown, 4/19/2012, 2,500; Lon Johnson, 4/20/2012, 500; Nita Lowey, 5/1/2012, 2,500; Janet Cowell for Treasurer, 5/30/2012, 4,000; Committee to Elect Joe Kearns Goodwin, 5/30/2012, 500; Nebraskans for Bob Kerrey, 6/11/2012, 2,500; OVF 2012, 6/28/2012, 27,300; Montananas for Tester, 6/28/2012, 1,250; DSCC, 1/24/2013, 30,800; Friends of Max Baucus, 2/13/2013, 5,000; Booker for Senate, 2/28/2013, 5,000; Nita Lowey for Congress, 3/4/2013, 5,000; Reshma for New York, 3/1/2013, 2,500; The Markey Committee, 3/14/2013, 1,000; DNC, 5/8/2013, 16,200; Udall for Colorado, 5/24/2013, 2,600; Cy Vance for Manhattan DA, 5/28/2013, 1,000; Friends of Congressman George Miller, 6/14/2013, 1,000; Cory Booker for Senate, 6/25/2013, 2,600; Gina Raimondo, 7/3/2013, 1,000; Friends of Gale Brewer, 7/3/2013, 500; Reshma for New York, 6/30/2013, 2,450; Bill Thompson for Mayro, 8/8/2013, 2,000; Don Berwick for Governor, 8/26/2013, 500; Michelle Nunn for Georgia, 9/13/2013, 1,000; Chicago for Rahm Emanuel, 9/20/2013, 5,300; Off the Sidelines PAC, 10/30/2013, 5,000; Friends of Mark Warner, 10/30/2013, 2,600; Moulton for Congress, 11/12/2013, 2,000; Alaskans for Beigich 2014, 11/21/2013, 1,000; Friends of Schumer, 12/4/2013, 5,200.

Ralph Schlosstein: Date, amount, and contribution:

03/01/07, $5,000, (D) Our Common Values PAC; 03/31/01, $2,500, (D) Friends of Chris Dodd; 04/18/07, $2,300, (D) Tom Allen; 05/17/7, $2,300, (D) Jay Rockefeller; 10/18/07, $5,000, (D) All America PAC; 11/06/07, $25,000, (D) Democratic Senatorial Campaign Committee; 12/04/07, $1,000, (D) Jack Reed; 01/09/08, $2,300, (D) Barack Obama; 01/31/08, $4,600, (D) Rahm Emanuel; 03/25/08, $1,000, (D) Tom Allen; 04/01/08, $2,300, (D) John Adler; 04/25/08, $3,200, (D) People for Chris Gregoire; 04/29/08, $1,000, (D) Mark Warner; 06/30/08, $28,500, (D) Democratic Victory Fund; 02/29/08, $1,000, (D) Operation Brian Schweitzer; 07/22/08, $2,300, (D) Udall for Colorado; 09/08/08, $2,500, (D) Jean Shaheen for Senate; 07/31/08, $2,300, (D) Hillary Clinton; 08/20/08, $2,300, (D) Barack Obama; 09/28/08, $2,300, (D) Friends of Chris Dodd; 10/24/08, $2,000, (D) Mark Schauer; 10/24/08, $2,000, (D) Gary Peters; 10/24/08, $2,000, (D) Steve Dreihaus; 10/24/08, $2,000, (D) Ann Kirkpatrick; 10/24/08, $2,000, (D) Ashwin Madia; 12/05/08, $2,300, (D) Bill Richardson for President; 04/06/09, $4,800, (D) Friends of Schumer; 06/03/09, $5,000, (D) Democratic Senatorial Campaign Committee; 03/07/10, $1,000, (D) Friends of John Marshall; 04/26/10, $4,800, (D) Friends of Harry Reid; 06/29/10, $2,400, (D) Gillenbrand for Senate; 06/29/10, $2,400, (D) Bennett for Colorado; 09/20/10, $2,300, (D) Michael Bennett for Senate; 09/20/10, $1,000, (D) Scott Murphy for Congress; 09/20/10, $1,000, (D) Bill Owen for Congress; 03/30/11, $2,300, (D) Friends of Maria Cantwell; 04/01/11, $35,800, (D) Obama Victory Fund 2012; 10/05/11, $2,500, (R) Friends of Dick Lugar; 11/20/11, $1,500, (D) Andrew Cuomo; 12/14/11, $2,500, (D) Kaine for Virginia; 02/13/12, $2,500, (D) Joe Kennedy for Congress; 04/24/12, $2,000, (D) Hillary Clinton for President Debt; 06/19/12, ($2,000), (D) Hillary Clinton for President Debt; 04/10/12, $2,300, (D) Friends of Maria Cantwell; 06/11/12, $2,500, (D) Nebraskans for Kerrey; 06/29/12, $30,800, (D) Obama Victory Fund; 06/18/12, $2,500, (D) John Lewis for Congress; 09/24/12, $2,500, (D) Montanans for Tester; 10/16/12, $2,500, (D) Nita Lowey for Congress; 10/18/12, $2,500, (D) Donnelly for Senate; 12/21/12, $2,500, (D) Friends of Max Baucus; 08/07/13, $5,000, (D) Democratic Governors Association; 08/07/13, $5,000, (D) O Say Can You See PAC; 09/16/13, $32,400, (D) Democratic Senate Campaign Committee; 09/20/13, $5,300, (D) Chicago for Rahm Emanuel; 09/24/13, $5,000, (D) Booker for Senate; 12/03/13, $5,200, (D) Friends of Schumer [Check was written for $10,400–$5,200 for Jane Hartley]; 12/13/13, $5,200, (D) Reid Searchlight Fund.

Katherine Schlosstein: Date, amount, and contribution:

10/13/11, $16,500, DNC Services Corp.; 10/13/11, $2,500, Obama, Barack; 10/13/11, $2,500, Obama, Barack.

James E. Hartley Jr.: Contribution, date, and amount:

Friends of Chris Dodd, 6/23/2009, 250; Friends of Tate Reeves, 8/4/2009, 2,500; Malloy for CT, 3/5/2010, 155; O'Leary for Mayor, 7/1/2011, 1,000; Phyllis Newton for City Council, 12/7/2011, 500; Joseph Kennedy for Congress, 1/27/2012, 2,500; Larson for Congress, 3/30/2012, 250; Josh Stein for NC Senate Committee, 5/14/2012, 250; Elizabeth for MA, 6/11/2012, 2,500; Berger 2012, 6/28/2012, 100; Obama Victory 2012, 8/6/2012, 500; Bill Thompson for Mayor, 8/5/2013, 2,500; O'Leary for Mayor, 9/1/2013, 1,000; Old Lyme Democratic Party, 11/1/2013, 500; ND Republican Senate Caucus, 11/1/2013, 1,000.

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*David Pressman, of New York, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

*David Pressman, of New York, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

*Michele Jeanne Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Deputy Representative of the United States of America in the Security Council of the United Nations.

*Michele Jeanne Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Deputy Representative of the United States of America to the United Nations.

*John Francis Tefft, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

Nominee: John Francis Tefft.

Post: Russia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Mariella C. Tefft: none.

3. Children and spouses: Christine Marie Tefft, daughter, none; Paul Stronski, Christine's spouse, none; Cathleen Mary Tefft, daughter, none; Andrew Horowitz, Cathleen's spouse, none.

4. Parents: Floyd F. Tefft, father, deceased; Mary Jane Durkin Tefft, Mother, deceased.

5. Grandparents: Floyd B. Tefft, Grandfather, deceased; Lucy Tefft, grandmother, deceased; James Durkin, grandfather, deceased; Julia Durkin, grandmother, deceased.

6. Brothers and spouses: Thomas Tefft, brother, none; Julie Crane Tefft, Tom's spouse, none; James Tefft, brother, Victoria Wise, James' Spouse, Joint Contribution of $220 in Five Installments April, September, October and two in November 2012 to Obama for America.

Sisters and spouses: Patricia Tefft, sister, deceased; Sheila Tefft, sister, none; Rajiv Chandra, Sheila's spouse, none.

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. RUBIO (for himself and Mr. CRUZ):

S. 2675. A bill to amend the International Religious Freedom Act of 1998 to support religious freedom in foreign countries; to the Committee on Foreign Relations.

By Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mr. SCHATZ, Mrs. GILLIBRAND, Mr. KAINE, Mr. LEVIN, Mr. DURBIN, and Ms. WARREN):

S. 2676. A bill to establish a grant program to encourage States to adopt certain policies and procedures relating to the transfer and possession of firearms; to the Committee on the Judiciary.

By Mr. INHOFE (for himself, Mr. COBURN, Mr. CORNYN, Mr. CRUZ, Mr. MORAN, and Mr. ROBERTS):

S. 2677. A bill to reverse the listing by the Secretary of the Interior of the lesser prairie chicken as a threatened species under the Endangered Species Act of 1973, to prevent further consideration of listing of the species as a threatened species or endangered species under that Act pending implementation of the Western Association of Fish and Wildlife Agencies' Lesser Prairie-Chicken Range-Wide Conservation Plan and other conservation measures, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 2678. A bill to remove the American burying beetle from the list of endangered species under the Endangered Species Act (16 U.S.C. 1531 et seq.); to the Committee on Environment and Public Works.

By Mr. BOOKER (for himself, Mr. MENENDEZ, and Mrs. BOXER):

S. 2679. A bill to amend the Internal Revenue Code of 1986 to reinstate the financing for the Hazardous Substance Superfund, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. WALSH):

S. 2680. A bill to direct the Secretary of Commerce to establish a voluntary 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, to amend the Internal Revenue Code of 1986 to allow a credit against income tax for equity investments in small business concerns, to establish small business savings accounts, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. WALSH):

S. 2681. A bill to amend the Internal Revenue Code of 1986 to provide incentives for businesses to keep jobs in the United States; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. WALSH):

S. 2682. A bill to require certain Federal agencies to use iron, steel, wood products, cement and manufactured goods produced in the United States in public construction projects, to permanently extend the Build America Bonds program, to ensure that transportation and infrastructure projects carried out using Federal financial assistance are constructed with steel, iron, and manufactured goods that are produced in the United States, and for other purposes; to the Committee on Finance.

By Mr. WYDEN:

S. 2683. A bill to reform classification and security clearance processes throughout the Federal Government and, within the Department of Homeland Security, to establish an effective and transparent process for the designation, investigation, adjudication, denial, suspension, and revocation of security clearances, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. MURKOWSKI:

S. 2684. A bill to direct the Administrator of General Services, on behalf of the Secretary of the Interior, to convey certain Federal property located in the National Petroleum Reserve in Alaska to the Olgoonik Corporation, an Alaska Native Corporation established under the Alaska Native Claims Settlement Act; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. LEE, Mr. DURBIN, Mr. HELLER, Mr. FRANKEN, Mr. CRUZ, Mr. BLUMENTHAL, Mr. UDALL of New Mexico, Mr. COONS, Mr. HEINRICH, Mr. MARKEY, Ms. HIRONO, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. SCHUMER, and Mr. SANDERS):

S. 2685. A bill to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. REID (for himself, Mr. MCCONNELL, Mr. MENENDEZ, Mr. CORKER, Mr. CARDIN, and Mr. GRAHAM):

S. Res. 526. A resolution supporting Israel's right to defend itself against Hamas, and for other purposes; considered and agreed to.

By Ms. LANDRIEU (for herself, Mr. SCOTT, Mr. CARDIN, Mr. BROWN, Mr. NELSON, Mrs. HAGAN, Mr. LEVIN, and Ms. BALDWIN):

S. Res. 527. A resolution congratulating the members of Phi Beta Sigma Fraternity, Inc. for 100 years of service throughout the United States and the world, and commending Phi Beta Sigma Fraternity, Inc. for exemplifying the ideals of brotherhood, scholarship, and service while upholding the motto ''Culture for Service and Service for Humanity''; considered and agreed to.

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

S. Res. 528. A resolution commemorating the 125th anniversary of North Dakota's Statehood; considered and agreed to.

ADDITIONAL COSPONSORS

S. 204

At the request of Mr. PAUL, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 204, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 234

At the request of Mr. NELSON, his name was added as a cosponsor of S. 234, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

At the request of Mr. REID, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 234, supra.

S. 240

At the request of Mr. TESTER, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of S. 240, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 531

At the request of Mr. HARKIN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 531, a bill to provide for the publication by the Secretary of Human Services of physical activity guidelines for Americans.

S. 607

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 607, a bill to improve the provisions relating to the privacy of electronic communications.

S. 759

At the request of Mr. CASEY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 759, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 917

At the request of Mr. CARDIN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

S. 987

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 987, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1022

At the request of Mr. BROWN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1022, a bill to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line.

S. 1397

At the request of Mr. PORTMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1397, a bill to improve the efficiency, management, and interagency coordination of the Federal permitting process through reforms overseen by the Director of the Office of Management and Budget, and for other purposes.

S. 1463

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

S. 1702

At the request of Mr. LEE, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 1702, a bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes.

S. 1712

At the request of Mrs. FISCHER, her name was added as a cosponsor of S. 1712, a bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1739

At the request of Mr. HOEVEN, the names of the Senator from South Carolina (Mr. SCOTT) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1739, a bill to modify the efficiency standards for grid-enabled water heaters.

S. 2037

At the request of Mr. TESTER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2037, a bill to amend title XVIII of

the Social Security Act to remove the 96-hour physician certification requirement for inpatient critical access hospital services.

S. 2082

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2082, a bill to provide for the development of criteria under the Medicare program for medically necessary short inpatient hospital stays, and for other purposes.

S. 2141

At the request of Mr. REED, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2141, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide an alternative process for review of safety and effectiveness of nonprescription sunscreen active ingredients and for other purposes.

S. 2182

At the request of Mr. WALSH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2182, a bill to expand and improve care provided to veterans and members of the Armed Forces with mental health disorders or at risk of suicide, to review the terms or characterization of the discharge or separation of certain individuals from the Armed Forces, to require a pilot program on loan repayment for psychiatrists who agree to serve in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2301

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2301, a bill to amend section 2259 of title 18, United States Code, and for other purposes.

S. 2329

At the request of Mrs. SHAHEEN, the name of the Senator from Mississippi (Mr. WICKER) 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. 2405

At the request of Mr. VITTER, his name was added as a cosponsor of S. 2405, a bill to amend title XII of the Public Health Service Act to reauthorize certain trauma care programs, and for other purposes.

S. 2449

At the request of Mr. MENENDEZ, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2449, a bill to reauthorize certain provisions of the Public Health Service Act relating to autism, and for other purposes.

S. 2495

At the request of Mr. ENZI, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 2495, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 2546

At the request of Mr. ISAKSON, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2546, a bill to repeal a requirement that new employees of certain employers be automatically enrolled in the employer's health benefits.

S. 2547

At the request of Ms. HEITKAMP, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2547, a bill to establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee under the Federal Emergency Management Agency's National Advisory Council to provide recommendations on emergency responder training and resources relating to hazardous materials incidents involving railroads, and for other purposes.

S. 2624

At the request of Mrs. SHAHEEN, the names of the Senator from Virginia (Mr. KAINE) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2624, a bill to provide additional visas for the Afghan Special Immigrant Visa Program, and for other purposes.

S. 2633

At the request of Mr. JOHANNS, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2633, a bill to require notification of a Governor of a State if an unaccompanied alien child is placed in a facility or with a sponsor in the State and for other purposes.

S. 2635

At the request of Mr. CORNYN, the name of the Senator from Texas (Mr. CRUZ) 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 name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2650, a bill to provide for congressional review of agreements relating to Iran's nuclear program, and for other purposes.

S. 2658

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of 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.

S. 2667

At the request of Mr. KIRK, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of 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.

S. RES. 502

At the request of Mr. PORTMAN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from New Hampshire (Mrs. SHAHEEN) 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. 506

At the request of Mrs. BOXER, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. Res. 506, a resolution recognizing the patriotism and contributions of auxiliaries of veterans service organizations.

S. RES. 511

At the request of Mr. SCOTT, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 511, a resolution establishing best business practices to fully utilize the potential of the United States.

S. RES. 513

At the request of Ms. MIKULSKI, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 513, a resolution honoring the 70th anniversary of the Warsaw Uprising.

At the request of Mr. RISCH, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 513, supra.

S. RES. 517

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of 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.

S. RES. 520

At the request of Mr. MURPHY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 520, a resolution condemning the downing of Malaysia Airlines Flight 17 and expressing condolences to the families of the victims.

S. RES. 522

At the request of Mr. COONS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of 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.

