United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, SECOND SESSION

Vol. 160 WASHINGTON, TUESDAY, DECEMBER 9, 2014 No. 149

Senate

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

PRAYER

The PRESIDENT pro tempore. Today's opening prayer will be offered by our guest Chaplain, Rev. Claude Pomerleau, with the congregation of Holy Cross Priests, Portland, OR, and also a Vermonter.

The guest Chaplain offered the following prayer:

Let us pray.

Father whose presence is so immediate and mysterious, whose personal care brings this planet and the entire universe into existence by Your creative Word, may we not lose our capacity for wonder, to listen and care for Your creation. It is wisdom and contemplation that allow us to read the signs of the times. You put these signs in our hearts through music and dance, poetry and prose, arts and sciences. We thank You as day begins, and the energies of Your daughters and sons are focused on the day's business. Inspire these here assembled with the gifts of peace and justice, as Your Word inspires them with courage and compassion for all.

Amen.

NOTICE

If the 113th Congress, 2nd Session, adjourns sine die on or before December 24, 2014, a final issue of the *Congressional Record* for the 113th Congress, 2nd Session, will be published on Wednesday, December 31, 2014, to permit Members to insert statements.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Tuesday, December 30. The final issue will be dated Wednesday, December 31, 2014, and will be delivered on Monday, January 5, 2015.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at http://webster/secretary/cong__record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at https://housenet.house.gov/legislative/research-and-reference/transcripts-and-records/electronic-congressional-record-inserts. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the *Congressional Record* may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

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.

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

Printed on recycled paper.

THE GUEST CHAPLAIN

Mr. REID. Mr. President, we note you open the Senate every day, but today you had a little extra something in your step and a gleam in your eye because of the guest Chaplain, who is your lovely wife Marcelle's brother, so I am glad you have had the chance to have a small visit with him again.

SCHEDULE

Mr. REID. Following my remarks and those of the Republican leader, the Senate will be in a period of morning business until 10:30 a.m. this morning.

At 10:30 a.m., the Senate will proceed to two rollcall votes on the Lodge and Walter nominations. If cloture is invoked on either nomination, a confirmation vote will occur at 6 p.m. this evening.

The Senate will recess from 1 p.m. to 2 p.m. to allow for the weekly caucus luncheons.

MEASURES PLACED ON THE CALENDAR—H.R. 5759 AND H.R. 5771

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

The PRESIDENT pro tempore. The leader is correct.

The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 5759) to establish a rule of construction clarifying the limitations on executive authority to provide certain forms of immigration relief.

A bill (H.R. 5771) to amend the Internal Revenue Code of 1986 to extend certain expiration provisions and make technical corrections, to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to both of these bills.

The PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

AVIATION SECURITY STAKEHOLDER PARTICIPATION ACT OF 2014

Mr. REID. Mr. President, I ask unanimous consent that the commerce committee be discharged from further consideration of H.R. 1204 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1204) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the Rockefeller-Tester substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, and there be no intervening action or debate.

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

The amendment (No. 3977) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Aviation Security Stakeholder Participation Act of 2014''.

SEC. 2. AVIATION SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

''§ 44946. Aviation Security Advisory Committee

''(a) ESTABLISHMENT.—The Assistant Secretary shall establish within the Transportation Security Administration an aviation security advisory committee.

''(b) DUTIES.—

''(1) IN GENERAL.—The Assistant Secretary shall consult the Advisory Committee, as appropriate, on aviation security matters, including on the development, refinement, and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security, while adhering to sensitive security guidelines.

''(2) RECOMMENDATIONS.—

''(A) IN GENERAL.—The Advisory Committee shall develop, at the request of the Assistant Secretary, recommendations for improvements to aviation security.

''(B) RECOMMENDATIONS OF SUBCOMMITTEES.—Recommendations agreed upon by the subcommittees established under this section shall be approved by the Advisory Committee before transmission to the Assistant Secretary.

''(3) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Assistant Secretary—

''(A) reports on matters identified by the Assistant Secretary; and

''(B) reports on other matters identified by a majority of the members of the Advisory Committee.

''(4) ANNUAL REPORT.—The Advisory Committee shall submit to the Assistant Secretary an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its subcommittees, for the preceding year. Not later than 6 months after the date that the Secretary receives the annual report, the Secretary shall publish a public version describing the Advisory Committee's activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5.

''(5) FEEDBACK.—Not later than 90 days after receiving recommendations transmitted by the Advisory Committee under paragraph (4), the Assistant Secretary shall respond in writing to the Advisory Committee with feedback on each of the recommendations, an action plan to implement any of the recommendations with which the Assistant Secretary concurs, and a justification for why any of the recommendations have been rejected.

''(6) CONGRESSIONAL NOTIFICATION.—Not later than 30 days after providing written feedback to the Advisory Committee under paragraph (5), the Assistant Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives on such feedback, and provide a briefing upon request.

''(7) REPORT TO CONGRESS.—Prior to briefing the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives under paragraph (6), the Assistant Secretary shall submit to such committees a report containing information relating to the recommendations transmitted by the Advisory Committee in accordance with paragraph (4).

''(c) MEMBERSHIP.—

''(1) APPOINTMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Aviation Security Stakeholder Participation Act of 2014, the Assistant Secretary shall appoint the members of the Advisory Committee.

''(B) COMPOSITION.—The membership of the Advisory Committee shall consist of individuals representing not more than 34 member organizations. Each organization shall be represented by 1 individual (or the individual's designee).

''(C) REPRESENTATION.—The membership of the Advisory Committee shall include representatives of air carriers, all-cargo air transportation, indirect air carriers, labor organizations representing air carrier employees, labor organizations representing transportation security officers, aircraft manufacturers, airport operators, airport construction and maintenance contractors, labor organizations representing employees of airport construction and maintenance contractors, general aviation, privacy organizations, the travel industry, airport-based businesses (including minority-owned small businesses), businesses that conduct security screening operations at airports, aeronautical repair stations, passenger advocacy groups, the aviation security technology industry (including screening technology and biometrics), victims of terrorist acts against aviation, and law enforcement and security experts.

''(2) TERM OF OFFICE.—

''(A) TERMS.—The term of each member of the Advisory Committee shall be 2 years. A member of the Advisory Committee may be reappointed.

''(B) REMOVAL.—The Assistant Secretary may review the participation of a member of the Advisory Committee and remove such member for cause at any time.

''(3) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive pay, allowances, or benefits from the Government by reason of their service on the Advisory Committee.

''(4) MEETINGS.—

''(A) IN GENERAL.—The Assistant Secretary shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

''(B) PUBLIC MEETINGS.—At least 1 of the meetings described in subparagraph (A) shall be open to the public.

''(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

''(5) MEMBER ACCESS TO SENSITIVE SECURITY INFORMATION.—Not later than 60 days after the date of a member's appointment, the Assistant Secretary shall determine if there is cause for the member to be restricted from possessing sensitive security information. Without such cause, and upon the member voluntarily signing a non-disclosure agreement, the member may be granted access to sensitive security information that is relevant to the member's advisory duties. The

member shall protect the sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

''(6) CHAIRPERSON.—A stakeholder representative on the Advisory Committee who is elected by the appointed membership of the Advisory Committee shall chair the Advisory Committee.

''(d) SUBCOMMITTEES.—

''(1) MEMBERSHIP.—The Advisory Committee chairperson, in coordination with the Assistant Secretary, may establish within the Advisory Committee any subcommittee that the Assistant Secretary and Advisory Committee determine to be necessary. The Assistant Secretary and the Advisory Committee shall create subcommittees to address aviation security issues, including the following:

''(A) AIR CARGO SECURITY.—The implementation of the air cargo security programs established by the Transportation Security Administration to screen air cargo on passenger aircraft and all-cargo aircraft in accordance with established cargo screening mandates.

''(B) GENERAL AVIATION.—General aviation facilities, general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

''(C) PERIMETER AND ACCESS CONTROL.—Recommendations on airport perimeter security, exit lane security and technology at commercial service airports, and access control issues.

''(D) SECURITY TECHNOLOGY.—Security technology standards and requirements, including their harmonization internationally, technology to screen passengers, passenger baggage, carry-on baggage, and cargo, and biometric technology.

''(2) RISK-BASED SECURITY.—All subcommittees established by the Advisory Committee chairperson in coordination with the Assistant Secretary shall consider risk-based security approaches in the performance of their functions that weigh the optimum balance of costs and benefits in transportation security, including for passenger screening, baggage screening, air cargo security policies, and general aviation security matters.

''(3) MEETINGS AND REPORTING.—Each subcommittee shall meet at least quarterly and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including recommendations, regarding issues within the subcommittee.

''(4) SUBCOMMITTEE CHAIRS.—Each subcommittee shall be co-chaired by a Government official and an industry official.

''(e) SUBJECT MATTER EXPERTS.—Each subcommittee under this section shall include subject matter experts with relevant expertise who are appointed by the respective subcommittee chairpersons.

''(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee and its subcommittees.

''(g) DEFINITIONS.—In this section:

''(1) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the aviation security advisory committee established under subsection (a).

''(2) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of Homeland Security (Transportation Security Administration).

''(3) PERIMETER SECURITY.—

''(A) IN GENERAL.—The term 'perimeter security' means procedures or systems to monitor, secure, and prevent unauthorized access to an airport, including its airfield and terminal.

''(B) INCLUSIONS.—The term 'perimeter security' includes the fence area surrounding an airport, access gates, and access controls.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new item:

''44946. Aviation Security Advisory Committee.''.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1204), as amended, was passed.

TRANSPORTATION SECURITY ACQUISITION REFORM ACT

Mr. REID. I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 2719 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2719) to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs, and for other purposes.

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

Mr. REID. I ask unanimous consent that the Ayotte amendment, which is a substitute amendment, be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 3978) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2719), as amended, was passed.

TRIBUTES TO DEPARTING SENATORS

TIM JOHNSON

Mr. REID. Mr. President, if the words Hemingway said so clearly—''man is not made for defeat''—applied to anyone in the world, they certainly apply to TIM JOHNSON. He is a testament to this sentiment because he never ever acknowledged defeat. He refuses to be defeated.

TIM never lost an election. He served in the House of Representatives from 1987 to 1997—for 10 years. He served in the State legislature. They weren't all easy votes and weren't all easy elections. He won his election in 2002 by 524 votes. Hundreds of thousands of votes were cast, but he won by 524 votes.

Senator TIM JOHNSON refused to succumb to defeat because he knew he was fighting for the people of South Dakota. He fought for South Dakota jobs when he fought to keep Ellsworth Air Force Base open and running. It was based near Rapid City, and he saved it from closing. He worked to this end, saving thousands of jobs, preserving a thriving economy based on that Ellsworth Air Force Base.

During his tenure in the House and Senate he fought for water, which is so important. People from so many other States don't realize how important water is to States such as South Dakota and many Western States. Water is something you always have to keep your eye on. He secured funding for the Mni Wiconi Rural Water Project and the Lewis and Clark Rural Water System. Combined, those two projects provided clean drinking water to some 400,000 people. That is half the population of the State of South Dakota.

Without question though, TIM's biggest fight took place in 2006. I can still remember that so clearly. I got a call from his chief of staff saying: You need to go to the hospital. TIM has been taken by ambulance to George Washington. So I went there because TIM had suffered a very bad bleed on the brain. He was born with this situation—no one knew of course—but it suddenly hit him. Lots of people have this condition, but most people don't have a bleed on their brain, but TIM did. I was there in the hospital with him. Barbara was there, his daughter Kelsey, and his two boys, Brendan and Brooks, came in as soon as they could. One was serving in the military after having seen combat duty as a member of the U.S. Army. The other boy is a lawyer and is now a U.S. attorney in South Dakota.

It was a very difficult time for his family and a difficult time for him especially. He was in surgery on more than one occasion. His life was threatened. Many people don't survive this difficult situation he was hit with. But he is a huge man. I, frankly, never realized how physically big and strong he was until I saw him lying there in the hospital. But TIM met these physical challenges, and they were very difficult. Ten months later he was back working in the Senate. He was here on the floor.

After this incident, his physical body would never be the same, but his mental capacity is better than ever. With the support of his wife Barbara, since 1969, and their three children, whose names I have already mentioned, he made this remarkable recovery. It was all very difficult. He had to learn to talk again, he had to learn to walk again, and much of his life now is physically different than it was before. He is now, a lot of times, in a wheelchair, but he has never asked for any sympathy. He has pushed forward as he always has his whole life.

Regardless of these changes to his body, his honorable, indomitable spirit is the same. One newspaper recently said, in speaking of TIM's return to the Senate:

Loss of integrity is a greater handicap to any politician and, once lost, cannot be regained with confidence. Johnson's integrity has never been in question.

TIM JOHNSON has his integrity. He has his unbreakable determination to fight for the people of South Dakota and just fight to do the things he needs to do.

TIM is retiring after 18 years in the Senate and 10 years in the House. To say he will be missed by the people of South Dakota is a gross understatement. He worked here with my predecessor, the Democratic leader Tom Daschle, and they got so many good things done for the State of South Dakota. Senator Daschle is missed as TIM will be missed, but their friendship is something I have long admired.

To show the type of person he is, the person he beat by 524 votes came back the next election and endorsed him—a Republican and long-time Member of the House and Senate, Larry Pressler. He endorsed TIM JOHNSON in his reelection. That is the kind of integrity TIM JOHNSON has. People admire him very much.

TIM JOHNSON leaves the Senate as he entered it, undefeated. I will miss him very much. My wife will miss Barbara. They are members of a book club, and I have seen their exchange of emails back and forth as to what books they should read, what they thought of the book, and where they are going to meet. So the Reids will miss the Johnsons. South Dakota will miss the Johnsons. But TIM will still proceed forward and be a great blessing to the State of South Dakota, as he has always been, and to his family.

TOM HARKIN

Mr. President, Abraham Lincoln once said:

I want it said of me by those who knew me best, that I always plucked a thistle and planted a flower where I thought a flower would grow.

Today I stand for just a few minutes to honor a man by the name of TOM HARKIN. Throughout his time in the Senate he has planted many flowers—so many we can't count them all. TOM HARKIN's legacy of fighting for all Americans, particularly those who are disadvantaged, will never be forgotten. In fact, no one in the history of this institution has done more for people who have a physical disadvantage, an emotional disadvantage, a mental disadvantage, and disadvantages generally, than TOM HARKIN.

TOM's life wasn't easy. His father was a miner. His mother, a Slovenian immigrant, died when TOM was 10 years old. He and his family pushed forward, living in a house without hot water or a furnace.

Not one to use his difficult upbringing as an excuse, TOM HARKIN pushed himself very hard. He attended Iowa State University. He came there on a Navy ROTC scholarship. Upon graduation, he enlisted in the Navy and became an Active-Duty pilot—a naval pilot.

I have such admiration for naval pilots, for all pilots, really, but thinking of landing on an aircraft carrier out in the middle of the ocean, that postage stamp size you have to try to find and land out there is something Navy pilots do, and TOM HARKIN did this.

In 1974 he was elected to represent Iowa's Fifth Congressional District, a seat he held for 10 years. When he came to the Senate in 1984, TOM, similar to President Lincoln before him, encountered many thistles.

He was especially motivated to help millions of Americans with disabilities, as I have already said. Here is what TOM HARKIN said once:

I heard stories from individuals who had to crawl on their hands and knees to go up a flight of stairs, who couldn't ride a bus because there wasn't a lift or couldn't cross a street in a wheelchair because there were no curb cuts. Millions of Americans were denied access to their own communities and to the American dream.

TOM did a lot to make sure people did have the ability to dream. What did he do? He encountered the injustice faced by millions of disabled Americans and responded by authoring the Americans with Disabilities Act.

People don't realize now what those disabled people had to go through. There was a big dispute here in the Senate and in the House as to whether Members of Congress should vote for this. It created a lot of issues for businesses. A former Member of the House of Representatives, James Bilbray of Nevada, was getting a lot of pressure not to vote for this, but he voted for this, and here is why he voted for it:

Just like TOM HARKIN saw this long before many of us did, James Bilbray had a friend whose daughter was confined to a wheelchair. This man wanted to visit Congressman Bilbray and his family here in Washington, DC. What an ordeal it was. They couldn't find a place with a hotel room. They had trouble getting airline reservations. It was extremely difficult. So Jimmy Bilbray said: That is enough for me. I am voting for this.

This landmark legislation that was pushed and pushed by TOM HARKIN has helped to move areas of employment, public services, transportation, and telecommunications for people with disabilities. TOM HARKIN's work to protect the disadvantaged hasn't been just reactive, it has been preventative.

TOM has lost four siblings to cancer. In response to that heartbreak, what has he done? Senator HARKIN fought to double the funding for groundbreaking medical research at the National Institutes of Health. He had a partner in this for many years, Arlen Specter from Pennsylvania. They worked on that subcommittee, Labor-HHS, and Appropriations. Some will remember that this was an unbelievable thing he did to force us to spend more money on medical research. But in hindsight, what a blessing this was for America and for Members of the Senate who voted for this. It was good for us, and it was good for the country. It was good for our constituents. With the extra money NIH got, they have engaged in a landmark effort to cure cancer, heart disease, and a myriad of other diseases.

We have a long way to go. Funding hasn't been adequate the last 6 years. The only boost we got in NIH funding was in the stimulus, the first few months of the Obama administration where we got additional money. That was done as a result of the work by TOM HARKIN and Arlen Specter, and that money now is not there. We need to do more for the National Institutes of Health.

TOM HARKIN has been tireless. He worked to triple the funding for the Centers for Disease Control. In fact, in ObamaCare he is the one who was responsible for the prevention title in that bill.

He has spent his career coming to the defense of the defenseless. A longtime defender of human rights, TOM has worked to fight child labor, both domestically and abroad. His tireless efforts gave him the U.S. Labor Department's Award for the Elimination of Child Labor.

I have spent much of my Senate life on the Senate floor. I can remember when I would look and see one of his staff come to the floor, and I thought: Oh, no. I knew we were in for some trouble. His name was Richard Bender. I really have such admiration for Senator HARKIN's staff, but it was epitomized when Richard Bender walked in this door because I knew HARKIN was going to do something we had not planned. Sometimes it took a lot longer to get things done because of Bender and HARKIN, but in the end it was always better for our country.

So after a lifetime of service, TOM will finally be able to spend his post-Senate time in another direction, still involved in a form of public service. I have such great admiration for Ruth, whom I know extremely well. I don't know Amy and Jenny, his daughters, but I do know they are going to be able to spend a little more time with their dad and her husband.

On a side note, TOM HARKIN is one of the few Senators who has been to my home in Searchlight. I was there one day, and I got a call. He said: ''Are you going to be home?''

''Yes.''

''Do you mind if we drop by?''

''No, I don't mind if you drop by.''

So within an hour he was at my home in Searchlight.

So as TOM HARKIN closes a chapter of service to the American people, I salute TOM HARKIN on a job very well done. He has become the longest-serving Democratic Senator in Iowa's history, and he will be greatly missed.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. BOOKER). The Republican leader is recognized.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS BRANDON T. PICKERING

Mr. MCCONNELL. Mr. President, I rise to pay tribute to a fallen soldier from Kentucky who was lost in battle. PFC Brandon T. Pickering of Fort Thomas, KY, died on April 10, 2011, in Germany from wounds sustained on April 8 in Wardak Province, Afghanistan, when enemy combatants attacked his unit with small arms fire and a rocket-propelled grenade. He was 21 years old.

For his service in uniform, Private First Class Pickering received several awards, medals, and decorations, including the Bronze Star Medal, the Purple Heart Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the Army Good Conduct Medal, the NATO Medal, and the Combat Infantryman Badge.

Says Tammy Moore, Brandon's mother:

> To know Brandon was to know love and laughter.
>
> When Brandon was boarding the plane to go back to Afghanistan, he turned and looked at me and I thought, ''My God, my son's a man.'' It was the first time I looked at him and didn't see him as my little boy.

Brandon grew up in Fort Thomas, in northern Kentucky and attended Woodfill Elementary, Highlands Middle School, and Highlands High School. As a kid growing up he loved to fish and played baseball and football. Brandon also practiced tae kwon do as a kid, and he earned his black belt by age 10.

Brandon's high school classmates and teachers remember him as an unassuming student with a big heart, a good sense of humor, and a dedication to helping others.

Says Highlands High School principal Brian Roberts:

> As a school, we join the Fort Thomas community and the family in mourning his loss.

Says former high school classmate Stephanie Orleck:

> Even on bad days, I was always able to turn to Brandon to bring out a smile on my face.

Brandon also had a mischievous side. His mother recalls:

> Brandon loved a good prank. In high school he decided it would be funny to place a mouse trap in another student's locker. When the principal called him, he admitted it right away.

That was the worst trouble Brandon ever gave his parents.

As a teenager, Brandon also enjoyed the freedom that came with his driver's license.

> While teaching Brandon how to drive, he told me, ''Mom, I know you don't want to hear this, but this is the happiest I've ever been.''
>
> I told him, ''Brandon, I know you don't want to hear this, but this is the most scared I've ever been!''

After graduating high school in 2008, Brandon attended Cincinnati State.

Tammy recalls:

> After two semesters, he told me he was thinking of joining the Army. I asked him to give school another semester and if he still felt the same, I would support his decision. The third semester came and went, and Brandon was firm on his decision.

He enlisted and in September 2009 he left for basic training at Fort Benning, GA. After basic training he was stationed at Fort Polk, LA.

Tammy said:

> There was a small town outside of Fort Polk named Pickering; Brandon thought that was neat and so did I.
>
> Brandon was an only child, but when he got to Fort Polk he found brothers.