AMENDMENT NO. 3585

At the request of Mr. TOOMEY, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 3585 proposed to H.R. 5021, a bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

AMENDMENT NO. 3626

At the request of Mr. BLUNT, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 3626 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

AMENDMENT NO. 3629

At the request of Mr. BLUNT, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 3629 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

AMENDMENT NO. 3630

At the request of Mr. PAUL, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of amendment No. 3630 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

AMENDMENT NO. 3631

At the request of Mr. BARRASSO, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 3631 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

AMENDMENT NO. 3632

At the request of Mr. THUNE, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 3632 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

AMENDMENT NO. 3633

At the request of Mr. THUNE, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 3633 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

AMENDMENT NO. 3635

At the request of Mr. THUNE, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 3635 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

AMENDMENT NO. 3636

At the request of Mr. THUNE, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 3636 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

AMENDMENT NO. 3656

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 3656 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

AMENDMENT NO. 3657

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 3657 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

AMENDMENT NO. 3687

At the request of Ms. COLLINS, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 3687 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

AMENDMENT NO. 3698

At the request of Mr. ENZI, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 3698 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 Mr. BOOKER (for himself, Mr. MENENDEZ, and Mrs. BOXER):

S. 2679. A bill to amend the Internal Revenue Code of 1986 to reinstate the financing for the Hazardous Substance Superfund, and for other purposes; to the Committee on Finance.

Mr. BOOKER. Mr. President, I rise today to introduce with my colleagues Senator ROBERT MENENDEZ of New Jersey, and Senator BARBARA BOXER of California, the Superfund Polluter Pays Restoration Act of 2014. This bill reinstates an expired excise tax on polluting industries to help fund the cleanup of Superfund sites and restore communities back to health.

Across our Nation we have far too many un-remediated and dangerous Superfund sites sitting in our neighborhoods—properties that are literally poisoning our residents. This problem is particularly acute in my State of New Jersey, which is both the most densely populated State and the State with the most Superfund sites.

Nationwide, there are more than 1300 Superfund sites on the National Priorities List, NPL, which require long-term cleanups. The sites listed on the NPL are the most heavily contaminated in the country and are the sites that pose the greatest potential risk to public health and the environment. In the past five years, 94 new sites have been added to the NPL, but an average of only 7 have been removed each year.

Cleanup has not even begun at hundreds of these NPL sites. Officials at the Environmental Protection Agency, EPA, and the Government Accountability Office, GAO, state that the reason why cleanup is not starting at hundreds of sites, and taking so long at others, is because of the limited funding available for cleanup activities.

There are more than 11 million Americans who live within one mile of a Superfund site, and of that, 3 to 4 million are children. Studies show that children are particularly susceptible to the health hazards presented by Superfund sites. Researchers have found increased autism rates, and recently researchers found that babies born to mothers living within 1 mile of a Superfund site prior to cleanup had a 20 percent greater incidence of being born with birth defects.

The need for more funding could not be clearer.

When Congress created Superfund in 1980, it established the Superfund Trust Fund from which the EPA receives annual appropriations for Superfund cleanup activities. For 15 years, the Trust Fund received a steady source of revenue from excise taxes on crude oil and certain chemicals. Those taxes expired at the end of fiscal year 1995. The Superfund program is now operating at 40 percent of 1987 levels, which is unsustainable according to a 2010 GAO report which found that current funding levels would likely not be sufficient to meet the future needs of the Superfund program EPA officials estimate they will need 2 to 2.5 times more funding to effectively and efficiently cleanup unremediated sites.

It is unfair for the taxpayer to shoulder the burden of cleanup costs for these Superfund sites. To meet the need for additional funding and to protect the health of our families and children, Senator MENENDEZ, Senator BOXER, and I have come together to introduce this act, aimed at holding polluting industries accountable, reducing the need to spend taxpayer dollars, and providing a steady flow of funds to the Superfund program.

By Mr. LEAHY (for himself, Mr. LEE, Mr. DURBIN, Mr. HELLER, Mr. FRANKEN, Mr. CRUZ, Mr. BLUMENTHAL, Mr. UDALL of New Mexico, Mr. COONS, Mr. HEINRICH, Mr. MARKEY, Ms. HIRONO, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. SCHUMER, and Mr. SANDERS):

S. 2685. A bill to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes; read the first time.

Mr. LEAHY. Mr. President, I am going to speak on another issue. I see my distinguished colleague from Utah Senator LEE is on the floor. It is an issue he has worked with me on. We have tried to join together. It was more than a year ago that not only here in the United States but the whole world learned some very startling details about the massive scope of the National Security Agency's surveillance programs.

Since then the American people, and actually, all three branches of government have been debating the same fundamental questions about the extent of government power that the Framers considered when they crafted the Constitution. Many of us had been arguing those same issues, whether in the Judiciary Committee, the Intelligence Committee, or others. But it was hard to get anybody's attention.

Suddenly the whole world was listening.

The obvious question is, when and how should the government be permitted to gather information about its citizens? How do we protect our country while we preserve our fundamental principles and our constitutional liberties? These questions are even more relevant and more complex as technology develops rapidly, and as more data is created every second.

Nobody questions that the government cannot just walk into our houses, rifle through our drawers, our filing cabinets, and our cupboards, to see what we might have there. But that is not where we keep our data anymore. It is on computers. By the same token, they shouldn't have the right to rifle through our electronic files either. If they collect all this data, should the government be allowed to collect and use all of it?

To what extent does this massive collection of data improve our national security and at what cost to our privacy and free expression? If we pick up everything, do we actually have anything?

The Senate Judiciary Committee considered these and other important questions during the course of six public hearings held over the past year. During this deliberative process, the Committee considered whether the bulk collection of Americans' phone records has been effective in preventing terrorist attacks, the privacy implications of the program, and the effect on the U.S. technology industry. Those hearings helped to demonstrate the need for additional limits on government surveillance authorities.

As these hearings continued, the call for an end to bulk collection under Section 215 of the USA PATRIOT Act grew louder and more persistent. The President's own Review Group on Intelligence and Communications Technology testified before the Judiciary Committee to call for an end to bulk collection, concluding that ''[t]he information contributed to terrorist investigations by the use of section 215 telephony meta-data was not essential to preventing attacks and could readily have been obtained in a timely manner using conventional section 215 orders.'' The Privacy and Civil Liberties Oversight Board also called for an end to bulk collection, concluding that the program ''lacks a viable legal foundation under Section 215.'' Technology executives, legal scholars and privacy advocates called for an end to bulk collection. These witnesses also proposed meaningful reforms to other government authorities, such as Section 702 of FISA, the pen register and trap and trace authorities under FISA, and the national security letter statutes.

Then, earlier this year, President Obama himself embraced the growing consensus that the bulk collection of phone records should not continue in its current form.

Just this week two new reports highlighted the costs of not placing reasonable limits on government surveillance, not just the significant economic cost if you don't put limits but the impact of journalistic freedom and also our right to counsel—our right to counsel—something we assume is an unalienable right, and it is, but it is being undermined.

That is why the technology industry, the privacy and civil liberties community are unified in support for this bill. It is actually now time for Congress to act.

That is why I am introducing the USA FREEDOM Act of 2014. It builds on the legislation that was passed by the House of Representatives in May, as well as the original bicameral, bipartisan legislation I introduced with Congressman JIM SENSENBRENNER 10 months ago—last October.

I continue to prefer the original version of the USA FREEDOM Act, but we are running short on time in this Congress. Since passage of the House version in May, I have been working to address concerns that the text of the House bill—though clearly intended to end bulk collection—did not do so effectively. I have worked with both Republicans and Democrats, House Members and Senators.

I spent the past several months in discussions with the intelligence community and a wide range of stakeholders, other Senators, privacy and civil liberties groups, and our U.S. technology industry.

The bill I am introducing today is the result of those hundreds of hours of negotiations and meetings.

First, and most importantly, this bill ensures that the ban on bulk collection is a real ban on bulk collection and that it is effective. It ensures the government cannot rely on section 215 of the USA PATRIOT Act—the FISA pen register and trap-and-trace device statute or the national security letter statutes—to engage in the indiscriminate collection of Americans' private records: yours, mine or anybody else's who may be watching this debate.

Under this legislation, when the government uses these authorities to collect information, it has to narrowly limit its collection based on a ''specific selection term'' that identifies the focus of the collection. ''Specific selection term'' is carefully defined. For Section 215 and the pen register statute, the definition ensures that the government must use a term that is narrowly limited to the greatest extent reasonably practicable consistent with the purpose for seeking the information. The bill specifies the term cannot be a broad geographic area, such as city or State or ZIP Code or area code, nor can it simply be a service provider. For national security letters, the government must specifically identify the target about whom it seeks information. These provisions preclude the government from seeking large swaths of information that it does not need—and that might very well include private details about the lives of law-abiding Americans.

As a backstop, the bill also mandates additional minimization procedures when the government's collection under Section 215 is likely to be overbroad. It requires the government to destroy data unrelated to its investigation within a reasonable time frame.

Second, the bill enhances transparency regarding the government's use of surveillance tools. That is one of the best checks on a runaway government. FISA and other national security laws provide law enforcement with an extraordinary amount of power. The American people have a right to know how that power is exercised.

Among other things, this bill requires the government to report to the public key information about the scope of the collection under a range of national security authorities, including the number of queries about Americans that it conducts in databases collected under Section 702. It also allows private companies more leeway to disclose the number of FISA orders and national security letters they receive.

I see the distinguished Senator from Minnesota, Mr. FRANKEN, on the floor. I thank him in particular for his leadership and helping to draft these transparency provisions.

Likewise, I thank Senator BLUMENTHAL for his work on the bill's key reforms to the FISA Court. The bill requires the FISA Court and the FISA Court of Review, in consultation with the Privacy and Civil Liberties Oversight Board, to appoint a panel of special advocates who can advance legal positions supporting individual privacy and civil liberties—in other words, it will not be just one voice that is heard, we will actually have dissenting voices—and improve judicial review.

The FISA Court would be required to appoint one of these advocates whenever it confronts a significant or novel issue of law, or it must issue a written finding that appointment of an advocate is not appropriate. The bill also requires the FISA Court to report the

number of times that it appoints or declines to appoint an advocate when confronting a novel or significant issue of law. This bill additionally provides a certification mechanism for appellate review of FISA Court decisions when the government prevails, and it provides a declassification process for significant FISA Court decisions.

Finally, this bill improves the judicial review procedures for nondisclosure orders that accompany Section 215 orders and national security letters. These have been so overused. This legislation responds to decisions by Federal courts that found these provisions violate the First Amendment.

While this bill contains significant reforms and improvements, it doesn't fix every problem, and we know there is more work to be done—in particular, with regard to Section 702 of FISA and other broad government surveillance authorities that implicate the privacy rights of Americans.

We could spend the next 20 years waiting to get 100 percent of everything we need. I would like to get most of what we need and then work on the rest.

The bill provides for public reporting on Section 702. That will help set the stage for reform, but transparency alone is not enough. I will continue to work with both Republican and Democratic Senators and other outside experts to work on these issues.

For developing the legislation, I consulted closely with the Office of the Director of National Intelligence, the NSA, the FBI, and the Department of Justice—and every single word of this bill was vetted with those agencies. I am grateful for their receptiveness to the public's concerns and for their constructive participation in this process. Together, we worked hard to ensure that this bill enacts significant and meaningful reforms to protect individual privacy, while providing the Intelligence Community with operational flexibility to safeguard this country.

The Intelligence Community will still have the ability to safeguard this country—nobody is suggesting they shouldn't, but collecting everything is the same as having nothing. That was the mistake we had before 9/11, where we had the information that could have stopped the attack on 9/11, but we failed to look at it all.

I am pleased the executive branch supports our bill. I am pleased the President agrees it should be enacted as soon as possible. But ultimately we—Senators and our colleagues in the other body—have the responsibility of the American people to do what is right and to protect the privacy of the American people. That is why we have worked hard with everybody to ensure the bill enacts meaningful reforms.

This is the most important thing to remember: We can enact this bill, get it signed into law, and it would represent the most significant reform of government surveillance authorities since Congress passed the USA PATRIOT Act 13 years ago. It is a historic opportunity. We would be derelict in our duty to this country if we passed up that opportunity.

I think if people such as Senator LEE, Senator DURBIN, Senator HELLER, Senator FRANKEN, Senator CRUZ, Senator BLUMENTHAL, Senator TOM UDALL, Senator COONS, Senator HEINRICH, Senator MARKEY, Senator HIRONO, Senator KLOBUCHAR, and Senator WHITEHOUSE have joined, this is not a partisan bill, this is not a Democratic or Republican bill, this is a good bill that protects America.

I also note the particular contributions over many years of Senator WYDEN and Senator MARK UDALL. They have worked tirelessly to protect Americans' privacy from their posts on the Intelligence Committee.

I am introducing this revised version of the USA FREEDOM Act today because we cannot afford to wait any longer to end the bulk collection of Americans' records. I am concerned that we are running out of time on the legislative calendar. Typically, my strong preference would be to take up the bill in the Judiciary Committee and mark it up. But given the need to act quickly, I am willing to forego regular order and take this bill directly to the Senate Floor.

We cannot let this opportunity go by. This is a debate about Americans' fundamental relationship with their government, about whether our government should have the power to create massive databases of information about its citizens or whether we are in control of our own government, not the other way around.

I believe we have to impose stronger limits on government surveillance powers. I am confident that most Vermonters, and most Americans, agree with me. We need to get this right, and we need to get it done without further delay.

I close with one very quick story I have used before. About the only thing I have actually saved from a newspaper that was written about me, and I liked it so much I framed it. As the distinguished Presiding Officer knows, I live on a dirt road, a place where my wife and I celebrated our honeymoon 52 years ago. The adjoining farmer has known me since I was a little kid.

The whole story in that paper goes like this: A man in an out-of-State car on a Saturday morning drives up, sees the farmer on the porch, and says:

Does Senator LEAHY live up this way?

He says: Are you a relative of his?

Well, no, I am not.

Are you a friend of his?

Well, not really.

Is he expecting you?

No.

Never heard of him.

We like our privacy.

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. 2685

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring Act of 2014'' or the ''USA FREEDOM Act of 2014''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to the Foreign Intelligence Surveillance Act of 1978.

TITLE I—FISA BUSINESS RECORDS REFORMS

Sec. 101. Additional requirements for call detail records.
Sec. 102. Emergency authority.
Sec. 103. Prohibition on bulk collection of tangible things.
Sec. 104. Judicial review.
Sec. 105. Liability protection.
Sec. 106. Compensation for assistance.
Sec. 107. Definitions.
Sec. 108. Inspector General reports on business records orders.
Sec. 109. Effective date.
Sec. 110. Rule of construction.

TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE REFORM

Sec. 201. Prohibition on bulk collection.
Sec. 202. Privacy procedures.

TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE THE UNITED STATES REFORMS

Sec. 301. Limits on use of unlawfully obtained information.

TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS

Sec. 401. Appointment of amicus curiae.
Sec. 402. Declassification of decisions, orders, and opinions.

TITLE V—NATIONAL SECURITY LETTER REFORM

Sec. 501. Prohibition on bulk collection.
Sec. 502. Limitations on disclosure of national security letters.
Sec. 503. Judicial review.

TITLE VI—FISA TRANSPARENCY AND REPORTING REQUIREMENTS

Sec. 601. Additional reporting on orders requiring production of business records; business records compliance reports to Congress.
Sec. 602. Annual reports by the Government.
Sec. 603. Public reporting by persons subject to FISA orders.
Sec. 604. Reporting requirements for decisions, orders, and opinions of the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review.
Sec. 605. Submission of reports under FISA.

TITLE VII—SUNSETS

Sec. 701. Sunsets.

SEC. 2. AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

TITLE I—FISA BUSINESS RECORDS REFORMS

SEC. 101. ADDITIONAL REQUIREMENTS FOR CALL DETAIL RECORDS.

(a) APPLICATION.—Section 501(b)(2) (50 U.S.C. 1861(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''a statement'' and inserting ''in the case of an application other than an application described in subparagraph (C) (including an application for the production of call detail records other than in the manner described in subparagraph (C)), a statement''; and

(B) in clause (iii), by striking ''; and'' and inserting a semicolon;

(2) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (D), respectively; and

(3) by inserting after subparagraph (B) (as so redesignated) the following new subparagraph:

''(C) in the case of an application for the production on a daily basis of call detail records created before, on, or after the date of the application relating to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to protect against international terrorism, a statement of facts showing that—

''(i) there are reasonable grounds to believe that the call detail records sought to be produced based on the specific selection term required under subparagraph (A) are relevant to such investigation; and

''(ii) there is a reasonable, articulable suspicion that such specific selection term is associated with a foreign power engaged in international terrorism or activities in preparation therefor, or an agent of a foreign power engaged in international terrorism or activities in preparation therefor; and''.

(b) ORDER.—Section 501(c)(2) (50 U.S.C. 1861(c)(2)) is amended—

(1) in subparagraph (D), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (E), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) in the case of an application described in subsection (b)(2)(C), shall—

''(i) authorize the production on a daily basis of call detail records for a period not to exceed 180 days;

''(ii) provide that an order for such production may be extended upon application under subsection (b) and the judicial finding under paragraph (1) of this subsection;

''(iii) provide that the Government may require the prompt production of call detail records—

''(I) using the specific selection term that satisfies the standard required under subsection (b)(2)(C)(ii) as the basis for production; and

''(II) using call detail records with a direct connection to such specific selection term as the basis for production of a second set of call detail records;

''(iv) provide that, when produced, such records be in a form that will be useful to the Government;

''(v) direct each person the Government directs to produce call detail records under the order to furnish the Government forthwith all information, facilities, or technical assistance necessary to accomplish the production in such a manner as will protect the secrecy of the production and produce a minimum of interference with the services that such person is providing to each subject of the production; and

''(vi) direct the Government to—

''(I) adopt minimization procedures that require the prompt destruction of all call detail records produced under the order that the Government determines are not foreign intelligence information; and

''(II) destroy all call detail records produced under the order as prescribed by such procedures.''.