Assigned to Fort Polk in April of 2010, Brandon was assigned to the 1st Platoon, Company C, 2nd Battalion, 4th Infantry Regiment, 4th Infantry Brigade Combat Team, 10th Mountain Division. He was soon deployed to Afghanistan for Operation Enduring Freedom in October of 2010. Part of a two-man machinegun team, Brandon was 6 months into his first combat tour when he was fatally wounded.

Brandon was flown to Landstuhl Regional Medical Center in Germany before he died. Because of this, his family was able to be with him before he passed away.

Brandon made one final gift by volunteering to be an organ donor. His final sacrifice was an offering of life for four Germans, including a 6-year-old girl.

Tammy said:

> Even in his death, Brandon saved the lives of four people.
>
> I often wondered how I could have raised such a wonderful human being and then I think, only by the grace of God.

The Fort Thomas, KY, road where Brandon grew up was fittingly renamed in his honor as a permanent reminder of his life and his deeds. The portion of River Road in Fort Thomas that runs from State Route 8 along the Ohio River to South Fort Thomas Avenue next to the Cincinnati VA Medical Center is now named the Private First Class Brandon T. Pickering Memorial Highway.

We are thinking of Brandon's family as I recount his story for my Senate colleagues, including his mother Tammy Moore, his father David Pickering, his grandfather Thomas Pickering, and many other beloved family members and friends.

Brandon was laid to rest with full military honors at the Alexandria Cemetery in Alexandria, KY. His tombstone bears the words, ''Live a life worthy of my sacrifice.''

Tammy had some final thoughts on the words that mark her son's grave.

> People should think about that—not just for my son, but for all the sons and daughters, and the ones in the past.
>
> What people have sacrificed to keep this country free—freedom isn't free, and it's not cheap. It comes at a high cost, and we all have a responsibility to each other and to this nation.

I couldn't agree more with Tammy Moore's thoughts, and I want her to know that this Senate certainly does recognize the responsibility we have as a nation to honor and always remember the sacrifices of brave heroes like her son, PFC Brandon T. Pickering. We are in awe of his life of service, and we are humbled by his final sacrifice. From Germany to Afghanistan to Fort Thomas, we can see the lives he touched and the people he left better off for having known him.

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, for debate only, until 10:30 a.m., with the time equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I am looking at the clock, and I ask unanimous consent that the Senate be able to continue in morning business for up to 5 minutes.

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

WELCOMING THE GUEST CHAPLAIN

Mr. LEAHY. Mr. President, the CONGRESSIONAL RECORD will show the introduction of and prayer by our visiting Chaplain today, Father Claude Pomerleau of Portland, OR, a member of the Holy Cross priests. That is as much of a thumbnail as saying any one of us is a U.S. Senator, period. There is a lot more to it.

Claude Pomerleau has been nearly 50 years a priest. I know because he is my brother-in-law, and my wife Marcelle and I, as well as his wonderful parents, Phil and Cecile Pomerleau, joined him in Rome nearly 50 years ago when he was ordained a priest. My family—my parents, my brothers and sisters, and also our children—has always had such a wonderful relationship with Father Pomerleau. It is great now to see the young grandchildren come in and give him a hug and say: Hi, Uncle Claude.

I also look at his distinguished career. He is not just a brother and brother-in-law, an uncle and friend, he is a man who has taught, speaks many languages, and who has a Ph.D. from the University of Denver. He teaches now at the University of Portland even in semiretirement and also in Santiago, where he is a well-respected visiting professor, and where I am told his Spanish is like that of a native.

He was born in Vermont. His parents are French Canadians, two people who strongly practiced their religion, believed in it, and brought up their children speaking French at home. They instilled in him the values that really make our country great and make a human being even greater.

He has been a mentor. He has been a moral anchor for our family for decades. I think of him being on the altar as a young altar boy at the time Marcelle and I were married 52 years ago, and he has been part of our lives and our marriage ever since. He is the man we turn to when we want guidance. He is a man both of us love greatly. And I would like to say, as the longest serving Member of the Senate, what an honor it was to have him open with the prayer.

Mr. President, I thank my colleagues for allowing this.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

CLOTURE MOTION

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

Mr. LEAHY. Mr. President, I ask unanimous consent all time be yielded back.

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

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Virginia Tyler Lodge, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority.

Harry Reid, Patrick J. Leahy, Patty Murray, Tom Udall, Brian Schatz, Charles E. Schumer, Barbara Boxer, Benjamin L. Cardin, Richard Blumenthal, Jeff Merkley, Al Franken, Robert P. Casey, Jr., Martin Heinrich, Elizabeth Warren, Richard J. Durbin, Christopher Murphy, Bernard Sanders.

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

The question is, Is it the sense of the Senate that debate on the nomination of Virginia Tyler Lodge, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. UDALL), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

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

The yeas and nays resulted—yeas 63, nays 32, as follows:

[Rollcall Vote No. 318 Ex.]

YEAS—63

Alexander	Flake	Murkowski
Ayotte	Franken	Murphy
Baldwin	Gillibrand	Murray
Begich	Graham	Nelson
Bennet	Hagan	Pryor
Blumenthal	Harkin	Reed
Booker	Heinrich	Reid
Boxer	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Johnson (SD)	Sessions
Cardin	Kaine	Shaheen
Carper	King	Shelby
Casey	Klobuchar	Stabenow
Coats	Leahy	Tester
Collins	Levin	Udall (NM)
Coons	Manchin	Vitter
Corker	Markey	Walsh
Cornyn	McCaskill	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

NAYS—32

Barrasso	Hatch	Moran
Blunt	Heller	Paul
Boozman	Hoeven	Portman
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coburn	Johanns	Rubio
Cochran	Johnson (WI)	Scott
Crapo	Kirk	Thune
Enzi	Lee	Toomey
Fischer	McCain	Wicker
Grassley	McConnell	

NOT VOTING—5

Cruz	Rockefeller	Udall (CO)
Landrieu	Schumer	

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 32.

The motion is agreed to.

NOMINATION OF VIRGINIA TYLER LODGE TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Virginia Tyler Lodge, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority.

CLOTURE MOTION

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

Who yields time?

Mr. LEAHY. I ask unanimous consent all time be yielded back.

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

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

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Ronald Anderson Walter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority.

Harry Reid, Patrick J. Leahy, Patty Murray, Tom Udall, Brian Schatz, Charles E. Schumer, Barbara Boxer, Benjamin L. Cardin, Richard Blumenthal, Jeff Merkley, Al Franken, Robert P. Casey, Jr., Martin Heinrich, Elizabeth Warren, Richard J. Durbin, Christopher Murphy, Bernard Sanders.

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

The question is, Is it the sense of the Senate that debate on the nomination of Ronald Anderson Walter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Texas (Mr. CRUZ).

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

The yeas and nays resulted—yeas 65, nays 31, as follows:

[Rollcall Vote No. 319 Ex.]

YEAS—65

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

NAYS—31

Barrasso	Heller	Paul
Blunt	Hoeven	Portman
Boozman	Inhofe	Risch
Burr	Isakson	Roberts
Coburn	Johanns	Rubio
Cochran	Johnson (WI)	Scott
Crapo	Kirk	Thune
Enzi	Lee	Toomey
Fischer	McCain	Wicker
Grassley	McConnell	
Hatch	Moran	

NOT VOTING—4

Chambliss	Landrieu
Cruz	Udall (CO)

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 31.

The motion is agreed to.

NOMINATION OF RONALD ANDERSON WALTER TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk reported the nomination of Ronald Anderson Walter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for debate only until 6 p.m., with the time equally divided in the usual form.

The majority leader.

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

The PRESIDING OFFICER. The Senate is currently in a period of morning business for debate only.

The majority leader.

CIA OVERSIGHT REPORT

Mr. REID. Mr. President, today for the first time the American people are going to learn the full truth about torture that took place under the CIA during the Bush administration. I have served for 22 years with the chairman of the Intelligence Committee, DIANNE FEINSTEIN. She is dignified. She is very thorough in whatever she does. She is intelligent and she cares a great deal. She has proven herself to be the one of the most thoughtful and hard-working Members of this body. The people of California are, as well they should be, very proud of this good woman.

I am appreciative of the work the Senate Intelligence Committee has done under her direction. We are here today because of her efforts. She has persevered, overcome obstacles that have been significant, to make this study available to the American people.

I am gratified for the work done by Democrats on the Intelligence Committee. We are here today, again I repeat, because of their efforts. We do not often mention, as certainly we should, the work of our staffs. I want to throw a big bouquet to the intelligence staff. They have worked so hard. Under the direction of Senator FEINSTEIN, they have worked for 7 years—7 years—working on this vitally important matter. It is a report that was not easy, but they did it.

Here is what they did: Committee members and staff combed through more than 6 million pages—6 million pages—of documents to formulate the report. The full committee report is 6,700 pages long—7 years, I repeat, in the making.

The unclassified executive summary, which is going to be released today, is more than 500 pages. I want everyone to understand, the Select Committee on Intelligence, along with the House Committee on Intelligence, is the only group of people who provide oversight over our intelligence community. They actually have the ability to investigate what happened. No one else. Not the press, not Senators, nor the public, or outside organizations have the ability to investigate the CIA. But we did it. The implications of this report are profound. Not only is torture wrong, but it does not work. For people today, we hear them coming from different places saying, It was great. It was terrific what we did. It has got us so much.

It has got us nothing, except a bad name. Without this report, the American people would not know what actually took place under the CIA's torture program. This critical report highlights the importance of Senate oversight and the role Congress must play in overseeing the executive branch of government. The only way our country can put this episode in the past is to come to terms with what happened and commit to ensuring it will never happen again. This is how we as Americans make our Nation stronger. When we realize there is a problem, we seek the evidence; we study it; we learn from it. Then we set about to enact change. Americans must learn from our mistakes. We learned about the Pentagon papers. They were helpful to us as a country. The Iran contra affair. I was here when it went on. It was hard on us, but it was important that we did this. More recently, what happened in that prison in Iraq, Abu-Ghraib.

We have three separate branches of government, the judicial, the executive, and the legislative branches of government. To me, this work done by the Intelligence Committee, of which the Presiding Officer is a member, cries out for our Constitution, three separate, equal branches of government.

We are here today to talk about the work done by the legislative branch of government. We can protect our national security as a country without resorting to methods like torture. They are contrary to the fundamental values of America. So I call upon the administration, the Intelligence Committee, and my colleagues in Congress to join me in that commitment, that what took place, the torture program, is not in keeping with our country.

The PRESIDING OFFICER. The Senator from California.

SENATE SELECT COMMITTEE ON INTELLIGENCE STUDY OF THE CIA'S DETENTION AND INTERROGATION PROGRAM

Mrs. FEINSTEIN. Mr. President, I want to thank the leader for his words and for his support. They are extraordinarily welcome and appreciated.

Today, a 500-page executive summary of the Senate Intelligence Committee's 5½ year review of the CIA's detention and interrogation program, which was conducted between 2002 and 2009, is being released publicly. The executive summary, which is going out today, is backed by a 6,700-page classified and unredacted report with 38,000 footnotes which can be released, if necessary, at a later time.

The report released today examines the CIA's secret overseas detention of at least 119 individuals and the use of coercive interrogation techniques, in some cases amounting to torture.

Over the past couple of weeks, I have gone through a great deal of introspection about whether to delay the release of this report to a later time. This clearly is a period of turmoil and instability in many parts of the world. Unfortunately, that is going to continue for the foreseeable future whether or not this report is released.

There are those who will seize upon the report and say ''See what the Americans did,'' and they will try to use it to justify evil actions or incite more violence. We can't prevent that, but history will judge us by our commitment to a just society governed by law and the willingness to face an ugly truth and say ''never again.''

There may never be the right time to release this report. The instability we see today will not be resolved in months or years. But this report is too important to shelve indefinitely.

My determination to release it has also increased due to a campaign of mistaken statements and press articles launched against the report before anyone has had the chance to read it. As a matter of fact, the report is just now, as I speak, being released. This is what it looks like.

Senator CHAMBLISS asked me if we could have the minority report bound with the majority report. For this draft that is not possible. In the filed draft it will be bound together. But this is what the summary of the 6,000 pages looks like.

My words give me no pleasure. I am releasing this report because I know there are thousands of employees at the CIA who do not condone what I will speak about this morning and who work day and night, long hours, within the law, for America's security in what is certainly a difficult world. My colleagues on the Intelligence Committee and I are proud of them, just as everyone in this Chamber is, and we will always support them.

In reviewing the study in the past few days, with the decision looming over the public release, I was struck by a quote found on page 126 of the executive summary. It cites a former CIA inspector general, John Helgerson, who in 2005 wrote the following to the then-Director of the CIA, which clearly states the situation with respect to this report years later as well:

> We have found that the Agency over the decades has continued to get itself in messes related to interrogation programs for one overriding reason: we do not document and learn from our experience—each generation of officers is left to improvise anew, with problematic results for our officers as individuals and for our Agency.

I believe that to be true. I agree with Mr. Helgerson. His comments are true today. But this must change.

On March 11, 2009, the committee voted 14 to 1 to begin a review of the CIA's detention and interrogation program. Over the past 5 years a small team of committee investigators pored over the more than 6.3 million pages of CIA records the leader spoke about to complete this report or what we call the study. It shows that the CIA's actions a decade ago are a stain on our values and on our history. The release of this 500-page summary cannot remove that stain, but it can and does say to our people and the world that America is big enough to admit when it is wrong and confident enough to learn from its mistakes. Releasing this report is an important step to restore our values and show the world that we are, in fact, a just and lawful society.

Over the next hour I wish to lay out for Senators and the American public the report's key findings and conclusions. I ask that when I complete this, Senator MCCAIN be recognized. Before I get to the substance of the report, I wish to make a few comments about why it is so important that we make this study public.

All of us have vivid memories of that Tuesday morning when terrorists struck New York, Washington, DC, and Pennsylvania. Make no mistake—on September 11, 2001, war was declared on the United States. Terrorists struck our financial center, they struck our military center, and they tried to strike our political center and would have had brave and courageous passengers not brought down the plane. We still vividly remember the mix of outrage, deep despair, and sadness as we watched from Washington—smoke rising from the Pentagon, the passenger plane lying in a Pennsylvania field, and the sound of bodies striking canopies at ground level as innocents jumped to the ground below from the World Trade Center. Mass terror that we often see abroad had struck us directly in our front yard, killing 3,000 innocent men, women, and children.

What happened? We came together as a nation with one singular mission: Bring those who committed these acts to justice. But it is at this point where the values of America come into play, where the rule of law and the fundamental principles of right and wrong become important.

In 1990 the Senate ratified the Convention against Torture. The convention makes clear that this ban against torture is absolute. It states:

> No exceptional circumstances whatsoever—

Including what I just read—

> whether a state of war or a threat or war, internal political instability or any other public emergency, may be invoked as a justification of torture.

Nonetheless, it was argued that the need for information on possible additional terrorist plots after 9/11 made extraordinary interrogation techniques necessary.

Even if one were to set aside all of the moral arguments, our review was a meticulous and detailed examination of records. It finds that coercive interrogation techniques did not produce the vital, otherwise unavailable intelligence the CIA has claimed.

I will go into further detail on this issue in a moment, but let me make clear that these comments are not a condemnation of the CIA as a whole. The CIA plays an incredibly important part in our Nation's security and has thousands of dedicated and talented employees.

What we have found is that a surprisingly few people were responsible for designing, carrying out, and managing this program. Two contractors developed and led the interrogations. There was little effective oversight. Analysts, on occasion, gave operational orders about interrogations, and CIA management of the program was weak and diffused.

Our final report was approved by a bipartisan vote of 9 to 6 in December of 2012 and exposes brutality in stark contrast to our values as a nation.

This effort was focused on the actions of the CIA from late 2001 to January of 2009. The report does include considerable detail on the CIA's interactions with the White House, the Departments of Justice, State, and Defense, and the Senate Intelligence Committee.

The review is based on contemporaneous records and documents during the time the program was in place and active. These documents are important because they aren't based on recollection, they aren't based on revision, and they aren't a rationalization a decade later. It is these documents, referenced repeatedly in thousands of footnotes, that provide the factual basis for the study's conclusions. The committee's majority staff reviewed more than 6.3 million pages of these documents provided by the CIA, as well as records from other departments and agencies. These records include finished intelligence assessments, CIA operational and intelligence cables, memoranda, emails, real-time chat sessions, inspector general reports, testimony before Congress, pictures, and other internal records.

It is true that we didn't conduct our own interviews, and I wish to state why that was the case. In 2009 there was an ongoing review by the Department of Justice Special Prosecutor, John Durham. On August 24, Attorney General Holder expanded that review. This occurred 6 months after our study had begun. Durham's original investigation of the CIA's destruction of interrogation videotapes was broadened to include possible criminal actions of CIA employees in the course of CIA detention and interrogation activities.

At the time, the committee's vice chairman, Kit Bond, withdrew the minority's participation in the study, citing the Attorney General's expanded investigation as the reason.

The Department of Justice refused to coordinate its investigation with the Intelligence Committee's review. As a result, possible interviewees could be subject to additional liability if they were interviewed, and the CIA, citing the Attorney General's investigation, would not instruct its employees to participate in interviews.

Notwithstanding, I am very confident of the factual accuracy and comprehensive nature of this report for three reasons:

No. 1, it is 6.3 million pages of documents reviewed, and they reveal records of actions as those actions took place, not through recollections more than a decade later.

No. 2, the CIA and CIA senior officers have taken the opportunity to explain their views on CIA detention and interrogation operations. They have done this in on-the-record statements in classified committee hearings, written testimony and answers to questions, and through the formal response to the committee in June 2013 after reading this study.

No. 3, the committee had access to and utilized an extensive set of reports of interviews conducted by the CIA inspector general and the CIA's oral history program.

So while we could not conduct new interviews of individuals, we did utilize transcripts or summaries of interviews of those directly engaged in detention and interrogation operations. These interviews occurred at the time the program was operational and covered the exact topics we would have asked about had we conducted interviews ourselves.

These interview reports and transcripts included but were not limited to the following: George Tenet, Director of the CIA when the Agency took custody and interrogated the majority of detainees; Jose Rodriguez, Director of the CIA's Counterterrorism Center, a key player in the program; CIA General Counsel Scott Mueller; CIA Deputy Director of Operations James Pavitt; CIA Acting General Counsel John Rizzo; CIA Deputy Director John McLaughlin; and a variety of interrogators, lawyers, medical personnel, senior counterterrorism analysts, and managers of the detention and interrogation program.

The best place to start on how we got into this situation—and I am delighted that the previous Chairman Senator ROCKEFELLER is on the floor—is a little more than 8 years ago, on September 6, 2006, when the committee met to be briefed by then-Director Michael Hayden.

At that 2006 meeting the full committee learned for the first time—the first time—of the use of so-called enhanced interrogation techniques or EITs.

It was a short meeting, in part because President Bush was making a public speech later that day disclosing officially for the first time the existence of CIA black sites and announcing

the transfer of 14 detainees from CIA custody to Guantanamo Bay, Cuba. It was the first time the interrogation program was explained to the full committee, as details had previously been limited to the chairman and vice chairman.

Then, on December 7, 2007, The New York Times reported that CIA personnel in 2005 had destroyed videotapes of the interrogation of two CIA detainees—the CIA's first detainee Abu Zubaydah, as well as Abd al-Rahim al-Nashiri. The committee had not been informed of the destruction of the tapes.

Days later, on December 11, 2007, the committee held a hearing on the destruction of the videotapes. Director Hayden, the primary witness, testified the CIA had concluded the destruction of videotapes was acceptable, in part because Congress had not yet requested to see them. My source is our committee's transcript of the hearing on December 11, 2007. Director Hayden stated that if the committee had asked for the videotapes, they would have been provided. But of course the committee had not known the videotapes existed.

We now know from CIA emails and records that the videotapes were destroyed shortly after CIA attorneys raised concerns that Congress might find out about the tapes.

In any case, at that same December 11 committee hearing, Director Hayden told the committee that CIA cables related to the interrogation sessions depicted in the videotapes were '' . . . a more than adequate representation of the tapes and therefore, if you want them, we will give you access to them.'' That is a quote from our transcript of the December 11, 2007, hearing.

Senator ROCKEFELLER, then-chairman of the committee, designated two members of the committee staff to review the cables describing the interrogation sessions of Abu Zubaydah and al-Nashiri. Senator Bond, then-vice chairman, similarly directed two of his staffers to review the cables. The designated staff members completed their review and compiled a summary of the content of the CIA cables by early 2009, by which time I had become chairman.

The description in the cables of CIA's interrogations and the treatment of detainees presented a starkly different picture from Director Hayden's testimony before the committee. They described brutal, around-the-clock interrogations, especially of Abu Zubaydah, in which multiple coercive techniques were used in combination and with substantial repetition. It was an ugly, visceral description.

The summary also indicated that Abu Zubaydah and al-Nashiri did not, as a result of the use of these so-called EITs, provide the kind of intelligence that led the CIA to stop terrorist plots or arrest additional suspects. As a result, I think it is fair to say the entire committee was concerned and it approved the scope of an investigation by a vote of 14 to 1, and the work began.

In my March 11, 2014, floor speech about the study, I described how in 2009 the committee came to an agreement with the new CIA Director, Leon Panetta, for access to documents and other records about the CIA's detention and interrogation program. I will not repeat that here. From 2009 to 2012, our staff conducted a massive and unprecedented review of CIA records. Draft sections of the report were produced by late 2011 and shared with the full committee. The final report was completed in December 2012 and approved by the committee by a bipartisan vote of 9 to 6.

After that vote, I sent the full report to the President and asked the administration to provide comments on it before it was released. Six months later, in June of 2013, the CIA responded. I directed then that if the CIA pointed out any error in our report, we would fix it, and we did fix one bullet point that did not impact our findings and conclusions. If the CIA came to a different conclusion than the report did, we would note that in the report and explain our reasons for disagreeing, if we disagreed. You will see some of that documented in the footnotes of that executive summary as well as in the 6,000 pages.