SEC. 102. EMERGENCY AUTHORITY.

(a) AUTHORITY.—Section 501 (50 U.S.C. 1861) is amended by adding at the end the following new subsection:

''(i) EMERGENCY AUTHORITY FOR PRODUCTION OF TANGIBLE THINGS.—

''(1) Notwithstanding any other provision of this section, the Attorney General may require the emergency production of tangible things if the Attorney General—

''(A) reasonably determines that an emergency situation requires the production of tangible things before an order authorizing such production can with due diligence be obtained;

''(B) reasonably determines that the factual basis for the issuance of an order under this section to approve such production of tangible things exists;

''(C) informs, either personally or through a designee, a judge having jurisdiction under this section at the time the Attorney General requires the emergency production of tangible things that the decision has been made to employ the authority under this subsection; and

''(D) makes an application in accordance with this section to a judge having jurisdiction under this section as soon as practicable, but not later than 7 days after the Attorney General requires the emergency production of tangible things under this subsection.

''(2) If the Attorney General authorizes the emergency production of tangible things under paragraph (1), the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving the production of tangible things under this subsection, the production shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time the Attorney General begins requiring the emergency production of such tangible things, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5) If such application for approval is denied, or in any other case where the production of tangible things is terminated and no order is issued approving the production, no information obtained or evidence derived from such production shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof, and no information concerning any United States person acquired from such production shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(6) The Attorney General shall assess compliance with the requirements of paragraph (5).''.

(b) CONFORMING AMENDMENT.—Section 501(d) (50 U.S.C. 1861(d)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''pursuant to an order'' and inserting ''pursuant to an order issued or an emergency production required'';

(B) in subparagraph (A), by striking ''such order'' and inserting ''such order or such emergency production''; and

(C) in subparagraph (B), by striking ''the order'' and inserting ''the order or the emergency production''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''an order'' and inserting ''an order or emergency production''; and

(B) in subparagraph (B), by striking ''an order'' and inserting ''an order or emergency production''.

SEC. 103. PROHIBITION ON BULK COLLECTION OF TANGIBLE THINGS.

(a) APPLICATION.—Section 501(b)(2) (50 U.S.C. 1861(b)(2)), as amended by section 101(a) of this Act, is further amended by inserting before subparagraph (B), as redesignated by such section 101(a) of this Act, the following new subparagraph:

''(A) a specific selection term to be used as the basis for the production of the tangible things sought;''.

(b) ORDER.—Section 501(c) (50 U.S.C. 1861(c)) is amended—

(1) in paragraph (2)(A), by striking the semicolon and inserting '', including each specific selection term to be used as the basis for the production;''; and

(2) by adding at the end the following new paragraph:

''(3) No order issued under this subsection may authorize the collection of tangible things without the use of a specific selection term that meets the requirements of subsection (b)(2).''.

(c) MINIMIZATION PROCEDURES.—Section 501(g)(2) (50 U.S.C. 1861(g)(2)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) by redesignating subparagraph (C) as subparagraph (D);

(3) by inserting after subparagraph (B) the following:

''(C) for orders in which the specific selection term does not specifically identify an individual, account, or personal device, procedures that prohibit the dissemination, and require the destruction within a reasonable time period (which time period shall be specified in the order), of any tangible thing or information therein that has not been determined to relate to a person who is—

''(i) a subject of an authorized investigation;

''(ii) a foreign power or a suspected agent of a foreign power;

''(iii) reasonably likely to have information about the activities of—

''(I) a subject of an authorized investigation; or

''(II) a suspected agent of a foreign power who is associated with a subject of an authorized investigation; or

''(iv) in contact with or known to—

''(I) a subject of an authorized investigation; or

''(II) a suspected agent of a foreign power who is associated with a subject of an authorized investigation,

unless the tangible thing or information therein indicates a threat of death or serious bodily harm to any person or is disseminated to another element of the intelligence community for the sole purpose of determining whether the tangible thing or information therein relates to a person who is described in clause (i), (ii), (iii), or (iv); and''; and

(4) in subparagraph (D), as so redesignated, by striking ''(A) and (B)'' and inserting ''(A), (B), and (C)''.

SEC. 104. JUDICIAL REVIEW.

(a) MINIMIZATION PROCEDURES.—

(1) JUDICIAL REVIEW.—Section 501(c)(1) (50 U.S.C. 1861(c)(1)) is amended by inserting after ''subsections (a) and (b)'' the following: ''and that the minimization procedures submitted in accordance with subsection (b)(2)(D) meet the definition of minimization procedures under subsection (g)''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 501(g)(1) (50 U.S.C. 1861(g)(1)) is amended—

(A) by striking ''Not later than 180 days after the date of the enactment of the USA PATRIOT Improvement and Reauthorization Act of 2005, the'' and inserting ''The''; and

(B) by inserting after ''adopt'' the following: '', and update as appropriate,''.

(b) ORDERS.—Section 501(f)(2) (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)(i)—

(A) by striking ''that order'' and inserting ''the production order or any nondisclosure order imposed in connection with the production order''; and

(B) by striking the second sentence; and

(2) in subparagraph (C)—

(A) by striking clause (ii); and

(B) by redesignating clause (iii) as clause (ii).

SEC. 105. LIABILITY PROTECTION.

Section 501(e) (50 U.S.C. 1861(e)) is amended to read as follows:

''(e)(1) No cause of action shall lie in any court against a person who—

''(A) produces tangible things or provides information, facilities, or technical assistance in accordance with an order issued or an emergency production required under this section; or

''(B) otherwise provides technical assistance to the Government under this section or to implement the amendments made to this section by the USA FREEDOM Act of 2014.

''(2) A production or provision of information, facilities, or technical assistance described in paragraph (1) shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.''.

SEC. 106. COMPENSATION FOR ASSISTANCE.

Section 501 (50 U.S.C. 1861), as amended by section 102 of this Act, is further amended by adding at the end the following new subsection:

''(j) COMPENSATION.—The Government shall compensate a person for reasonable expenses incurred for—

''(1) producing tangible things or providing information, facilities, or assistance in accordance with an order issued with respect to an application described in subsection (b)(2)(C) or an emergency production under subsection (i) that, to comply with subsection (i)(1)(D), requires an application described in subsection (b)(2)(C); or

''(2) otherwise providing technical assistance to the Government under this section or to implement the amendments made to this section by the USA FREEDOM Act of 2014.''.

SEC. 107. DEFINITIONS.

Section 501 (50 U.S.C. 1861), as amended by section 106 of this Act, is further amended by adding at the end the following new subsection:

''(k) DEFINITIONS.—In this section:

''(1) ADDRESS.—The term 'address' means a physical address or electronic address, such as an electronic mail address, temporarily assigned network address, or Internet protocol address.

''(2) CALL DETAIL RECORD.—The term 'call detail record'—

''(A) means session identifying information (including an originating or terminating telephone number, an International Mobile Subscriber Identity number, or an International Mobile Station Equipment Identity number), a telephone calling card number, or the time or duration of a call; and

''(B) does not include—

''(i) the contents (as defined in section 2510(8) of title 18, United States Code) of any communication;

''(ii) the name, address, or financial information of a subscriber or customer; or

''(iii) cell site location information.

''(3) SPECIFIC SELECTION TERM.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'specific selection term'—

''(i) means a term that specifically identifies a person, account, address, or personal device, or another specific identifier, that is used by the Government to narrowly limit the scope of tangible things sought to the greatest extent reasonably practicable, consistent with the purpose for seeking the tangible things; and

''(ii) does not include a term that does not narrowly limit the scope of the tangible things sought to the greatest extent reasonably practicable, consistent with the purpose for seeking the tangible things, such as—

''(I) a term based on a broad geographic region, including a city, State, zip code, or area code, when not used as part of a specific identifier as described in clause (i); or

''(II) a term identifying an electronic communication service provider (as that term is defined in section 701) or a provider of remote computing service (as that term is defined in section 2711 of title 18, United States Code), when not used as part of a specific identifier as described in clause (i), unless the provider is itself a subject of an authorized investigation for which the specific selection term is used as the basis of production.

''(B) CALL DETAIL RECORD APPLICATIONS.—For purposes of an application submitted under subsection (b)(2)(C), the term 'specific selection term' means a term that specifically identifies an individual, account, or personal device.''.

SEC. 108. INSPECTOR GENERAL REPORTS ON BUSINESS RECORDS ORDERS.

Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting ''and calendar years 2012 through 2014'' after ''2006'';

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3) (as so redesignated)—

(i) by striking subparagraph (C) and inserting the following new subparagraph:

''(C) with respect to calendar years 2012 through 2014, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures adequately protect the constitutional rights of United States persons;''; and

(ii) in subparagraph (D), by striking ''(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))'';

(2) in subsection (c), by adding at the end the following new paragraph:

''(3) CALENDAR YEARS 2012 THROUGH 2014.—Not later than December 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audit conducted under subsection (a) for calendar years 2012 through 2014.'';

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following new subsection:

''(d) INTELLIGENCE ASSESSMENT.—

''(1) IN GENERAL.—For the period beginning on January 1, 2012, and ending on December 31, 2014, the Inspector General of the Intelligence Community shall assess—

''(A) the importance of the information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) to the activities of the intelligence community;

''(B) the manner in which that information was collected, retained, analyzed, and disseminated by the intelligence community;

''(C) the minimization procedures used by elements of the intelligence community under such title and whether the minimization procedures adequately protect the constitutional rights of United States persons; and

''(D) any minimization procedures proposed by an element of the intelligence community under such title that were modified or denied by the court established under section 103(a) of such Act (50 U.S.C. 1803(a)).

''(2) SUBMISSION DATE FOR ASSESSMENT.—Not later than 180 days after the date on which the Inspector General of the Department of Justice submits the report required under subsection (c)(3), the Inspector General of the Intelligence Community shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 through 2014.'';

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking ''a report under subsection (c)(1) or (c)(2)'' and inserting ''any report under subsection (c) or (d)''; and

(ii) by striking ''Inspector General of the Department of Justice'' and inserting ''Inspector General of the Department of Justice, the Inspector General of the Intelligence Community, and any Inspector General of an element of the intelligence community that prepares a report to assist the Inspector General of the Department of Justice or the Inspector General of the Intelligence Community in complying with the requirements of this section''; and

(B) in paragraph (2), by striking ''the reports submitted under subsections (c)(1) and (c)(2)'' and inserting ''any report submitted under subsection (c) or (d)'';

(6) in subsection (f), as redesignated by paragraph (3)—

(A) by striking ''The reports submitted under subsections (c)(1) and (c)(2)'' and inserting ''Each report submitted under subsection (c)''; and

(B) by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)''; and

(7) by adding at the end the following new subsection:

''(g) DEFINITIONS.—In this section:

''(1) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(2) UNITED STATES PERSON.—The term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).''.

SEC. 109. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by sections 101 through 103 shall take effect on the date that is 180 days after the date of the enactment of this Act.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to alter or eliminate the authority of the Government to obtain an order under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) as in effect prior to the effective date described in subsection (a) during the period ending on such effective date.

SEC. 110. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to authorize the production of the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication from an electronic communication service provider (as such term is defined in section 701(b)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881(b)(4)) under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE REFORM

SEC. 201. PROHIBITION ON BULK COLLECTION.

(a) PROHIBITION.—Section 402(c) (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (2)—

(A) by striking ''a certification by the applicant'' and inserting ''a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) a specific selection term to be used as the basis for the installation or use of the pen register or trap and trace device.''.

(b) DEFINITION.—Section 401 (50 U.S.C. 1841) is amended by adding at the end the following new paragraph:

''(4)(A) The term 'specific selection term'—

''(i) means a term that specifically identifies a person, account, address, or personal device, or another specific identifier, that is used by the Government to narrowly limit the scope of information sought to the greatest extent reasonably practicable, consistent with the purpose for the installation or use of the pen register or trap and trace device; and

''(ii) does not include a term that does not narrowly limit the scope of information sought to the greatest extent reasonably practicable, consistent with the purpose for the installation or use of the pen register or trap and trace device, such as—

''(I) a term based on a broad geographic region, including a city, State, zip code, or area code, when not used as part of a specific identifier as described in clause (i); or

''(II) a term identifying an electronic communication service provider (as defined in section 701) or a provider of remote computing service (as that term is defined in section 2711 of title 18, United States Code), when not used as part of a specific identifier as described in clause (i), unless the provider is itself a subject of an authorized investigation for which the specific selection term is used as the basis for the installation or use of the pen register or trap and trace device.

''(B) For purposes of subparagraph (A), the term 'address' means a physical address or electronic address, such as an electronic mail address, temporarily assigned network address, or Internet protocol address.''.

SEC. 202. PRIVACY PROCEDURES.

(a) IN GENERAL.—Section 402 (50 U.S.C. 1842) is amended by adding at the end the following new subsection:

''(h) PRIVACY PROCEDURES.—

''(1) IN GENERAL.—The Attorney General shall ensure that appropriate policies and procedures are in place to safeguard nonpublicly available information concerning United States persons that is collected through the use of a pen register or trap and trace device installed under this section. Such policies and procedures shall, to the maximum extent practicable and consistent with the need to protect national security, include privacy protections that apply to the collection, retention, and use of information concerning United States persons.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the court established under section 103(a) or of the Attorney General to impose additional privacy or minimization procedures with regard to the installation or use of a pen register or trap and trace device.

''(3) COMPLIANCE ASSESSMENT.—At or before the end of the period of time for which the installation and use of a pen register or trap and trace device is approved under an order or an extension under this section, the judge may assess compliance with the privacy procedures required by this subsection by reviewing the circumstances under which information concerning United States persons was collected, retained, or disseminated.''.

(b) EMERGENCY AUTHORITY.—Section 403 (50 U.S.C. 1843) is amended by adding at the end the following new subsection:

''(d) PRIVACY PROCEDURES.—Information collected through the use of a pen register or trap and trace device installed under this section shall be subject to the policies and procedures required under section 402(h).''.

TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE THE UNITED STATES REFORMS

SEC. 301. LIMITS ON USE OF UNLAWFULLY OBTAINED INFORMATION.

Section 702(i)(3) (50 U.S.C. 1881a(i)(3)) is amended by adding at the end the following new subparagraph:

''(D) LIMITATION ON USE OF INFORMATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), if the Court orders a correction of a deficiency in a certification or procedures under subparagraph (B), no information obtained or evidence derived pursuant to the part of the certification or procedures that has been identified by the Court as deficient concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired pursuant to such part of such certification or procedures shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of the United States person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(ii) EXCEPTION.—If the Government corrects any deficiency identified by the order of the Court under subparagraph (B), the Court may permit the use or disclosure of information obtained before the date of the correction under such minimization procedures as the Court shall establish for purposes of this clause.''.

TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS

SEC. 401. APPOINTMENT OF AMICUS CURIAE.

Section 103 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

''(i) AMICUS CURIAE.—

''(1) APPOINTMENT OF SPECIAL ADVOCATES.—In consultation with the Privacy and Civil Liberties Oversight Board, the presiding judges of the courts established under subsections (a) and (b) shall, not later than 180 days after the enactment of this subsection, jointly appoint not fewer than 5 attorneys to serve as special advocates, who shall serve pursuant to rules the presiding judges may establish. Such individuals shall be persons who possess expertise in privacy and civil liberties, intelligence collection, telecommunications, or any other relevant area of expertise and who are determined to be eligible for access to classified information necessary to participate in matters before the courts.

''(2) AUTHORIZATION.—A court established under subsection (a) or (b), consistent with the requirement of subsection (c) and any other statutory requirement that the court act expeditiously or within a stated time—

''(A) shall designate a special advocate to serve as amicus curiae to assist such court in the consideration of any certification pursuant to subsection (j) or any application for an order or review that, in the opinion of the court, presents a novel or significant interpretation of the law, unless the court issues a written finding that such appointment is not appropriate; and

''(B) may designate or allow an individual or organization to serve as amicus curiae or to provide technical expertise in any other instance as such court deems appropriate.

''(3) RULE OF CONSTRUCTION.—An application for an order or review shall be considered to present a novel or significant interpretation of the law if such application involves application of settled law to novel technologies or circumstances, or any other novel or significant construction or interpretation of any provision of law or of the Constitution of the United States, including any novel and significant interpretation of the term 'specific selection term'.