In April 2014, the committee prepared an updated version of the full study and voted 12 to 3 to declassify and release the executive summary, findings and conclusions and minority and additional views.

On August 1, we received a declassified version from the executive branch. It was immediately apparent the redactions to our report prevented a clear and understandable reading of the study and prevented us from substantiating the findings and conclusions, so we obviously objected.

For the past 4 months, the committee and the CIA, the Director of National Intelligence, and the White House have engaged in a lengthy negotiation over the redactions to the report. We have been able to include some more information in the report today without sacrificing sources and methods or our national security.

I ask unanimous consent to have printed in the RECORD following my remarks a letter from the White House, dated yesterday, transmitting the unclassified parts of report, and it also points out that the executive summary is 93 percent complete and that the redactions amount to 7 percent.

Mr. President, this has been a long process. The work began 7 years ago when Senator ROCKEFELLER directed committee staff to review the CIA cables describing the interrogation sessions of Abu Zubaydah and al-Nashiri. It has been very difficult, but I believe documentation and the findings and conclusions will make clear how this program was morally, legally, and administratively misguided and that this Nation should never again engage in these tactics.

Let me now turn to the contents of the study. As I noted, we have 20 findings and conclusions which fall into four general categories: First, the CIA's enhanced interrogation techniques were not an effective way to gather intelligence information; second, the CIA provided extensive amounts of inaccurate information about the operation of the program and its effectiveness to the White House, the Department of Justice, Congress, the CIA inspector general, the media, and the American public; third, the CIA's management of the program was inadequate and deeply flawed; and fourth, the CIA program was far more brutal than people were led to believe.

Let me describe each category in more detail. The first set of findings and conclusions concern the effectiveness or lack thereof of the CIA interrogation program. The committee found that the CIA's coercive interrogation techniques were not an effective means of acquiring accurate intelligence or gaining detainee cooperation.

The CIA and other defenders of the program have repeatedly claimed the use of so-called interrogation techniques was necessary to get detainees to provide critical information and to bring detainees to a ''state of compliance,'' in which they would cooperate and provide information. The study concludes both claims are inaccurate.

The report is very specific in how it evaluates the CIA's claims on the effectiveness and necessity of its enhanced interrogation techniques. Specifically, we used the CIA's own definition of effectiveness as ratified and approved by the Department of Justice's Office of Legal Counsel. The CIA claimed that the EITs were necessary to obtain ''otherwise unavailable'' information that could not be obtained from any other source to stop terrorist attacks and save American lives, that is a claim we conclude is inaccurate.

We took 20 examples that the CIA itself claimed to show the success of these interrogations. These include cases of terrorist plots stopped or terrorists captured. The CIA used these examples in presentations to the White House, in testimony to Congress, in submissions to the Department of Justice, and ultimately to the American people.

Some of the claims are well known: the capture of Khalid Shaikh Mohammed, the prevention of attacks against the Library Tower in Los Angeles, and the takedown of Osama bin Laden. Other claims were made only in classified settings to the White House, Congress, and Department of Justice.

In each case, the CIA claimed that critical and unique information came from one or more detainees in its custody after they were subjected to the CIA's coercive techniques, and that information led to a specific counterterrorism success. Our staff reviewed every one of the 20 cases and not a single case holds up.

In every single one of these cases, at least one of the following was true: One, the intelligence community had

information separate from the use of EITs that led to the terrorist disruption or capture; two, information from a detainee subjected to EITs played no role in the claimed disruption or capture; and three, the purported terrorist plot either did not exist or posed no real threat to Americans or U.S. interests.

Some critics have suggested the study concludes that no intelligence was ever provided from any detainee the CIA held. That is false and the study makes no such claim. What is true is that actionable intelligence that was ''otherwise unavailable'' was not obtained using these coercive interrogation techniques.

The report also chronicles where the use of interrogation techniques that do not involve physical force were effective. Specifically, the report provides examples where interrogators had sufficient information to confront detainees with facts, know when they were lying and when they applied rapport-building techniques that were developed and honed by the U.S. military, the FBI, and more recently the interagency High-Value Detainee Interrogation Group, called the HIG, that these techniques produced good intelligence.

Let me make a couple of additional comments on the claimed effectiveness of CIA interrogations. At no time did the CIA's coercive interrogation techniques lead to the collection of intelligence on an imminent threat that many believe was the justification for the use of these techniques. The committee never found an example of this hypothetical ticking timebomb scenario.

The use of coercive technique methods regularly resulted in fabricated information. Sometimes the CIA actually knew detainees were lying. Other times the CIA acted on false information, diverting resources and leading officers or contractors to falsely believe they were acquiring unique or actionable intelligence and that its interrogations were working when they were not.

Internally, CIA officers often called into question the effectiveness of the CIA's interrogation techniques, noting how the techniques failed to elicit detainee cooperation or produce accurate information.

The report includes numerous examples of CIA officers questioning the agency's claims, but these contradictions were marginalized and not presented externally.

The second set of findings and conclusions is that the CIA provided extensive inaccurate information about the program and its effectiveness to the White House, the Department of Justice, Congress, the CIA inspector general, the media, and the American public.

This conclusion is somewhat personal for me. I remember clearly when Director Hayden briefed the Intelligence Committee for the first time on the so-called EITs at that September 2006 committee meeting. He referred specifically to a ''tummy slap,'' among other techniques, and presented the entire set of techniques as minimally harmful and applied in a highly clinical and professional manner. They were not.

The committee's report demonstrates that these techniques were physically very harmful, and that the constraints that existed on paper in Washington did not match the way techniques were used at CIA sites around the world.

Of particular note was the treatment of Abu Zubaydah over a span of 17 days in August 2002. This involved nonstop interrogation and abuse, 24/7, from August 4 to August 21, and included multiple forms of deprivation and physical assault. The description of this period, first written up by our staff in early 2009 while Senator ROCKEFELLER was chairman, was what prompted this full review.

But the inaccurate and incomplete descriptions go far beyond that. The CIA provided inaccurate memoranda and explanations to the Department of Justice while its Office of Legal Counsel was considering the legality of the coercive techniques.

In those communications to the Department of Justice, the CIA claimed the following: The coercive techniques would not be used with excessive repetition; detainees would always have an opportunity to provide information prior to the use of the techniques; the techniques were to be used in progression, starting with the least aggressive and proceeding only if needed; medical personnel would make sure that interrogations wouldn't cause serious harm, and they could intervene at any time to stop interrogations; interrogators were carefully vetted and highly trained, and each technique was to be used in a specific way without deviation, and only with specific approval for the interrogator and detainee involved.

None of these assurances, which the Department of Justice relied on to form its legal opinions, were consistently or even routinely carried out.

In many cases, important information was withheld from policymakers. For example, foreign intelligence committee chairman Bob Graham asked a number of questions after he was first briefed in September of 2002, but the CIA refused to answer him, effectively stonewalling him until he left the committee at the end of the year.

In another example, the CIA, in coordination with White House officials and staff, initially withheld information of the CIA's interrogation techniques from Secretary of State Colin Powell and Secretary of Defense Donald Rumsfeld. There are CIA records stating that Colin Powell wasn't told about the program at first because there were concerns that ''Powell would blow his stack if he were briefed.'' Source: Email from John Rizzo dated July 31, 2003.

CIA records clearly indicate, and definitively, that after he was briefed on the CIA's first detainee, Abu Zubaydah, the CIA didn't tell President Bush about the full nature of the EITs until April 2006. That is what the records indicate.

The CIA similarly withheld information or provided false information to the CIA inspector general during his conduct of a special review by the IG in 2004.

Incomplete and inaccurate information from the CIA was used in documents provided to the Department of Justice and as a basis for President Bush's speech on September 6, 2006, in which he publicly acknowledged the CIA program for the first time.

In all of these cases, other CIA officers acknowledged internally that information the CIA had provided was wrong.

The CIA also misled other CIA and White House officials. When Vice President Cheney's counsel David Addington asked CIA General Counsel Scott Muller in 2003 about the CIA's videotaping the waterboarding of detainees, Muller deliberately told him that videotapes ''were not being made,'' but did not disclose that videotapes of previous waterboarding sessions had been made and still existed. Source: E-mail from Scott Muller dated June 7, 2003.

There are many more examples in the committee's report. All are documented.

The third set of findings and conclusions notes the various ways in which CIA management of the Detention and Interrogation Program—from its inception to its formal termination in January of 2009—was inadequate and deeply flawed.

There is no doubt that the Detention and Interrogation Program was, by any measure, a major CIA undertaking. It raised significant legal and policy issues and involved significant resources and funding. It was not, however, managed as a significant CIA program. Instead, it had limited oversight and lacked formal direction and management.

For example, in the 6 months between being granted detention authority and taking custody of its first detainee, Abu Zubaydah, the CIA had not identified and prepared a suitable detention site. It had not researched effective interrogation techniques or developed a legal basis for the use of interrogation techniques outside of the rapport-building techniques that were official CIA policy until that time.

In fact, there is no indication the CIA reviewed its own history—that is just what Helgerson was saying in 2005—with coercive interrogation tactics. As the executive summary notes, the CIA had engaged in rough interrogations in the past.

In fact, the CIA had previously sent a letter to the Intelligence Committee in 1989—and here is the quote—that ''inhumane physical or psychological techniques are counterproductive because they do not produce intelligence and will probably result in false answers.''

That was a letter from John Helgerson, CIA Director of Congressional Affairs, dated January 8, 1989.

However, in late 2001 and early 2002, rather than research interrogation practices and coordinate with other parts of the government with extensive expertise in detention and interrogation of terrorist suspects, the CIA engaged two contract psychologists who had never conducted interrogations themselves or ever operated detention facilities.

As the CIA captured or received custody of detainees through 2002, it maintained separate lines of management at headquarters for different detention facilities.

No individual or office was in charge of the Detention and Interrogation Program until January of 2003, by which point more than one-third of CIA detainees identified in our review had been detained and interrogated.

One clear example of flawed CIA management was the poorly managed detention facility referred to in our report by the code name COBALT to hide the actual name of the facility. It began operations in September of 2002. The facility kept few formal records of the detainees housed there, and untrained CIA officers conducted frequent unauthorized and unsupervised interrogations using techniques that were not, and never became, part of the CIA's formal enhanced interrogation program.

The CIA placed a junior officer with no relevant experience in charge of the site. In November 2002, an otherwise healthy detainee—who was being held mostly nude and chained to a concrete floor—died at the facility from what is believed to have been hypothermia.

In interviews conducted in 2003 by the CIA Office of the Inspector General, CIA's leadership acknowledged that they had little or no awareness of operations at this specific CIA detention site, and some CIA senior officials believed, erroneously, that enhanced interrogation techniques were not used there.

The CIA, in its June 2013 response to the committee's report, agreed that there were management failures in the program, but asserted that they were corrected by early 2003. While the study found that management failures improved somewhat, we found they persisted until the end of the program.