''(4) DUTIES.—

''(A) IN GENERAL.—If a court established under subsection (a) or (b) designates a special advocate to participate as an amicus curiae in a proceeding, the special advocate—

''(i) shall advocate, as appropriate, in support of legal interpretations that advance individual privacy and civil liberties;

''(ii) shall have access to all relevant legal precedent, and any application, certification, petition, motion, or such other materials as are relevant to the duties of the special advocate;

''(iii) may consult with any other special advocates regarding information relevant to any assigned case, including sharing relevant materials; and

''(iv) may request that the court appoint technical and subject matter experts, not employed by the Government, to be available to assist the special advocate in performing the duties of the special advocate.

''(B) BRIEFINGS OR ACCESS TO MATERIALS.—The Attorney General shall periodically brief or provide relevant materials to special advocates regarding constructions and interpretations of this Act and legal, technological and other issues related to actions authorized by this Act.

''(C) ACCESS TO CLASSIFIED INFORMATION.—

''(i) IN GENERAL.—A special advocate, experts appointed to assist a special advocate, or any other amicus or technical expert appointed by the court may have access to classified documents, information, and other materials or proceedings only if that individual is eligible for access to classified information and to the extent consistent with the national security of the United States.

''(ii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the Government to provide information to a special advocate, other amicus, or technical expert that is privileged from disclosure.

''(5) NOTIFICATION.—The presiding judges of the courts established under subsections (a) and (b) shall notify the Attorney General of each exercise of the authority to appoint an individual to serve as amicus curiae under paragraph (1).

''(6) ASSISTANCE.—A court established under subsection (a) or (b) may request and receive (including on a non-reimbursable

basis) the assistance of the executive branch in the implementation of this subsection.

''(7) ADMINISTRATION.—A court established under subsection (a) or (b) may provide for the designation, appointment, removal, training, or other support for an individual appointed to serve as a special advocate under paragraph (1) in a manner that is not inconsistent with this subsection.

''(j) REVIEW OF FISA COURT DECISIONS.—After issuing an order, a court established under subsection (a) shall certify for review to the court established under subsection (b) any question of law that the court determines warrants such review because of a need for uniformity or because consideration by the court established under subsection (b) would serve the interests of justice. Upon certification of a question of law under this paragraph, the court established under subsection (b) may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

''(k) REVIEW OF FISA COURT OF REVIEW DECISIONS.—

''(1) CERTIFICATION.—For any decision issued by the court of review established under subsection (b) approving, in whole or in part, an application by the Government under this Act, such court may certify at any time, including after a decision, a question of law to be reviewed by the Supreme Court of the United States.

''(2) SPECIAL ADVOCATE BRIEFING.—Upon certification of an application under paragraph (1), the court of review established under subsection (b) may designate a special advocate to provide briefing as prescribed by the Supreme Court.

''(3) REVIEW.—The Supreme Court may review any question of law certified under paragraph (1) by the court of review established under subsection (b) in the same manner as the Supreme Court reviews questions certified under section 1254(2) of title 28, United States Code.

''(l) PAYMENT FOR SERVICE AS SPECIAL ADVOCATE.—A special advocate designated in a proceeding pursuant to subsection (i)(2)(A) of this section may seek, at the conclusion of the proceeding in which the special advocate was designated, compensation for services provided pursuant to the designation. A special advocate seeking compensation shall be compensated in an amount reflecting fair compensation for the services provided, as determined by the court designating the special advocate and approved by the presiding judges of the courts established under subsections (a) and (b).

''(m) APPROPRIATIONS.—There are authorized to be appropriated to the United States courts such sums as may be necessary to carry out the provisions of this section. When so specified in appropriation acts, such appropriations shall remain available until expended. Payments from such appropriations shall be made under the supervision of the Director of the Administrative Office of the United States Courts.''.

SEC. 402. DECLASSIFICATION OF DECISIONS, ORDERS, AND OPINIONS.

(a) DECLASSIFICATION.—Title VI (50 U.S.C. 1871 et seq.) is amended—

(1) in the heading, by striking ''**REPORTING REQUIREMENT**'' and inserting ''**OVERSIGHT**''; and

(2) by adding at the end the following new section:

''SEC. 602. DECLASSIFICATION OF SIGNIFICANT DECISIONS, ORDERS, AND OPINIONS.

''(a) DECLASSIFICATION REQUIRED.—Subject to subsection (b), the Director of National Intelligence, in consultation with the Attorney General, shall conduct a declassification review of each decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review (as defined in section 601(e)) that includes a significant construction or interpretation of law, including any novel or significant construction or interpretation of the term 'specific selection term', and, consistent with that review, make publicly available to the greatest extent practicable each such decision, order, or opinion.

''(b) REDACTED FORM.—The Director of National Intelligence, in consultation with the Attorney General, may satisfy the requirement under subsection (a) to make a decision, order, or opinion described in such subsection publicly available to the greatest extent practicable by making such decision, order, or opinion publicly available in redacted form.

''(c) NATIONAL SECURITY WAIVER.—The Director of National Intelligence, in consultation with the Attorney General, may waive the requirement to declassify and make publicly available a particular decision, order, or opinion under subsection (a) if—

''(1) the Director of National Intelligence, in consultation with the Attorney General, determines that a waiver of such requirement is necessary to protect the national security of the United States or properly classified intelligence sources or methods; and

''(2) the Director of National Intelligence makes publicly available an unclassified statement prepared by the Attorney General, in consultation with the Director of National Intelligence—

''(A) summarizing the significant construction or interpretation of law, which shall include, to the extent consistent with national security, each legal question addressed by the decision and how such question was resolved, in general terms the context in which the matter arises, and a description of the construction or interpretation of any statute, constitutional provision, or other legal authority relied on by the decision; and

''(B) that specifies that the statement has been prepared by the Attorney General and constitutes no part of the opinion of the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review.''.

(b) TABLE OF CONTENTS AMENDMENTS.—The table of contents in the first section is amended—

(1) by striking the item relating to title VI and inserting the following new item:

''TITLE VI—OVERSIGHT'';

and

(2) by inserting after the item relating to section 601 the following new item:

''Sec. 602. Declassification of significant decisions, orders, and opinions.''.

TITLE V—NATIONAL SECURITY LETTER REFORM

SEC. 501. PROHIBITION ON BULK COLLECTION.

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709(b) of title 18, United States Code, is amended in the matter preceding paragraph (1) by striking ''may'' and inserting ''may, using a term that specifically identifies a person, entity, telephone number, or account as the basis for a request''.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114(a)(2) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(2)) is amended by striking the period and inserting ''and a term that specifically identifies a customer, entity, or account to be used as the basis for the production and disclosure of financial records.''.

(c) DISCLOSURES TO FBI OF CERTAIN CONSUMER RECORDS FOR COUNTERINTELLIGENCE PURPOSES.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) in subsection (a), by striking ''that information,'' and inserting ''that information that includes a term that specifically identifies a consumer or account to be used as the basis for the production of that information,'';

(2) in subsection (b), by striking ''written request,'' and inserting ''written request that includes a term that specifically identifies a consumer or account to be used as the basis for the production of that information,''; and

(3) in subsection (c), by inserting '', which shall include a term that specifically identifies a consumer or account to be used as the basis for the production of the information,'' after ''issue an order ex parte''.

(d) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES OF CONSUMER REPORTS.—Section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)) is amended by striking ''analysis.'' and inserting ''analysis and that includes a term that specifically identifies a consumer or account to be used as the basis for the production of such information.''.

SEC. 502. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of title 18, United States Code, is amended by striking subsection (c) and inserting the following new subsection:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (d) is provided, no wire or electronic communication service provider that receives a request under subsection (b), or officer, employee, or agent thereof, shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that the absence of a prohibition of disclosure under this subsection may result in—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A wire or electronic communication service provider that receives a request under subsection (b), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (b) in the same manner as the person to whom the request is issued.

''(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall notify the person of the applicable nondisclosure requirement.

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(3) TERMINATION.—

''(A) IN GENERAL.—In the case of any request under subsection (b) for which a recipient has submitted a notification to the Government under section 3511(b)(1)(A) or filed a petition for judicial review under subsection (d)—

''(i) an appropriate official of the Federal Bureau of Investigation shall, until termination of the nondisclosure requirement, review the facts supporting a nondisclosure requirement annually and upon closure of the investigation; and

''(ii) if, upon a review under clause (i), the facts no longer support the nondisclosure requirement, an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement, and the court as appropriate, that the nondisclosure requirement is no longer in effect.

''(B) CLOSURE OF INVESTIGATION.—Upon closure of the investigation—

''(i) the Federal Bureau of Investigation may petition the court before which a notification or petition for judicial review under subsection (d) has been filed for a determination that disclosure may result in the harm described in clause (i), (ii), (iii), or (iv) of paragraph (1)(B), if it notifies the recipient of such petition;

''(ii) the court shall review such a petition pursuant to the procedures under section 3511; and

''(iii) if the court determines that there is reason to believe that disclosure may result in the harm described in clause (i), (ii), (iii), or (iv) of paragraph (1)(B), the Federal Bureau of Investigation shall no longer be required to conduct the annual review of the facts supporting the nondisclosure requirement under subparagraph (A).''.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended—

(1) in subsection (a)(5), by striking subparagraph (D); and

(2) by inserting after subsection (b) the following new subsection:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (d) is provided, no financial institution that receives a request under subsection (a), or officer, employee, or agent thereof, shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that the absence of a prohibition of disclosure under this subsection may result in—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A financial institution that receives a request under subsection (a), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(3) TERMINATION.—

''(A) IN GENERAL.—In the case of any request under subsection (a) for which a recipient has submitted a notification to the Government under section 3511(b)(1)(A) of title 18, United States Code, or filed a petition for judicial review under subsection (d)—

''(i) an appropriate official of the Federal Bureau of Investigation shall, until termination of the nondisclosure requirement, review the facts supporting a nondisclosure requirement annually and upon closure of the investigation; and

''(ii) if, upon a review under clause (i), the facts no longer support the nondisclosure requirement, an appropriate official of the Federal Bureau of Investigation shall promptly notify the financial institution, or officer, employee, or agent thereof, subject to the nondisclosure requirement, and the court as appropriate, that the nondisclosure requirement is no longer in effect.

''(B) CLOSURE OF INVESTIGATION.—Upon closure of the investigation—

''(i) the Federal Bureau of Investigation may petition the court before which a notification or petition for judicial review under subsection (d) has been filed for a determination that disclosure may result in the harm described in clause (i), (ii), (iii), or (iv) of paragraph (1)(B), if it notifies the recipient of such petition;

''(ii) the court shall review such a petition pursuant to the procedures under section 3511 of title 18, United States Code; and

''(iii) if the court determines that there is reason to believe that disclosure may result in the harm described in clause (i), (ii), (iii), or (iv) of paragraph (1)(B), the Federal Bureau of Investigation shall no longer be required to conduct the annual review of the facts supporting the nondisclosure requirement under subparagraph (A).''.

(c) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by striking subsection (d) and inserting the following new subsection:

''(d) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (e) is provided, no consumer reporting agency that receives a request under subsection (a) or (b) or an order under subsection (c), or officer, employee, or agent thereof, shall disclose or specify in any consumer report, that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a), (b), or (c).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that the absence of a prohibition of disclosure under this subsection may result in—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a) or (b) or an order under subsection (c), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request under subsection (a) or (b) or an order under subsection (c) is issued in the same manner as the person to whom the request is issued.

''(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(3) TERMINATION.—

''(A) IN GENERAL.—In the case of any request under subsection (a) or (b) or order under subsection (c) for which a recipient has submitted a notification to the Government under section 3511(b)(1)(A) of title 18, United States Code, or filed a petition for judicial review under subsection (e)—

''(i) an appropriate official of the Federal Bureau of Investigation shall, until termination of the nondisclosure requirement, review the facts supporting a nondisclosure requirement annually and upon closure of the investigation; and

''(ii) if, upon a review under clause (i), the facts no longer support the nondisclosure requirement, an appropriate official of the Federal Bureau of Investigation shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement, and the court as appropriate, that the nondisclosure requirement is no longer in effect.

''(B) CLOSURE OF INVESTIGATION.—Upon closure of the investigation—

''(i) the Federal Bureau of Investigation may petition the court before which a notification or petition for judicial review under subsection (e) has been filed for a determination that disclosure may result in the harm described in clause (i), (ii), (iii), or (iv) of paragraph (1)(B), if it notifies the recipient of such petition;

''(ii) the court shall review such a petition pursuant to the procedures under section 3511 of title 18, United States Code; and

''(iii) if the court determines that there is reason to believe that disclosure may result in the harm described in clause (i), (ii), (iii), or (iv) of paragraph (1)(B), the Federal Bureau of Investigation shall no longer be required to conduct the annual review of the facts supporting the nondisclosure requirement under subparagraph (A).''.

(d) CONSUMER REPORTS.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (c) and inserting the following new subsection:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (d) is provided, no consumer reporting agency that receives a request under subsection (a), or officer, employee, or agent thereof, shall disclose or specify in any consumer report, that a government agency described in subsection (a) has sought or obtained access to information or records under subsection (a).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of the government agency described in subsection (a), or a designee, certifies that the absence of a prohibition of disclosure under this subsection may result in—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the head of the government agency described in subsection (a) or a designee.

''(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request under subsection (a) is issued in the same manner as the person to whom the request is issued.

''(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the head of the government agency described in subsection (a) or a designee, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the head or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(3) TERMINATION.—

''(A) IN GENERAL.—In the case of any request under subsection (a) for which a recipient has submitted a notification to the Government under section 3511(b)(1)(A) of title 18, United States Code, or filed a petition for judicial review under subsection (d)—

''(i) an appropriate official of the agency described in subsection (a) shall, until termination of the nondisclosure requirement, review the facts supporting a nondisclosure requirement annually and upon closure of the investigation; and

''(ii) if, upon a review under clause (i), the facts no longer support the nondisclosure requirement, an appropriate official of the agency described in subsection (a) shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement, and the court as appropriate, that the nondisclosure requirement is no longer in effect.

''(B) CLOSURE OF INVESTIGATION.—Upon closure of the investigation—

''(i) the agency described in subsection (a) may petition the court before which a notification or petition for judicial review under subsection (d) has been filed for a determination that disclosure may result in the harm described in clause (i), (ii), (iii), or (iv) of paragraph (1)(B), if it notifies the recipient of such petition;

''(ii) the court shall review such a petition pursuant to the procedures under section 3511 of title 18, United States Code; and

''(iii) if the court determines that there is reason to believe that disclosure may result in the harm described in clause (i), (ii), (iii), or (iv) of paragraph (1)(B), the agency described in subsection (1) shall no longer be required to conduct the annual review of the facts supporting the nondisclosure requirement under subparagraph (A).''.

(e) INVESTIGATIONS OF PERSONS WITH ACCESS TO CLASSIFIED INFORMATION.—Section 802 of the National Security Act of 1947 (50 U.S.C. 3162) is amended by striking subsection (b) and inserting the following new subsection:

''(b) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (c) is provided, no governmental or private entity that receives a request under subsection (a), or officer, employee, or agent thereof, shall disclose to any person that an authorized investigative agency described in subsection (a) has sought or obtained access to information under subsection (a).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of an authorized investigative agency described in subsection (a), or a designee, certifies that the absence of a prohibition of disclosure under this subsection may result in—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A governmental or private entity that receives a request under subsection (a), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the head of the authorized investigative agency described in subsection (a) or a designee.

''(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the head of an authorized investigative agency described in subsection (a), or a designee, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the head of the authorized investigative agency or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(3) TERMINATION.—

''(A) IN GENERAL.—In the case of any request for which a recipient has submitted a notification to the Government under section 3511(b)(1)(A) of title 18, United States Code, or filed a petition for judicial review under subsection (c)—

''(i) an appropriate official of the authorized investigative agency making the request under subsection (a) shall, until termination of the nondisclosure requirement, review the facts supporting a nondisclosure requirement annually and upon closure of the investigation; and

''(ii) if, upon a review under clause (i), the facts no longer support the nondisclosure requirement, an appropriate official of the authorized investigative agency making the request under subsection (a) shall promptly notify the recipient of the request, or officer, employee, or agent thereof, subject to the nondisclosure requirement, and the court as appropriate, that the nondisclosure requirement is no longer in effect.

''(B) CLOSURE OF INVESTIGATION.—Upon closure of the investigation—

''(i) the authorized investigative agency making the request under subsection (a) may petition the court before which a notification or petition for judicial review under subsection (c) has been filed for a determination that disclosure may result in the harm described in clause (i), (ii), (iii), or (iv) of paragraph (1)(B), if it notifies the recipient of such petition;

''(ii) the court shall review such a petition pursuant to the procedures under section 3511 of title 18, United States Code; and

''(iii) if the court determines that there is reason to believe that disclosure may result in the harm described in clause (i), (ii), (iii),

or (iv) of paragraph (1)(B), the authorized investigative agency shall no longer be required to conduct the annual review of the facts supporting the nondisclosure requirement under subparagraph (A).''.

(f) JUDICIAL REVIEW.—Section 3511 of title 18, United States Code, is amended by striking subsection (b) and inserting the following new subsection:

''(b) NONDISCLOSURE.—

''(1) IN GENERAL.—

''(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 3162), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient may notify the Government or file a petition for judicial review in any court described in subsection (a).

''(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the order is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the request is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

''(C) CONSIDERATION.—A district court of the United States that receives a petition under subparagraph (A) or an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

''(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof or a response to a petition filed under paragraph (1) shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that the absence of a prohibition of disclosure under this subsection may result in—

''(A) a danger to the national security of the United States;

''(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(C) interference with diplomatic relations; or

''(D) danger to the life or physical safety of any person.

''(3) STANDARD.—A district court of the United States shall issue a nondisclosure order or extension thereof under this subsection if the court determines that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period may result in—

''(A) a danger to the national security of the United States;

''(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(C) interference with diplomatic relations; or

''(D) danger to the life or physical safety of any person.''.

SEC. 503. JUDICIAL REVIEW.

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of title 18, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—A request under subsection (b) or a nondisclosure requirement imposed in connection with such request under subsection (c) shall be subject to judicial review under section 3511.

''(2) NOTICE.—A request under subsection (b) shall include notice of the availability of judicial review described in paragraph (1).''.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—A request under subsection (a) or a nondisclosure requirement imposed in connection with such request under subsection (c) shall be subject to judicial review under section 3511 of title 18, United States Code.

''(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).''.

(c) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) by redesignating subsections (e) through (m) as subsections (f) through (n), respectively; and

(2) by inserting after subsection (d) the following new subsection:

''(e) JUDICIAL REVIEW.—

''(1) IN GENERAL.—A request under subsection (a) or (b) or an order under subsection (c) or a non-disclosure requirement imposed in connection with such request under subsection (d) shall be subject to judicial review under section 3511 of title 18, United States Code.

''(2) NOTICE.—A request under subsection (a) or (b) or an order under subsection (c) shall include notice of the availability of judicial review described in paragraph (1).''.

(d) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—A request under subsection (a) or a non-disclosure requirement imposed in connection with such request under subsection (c) shall be subject to judicial review under section 3511 of title 18, United States Code.

''(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).''.

(e) INVESTIGATIONS OF PERSONS WITH ACCESS TO CLASSIFIED INFORMATION.—Section 802 of the National Security Act of 1947 (50 U.S.C. 3162) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) JUDICIAL REVIEW.—

''(1) IN GENERAL.—A request under subsection (a) or a nondisclosure requirement imposed in connection with such request under subsection (b) shall be subject to judicial review under section 3511 of title 18, United States Code.

''(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).''.

TITLE VI—FISA TRANSPARENCY AND REPORTING REQUIREMENTS

SEC. 601. ADDITIONAL REPORTING ON ORDERS REQUIRING PRODUCTION OF BUSINESS RECORDS; BUSINESS RECORDS COMPLIANCE REPORTS TO CONGRESS.

Section 502(b) (50 U.S.C. 1862(b)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting before paragraph (6) (as so redesignated) the following new paragraphs:

''(1) a summary of all compliance reviews conducted by the Government for the production of tangible things under section 501;

''(2) the total number of applications described in section 501(b)(2)(B) made for orders approving requests for the production of tangible things;

''(3) the total number of such orders either granted, modified, or denied;

''(4) the total number of applications described in section 501(b)(2)(C) made for orders approving requests for the production of call detail records;

''(5) the total number of such orders either granted, modified, or denied;''.

SEC. 602. ANNUAL REPORTS BY THE GOVERNMENT.

(a) IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.), as amended by section 402 of this Act, is further amended by adding at the end the following new section:

''SEC. 603. ANNUAL REPORTS.

''(a) REPORT BY DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—The Director of the Administrative Office of the United States Courts shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate, subject to a declassification review by the Attorney General and the Director of National Intelligence, a report, made publicly available on an Internet Web site, that includes—

''(1) the number of applications or certifications for orders submitted under each of sections 105, 304, 402, 501, 702, 703, and 704;

''(2) the number of orders entered under each of those sections;

''(3) the number of orders modified under each of those sections;

''(4) the number of orders denied under each of those sections;

''(5) the number of appointments of an individual to serve as amicus curiae under section 103, including the name of each individual appointed to serve as amicus curiae; and

''(6) the number of written findings issued under section 103(i) that such appointment is not appropriate and the text of any such written findings.

''(b) MANDATORY REPORTING BY DIRECTOR OF NATIONAL INTELLIGENCE.—

''(1) IN GENERAL.—Except as provided in subsection (e), the Director of National Intelligence shall annually make publicly available on an Internet Web site a report that identifies, for the preceding 12-month period—

''(A) the total number of orders issued pursuant to titles I and III and sections 703 and 704 and a good faith estimate of the number of targets of such orders;

''(B) the total number of orders issued pursuant to section 702 and a good faith estimate of—

''(i) the number of targets of such orders;

''(ii) the number of individuals whose communications were collected pursuant to such orders;

''(iii) the number of individuals whose communications were collected pursuant to such orders who are reasonably believed to have been located in the United States at the time of collection;

''(iv) the number of search terms that included information concerning a United States person that were used to query any database of the contents of electronic communications or wire communications obtained through the use of an order issued pursuant to section 702; and

''(v) the number of search queries initiated by an officer, employee, or agent of the United States whose search terms included information concerning a United States person in any database of noncontents information relating to electronic communications or wire communications that were obtained through the use of an order issued pursuant to section 702;

''(C) the total number of orders issued pursuant to title IV and a good faith estimate of—

''(i) the number of targets of such orders;

''(ii) the number of individuals whose communications were collected pursuant to such orders; and

''(iii) the number of individuals whose communications were collected pursuant to such orders who are reasonably believed to have been located in the United States at the time of collection;

''(D) the total number of orders issued pursuant to applications made under section 501(b)(2)(B) and a good faith estimate of—

''(i) the number of targets of such orders;

''(ii) the number of individuals whose communications were collected pursuant to such orders; and

''(iii) the number of individuals whose communications were collected pursuant to such orders who are reasonably believed to have been located in the United States at the time of collection;

''(E) the total number of orders issued pursuant to applications made under section 501(b)(2)(C) and a good faith estimate of—

''(i) the number of targets of such orders;

''(ii) the number of individuals whose communications were collected pursuant to such orders;

''(iii) the number of individuals whose communications were collected pursuant to such orders who are reasonably believed to have been located in the United States at the time of collection; and

''(iv) the number of search terms that included information concerning a United States person that were used to query any database of call detail records obtained through the use of such orders; and

''(F) the total number of national security letters issued and the number of requests for information contained within such national security letters.

''(2) BASIS FOR REASONABLE BELIEF INDIVIDUAL IS LOCATED IN UNITED STATES.—A phone number registered in the United States may provide the basis for a reasonable belief that the individual using the phone number is located in the United States at the time of collection.

''(c) DISCRETIONARY REPORTING BY DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence may annually make publicly available on an Internet Web site a report that identifies, for the preceding 12-month period—

''(1) a good faith estimate of the number of individuals whose communications were collected pursuant to orders issued pursuant to titles I and III and sections 703 and 704 reasonably believed to have been located in the United States at the time of collection whose information was reviewed or accessed by an officer, employee, or agent of the United States;

''(2) a good faith estimate of the number of individuals whose communications were collected pursuant to orders issued pursuant to section 702 reasonably believed to have been located in the United States at the time of collection whose information was reviewed or accessed by an officer, employee, or agent of the United States;

''(3) a good faith estimate of the number of individuals whose communications were collected pursuant to orders issued pursuant to title IV reasonably believed to have been located in the United States at the time of collection whose information was reviewed or accessed by an officer, employee, or agent of the United States;

''(4) a good faith estimate of the number of individuals whose communications were collected pursuant to orders issued pursuant to applications made under section 501(b)(2)(B) reasonably believed to have been located in the United States at the time of collection whose information was reviewed or accessed by an officer, employee, or agent of the United States; and

''(5) a good faith estimate of the number of individuals whose communications were collected pursuant to orders issued pursuant to applications made under section 501(b)(2)(C) reasonably believed to have been located in the United States at the time of collection whose information was reviewed or accessed by an officer, employee, or agent of the United States.

''(d) TIMING.—The annual reports required by subsections (a) and (b) and permitted by subsection (c) shall be made publicly available during April of each year and include information relating to the previous year.

''(e) EXCEPTIONS.—

''(1) REPORTING BY UNIQUE IDENTIFIER.—If it is not practicable to report the good faith estimates required by subsection (b) and permitted by subsection (c) in terms of individuals, the good faith estimates may be counted in terms of unique identifiers, including names, account names or numbers, addresses, or telephone or instrument numbers.

''(2) STATEMENT OF NUMERICAL RANGE.—If a good faith estimate required to be reported under clauses (ii) or (iii) of each of subparagraphs (B), (C), (D), and (E) of paragraph (1) of subsection (b) or permitted to be reported in subsection (c), is fewer than 500, it shall exclusively be expressed as a numerical range of 'fewer than 500' and shall not be expressed as an individual number.

''(3) FEDERAL BUREAU OF INVESTIGATION.—Subparagraphs (B)(iv), (B)(v), (D)(iii), (E)(iii), and (E)(iv) of paragraph (1) of subsection (b) shall not apply to information or records held by, or queries conducted by, the Federal Bureau of Investigation.

''(4) CERTIFICATION.—

''(A) IN GENERAL.—If the Director of National Intelligence concludes that a good faith estimate required to be reported under subparagraph (B)(iii) or (C)(iii) of paragraph (1) of subsection (b) cannot be determined accurately, including through the use of statistical sampling, the Director shall—

''(i) certify that conclusion in writing to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and

''(ii) make such certification publicly available on an Internet Web site.

''(B) CONTENT.—

''(i) IN GENERAL.—The certification described in subparagraph (A) shall state with specificity any operational, national security, or other reasons why the Director of National Intelligence has reached the conclusion described in subparagraph (A).

''(ii) GOOD FAITH ESTIMATES OF CERTAIN INDIVIDUALS WHOSE COMMUNICATIONS WERE COLLECTED UNDER ORDERS ISSUED UNDER SECTION 702.—A certification described in subparagraph (A) relating to a good faith estimate required to be reported under subsection (b)(1)(B)(iii) may include the information annually reported pursuant to section 702(l)(3)(A).

''(iii) GOOD FAITH ESTIMATES OF CERTAIN INDIVIDUALS WHOSE COMMUNICATIONS WERE COLLECTED UNDER ORDERS ISSUED UNDER TITLE IV.—If the Director of National Intelligence determines that a good faith estimate required to be reported under subsection (b)(1)(C)(iii) cannot be determined accurately as that estimate pertains to electronic communications, but can be determined accurately for wire communications, the Director shall make the certification described in subparagraph (A) with respect to electronic communications and shall also report the good faith estimate with respect to wire communications.

''(C) FORM.—A certification described in subparagraph (A) shall be prepared in unclassified form, but may contain a classified annex.

''(D) TIMING.—If the Director of National Intelligence continues to conclude that the good faith estimates described in this paragraph cannot be determined accurately, the Director shall annually submit a certification in accordance with this paragraph.

''(f) CONSTRUCTION.—Nothing in this section affects the lawfulness or unlawfulness of any government surveillance activities described herein.

''(g) DEFINITIONS.—In this section:

''(1) CONTENTS.—The term 'contents' has the meaning given that term under section 2510 of title 18, United States Code.

''(2) ELECTRONIC COMMUNICATION.—The term 'electronic communication' has the meaning given that term under section 2510 of title 18, United States Code.

''(3) INDIVIDUAL WHOSE COMMUNICATIONS WERE COLLECTED.—The term 'individual whose communications were collected' means any individual—

''(A) who was a party to an electronic communication or a wire communication the contents or noncontents of which was collected; or

''(B)(i) who was a subscriber or customer of an electronic communication service or remote computing service; and

''(ii) whose records, as described in subparagraph (A), (B), (D), (E), or (F) of section 2703(c)(2) of title 18, United States Code, were collected.

''(4) NATIONAL SECURITY LETTER.—The term 'national security letter' means a request for a report, records, or other information under—

''(A) section 2709 of title 18, United States Code;

''(B) section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A));

''(C) subsection (a) or (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u(a), 1681u(b)); or

''(D) section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)).

''(5) UNITED STATES PERSON.—The term 'United States person' means a citizen of the United States or an alien lawfully admitted for permanent residence (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))).

''(6) WIRE COMMUNICATION.—The term 'wire communication' has the meaning given that term under section 2510 of title 18, United States Code.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents, as amended by section 402 of this Act, is further amended by inserting after the item relating to section 602, as added by section 402 of this Act, the following new item:

''Sec. 603. Annual reports.''.

(c) PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.—Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''concerning different United States persons''; and

(B) in subparagraph (A), by striking '', excluding the number of requests for subscriber information'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) CONTENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each report required under this subsection shall include a good faith estimate of the total number of requests described in paragraph (1) requiring disclosure of information concerning—

''(i) United States persons; and

''(ii) persons who are not United States persons.

''(B) EXCEPTION.—With respect to the number of requests for subscriber information under section 2709 of title 18, United States Code, a report required under this subsection need not separate the number of requests into each of the categories described in subparagraph (A).''.

(d) STORED COMMUNICATIONS.—Section 2702(d) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (2)(B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) the number of accounts from which the Department of Justice has received voluntary disclosures under subsection (c)(4).''.

SEC. 603. PUBLIC REPORTING BY PERSONS SUBJECT TO FISA ORDERS.

(a) IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.), as amended by sections 402 and 602 of this Act, is further amended by adding at the end the following new section:

''SEC. 604. PUBLIC REPORTING BY PERSONS SUBJECT TO ORDERS.

''(a) REPORTING.—A person subject to a nondisclosure requirement accompanying an order or directive under this Act or a national security letter may, with respect to such order, directive, or national security letter, publicly report the following information using 1 of the following structures:

''(1) A semiannual report that aggregates the number of orders or national security letters with which the person was required to comply in the following separate categories:

''(A) The number of national security letters received, reported in bands of 1000 starting with 0–999.

''(B) The number of customer accounts affected by national security letters, reported in bands of 1000 starting with 0–999.

''(C) The number of orders under this Act for contents, reported in bands of 1000 starting with 0–999.

''(D) With respect to contents orders under this Act, in bands of 1000 starting with 0–999, the number of customer selectors targeted under such orders.

''(E) The number of orders under this Act for noncontents, reported in bands of 1000 starting with 0–999.

''(F) With respect to noncontents orders under this Act, in bands of 1000 starting with 0–999, the number of customer selectors targeted under orders under—

''(i) title IV;

''(ii) title V with respect to applications described in section 501(b)(2)(B); and

''(iii) title V with respect to applications described in section 501(b)(2)(C).

''(2) A semiannual report that aggregates the number of orders, directives, or national security letters with which the person was required to comply in the following separate categories:

''(A) The total number of all national security process received, including all national security letters and orders or directives under this Act, combined, reported in bands of 0–249 and thereafter in bands of 250.

''(B) The total number of customer selectors targeted under all national security process received, including all national security letters and orders or directives under this Act, combined, reported in bands of 0–249 and thereafter in bands of 250.

''(3) A semiannual report that aggregates the number of orders or national security letters with which the person was required to comply in the following separate categories:

''(A) The number of national security letters received, reported in bands of 500 starting with 0–499.

''(B) The number of customer accounts affected by national security letters, reported in bands of 500 starting with 0–499.

''(C) The number of orders under this Act for contents, reported in bands of 500 starting with 0–499.

''(D) The number of customer selectors targeted under such orders, reported in bands of 500 starting with 0–499.

''(E) The number of orders under this Act for noncontents, reported in bands of 500 starting with 0–499.

''(F) The number of customer selectors targeted under such orders, reported in bands of 500 starting with 0–499.

''(4) An annual report that aggregates the number of orders, directives, and national security letters the person was required to comply with in the following separate categories:

''(A) The total number of all national security process received, including all national security letters and orders or directives under this Act, combined, reported in bands of 0–100 and thereafter in bands of 100.

''(B) The total number of customer selectors targeted under all national security process received, including all national security letters and orders or directives under this Act, combined, reported in bands of 0–100 and thereafter in bands of 100.

''(b) PERIOD OF TIME COVERED BY REPORTS.—

''(1) A report described in paragraph (1) or (3) of subsection (a)—

''(A) may be published every 180 days;

''(B) subject to subparagraph (C), shall include—

''(i) with respect to information relating to national security letters, information relating to the previous 180 days; and

''(ii) with respect to information relating to authorities under this Act, except as provided in subparagraph (C), information relating to the time period—

''(I) ending on the date that is not less than 180 days before the date on which the information is publicly reported; and

''(II) beginning on the date that is 180 days before the date described in subclause (I); and

''(C) for a person that has received an order or directive under this Act with respect to a platform, product, or service for which a person did not previously receive such an order or directive (not including an enhancement to or iteration of an existing publicly available platform, product, or service)—

''(i) shall not include any information relating to such new order or directive until 540 days after the date on which such new order or directive is received; and

''(ii) for a report published on or after the date on which the 540-day waiting period expires, shall include information relating to such new order or directive reported pursuant to subparagraph (B)(ii).