Among the numerous management shortcomings identified in the report are the following: The CIA used poorly trained and nonvetted personnel.

Individuals were deployed—in particular, interrogators—without relevant training or experience. Due to the CIA's redactions to the report, there are limits to what I can say in this regard, but it is a clear fact that the CIA deployed officers who had histories of personnel, ethical, and professional problems of a serious nature. These included histories of violence and abusive treatment of others that should have called into question their employment with the U.S. Government, let alone their suitability to participate in a sensitive CIA covert action program.

The two contractors that CIA allowed to develop, operate, and assess its interrogation operations conducted numerous ''inherently governmental functions'' that never should have been outsourced to contractors. These contractors, referred to in the report in special pseudonyms, SWIGERT and DUNBAR, developed the list of so-called enhanced interrogation techniques that the CIA employed.

They developed a list of so-called enhanced interrogation techniques that the CIA employed. They personally conducted interrogations of some of the CIA's most significant detainees, using the techniques including the waterboarding of Abu Zubaydah, Khalid Shaikh Mohammed, and al-Nashiri.

The contractors provided the official evaluations of whether detainees' psychological states allowed for the continued use of the enhanced techniques, even for some detainees they themselves were interrogating or had interrogated. Evaluating the psychological state of the very detainees they were interrogating is a clear conflict of interest and a violation of professional guidelines.

The CIA relied on these two contractors to evaluate the interrogation program they had devised and in which they had obvious financial interests. Again, it is a clear conflict of interest and an avoidance of responsibility by the CIA.

In 2005, the two contractors formed a company specifically for the purpose of expanding their work with the CIA. From 2005 to 2008, the CIA outsourced almost all aspects of its detention and interrogation program to this company as part of a contract valued at more than $180 million. Ultimately, not all contract options were exercised. However, the CIA has paid these two contractors and their company more than $80 million.

Of the 119 individuals found to have been detained by the CIA during the life of the program, the committee found that at least 26 were wrongfully held. These are cases where the CIA itself determined that it had not met the standard for detention set out in the 2001 Memorandum of Notification which governed the covert action. Detainees often remained in custody for months after the CIA determined they should have been released. CIA records provide insufficient information to justify the detention of many other detainees.

Due to poor recordkeeping, a full accounting of how many specific detainees were held and how they were specifically treated while in custody may never be known. Similarly, in specific instances we found that enhanced interrogation techniques were used without authorization in a manner far different and more brutal than had been authorized by the Office of Legal Counsel and conducted by personnel not approved to use them on detainees.

Decisions about how and when to apply interrogation techniques were ad hoc and not proposed, evaluated, and approved in a manner described by the CIA in written descriptions and testimony about the program. Detainees were often subjected to harsh and brutal interrogation and treatment because CIA analysts believed, often in error, that they knew more information than what they had provided.

Sometimes CIA managers and interrogators in the field were uncomfortable with what they were being asked to do and recommended ending the abuse of a detainee. Repeatedly in such cases they were overruled by people at CIA headquarters who thought they knew better, such as by analysts with no line authority. This shows again how a relatively small number of CIA personnel—perhaps 40 to 50—were making decisions on detention and interrogation despite the better judgments of other CIA officers.

The fourth and final set of findings and conclusions concerns how the interrogations of CIA detainees were absolutely brutal, far worse than the CIA represented them to policymakers and others.

Beginning with the first detainee, Abu Zubaydah, and continuing with others, the CIA applied its so-called enhanced interrogation techniques in combination and in near nonstop fashion for days and even weeks at a time on one detainee. In contrast to the CIA representations, the detainees were subjected to the most aggressive techniques immediately—stripped naked, diapered, physically struck, and put in various painful stress positions for long periods of time. They were deprived of sleep for days—in one case up to 180 hours; that is 7½ days, over a week, with no sleep—usually in standing or in stress positions, at times with their hands tied together over their heads, chained to the ceiling.

In the COBALT facility I previously mentioned, interrogators and guards used what they called rough takedowns in which a detainee was grabbed from his cell, clothes cut off, hooded, and dragged up and down a dirt hallway while being slapped and punched.

The CIA led several detainees to believe they would never be allowed to leave CIA custody alive, suggesting to Abu Zubaydah that he would only leave in a coffin-shaped box. That is from a CIA cable on August 12, 2002.

According to another CIA cable, CIA officers also planned to cremate Zubaydah should he not survive his interrogation. Source: CIA cable, July 15, 2002.

After the news and photographs emerged from the U.S. military detention of Iraqis at Abu Ghraib, the Intelligence Committee held a hearing on the matter on May 12, 2004. Without disclosing any details of its own interrogation program, CIA Director John

McLaughlin testified that CIA interrogations were nothing like what was depicted at Abu Ghraib, the U.S. prison in Iraq where detainees were abused by American personnel. This, of course, was false.

CIA detainees at one facility, described as a dungeon, were kept in complete darkness, constantly shackled in isolated cells with loud noise or music and only a bucket to use for human waste.

The U.S. Bureau of Prisons personnel went to that location in November 2002 and, according to a contemporaneous internal CIA email, told CIA officers they had never ''been in a facility where individuals are so sensory deprived.'' Source: CIA email, sender and recipient redacted, December 5, 2002.

Throughout the program, multiple CIA detainees subjected to interrogations exhibited psychological and behavioral issues including hallucinations, paranoia, insomnia, and attempts at self-harm and self-mutilation. Multiple CIA psychologists identified the lack of human contact experienced by the detainees as a cause of psychiatric problems.

The executive summary includes far more detail than I am going to provide here about things that were in these interrogation sessions, and the summary itself includes only a subset of the treatment of the 119 known CIA detainees. There is far more detail—all documented—in the full 6,700-page study. This briefly summarizes the committee's findings and conclusions.

Before I wrap up, I wish to thank the people who made this undertaking possible. First, I thank Senator JAY ROCKEFELLER. He started this project by directing his staff to review the operational cables that described the first recorded interrogations after we learned that the videotapes of those sessions had been destroyed. That report was what led to this multiyear investigation, and without it we wouldn't have had any sense of what happened.

I thank other Members of the Senate Intelligence Committee, one of whom is on the floor today, from the great State of New Mexico. Others have been on the floor who voted to conduct this investigation and to approve its result and make the report public.

Most importantly, I want to thank the Intelligence Committee staff who performed this work. They are dedicated and committed public officials who sacrificed a significant portion of their lives to see this report through to its publication. They have worked days, nights, and weekends for years in some of the most difficult circumstances. It is no secret to anyone that the CIA does not want this report coming out, and I believe the Nation owes them a debt of gratitude. They are Dan Jones, who has led this review since 2007, and more than anyone else, today's report is a result of his effort. Evan Gottesman and Chad Tanner, the two other members of the study staff, each wrote thousands of pages of the full report and have dedicated themselves and much of their lives to this project. Alissa Starzak, who began this review as co-lead, contributed extensively until her departure from the committee in 2011.

Other key contributors to the drafting, editing, and review of the report were Jennifer Barrett, Nick Basciano, Mike Buchwald, Jim Catella, Eric Chapman, John Dickas, Lorenzo Goco, Andrew Grotto, Tressa Guenov, Clete Johnson, Michael Noblet, Michael Pevzner, Tommy Ross, Caroline Tess, and James Wolfe; and finally, David Grannis, who has been a never-faltering staff director throughout this review.

This study is bigger than the actions of the CIA. It is really about American values and morals. It is about the Constitution, the Bill of Rights, our rule of law. These values exist regardless of the circumstances in which we find ourselves. They exist in peacetime and in wartime, and if we cast aside these values when convenient, we have failed to live by the very precepts that make our Nation a great one.

There is a reason why we carry the banner of a great and just nation. So we submit this study on behalf of the committee to the public in the belief that it will stand the test of time, and with it the report will carry the message: ''Never again.''

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

THE WHITE HOUSE,
Washington, December 8, 2014.

Hon. DIANNE FEINSTEIN,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR CHAIRMAN FEINSTEIN: I write in response to your letters to the President transmitting versions of the executive summary, findings, and conclusions of the Senate Select Committee on Intelligence's report regarding the Central Intelligence Agency's (CIA) former detention and interrogation program.

The President believes that the Agency's former detention and interrogation program was inconsistent with our values as a Nation. To reflect our values, one of his first acts in office was to sign an Executive Order that brought an end to the program.

Since the Committee first delivered a version of its executive summary, findings, and conclusions of the report (report) in April, the Administration has worked in good faith with the Committee on the declassification effort. On August 1, the Administration provided a version of the report, as well as minority and additional views that would declassify 85 percent of the text. Since then, at the request of the Committee, the Administration has continually sought to reduce further the redactions in the report in a manner that also protects U.S. national security. We have appreciated the constructive dialogue with the Committee over the last few months, which allowed us to work through more than 400 of the Committee's requests for declassification.

Today, we are delivering to the Committee a version of the Committee report, as well as minority and additional views, that are over 93 percent declassified. The minimal redactions are the result of a considerable effort by the Director of National Intelligence, working with the CIA, Department of Defense, Department of State, and other agencies, to review and declassify hundreds of pages of information related to the historical CIA program.

As we have shared with you in prior letters and conversations, the President supports making public the declassified version of the Committee's important report as he believes that public scrutiny and debate will help to inform the public's understanding of the program and to ensure that such a program will never be repeated. As we have also shared with you, in advance of release of the Committee report, the Administration has planned to take a series of security steps to prepare our personnel and facilities overseas. We have already initiated those security precautions and will continue to implement them consistent with prior conversations about the timing of the Committee's expected release of its report.

The Committee report reflects a significant five year effort, and we commend the Committee and its staff on its completion. The report also reflects extraordinary cooperation by the Executive Branch to ensure access to the information necessary to review the CIA's former program, including more than six million pages of records. We must now, however, begin to look forward to the future. The men and women in the Intelligence Community are fundamental to America's national security. They perform an important service to our country in very trying circumstances. They make extraordinary sacrifices to keep the American people safe, often without any expectation of credit or acknowledgment. As they carry on the nation's critical work, they have the President's support and appreciation, as I know they have yours.

Sincerely,

W. NEIL EGGLESTON,
Counsel to the President.

I very much appreciate your attention, and I yield to Senator MCCAIN.

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

Mr. MCCAIN. Madam President, I wish to begin by expressing my appreciation and admiration to the personnel who serve in our intelligence agencies, including the CIA, who are out there every day defending our Nation.

I have read the executive summary and I also have been briefed on the entirety of this report. I rise in support of the release—the long-delayed release—of the Senate Intelligence Committee's summarized unclassified review of the so-called enhanced interrogation techniques that were employed by the previous administration to extract information from captured terrorists. It is a thorough and thoughtful study of practices that I believe not only failed their purpose to secure actionable intelligence to prevent further attacks on the United States and our allies, but actually damaged our security interests as well as our reputation as a force for good in the world.