''(2) A report described in paragraph (2) of subsection (a) may be published every 180 days and shall include information relating to the previous 180 days.

''(3) A report described in paragraph (4) of subsection (a) may be published annually and shall include information relating to the time period—

''(A) ending on the date that is not less than 1 year before the date on which the information is publicly reported; and

''(B) beginning on the date that is 1 year before the date described in subparagraph (A).

''(c) OTHER FORMS OF AGREED TO PUBLICATION.—Nothing in this section prohibits the Government and any person from jointly agreeing to the publication of information referred to in this subsection in a time, form, or manner other than as described in this section.

''(d) DEFINITIONS.—In this section:

''(1) CONTENTS.—The term 'contents' has the meaning given that term under section 2510 of title 18, United States Code.

''(2) NATIONAL SECURITY LETTER.—The term 'national security letter' has the meaning given that term under section 603.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents, as amended by sections 402 and 602 of this Act, is further amended by inserting after the item relating to section 603, as added by section 602 of this Act, the following new item:

''Sec. 604. Public reporting by persons subject to orders.''.

SEC. 604. REPORTING REQUIREMENTS FOR DECISIONS, ORDERS, AND OPINIONS OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT AND THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.

Section 601(c)(1) (50 U.S.C. 1871(c)(1)) is amended to read as follows:

''(1) not later than 45 days after the date on which the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review issues a decision, order, or opinion, including any denial or modification of an application under this Act, that includes significant construction or interpretation of any provision of law or results in a change of application of any provision of this Act or a novel application of any provision of this Act, a copy of such decision, order, or opinion and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion; and''.

SEC. 605. SUBMISSION OF REPORTS UNDER FISA.

(a) ELECTRONIC SURVEILLANCE.—Section 108(a)(1) (50 U.S.C. 1808(a)(1)) is amended by

striking ''the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, and the Committee on the Judiciary of the Senate,'' and inserting ''the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate''.

(b) PHYSICAL SEARCHES.—The matter preceding paragraph (1) of section 306 (50 U.S.C. 1826) is amended—

(1) in the first sentence, by striking ''Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and the Committee on the Judiciary of the Senate,'' and inserting ''Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate''; and

(2) in the second sentence, by striking ''and the Committee on the Judiciary of the House of Representatives''.

(c) PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 406(b) (50 U.S.C. 1846(b)) is amended—

(1) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(4) each department or agency on behalf of which the Attorney General or a designated attorney for the Government has made an application for an order authorizing or approving the installation and use of a pen register or trap and trace device under this title; and

''(5) for each department or agency described in paragraph (4), each number described in paragraphs (1), (2), and (3).''.

(d) ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS.—Section 502(a) (50 U.S.C. 1862(a)) is amended by striking ''Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate'' and inserting ''Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate''.

TITLE VII—SUNSETS

SEC. 701. SUNSETS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (50 U.S.C. 1805 note) is amended by striking ''June 1, 2015'' and inserting ''December 31, 2017''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking ''June 1, 2015'' and inserting ''December 31, 2017''.

Mr. LEE. First, I thank my distinguished colleague, the senior Senator from Vermont, for his leadership on this issue. I am pleased to join him as a cosponsor of this legislation. As the lead cosponsor of this bill, I attest to the fact that this is an issue that is neither Republican nor Democratic, it is neither liberal nor conservative, it is simply American.

It is a fundamental concept of liberty that we have to control the government. The government and the immense power of government has expanded over time with advances in technology. Our country certainly has changed to an enormous degree over the centuries since James Madison penned our Bill of Rights. But the protection of liberty afforded by the Fourth Amendment has only become more important, not less important, as the government's ability to collect information has advanced.

This legislation, which has broad-based bipartisan support, is absolutely necessary. It can be implemented in a way that will still allow the government to protect us. It will also protect us from the risk of overreach by the government.

We have to remember it is not just the government that we have in place today, even if we assume, for purposes of this discussion, that everyone who works for the government, every government agent who participates in the collection of this information is doing what is right. We can't always assume that will be the case in the future.

I see my time has expired. I once again thank my colleague, the senior Senator from Vermont, Mr. LEAHY, for his sponsorship of this legislation. I urge my colleagues to join us in this effort.

Mr. FRANKEN. Mr. President, I rise to talk about the transparency provisions in the USA FREEDOM Act. I am a proud cosponsor of Chairman LEAHY's bill, and I am particularly proud to have written the key transparency provisions with my friend Senator DEAN HELLER of Nevada.

Senator LEE is right. This is not a Republican bill or a Democratic bill. This isn't a Republican issue or a Democratic issue. I thank Senator LEE for his leadership. Of course, we are all indebted to Senator LEAHY for his leadership on this issue.

Because of time constraints, I am not going to be able to give the speech I wanted to, so I will try to ask for time for tomorrow. I know today's floor is very busy.

I wish to say it is very important that there is enough transparency in our NSA surveillance that Americans can judge for themselves if we are striking the right balance between national security and our civil liberties.

Mr. HELLER. Mr. President, today my colleague Senator LEAHY, the chairman of the Judiciary Committee, introduced legislation that would amend the PATRIOT Act. This new legislation reflects a bicameral and bipartisan compromise that ends the bulk data collection practices currently being used. It also gives our intelligence officials specific rules to follow so they can keep the operational capabilities necessary to protect the United States from a terrorist attack without compromising the Fourth Amendment to the Constitution. I thank Senator LEAHY for his work, and I am grateful for his partnership.

This important step is necessary for restoring Americans' privacy rights which were taken by a well-intended but overreaching Federal Government in the wake of the 9/11 terrorist attacks.

The expanded authority given to the National Security Agency through executive action and the PATRIOT Act was intended to prevent another attack on America. While I was not a Member of Congress on 9/11, I shared the horror all Nevadans felt watching the murder of thousands of innocent Americans, and the profound sadness as buildings in New York and Washington, DC, sat smoldering. I understand as well as anyone here the reason behind the actions our Nation's leaders took to ensure that another attack on America never materialized, and why our leaders felt that no limits should be imposed. No matter what the cost, Americans had to be protected against another attack.

Viewing the situation from that lens, it is easy to understand how the Fourth Amendment was brushed aside as the Senate expanded law enforcement surveillance capabilities with just one dissenting vote.

The Federal Bureau of Investigation then used section 215 of the PATRIOT Act to expand the scope of surveillance far beyond even what some of the authors believed they were authorizing. The FBI argued that section 215 provided authority to collect phone data of law-abiding citizens without their knowledge. Specifically, they could use the business records provision to force phone companies to turn over millions of telephone calls when there is a reasonable ground or relevance to believe that the information sought is relevant to an authorized investigation of international terrorism.

As a result, we now have a bulk collection program in existence where telephone companies hand over millions of records to the NSA as part of a massive pre-collection database.

As someone who voted against the PATRIOT Act time and time again, I believe such data collection practices are a massive intrusion of our privacy, which is why I partnered with the senior Senator from Vermont to end these programs. Our legislation tightens the definitions of ''specific selection term'' for section 215 of the PATRIOT Act and FISA pen register trap-and-trace devices so that the information requested is limited to specifically identifying a person, account, address, or a personal device.

With this legislation, bulk collection will be eliminated and the records will stay with the telephone companies. The massive information grabs from the Federal Government based on geography or email service will no longer be permissible. And of the information that is collected, the legislation imposes new restrictions on its use and retention. These reforms will help shift the balance of privacy away from the Federal Government and back to the American people.

I am proud that this bill also includes the Franken-Heller Surveillance

Transparency Act of 2013. I was pleased to join Senator FRANKEN on this legislation because, at the very least, Americans deserve to know the number of people whose information is housed by the NSA. For the first time in American history, the government is forced to disclose to the American people roughly how many of them have had their communications collected.

Our provision calls for reports by the Director of National Intelligence detailing the requests for information authorized under the PATRIOT Act and the FISA Amendments Act. The reports would specify the total number of people whose information has been collected under these programs and how many people living in the United States have had their information collected. They would also permit the intelligence community to report on how many Americans actually had their information looked at by the NSA or any other intelligence agencies.

Furthermore, these provisions would allow telephone and Internet companies to tell consumers basic information regarding FISA court orders they receive and the number of users whose information is turned over.

The principles outlined in this bill to increase transparency for Americans and private companies would clear up a tremendous amount of confusion that exists within the programs. And our private companies need the added disclosure. The Information Technology & Innovation Foundation estimates that American cloud computing companies could lose $22 billion to $35 billion in the next 3 years because of concerns about their involvement with surveillance programs. The analytics firm Forrester put potential losses much higher, at $180 billion.

I want to be clear: I share the concerns of all Americans that we must protect ourselves against threats to the homeland. I believe terrorism is very real and the United States is the target of those looking to undermine the freedoms we hold as the core of our national identity. If the bulk collection programs in existence were bearing so much information to protect the homeland, it would change my opinion on the need for the USA Freedom Act. However, the bulk collection program has simply not provided the tangible results that justify a privacy intrusion of this level. We know this because on October 2, 2013, the chairman of the Senate Judiciary Committee, Senator LEAHY, asked NSA Director Keith Alexander the following question:

> At our last hearing, deputy director Inglis stated that there's only really one example of a case where, but for the use of Section 215 bulk phone records collection, terrorist activity was stopped. Was Mr. Inglis right?

To which Director Alexander responded:

> He's right. I believe he said two, Chairman.

Congress has authorized the collection of millions of law-abiding citizens' telephone metadata for years and it has only solved two ongoing FBI investigations. Of those two investigations, the NSA has publicly identified one. In fact, that case could have easily been handled by obtaining a warrant and going to the telephone company. It is the case of an individual in San Diego who was convicted of sending $8,500 to Somalia in support of al-Shabaab, the terrorist organization claiming responsibility for the Kenyan mall attack. The American phone records allowed the NSA to determine that a U.S. phone was used to contact an individual associated with this terrorist organization. I am appreciative that the NSA was able to apprehend this individual, but it does not provide overwhelming evidence that this program is necessary. The Obama administration has come to the same conclusion and so has the intelligence community.

The operational capabilities the intelligence community relies on to conduct their mission to keep us safe will not be impacted by the USA FREEDOM Act. If it were, the Intelligence Community and the administration would not have brokered this compromise legislation. Ending the bulk collection programs and giving Americans more transparency so they can determine for themselves whether they believe these programs should exist is an obligation we have to all of our constituents.

We have a bill introduced today that would give our law enforcement authorities the tools they need to keep us safe and also stay true to the Fourth Amendment. I encourage my colleagues to support these important reforms and I hope it can quickly be considered by this Chamber.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 526—SUPPORTING ISRAEL'S RIGHT TO DEFEND ITSELF AGAINST HAMAS, AND FOR OTHER PURPOSES

Mr. REID (for himself, Mr. MCCONNELL, Mr. MENENDEZ, Mr. CORKER, Mr. CARDIN, and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to.:

S. RES. 526

Whereas Hamas, an organization designated as a Foreign Terrorist Organization by the United States Department of State since 1997, has fired over 2,500 rockets indiscriminately from Gaza into Israel;

Whereas Israel has a right to defend itself from Hamas's constant barrage of rockets and to destroy the matrix of tunnels Hamas uses to smuggle weapons and Hamas fighters into Israel to carry out terrorist attacks;

Whereas the Government of Israel has taken significant steps to protect civilians in Gaza, including dropping leaflets in Gaza neighborhoods in advance of Israeli military attacks, calling Palestinians on the phone urging them to evacuate certain areas before the military strikes targets, and issuing warnings to civilians in advance of firing on buildings;

Whereas Israel's attacks have focused on terrorist targets such as Hamas's munitions storage sites, areas sheltering Hamas's rocket systems, Hamas's weapons manufacturing sites, the homes of militant leaders, and on the vast labyrinth of tunnels Hamas's fighters use to penetrate Israel's territory and attack Israelis;

Whereas Hamas uses rockets to indiscriminately target civilians in Israel;

Whereas Israel has accepted and implemented numerous ceasefire agreements that Hamas has rejected;

Whereas Hamas continued to fire rockets into Israel during a 24-hour truce that Hamas had itself proposed;

Whereas Israel embraced the Egyptian-proposed ceasefire agreement, which Hamas resoundingly rejected on July 27, 2014;

Whereas Hamas intentionally uses civilians as human shields;

Whereas Hamas refuses to recognize Israel's right to exist;

Whereas Israel's Iron Dome has protected Israel's civilian population from the over 2,500 rockets that Hamas has indiscriminately fired into Israel since July 7, 2014;

Whereas, without Iron Dome's ability to intercept and destroy Hamas's missiles, Israeli neighborhoods would have been significantly damaged and Israeli casualties would have been much higher;

Whereas the United Nations Human Rights Council voted to accept a biased resolution establishing a Commission of Inquiry to determine if Israel violated human rights and humanitarian law during the ongoing conflict with Gaza; and

Whereas the United Nations Human Rights Council resolution makes no mention of investigating Hamas's indiscriminate rocket attacks against Israel, nor Hamas's policy of using Palestinian civilians as human shields: Now, therefore, be it

Resolved, That the Senate—

(1) laments all loss of innocent civilian life;

(2) condemns the United Nations Human Rights Council's resolution on July 23, 2014, which calls for yet another prejudged investigation of Israel while making no mention of Hamas's continued assault against Israel, and also calls for an investigation into potential human rights violations by Israel in the current Gaza conflict without mentioning Hamas's assault against innocent civilians and its use of civilian shields;

(3) supports Israel's right to defend itself against Hamas's unrelenting and indiscriminate rocket assault into Israel and Israel's right to destroy Hamas's elaborate tunnel system into Israel's territory;

(4) condemns Hamas's terrorist actions and use of civilians as human shields;

(5) supports United States mediation efforts for a durable ceasefire agreement that immediately ends Hamas's rocket assault and leads to the demilitarization of Gaza; and

(6) supports additional funding the Government of Israel needs to replenish Iron Dome missiles and enhance Israel's defensive capabilities.

SENATE RESOLUTION 527—CONGRATULATING THE MEMBERS OF PHI BETA SIGMA FRATERNITY, INC. FOR 100 YEARS OF SERVICE THROUGHOUT THE UNITED STATES AND THE WORLD, AND COMMENDING PHI BETA SIGMA FRATERNITY, INC. FOR EXEMPLIFYING THE IDEALS OF BROTHERHOOD, SCHOLARSHIP, AND SERVICE WHILE UPHOLDING THE MOTTO ''CULTURE FOR SERVICE AND SERVICE FOR HUMANITY''

Ms. LANDRIEU (for herself, Mr. SCOTT, Mr. CARDIN, Mr. BROWN, Mr. NELSON, Mrs. HAGAN, Mr. LEVIN, and Ms. BALDWIN) submitted the following resolution; which was considered and agreed to:

S. RES. 527

Whereas Phi Beta Sigma Fraternity, Inc. was founded on the campus of Howard University in the District of Columbia on January 9, 1914, by A. Langston Taylor, Leonard F. Morse, and Charles I. Brown;

Whereas since the formation of Phi Beta Sigma Fraternity, Inc., the members of Phi Beta Sigma Fraternity, Inc. have maintained a strong commitment to brotherhood, community involvement, and service to all people;

Whereas Phi Beta Sigma Fraternity, Inc. has implemented a number of initiatives encouraging diversity, business opportunities, and advocacy;

Whereas Phi Beta Sigma Fraternity, Inc. has established the Sigma Wellness, Sigma Cares, and Living Well Brother to Brother programs;

Whereas Phi Beta Sigma Fraternity, Inc. was the first African-American fraternity to establish alumni chapters and youth mentoring clubs and is the only fraternity to form an African-American sorority counterpart, Zeta Phi Beta;

Whereas the men of Phi Beta Sigma Fraternity, Inc. have dedicated themselves to the promotion of civil rights, and the members of Phi Beta Sigma Fraternity, Inc. include influential leaders and activists such as Hosea Williams, A. Philip Randolph, and Lafayette Mckeene Hershaw;

Whereas members belonging to chapters of Phi Beta Sigma Fraternity, Inc. across the United States responded to a call for support of the war efforts of the United States during World War I;

Whereas members of Phi Beta Sigma Fraternity, Inc., such as Alain LeRoy Locke, Weldon Johnson, and A. Philip Randolph, made significant contributions to the Harlem Renaissance;

Whereas Phi Beta Sigma Fraternity, Inc. has over 700 chapters in the United States, Africa, Europe, Asia, and the Caribbean;

Whereas the men of Phi Beta Sigma Fraternity, Inc. have distinguished themselves as public servants, including members such as—

(1) a United States Congressman, civil rights activist, and chairman of the Student Nonviolent Coordinating Committee;

(2) the first African-American Speaker of the Colorado House of Representatives;

(3) the first African-American Democrat elected to the Congress of the United States;

(4) Demetrius C. Newton, Sr., elected in 1986 as the first African-American Speaker Pro Tempore of the Alabama House of Representatives; and

(5) Fleming Jones, Jr., the first African-American Democratic member of the West Virginia House of Delegates; and

Whereas Phi Beta Sigma Fraternity, Inc. commemorated its history and promoted service during the Phi Beta Sigma centennial celebration on January 9, 2014, in the District of Columbia: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Phi Beta Sigma Fraternity, Inc. for 100 years of service to communities throughout the United States and the world; and

(2) commends Phi Beta Sigma Fraternity, Inc. for a continued commitment to the ideals of brotherhood, scholarship, and service.

SENATE RESOLUTION 528—COMMEMORATING THE 125TH ANNIVERSARY OF NORTH DAKOTA'S STATEHOOD

Mr. HOEVEN (for himself and Ms. HEITKAMP) submitted the following resolution; which was considered and agreed to:

S. RES. 528

Whereas the Dakota Territory was incorporated in 1861;

Whereas President Theodore Roosevelt came to the Dakota Territory in 1883 to hunt and begin cattle ranching near Medora, North Dakota;

Whereas President Theodore Roosevelt credited the fact he was elected President to the time he spent and the experiences he had in North Dakota;

Whereas North Dakota was admitted to the Union on November 2, 1889;

Whereas the population of North Dakota grew from 2,000 in 1870 to 680,000 in 1930, and reached a State record of 730,000 people in 2014;

Whereas the battleship USS NORTH DAKOTA, the first turbine-powered ship in the United States Navy, was launched in 1908;

Whereas the North Dakota State flag, the regimental flag carried by the North Dakota Infantry in the Spanish-American War in 1898 and Philippine Island Insurrection in 1899, was designated in 1911;

Whereas the Bank of North Dakota was established in 1919 and the State mill and elevator began operating in 1922;

Whereas, in 1932, the International Peace Garden was established on the border between North Dakota and the Canadian province of Manitoba, a symbol of peace between the governments of the United States and Canada;

Whereas, in 1949, the Theodore Roosevelt National Memorial Park was dedicated, covering 3 areas of the badlands in western North Dakota;

Whereas, in 1953, President Eisenhower dedicated the Garrison Dam, the fifth-largest earthen dam in the world, which created Lake Sakakawea, the third-largest manmade lake in the United States;

Whereas North Dakota has a world-class system of higher education, which supports student development across a variety of fields, including aerospace, agriculture, architecture, education, engineering, law, medicine, and nursing;

Whereas the USS NORTH DAKOTA, a Virginia-class submarine was christened in November 2013;

Whereas North Dakota has had the lowest unemployment rate in the United States for over 5 years;

Whereas, in 2013, North Dakota was either 1st or 2nd in the United States in total agriculture production for 16 different commodities;

Whereas North Dakota is the second largest producer of oil and gas in the United States;

Whereas North Dakota produces over 1,000,000 barrels of oil each day;

Whereas the economy of North Dakota has grown faster than the economy of all other States of the United States for 4 consecutive years;

Whereas the personal income of people in North Dakota is nearly 30 percent above the national average;

Whereas, in 2012, exports from North Dakota topped $4,000,000,000; and

Whereas the economy and communities of North Dakota has experienced unprecedented development, resulting in national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the State of North Dakota on its 125th anniversary; and

(B) the people of North Dakota for their tremendous work and success in building the prosperity of current and future generations living in the State; and

(2) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the Governor of North Dakota.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3700. 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.

SA 3701. 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 3702. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill H.R. 5021, to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes; which was ordered to lie on the table.

SA 3703. Mr. KIRK 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 3704. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3705. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 5021, to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3700. 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:

On page 13, after line 3, insert the following:

SEC. 4. LONG-TERM UNEMPLOYED INDIVIDUALS NOT TAKEN INTO ACCOUNT FOR EMPLOYER HEALTH CARE COVERAGE MANDATE.

(a) IN GENERAL.—Paragraph (4) of section 4980H(c) of the Internal Revenue Code of 1986

is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR LONG-TERM UNEMPLOYED INDIVIDUALS.—The term 'full-time employee' shall not include any individual who is a long-term unemployed individual (as defined in section 3111(d)(3)) with respect to such employer.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months beginning after December 31, 2013.

SA 3701. 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:

On page 13, after line 3, insert the following:

SEC. 4. CERTAIN EDUCATIONAL INSTITUTIONS EXEMPT FROM EMPLOYER HEALTH INSURANCE MANDATE.

(a) IN GENERAL.—Section 4980H(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(F) EXCEPTION FOR CERTAIN EDUCATIONAL INSTITUTIONS.—The term 'applicable large employer' shall not include—

''(i) any elementary school or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965),

''(ii) any local educational agency or State educational agency (as such terms are defined in section 9101 of such Act), and

''(iii) any institution of higher education (as such term is defined in section 102 of the Higher Education Act of 1965).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months beginning after December 31, 2013.

SA 3702. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill H.R. 5021, to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 1_____. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) IN GENERAL.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by striking paragraph (13) and inserting the following:

''(13) Raleigh-Norfolk Corridor from Raleigh, North Carolina, through Rocky Mount, Williamston, and Elizabeth City, North Carolina, to Norfolk, Virginia.''.

(b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597; 115 Stat. 872; 118 Stat. 293) is amended in the first sentence by inserting ''subsection (c)(13),'' after ''subsection (c)(9),''.

SA 3703. Mr. KIRK 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 C of title XII, add the following:

SEC. 1247. EXTENSION OF ANNUAL REPORTS ON THE MILITARY POWER OF IRAN.

Section 1245(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2544) is amended by striking ''December 31, 2014'' and inserting ''December 31, 2018''.

SA 3704. Mr. KIRK 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 XVI, add the following:

SEC. 1616. PROHIBITION ON INTEGRATION OF MISSILE DEFENSE SYSTEMS OF CHINA INTO MISSILE DEFENSE SYSTEMS OF UNITED STATES.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the Department of Defense may be used to integrate a missile defense system of the People's Republic of China into any missile defense system of the United States.

SA 3705. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 5021, to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PAYMENTS FROM THE ABANDONED MINE RECLAMATION FUND.

(a) IN GENERAL.—Section 411(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)) is amended—

(1) in paragraph (1)(C)—

(A) by striking ''Payments'' and inserting the following:

''(i) IN GENERAL.—Payments''; and

(B) by adding at the end the following:

''(ii) CERTAIN PAYMENTS REQUIRED.—Not withstanding any other provision of this Act, as soon as practicable after October 1, 2015, of the 7 equal installments referred to in clause (i), the Secretary shall pay to any certified State or Indian tribe to which the total annual payment under this subsection was limited to $15,000,000 in 2013 and $28,000,000 in fiscal year 2014—

''(I) the final 2 installments in 2 separate payments of $82,700,000 each; and

''(II) 2 separate payments of $32,600,000 each.''; and

(2) by striking paragraphs (5) and (6).

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall take effect October 1, 2015.

(c) OFFSET.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(1) oil and gas exploration, development, and production activities shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(2) no further findings or decisions shall be required to implement those activities.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 29, 2014, at 10:30 a.m. in room SR–253 of the Russell Senate Office Building to conduct a hearing entitled ''Revisiting the RESTORE Act: Progress and Challenges in Gulf Restoration Post-Deepwater Horizon.''

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 29, 2014, at 3 p.m. in room SR–253 of the Russell Senate Office Building to conduct a hearing entitled, ''Opportunities and Challenges for Improving Truck Safety on our Highways.''

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWN. 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 29, 2014, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building to conduct a hearing entitled ''Breaking the Logjam at BLM: Examining Ways to More Efficiently Process Permits for Energy Production on Federal Lands.''

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FINANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 29, 2014, at 10 a.m. in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tobacco: Taxes Owed, Avoided, and Evaded.''

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 29, 2014 at 10 a.m., to conduct a hearing entitltd ''Iran: Status of the P–5+1.''

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 29, 2014, at 2 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 29, 2014, at 9:30 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.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 29, 2014, at 2:30 p.m.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. BROWN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on July 29, 2014 at 2:30 p.m., in room SD-406 of the Dirksen Senate Office Building, to conduct a hearing entitled, ''Examining the Threats Posed by Climate Change.''

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

SUBCOMMITTEE ON INTERNATIONAL TRADE, CUSTOMS AND GLOBAL COMPETITIVENESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Subcommittee on International Trade, Customs and Global Competitiveness of the Commmittee on Finance be authorized to me during the session of the Senate on July 29, 2014 at 2:30 p.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled, ''The U.S.-Korea Free Trade Agreement: Lessons Learned Two Years Later.''

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

PRIVILEGES OF THE FLOOR

Mr. FRANKEN. Mr. President, I ask unanimous consent that my counsel detailee, Helen Gilbert, be granted floor privileges for the remainder of this Congress.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that privileges of the floor be granted to Shirin Panahandeh and Ryan Meyer, research associates in my office, for the remainder of the 113th Congress.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Shelby Stepper, be granted privileges of the floor for the balance of the day.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Kelli Andrews and Carter Burwell, who have been detailed to my staff, be granted floor privileges for the remainder of this Congress.

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

NAFTALI FRAENKEL REWARD ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. 2577.

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

The assistant legislative clerk read as follows:

A bill (S. 2577) to require the Secretary of State to offer rewards totaling up to $5,000,000 for information on the kidnapping and murder of Naftali Fraenkel, a dual United States-Israeli citizen, that began on June 12, 2014.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 2577) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2577

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

SECTION 1. REWARDS AUTHORIZED.

(a) IN GENERAL.—In accordance with the Rewards for Justice program authorized under section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)), the Secretary of State shall offer a reward to any individual who furnishes information leading to the arrest or conviction in any country of any individual for committing, conspiring or attempting to commit, or aiding or abetting in the commission of the kidnapping and murder of Naftali Fraenkel.

(b) LIMIT ON TOTAL REWARDS.—The total amount of rewards offered under subsection (a) may not exceed $5,000,000.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 103, which is at the desk.

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

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 103) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

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

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 103) was agreed to.

AUTHORIZING USE OF EMANCIPATION HALL

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H. Con. Res. 106, which was received from the House and is at the desk.

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

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 106) authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001.

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

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 106) was agreed to.

PHI BETA SIGMA FRATERNITY, INC. 100TH ANNIVERSARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 527, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 527) congratulating the members of Phi Beta Sigma Fraternity, Inc. for 100 years of service throughout the United States and the world, and commending Phi Beta Sigma Fraternity, Inc. for exemplifying the ideals of brotherhood, scholarship, and service while upholding the motto ''Culture for Service and Service for Humanity''.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 527) was agreed to.

The preamble was agreed to.

(The resolution (S. Res. 527), with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

CELEBRATING THE 125TH ANNIVERSARY OF NORTH DAKOTA STATEHOOD

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 528.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 528) celebrating the 125th anniversary of North Dakota Statehood.

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

Mr. REID. 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. 528) 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. 2685

Mr. REID. Mr. President, I understand S. 2685 is due 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. 2685) to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

Mr. REID. I ask for a second reading and 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.

UNITED STATES INTELLIGENCE PROFESSIONALS DAY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 521.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 521) designating July 26, 2014, as ''United States Intelligence Professionals Day.''

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 521) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of Thursday, July 24, 2014, under ''Submitted Resolutions.'')

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding rule XXII, following the vote on the motion to invoke cloture on the motion to proceed to S. 2648, the Senate proceed to executive session to consider Calendar Nos. 535, 783, and 729; 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 listed; that any rollcall votes following the first in the series be 10 minutes in length; that if any nomination is confirmed, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD and the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

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

AMENDING THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 475, H.R. 4028.

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

The assistant legislative clerk read as follows:

A bill (H.R. 4028) to amend the International Religious Freedom Act of 1998 to include the desecration of cemeteries among the many forms of violations of the right to religious freedom.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The bill (H.R. 4028) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, JULY 30, 2014

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, July 30, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 2569; that there be 1 hour for debate equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of that time, the Senate proceed to vote on the motion to invoke cloture on S. 2569.

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

PROGRAM

Mr. REID. Mr. President, at approximately 10:45 a.m. tomorrow morning, there will be a cloture vote on the Bring Jobs Home Act. If cloture is not invoked, there will be an immediate cloture vote on the motion to proceed to S. 2648, the emergency supplemental appropriations bill.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following the remarks of Senator GRASSLEY for up to 1 hour.

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

The Senator from Iowa.

DETENTION OF DANIEL CHONG

Mr. GRASSLEY. Mr. President, today I come to the floor to speak about the unconscionable way in which the Drug Enforcement Administration treated Daniel Chong, a San Diego college student, back in 2012. Unfortunately, the American people still do not know all the facts. They do not know what lasting changes are being made to make sure something like this never happens again. And they do not know what is being done to hold the DEA agents involved accountable because if people are not held accountable, there are not going to be any changes made. Most of the time, for people to be held accountable, heads have to roll, and there is no evidence that is the case in this particular case. But here is what we do know. It is a story that you might expect to hear set in some Third World country but never in the United States of America. So here it is.

Back in April 2012, Daniel Chong, a college student at the University of California, San Diego, was arrested by law enforcement conducting a sweep for drugs at a college party. He was taken into custody by the DEA and transported to the local DEA field office. He was questioned by the agents who had arrested him, and the agents apparently concluded that there was no basis to charge him with a crime. The young man may well have simply been in the wrong place at the wrong time.

The agents told him he was going to be released. But Daniel Chong was not

released. Instead, he was taken back to a holding cell in handcuffs, and he was left there for dead for 5 days—5 days without food, 5 days without water, 5 days without sunlight, 5 days without any basic necessities of life, in a holding cell not much larger than a bathroom stall. He cried out for help. He kicked and banged on the door of the cell but to no avail. He became so desperate and dehydrated that he even drank his own urine in an effort to survive. Incredibly, the one thing Daniel Chong found in his cell that he tried to live on turned out to be some methamphetamine. That is right, he found an illegal drug in the DEA's own holding cell. Apparently, it was never searched before Mr. Chong was tossed inside. It got so bad that this young man tried to kill himself. He tried to carve the words ''sorry Mom'' into his own skin. He intended it to be the last message for anyone to pass on who might one day discover his lifeless body in that DEA holding cell.

After 5 days someone finally responded to Daniel Chong's call for help. He was taken immediately to the hospital. He was found to be suffering from extreme dehydration, hypothermia, kidney failure, and cuts and bruises on his wrists. It took 4 days to nurse him back to health.

This all occurred in April 2012. Soon after I learned of it, I sent a letter to the DEA Administrator demanding to know what could have led to such a calamity. I asked how, in a modern age of computers and surveillance cameras, it was possible that an innocent person could be left for dead in a DEA holding cell. I asked about the DEA policies and procedures in place to help prevent this from ever happening again. And I asked whether those responsible for what happened to Mr. Chong were going to be held accountable.

It took the DEA more than a year to respond to my questions—more than a year. In June 2013 the DEA trotted out the familiar response we so often hear from bureaucrats when they do not want to tell you what really happened. They said at that time the DEA could not comment on many aspects of the matter because the Department of Justice's own inspector general was conducting a review. The DEA assured me that, in their words, an ''interim'' policy had been adopted to make sure no other innocent people would be abandoned in a prison cell and left for dead. But the American people would have to wait for a permanent policy change and a full accounting until after the inspector general finished its investigation.

Just a month later, in July 2013, the DEA announced it would be handing over $4.1 million to Daniel Chong to settle his lawsuit. Mr. President, $4.1 million of taxpayer money—almost $1 million for each day he spent forgotten and also ignored in that dark and drug-infested DEA holding cell.

Now, up to date, finally, just this month and more than 2 years after this debacle, the Department of Justice's inspector general finally issued its report of the investigation. We still do not know the full truth about what happened to Daniel Chong. In many ways the inspector general's report raises more questions than it answers, and what the report does tell us is quite disturbing.

According to the report, Daniel Chong was not just forgotten by the agents who arrested him; he was ignored by other DEA employees who knew he was there but assumed he was somebody else's problem.

And the report suggests the DEA may have tried to cover up the whole event.

According to the report, there were three DEA agents and a supervisor directly responsible for making sure this young man was not abandoned in that holding cell. So it is obvious these four agents failed miserably in their responsibilities. But it gets even worse. According to the report, at least four other agents passed in and out of the holding cell area during the 5 days Daniel Chong was imprisoned. These four agents admitted they had either seen or heard Chong in his cell, but they simply assumed someone else was going to take care of him—in other words, he was somebody else's problem.

Daniel Chong was arrested on a Saturday. One of those agents saw him in the cell on Sunday, and one saw him there on Monday, and another two agents either saw him or heard him on Wednesday, but nothing compelled these law enforcement officers to address his plight because they did not believe anything was amiss.

I hope to all my colleagues that what I just told you is very difficult to believe.

In addition, Daniel Chong's holding cell was near a workspace area used by dozens of DEA personnel. According to the report, anyone in that workspace could have clearly heard banging and yelling from inside the cell.