I believe the American people have a right—indeed a responsibility—to know what was done in their name, how these practices did or did not serve our interests, and how they comported with our most important values.

I commend Chairwoman FEINSTEIN and her staff for their diligence in seeking a truthful accounting of policies I hope we will never resort to

again. I thank them for persevering against persistent opposition from many members of the intelligence community, from officials in two administrations, and from some of our colleagues.

The truth is sometimes a hard pill to swallow. It sometimes causes us difficulties at home and abroad. It is sometimes used by our enemies in attempts to hurt us. But the American people are entitled to it nonetheless. They must know when the values that define our Nation are intentionally disregarded by our security policies, even those policies that are conducted in secret. They must be able to make informed judgments about whether those policies and the personnel who supported them were justified in compromising our values, whether they served a greater good, or whether, as I believe, they stained our national honor, did much harm, and little practical good.

What were the policies? What was their purpose? Did they achieve it? Did they make us safer, less safe, or did they make no difference? What did they gain us? What did they cost us? What did they gain us? What did they cost us? The American people need the answers to these questions. Yes, some things must be kept from public disclosure to protect clandestine operations, sources, and methods, but not the answers to these questions. By providing them, the committee has empowered the American people to come to their own decisions about whether we should have employed such practices in the past and whether we should consider permitting them in the future.

This report strengthens self-government and ultimately, I believe, American security and stature in the world. I thank the committee for that valuable public service.

I have long believed some of these practices amounted to torture as a reasonable person would define it, especially but not only the practice of waterboarding, which is a mock execution and an exquisite form of torture. Its use was shameful and unnecessary, and, contrary to assertions made by some of its defenders and as the committee's report makes clear, it produced little useful intelligence to help us track down the perpetrators of 9/11 or prevent new attacks and atrocities.

I know from personal experience that the abuse of prisoners will produce more bad than good intelligence. I know victims of torture will offer intentionally misleading information if they think their captors will believe it. I know they will say whatever they think their torturers want them to say if they believe it will stop their suffering. Most of all, I know the use of torture compromises that which most distinguishes us from our enemies—our belief that all people, even captured enemies, possess basic human rights which are protected by international conventions the United States not only joined but for the most part authored.

I know too that bad things happen in war. I know that in war good people can feel obliged for good reasons to do things they would normally object to and recoil from. I understand the reasons that governed the decision to resort to these interrogation methods, and I know that those who approved them and those who used them were dedicated to securing justice for victims of terrorist attacks and to protecting Americans from further harm. I know their responsibilities were grave and urgent and the strain of their duty was onerous. I respect their dedication, and I appreciate their dilemma. But I dispute wholeheartedly that it was right for them to use these methods which this report makes clear were neither in the best interests of justice, nor our security, nor the ideals we have sacrificed so much blood and treasure to defend.

The knowledge of torture's dubious efficacy and my moral objection to the abuse of prisoners motivated my sponsorship of the Detainee Treatment Act of 2005, which prohibits ''cruel, inhuman or degrading treatment'' of captured combatants, whether they wear a nation's uniform or not, and which passed the Senate by a vote of 90 to 9.

Subsequently, I successfully offered amendments to the Military Commissions Act of 2006, which, among other things, prevented the attempt to weaken Common Article 3 of the Geneva Conventions and broadened definitions in the War Crimes Act to make the future use of waterboarding and other ''enhanced interrogation techniques'' punishable as war crimes.

There was considerable misinformation disseminated then about what was and wasn't achieved using these methods in an effort to discourage support for the legislation. There was a good amount of misinformation used in 2011 to credit the use of these methods with the death of Osama bin Laden. And there is, I fear, misinformation being used today to prevent the release of this report, disputing its findings and warning about the security consequences of their public disclosure.

Will the report's release cause outrage that leads to violence in some parts of the Muslim world? Yes, I suppose that is possible and perhaps likely. Sadly, violence needs little incentive in some quarters of the world today. But that doesn't mean we will be telling the world something it will be shocked to learn. The entire world already knows we waterboarded prisoners. It knows we subjected prisoners to various other types of degrading treatment. It knows we used black sites, secret prisons. Those practices haven't been a secret for a decade. Terrorists might use the report's reidentification of the practices as an excuse to attack Americans, but they hardly need an excuse for that. That has been their life's calling for a while now.

What might come as a surprise not just to our enemies but to many Americans is how little these practices did aid our efforts to bring 9/11 culprits to justice and to find and prevent terrorist attacks today and tomorrow. That could be a real surprise since it contradicts the many assurances provided by intelligence officials on the record and in private that enhanced interrogation techniques were indispensable in the war against terrorism. And I suspect the objection of those same officials to the release of this report is really focused on that disclosure—torture's ineffectiveness—because we gave up much in the expectation that torture would make us safer—too much.

Obviously, we need intelligence to defeat our enemies, but we need reliable intelligence. Torture produces more misleading information than actionable intelligence. And what the advocates of harsh and cruel interrogation methods have never established is that we couldn't have gathered as good or more reliable intelligence from using humane methods.

The most important lead we got in the search for bin Laden came from using conventional interrogation methods. I think it is an insult to the many intelligence officers who have acquired good intelligence without hurting or degrading prisoners to assert that we can't win these wars without such methods. Yes, we can, and we will.

But in the end torture's failure to serve its intended purpose isn't the main reason to oppose its use. I have often said and I will always maintain that this question isn't about our enemies; it is about us. It is about who we were, who we are, and who we aspire to be. It is about how we represent ourselves to the world.

We have made our way in this often dangerous and cruel world not by just strictly pursuing our geopolitical interests but by exemplifying our political values and influencing other nations to embrace them. When we fight to defend our security, we fight also for an idea—not for a tribe or a twisted interpretation of an ancient religion or for a King but for an idea that all men are endowed by the Creator with inalienable rights. How much safer the world would be if all nations believed the same. How much more dangerous it can become when we forget it ourselves, even momentarily.

Our enemies act without conscience. We must not. This executive summary of the committee's report makes clear that acting without conscience isn't necessary. It isn't even helpful in winning this strange and long war we are fighting. We should be grateful to have that truth affirmed.

Now, let us reassert the contrary proposition: that is it essential to our success in this war that we ask those who fight it for us to remember at all times that they are defending a sacred ideal of how nations should be governed and conduct their relations with others—even our enemies.

Those of us who give them this duty are obliged by history, by our Nation's highest ideals and the many terrible sacrifices made to protect them, by our respect for human dignity, to make

clear we need not risk our national honor to prevail in this or any war. We need only remember in the worst of times, through the chaos and terror of war, when facing cruelty, suffering, and loss, that we are always Americans and different, stronger, and better than those who would destroy us.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent to speak in a seated position.

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

Mr. ROCKEFELLER. Madam President, I come to the floor to wholly support the comments of my colleagues, the Senator from California and the Senator from Arizona, to speak about a matter of great importance to me personally but more importantly to the country.

The Senate Intelligence Committee's entire study of the CIA's detention and interrogation program—I will just call it the program—is the most in-depth, the most substantive oversight initiative the committee has ever taken. I doubt any committee has done more than this. It presents extremely valuable insights into crucial oversight questions and problems that need to be addressed by the CIA.

Moreover, this study exemplifies why this committee was created in the first place following the findings of the Church Committee nearly 40 years ago, and I commend my friend and the committee's leader, the Senator from California, for shepherding this landmark initiative to this point. For years, often behind closed doors, without any recognition, she has been a strong and tireless advocate, and she deserves our thanks and recognition.

It is my hope and expectation that beyond the initial release of the executive summary and findings and conclusions, that the entire 6,800 pages, with 37,500 footnotes, will eventually be made public—and I am sure it will—with the appropriate redactions. Those public findings will be critical to fully learning the necessary lessons from this dark episode in our Nation's history and to ensure that it never happens again. It has been a very long, very hard fight to get to this point. Especially in the early years of the CIA's detention program, it was a struggle for the committee to get the most basic information or any information at all about the program.

The committee's study of the detention and interrogation program is not just the story of the brutal and ill-conceived program itself; this study is also the story of the breakdown in our system of governance that allowed the country to deviate in such a significant and horrific way from our core principles. One of the profound ways that breakdown happened was through the active subversion of meaningful congressional oversight—a theme mirrored in the Bush administration's warrantless wiretapping program during that same period.

I first learned about some aspects of the CIA's detention and interrogation program in 2003 when I became vice chair of the committee. At that point and for years after, the CIA refused to provide me or anybody else with any additional information about the program. They further refused to notify the full committee about the program's existence. My colleagues will remember there was always the Gang of 4, the Gang of 6, or the Gang of 8. They would take the chairman and vice chairman, take them to the White House, give them a flip chart, 45 minutes for the Vice President, and off he would go. Senator ROBERTS and I went down by car and were instructed we couldn't talk to each other on the way back from one of those meetings. It was absurd. They refused to do anything to be of assistance.

The briefings I received provided little or no insight into the CIA's program. Questions or followup requests were rejected, and at times I was not allowed to consult with my counsel. I am not a lawyer. There are legal matters involved here. They said we couldn't talk to any of our staff, legal counsel or not, or other members of the committee who knew nothing about this because they had not been informed at all.

It was clear these briefings were not meant to answer any questions but were intended only to provide cover for the administration and the CIA. It was infuriating to me to realize I was part of a box checking exercise that the administration planned to use, and later did use, so they could disingenuously claim they had—in a phrase I will never be able to forget—''fully briefed Congress.''

In the years that followed I fought and lost many battles to obtain credible information about the detention and interrogation program. As vice chair I tried to launch, as has been mentioned, a comprehensive investigation into the program, but that effort was blocked.

Later in 2005, when I fought for access to over 100 specific documents cited in the inspector general report, the CIA refused to cooperate.

The first time the full Senate Intelligence Committee was given any information about this detention program was September 2006. This was years after the program's inception and the same day the President informed the Nation.

The following year when I became chairman, the vice chairman, Kit Bond, and I agreed to push for significant additional access to the program. For heaven's sake, at least allow both the Senate Intelligence Committee and the House Intelligence Committee, on a full basis, to be informed about this and also to include our staff's counsel on these matters. We finally actually prevailed and got this access. I think I withheld something from them until they agreed to do that which enabled us to have much-needed hearings on the program, which we proceeded to do.

As chairman, I made sure we scrutinized it from every angle. However, the challenge of getting accurate information from the CIA persisted. It was during this period that the House and Senate considered the 2008 Intelligence Authorization Act and a potential provision that set the Army Field Manual—which is the only way to go—as the standard for the entire American Government, including the CIA. This would have effectively ended the CIA's enhanced interrogation techniques, a term eerily sanitized in bureaucratic jargon for what, in a number of cases, amounted to torture.

As chairman, I knew the inclusion of the Army Field Manual provision would jeopardize the entire bill. I thought it might bring it down. People would think it was too soft or too radical or whatever, but I was committed to seeing the bill signed into law. In the end, it was an easy decision.

I supported including the provision to end the CIA's program because it was the right thing to do. I did it because Congress needed to send a clear signal that it did not stand by the Bush administration's policy.