But not a single one of the 25 DEA employees interviewed by the inspector general who worked this area could recall hearing any unusual noises during the time Daniel Chong was imprisoned there. So this is very difficult to believe. It defies all common sense. It contradicts what Daniel Chong says he did by crying out for help and banging on his holding cell door. It contradicts what his injuries tell us he did. It contradicts what anyone left in a holding cell without the basic necessities of life for days would do.

Why did no one respond to Daniel Chong's cries for help? The report does not even attempt to answer that question.

These eight DEA agents were in some way responsible for this young man's wrongful captivity. The report does not say what happened to these agents. This is where you get into accountability. Who is responsible? Are heads going to roll so this behavior changes? Are these agents still working for the DEA? Have they been disciplined? Are they still arresting other people, tossing them behind bars and leaving them for dead?

The problem does not stop here. According to the report, the DEA may have tried to cover up this entire event. The inspector general learned about what happened to Daniel Chong from an anonymous whistleblower who called one of its field offices.

This is another example of the value of whistleblowers, heroes who stand up for what is right, sometimes at great personal risk. According to the IG's report, the whistleblower indicated that the DEA ''was trying to contain this matter locally.'' That is another way of saying, essentially, that a coverup could be in the works.

Incredibly, as it turns out the DEA office in San Diego assigned the very agents who were responsible for Daniel Chong's captivity to process the holding cell area where Chong was held for days. That is right. The agents who left Chong behind bars for 5 days were assigned to investigate their own egregious mistakes—kind of like the fox guarding the chicken house.

DEA management also decided that it was going to conduct its own internal management review of the incident; that is, it would conduct it is own interviews and investigations before DEA notified anybody else. DEA management justified this decision by telling the inspector general that it assumed the conduct ''which resulted in Chong's detention did not amount to misconduct and was not criminal.'' But, of course, as the inspector general found, it should have been readily apparent to DEA management that this was not true. Of course, DEA management may have calculated that undertaking its own investigation could head off an independent outside review; indeed, perhaps the investigation could even be contained ''locally.'' How many other DEA misdeeds have been similarly contained?

So it is obvious what happened. It is outrageous. How it was handled is outrageous. We need to know more about why the inspector general was not called in immediately—that is, even as DEA policy requires—rather than having people who conducted the wrongdoing investigating, in a sense, themselves. We need to know if indeed this was a deliberate attempt to sweep this dereliction of duty under the rug.

The DEA is entrusted with a lot of responsibility and authority. We ask the DEA to enforce our drug laws. We ask the DEA to protect our communities. The DEA has a very tough job. The Obama administration is not making that job any easier because this administration is undermining the DEA by turning a blind eye to illegal marijuana trafficking. It is trying to release convicted drug dealers from our prisons. It is trying to reduce the criminal penalties and minimum mandatory sentences for drug dealers who are still on the streets peddling death in our communities. So I understand

these are very challenging times for the DEA.

When the DEA or any law enforcement agency neglects its responsibilities and then possibly even covers up wrongdoing, then those who are responsible must be held accountable. So I have to ask, if the employees at DEA are not held accountable, what needs to happen in order for action to be taken? Do we need to wait until someone dies?

The DEA's conduct in this case is inexcusable. After 2 years and more than $4 million of taxpayer money, the DEA owes the American people more answers. The American people deserve answers to the questions I posed in my letter to the DEA back in May of 2012, so, not getting a proper answer, I will be writing to the DEA again this week to pose additional questions, including about the possibility of a coverup.

Most importantly, the American people deserve to know that those responsible for the detention and the mistreatment of Daniel Chong will be held accountable for this horrendous event.

CONSTITUTIONAL AMENDMENT

I come to the floor also to discuss a constitutional amendment the Judiciary Committee has just reported to the Senate. The amendment would amend the Bill of Rights for the first time. Let me repeat that. The amendment would amend the Bill of Rights for the first time. I think that is a slippery slope. It would amend one of the most important of those rights—the right of free speech.

The first amendment provides that Congress shall make no laws abridging freedom of speech. The proposed amendment would give Congress and the States the power to abridge free speech. It would allow them to impose reasonable limits—whatever the word ''reasonable'' might mean at a particular time—on contributions and expenditures. By so doing, that has to be putting limits on speech, particularly speech that is very valuable in this country—political speech; in other words, trying to influence the direction of our country through elections. It would allow speech by corporations that would influence the elections to be banned altogether.

This amendment is as dangerous as anything Congress could pass. Were it to be adopted—I believe it will not be adopted—the damage done could be reversed only if two-thirds of both Houses of Congress voted to repeal it through a new constitutional amendment. Then, of course, three-fourths of the States ratify that new amendment.

I would like to start with some basic first principles. The Declaration of Independence states that everyone is endowed by their Creator with unalienable rights that governments are created to protect. Those preexisting rights include the right to liberty.

The Constitution was adopted to secure the blessings of liberty to Americans. Americans rejected the view that the structural limits on government power contained in the original Constitution would adequately protect the liberties they had fought the Revolution to preserve. So when the people came to the conclusion that the original Constitution would not protect their liberties, the people living in the States at that time insisted on the adoption of this very important Bill of Rights.

The Bill of Rights protects individual rights regardless of whether the government or the majority approve of their use. The first amendment in the Bill of Rights protects freedom of speech. That freedom is basic to self-government. Other parts of the Constitution foster equality or justice or representative government, but it is the Bill of Rights—that Bill of Rights is only about individual freedom. Free speech creates a marketplace of ideas in which citizens can learn, debate, persuade fellow citizens on the issues of the day. At its core it enables the citizenry to be educated, to cast votes, to elect our leaders.

Today freedom of speech is threatened as it has not been in many decades. Too many people will not listen and debate and persuade. Instead, they want to punish, intimidate, and silence those with whom they might disagree.

A corporate executive who opposes same-sex marriage—the same position that President Obama held at the very time—is to be fired. Universities that are supposed to foster academic freedom cancel graduation speeches by speakers some students find offensive. Government officials order other government officials not to deviate from the party line concerning proposed legislation.

This resolution filed by the Judiciary Committee, S.J. Res. 19, is cut from the same cloth. It would amend the Constitution for the first time to diminish an important right of Americans; that is, a right contained in the Bill of Rights. In fact, it would cut back on the most important of these rights—core free speech about who should be elected to govern us.

The proposed constitutional amendment would enable government to limit funds contributed to candidates and funds spent influencing the election. That would give the government the ability to limit speech. The amendment would allow the government to set the limit at low levels. There could be little in the way of contributions or election spending. There could be restrictions on public debate on who should be elected. Incumbents would find that outcome—well, you guessed it—to be very successful because it protects incumbents. They would know that no challengers could run an effective campaign against them.

What precedent would this amendment create? Suppose Congress passed limits on what people could spend on abortions or what doctors or hospitals could spend to perform them? What if Congress limited the amount of money people could spend on guns or limited how much people could spend of their own money on health care?

Under this amendment Congress could do what the Citizens United decision rightfully said it could not—make it a criminal offense for the Sierra Club to run an ad urging the public to defeat a Congressman who favors logging in the national forest or for the National Rifle Association to publish a book seeking public support for a challenger to a Senator who favors a handgun ban or for the ACLU to post on its Web site a plea for voters to support a Presidential candidate because of his stance on free speech. That should, for everybody, be a frightening prospect.

Under this amendment, Congress and the States could limit campaign contributions and expenditures without even complying with the existing constitutional provisions. Congress could pass a law limiting expenditures by Democrats, but not by Republicans—by opponents of ObamaCare, but not by its supporters.

What does the amendment mean when it says that Congress can limit funds spent to influence elections? If an elected official says he or she plans to run again, long before any election, Congress, under this amendment, could criminalize criticism of that official as spending to influence the elections.

A Senator on the Senate floor appearing on C–SPAN, free of charge could, with immunity, defame a private citizen. The Member could say that the citizen was buying the elections. If the citizen spent what Congress has said was too much money to rebut the charge, he could go to jail. We would be back to the days when criticism of elected officials was a criminal offense during the Alien and Sedition Acts. Yet its supporters say that this amendment is necessary to preserve democracy.

The only existing right that the amendment says it will not harm is freedom of the press. So Congress and the States could limit the speech of anyone except corporations that control the media. That would produce an Orwellian world in which every speaker is equal but some speakers are more equal than others.

Freedom in the press has never been understood to give the media special constitutional rights denied to others. Even though the amendment by its terms would not affect freedom of the press, I was heartened to read that the largest newspaper in my State, the Des Moines Register, editorialized against this amendment amending the Bill of Rights. They cited testimony from our hearing, and they recognize the threat that the proposed amendment poses to freedom.

But in light of recent Supreme Court decisions, an amendment soon may not be needed at all. Four Justices right now would allow core political speech to be restricted. Were a fifth Justice with this view to be appointed, there would be no need to amend the Constitution to cut back on the freedom.

Justice Breyer's dissent for these four Justices in the McCutcheon decision does not view freedom of speech as an end in itself the same way that our Founding Fathers did. He thinks free political speech is about advancing ''the public's interest in preserving a democratic order in which collective speech matters.''

To be sure, individual rights often advance socially desired goals, but our constitutional rights do not depend on whether unelected judges believe they advance democracy as they conceive it. Our constitutional rights are individual, not collective, as Justice Breyer says. Never in 225 years has any Supreme Court opinion described our rights as collective. Our rights come from God and not from the government or the public. At least that is what the writers of the Declaration of Independence said.

Consider the history of the past 100 years. Freedom has flourished where rights belong to individuals that governments were bound to respect. Where rights are collective and existed only at the whim of a government that determines when they serve socially desirable purposes, the results have been literally horrific: no freedom, no democracy.

We should not move even 1 inch in that direction that the liberal Justices did and that simultaneously this amendment would take us. The stakes could not be higher for all Americans who value their rights and freedoms. Speech concerning who the people's elected representative should be, speech setting the agenda for public discourse, speech designed to open and change the minds of our fellow citizens, speech criticizing politicians, and speech challenging government and its policies are all vital rights. This amendment puts all of them in jeopardy upon the penalty of imprisonment. It would make America no longer America.

Contrary to the arguments of its supporters, the amendment would not advance self-government against corruption and the drowning out of voices of ordinary citizens. No, just the opposite. It would harm the rights of ordinary citizens—individually, as well as in free associations—to advance their political views and to elect candidates who support their views.

By limiting campaign speech, it would limit the information that voters receive in deciding how to vote. It would limit the amount that people can spend on advancing what they consider to be the best political ideas. Its restrictions on speech apply to individuals. Politicians could apply the same rules to individuals who govern corporations. Perhaps individuals cannot be totally prohibited from speaking, but the word ''reasonable'' is in the amendment but that word limits can mean anything. Incumbents likely would set a low limit on how much an individual can spend to criticize them; that is, incumbents protecting their office. Then the individual would have to risk criminal prosecution in deciding whether to speak, hoping that a court would later find that the limit he or she exceeded was unreasonable.

This would create not a chilling effect on speech, but, in fact, a very freezing effect.

This does not further democratic self-government. The amendment would apply to some campaign speech that cannot give rise to corruption.

For instance, under current law, an individual could spend any amount of his or her own money to run for office. An individual could not corrupt himself with his own money and could not be bought by others if he or she did not rely on outside money, but the amendment would allow Congress and the States to strictly limit what even an individual could contribute to or spend on his or her own campaign. That would make beating the incumbent, who would benefit from the new powers to restrict speech, much more difficult.

In practice, individuals seeking to elect candidates in the democratic process must exercise their First Amendment freedom of association to work together with others. This amendment could prohibit that altogether.

It would permit Congress and the States to prohibit ''corporations or artificial entities . . . from spending money to influence elections.'' Now, that even means labor unions. That means nonprofit corporations such as the NAACP Legal Defense and Educational Fund. That means political parties.

The amendment will allow Congress to prohibit political parties from spending money to influence elections. If they can't spend money on elections, then they would be rendered as a mere social club.

The prohibition on political spending by for-profit corporations also does not advance democracy.

Were this amendment to take effect, a company that wanted to advertise beer or deodorant would be given more constitutional protection than a corporation of any kind that wanted to influence an election.

The philosophy of the amendment is very elitist. It says the ordinary citizen cannot be trusted to listen to political arguments and evaluate which ones are persuasive.

Instead, incumbent politicians interested in securing their own reelections are trusted to be high-minded. Surely, they would not use this new power to develop rules that could silence not only their actual opposing candidates, but associations of ordinary citizens who have the nerve to want to vote them out of office.

As First Amendment luminary Floyd Abrams told our committee: ''[P]ermitting unlimited expenditures from virtually all parties leads to more speech from more candidates for longer time periods, and ultimately more competitive elections.''

Isn't that the goal that we should seek through the political process? Having parties led to more speech from more candidates for longer periods of time and ultimately more competitive elections.

Incumbents are unlikely to use this new power to welcome that competition.

In fact, the committee report indicates that State and Federal legislators are not the only people who would have the ability to limit campaign speech under this amendment.

It says that the States and the Federal Government can promulgate regulations to enforce the amendment. So you have unelected State and Federal bureaucrats, who do not answer to anyone, being empowered to regulate what is now the freedom of speech of individuals and entities that for 230 years has been protected by the Bill of Rights. That all makes a mockery of the idea that this proposed amendment would advance democracy and that argument is used by its proponents.

Another argument for the amendment—some voices should not drown out others—also runs counter to free speech. It also is elitist. It assumes that voters will be manipulated into voting against their interests because large sums will produce so much speech as to drown out others and blind them to the voters' true interests.

Tell that to the voters in Virginia's Seventh Congressional District. That incumbent Congressman outspent his opponent 26 to 1. Newspaper reports state that large sums were spent on independent expenditures on the incumbent's behalf, many by corporations. No independent expenditures were made for their opponent, but yet his opponent won.

That doesn't seem to be drowning out people making their own decisions in the ballot box, and it is not some undue influence that proponents of this amendment want you to believe that this constitutional amendment can do away with undue influence. Just think, 26 to 1, trying to convince people to vote for an incumbent Congressman, and he loses.

Let me say this. The exact amount of money that the winner of that primary spent was just over $200,000 to win 55 percent of that vote.

Since a limit that allowed a challenger to win would presumably be reasonable under the amendment, Congress or the States could limit spending on House primaries to as little as $200,000, all by the candidate with no obviously unnecessary outside spending allowed.

The second set of unpersuasive arguments concerns the Supreme Court decision Citizens United. That case has been mischaracterized as activist.

Again, I wish to say what Mr. Abrams testified before the committee. He said that case continues a view of free speech rights by unions and corporations that was expressed by President Truman and by liberal Justices in the 1950s.

What the Citizens United overruled was the departure from precedent. And Citizens United did not give rise to unfettered campaign spending.

The Supreme Court case in 1976, in Buckley v. Valeo, ruled that independent expenditures could not be limited. That decision was not the work of a supposed conservative judicial activist. Wealthy individuals have been able to spend unlimited amounts since then. And corporations and others have been able to make unlimited donations to 501(c)(4) corporations since then as well.

As Mr. Abrams wrote to the Judiciary Committee in questions for the record:

> What Citizens United did do, however, is permit corporations to contribute to PACs that are required to disclose all donors and engage only in independent expenditures.
>
> If anything, Citizens United is a pro-disclosure ruling which brought corporate money further into the light.

And it is this amendment, not Citizens United, that fails to respect precedent. It does not simply overturn one case. As Mr. Abrams responded, it overturns 12 cases, some of which date back almost 40 years. As the amendment has been redrafted, it may be 11½ now, depending upon what the word ''reasonable'' means.

Justice Stevens, whom the committee Democrats relied on at length in support of the amendment, voted with the majority in three of the cases the amendment would overturn. Some members of the committee may not like the long-established broad protections for free speech that the Supreme Court has reaffirmed, but that does not mean there are five activists on the Supreme Court. The Court ruled unanimously in more cases this year than it has in 60 or 75 years, depending on whose figures you use. Its unanimity was frequently demonstrated by rejecting arguments of the Obama administration.

I have made clear that this amendment abridges fundamental freedoms that are the birthright of Americans. The arguments made to support it are unconvincing. The amendment will weaken, not strengthen, democracy. It will not reduce corruption, but will open the door for elected officials to bend democracy's rules to benefit themselves.

The fact that the committee reported this amendment is a very great testimony to the wisdom of our Founding Fathers in insisting on and adopting the Bill of Rights in the first place. As Justice Jackson famously wrote:

> The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts.
>
> One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.

We must preserve our Bill of Rights, including our rights to free speech. We must not allow officials to diminish and ration any one of the Bill of Rights, but especially the first one, which is so important. We must not let the proposal become the supreme law of the land.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 8:51 p.m., adjourned until Wednesday, July 30, 2014, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF STATE

DAVID NATHAN SAPERSTEIN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, VICE SUZAN D. JOHNSON COOK.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 29, 2014:

DEPARTMENT OF STATE

LARRY EDWARD ANDRE, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

MICHAEL STEPHEN HOZA, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

JOAN A. POLASCHIK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

DEPARTMENT OF VETERANS AFFAIRS

ROBERT ALAN MCDONALD, OF OHIO, TO BE SECRETARY OF VETERANS AFFAIRS.