The House and Senate went on to pass the bill with bipartisan votes. Although the Bush administration vetoed the bill to preserve its ability to continue these practices, it was an important symbolic moment.

In the same period, I also sent two committee staffers, as our chairwoman has indicated, to begin reviewing cables at the CIA regarding the agency's interrogations of Abu Zubaydah and al-Nashiri. I firmly believed we had to review those cables, which are now the only source of important historical information on this subject, because the CIA destroyed its tapes of some of their interrogation sessions. The CIA destroyed those tapes against the explicit direction from the White House and the Director of National Intelligence.

The investigation that began in 2007 grew under Chairman FEINSTEIN's dedication and tremendous leadership into a full study of the CIA's detention and interrogation program. The more the committee dug, the more the committee found, and the results we uncovered are both shocking and deeply troubling.

First, the detention and interrogation program was conceived by people who were ignorant of the topic and made it up on the fly based on the untested theories of contractors who had never met a terrorist or conducted a real-world interrogation of any kind.

Second, it was executed by personnel with insufficient linguistic and interrogation training and little, if any, real-world experience.

Moreover, the CIA was aware that some of these personnel had a staggering array of personal and professional failings—enumerated by the committee's chairman—including potentially criminal activity, that should

have disqualified them immediately not only from being interrogators but from being employed by the CIA or anybody in government.

Nevertheless, it was consistently represented that these interrogators were professionalized and carefully vetted—their term—and that became a part of the hollow legal justification of the entire program.

Third, the program was managed incompetently by senior officials who paid little or no attention to critical details. It was rife with troubling personal and financial conflicts of interest among the small group of the CIA officials and contractors who promoted and defended it. Obviously it was in their interest to do so.

Fourth, as the chairman indicated, the program was physically very severe, far more so than any of us outside the CIA ever knew. Although waterboarding has received the most attention, there were other techniques I personally believe—one in particular—that may have been much worse.

Finally, its results were unclear at best, but it was presented to the White House, the Department of Justice, the Congress, and the media as a silver bullet that was indispensable to saving lives. That was their mantra. In fact, it did not provide the intelligence it was supposed to provide or the CIA argued that it did provide.

To be perfectly clear, these harsh techniques were not approved by anyone ever for the low-bar standard of learning useful information from detainees. These techniques were approved because the Bush officials were told, and therefore believed, that these coercive interrogations were absolutely necessary to elicit intelligence that was unavailable by any other collection method and would save American lives. That was simply not the case.

For me, personally, the arc of this story comprises more than a decade of my 30 years of work in the Senate and one of the hardest fights—I think the hardest fight—I have ever been through. Many of the worst years were during the Bush administration.

However, I did not fully anticipate how hard these last few years would be in this administration to get this summary declassified and to tell the full story of what happened. Indeed, to my great frustration, even after months of endless negotiations, significant aspects of the story remain obscured by black ink.

I have great admiration for the President, and I am appreciative of the leadership role he has taken to depart from the practices of the Bush administration on these issues. His Executive order formally ended the CIA's detention program practices, and that is a good example. It is a great example.

It was, therefore, with deep disappointment that over the course of a number of private meetings and conversations I came to feel that the White House's strong deference to the CIA throughout this process has at times worked at cross-purposes with the White House's stated interest in transparency and has muddied what should be a clear and unequivocal legacy on this issue.

While aspiring to be the most transparent administration in history, this White House continues to quietly withhold from the committee more than 9,000 documents related to the CIA's programs. I don't know why. They won't say, and they won't produce.

In addition to strongly supporting the CIA's insistence on the unprecedented redaction of fake names in the report, which obscures the public's ability to understand the important connections which are so important for weaving together the tapestry, the administration also pushed for the redaction of information in the committee's study that should not be classified, contradicting the administration's own Executive order on classification.

Let me be clear.

That order clearly states that in no case shall information fail to be declassified in order to conceal violations of law and efficiency or administrative error or prevent embarrassment to a person, organization, or agency.

In some instances, the White House asked not only that information be redacted but that the redaction itself be removed so it would be impossible for the reader to tell that something was already hidden. Strange.

Given this, looking back, I am deeply disappointed, rather than surprised, that even when the CIA inexplicably conducted an unauthorized search of the committee's computer files and emails at an offsite facility, which was potentially criminal, and even when it became clear that the intent of the search was to suppress the committee's awareness of an internal CIA review that corroborated parts of the intelligence committee's study and contradicted public CIA statements, the White House continued to support the CIA leadership, and that support was unflinching.

Despite these frustrations, I have also seen how hard Chairman FEINSTEIN has fought against great odds, stubborn odds, protective odds, mysterious odds, which are not really clear to me. I have tried to support her thoughtful and determined efforts at every opportunity to make sure as much as of the story can be told as possible, and I am deeply proud of the product the committee ended up with.

Now it is time to move forward. For all of the misinformation, incompetence, and brutality of the CIA's program, the committee's study is not and must not be simply a backward-looking condemnation of the past. The study presents a tremendous opportunity to develop forward-looking lessons that must be central to all future activities.

The point has been made—I thoroughly agree—that the vast majority of people who work at the CIA—and there are tens and tens of thousands of them—do very good work and are working very hard and have absolutely nothing to do with any of this. But if this report had not been released, the country would have felt that everybody at the CIA—and the world would have felt it—was involved in this program. It is important to say that that was not the case. It was just 30 or 40 people at the top. Many of the people you see on television blasting this report were intimately involved in carrying it out and setting it up.

The CIA developed the detention program in a time of great fear, anxiety, and unprecedented crisis. It is at these times of crisis when we need sound judgment, excellence, and professionalism from the CIA the most.

When mistakes are made, they call for self-reflection and scrutiny. For that process to begin, we first have to make sure there is an absolutely accurate public record of what happened. We are doing that. The public release of the executive summary and findings and conclusions is a tremendous and consequential step toward that end.

For some, I expect there will be the temptation to reject and cast doubt, to trivialize, to attack or rationalize parts of the study that are disturbing or are embarrassing. Indeed, the CIA program's dramatic divergence from the standards that we hold ourselves to is hard to reconcile. However, we must fight that shortsighted temptation to wish away the gravity of what this study found.

How we deal with this opportunity to learn and improve will reflect on the maturity of our democracy. As a country, we are strong enough to bear the weight of the mistakes we have made. As an institution, so is the Central Intelligence Agency. We must confront this dark period in our recent history with honesty and critical introspection. We must draw lessons, and we must apply those lessons as we move forward. Although it may be uncomfortable at times, ultimately we will grow stronger, and we will ensure that this never happens again.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I know the time for recess for caucus is approaching and I know there are other Members on the Democratic side who want to speak. It is now time for a Member from the Republican side to speak.

I ask unanimous consent that the recess be delayed for 5 minutes so the distinguished Senator from South Carolina might speak.

The PRESIDING OFFICER. Without objection, it is ordered.

The Senator from South Carolina.

Mr. GRAHAM. Thank you very much. I have been a military lawyer for over 30 years. That has been one of the highlights of my life—to serve in the Air Force. During the debate about these

techniques, I was very proud of the fact that every military lawyer came out on the side that the techniques in question were not who we are and what we want to be.

We are one of the leading voices of the Geneva Convention. We have stood by the Geneva Convention since its inception. I am convinced that the techniques in question violate the Geneva Convention. I am also convinced that they were motivated by fear, fear of another attack. Put yourself in the shoes of the people responsible for defending the country right after 9/11. We had been hit. We had been hit hard. Everybody thought something else was coming.

As we rounded these guys up, there was a sense of urgency and a commitment to never let it happen again that generated this program.

Who knew what, when? I do not know. All I can tell you is the people involved believed they were trying to defend the country and what they were doing was necessary. Did they get some good information? Probably so. Has it been a net loser for us as a country? Absolutely so. All I can say is the techniques in question were motivated by fear of another attack, and people at the time thought this was the best way to defend the Nation. I accept that on their part.

But as a nation, I hope we have learned the following: In this ideological struggle, good versus evil, we need to choose good. There is no shortage of people who will cut your head off. The techniques in question are nowhere near what the enemies of this Nation and radical Islam would do to people under their control. There is no comparison.

The comparison is between who we are and what we want to be. In that regard, we made a mistake. No one is going to jail because they should not, because the laws in question—the laws that existed at the time of this program—were, to be generous, vague.

I spent about a year of my life with Senator MCCAIN working with the Bush administration and colleagues on the Democratic side to come up with the Detainee Treatment Act which clearly puts people on notice of what you can and cannot do. Going forward we fixed this problem. How do I know it is a problem? I travel. I go to the Mideast a lot. I go all over the world. It was a problem for us. Whether we like it or not, we are seen as the good guys. I like it.

Sometimes good people make mistakes. We have corrected the problem. We have interrogation techniques now that I think can protect the Nation and are within our values. The one thing I want to stress to my colleagues is that this is a war of an ideological nature. There will be no capital to conquer. We are not going to take Tokyo. We are not going to take Berlin. There is no air force to shoot down; there is no navy to sink. You are fighting a radical extreme ideology that is motivated by hate. In their world, if you do not agree with their religion, you are no longer a human being.

The only way we can possibly defeat this ideology is to offer something better. The good news for us is that we stand for something better. We stand for due process. We stand for humane treatment. We stand for the ability to have a say when you are accused of something. Our enemies stand for none of that. That is their greatest weakness. Our greatest strength is to offer a better way.

When you go to Anbar Province and you go to other places in the Mideast that have experienced life under ISIS—ISIL—and Al Qaeda, the reaction has almost been universal: We do not like this. When America comes over the hill, and they see that flag, they know help is on the way.

To the CIA officers who serve in the shadows, who intermingle with the most notorious in the world, who are always away from home never knowing if you are going back: Thank you. There is a debate about whether this report is accurate line by line. I do not know. Is this the definitive answer to the program's problems? I do not know, but I do know the program hurt our country.

Those days are behind us. The good guys air their dirty laundry. I wished we had waited because the world is in such a volatile shape right now. I do fear this report will be used by our enemies. But I guess there is no good time to do things like this.

So to those who helped prepare the report, I understand where you are coming from. To those on my side who believe that we have gone too far, I understand that too. But this has always been easy for me. I have been too associated with the subject matter for too long. Every time our Nation cuts a corner, and every time we act out of fear and abandon who we are, we always regret it. That has happened forever. This is a step toward righting a wrong. To our enemies: Take no comfort from the fact that we have changed our program. We are committed to your demise. We are committed to your incarceration and killing you on the battlefield, if necessary.

To our friends, because we choose a different path, do not mistake that for weakness. What we are doing today is not a sign of weakness. It is a sign of the ultimate strength—that you can self correct, that you can reevaluate and you can do some soul searching, and you can come out with a better product. The tools available to our intelligence community today over time will yield better results, more reliable results. The example we are setting will, over time, change the world.

To defeat radical Islam you have to show separation. Today is a commitment to show separation. The techniques they employ to impose their will have been used for thousands of years. They are always, over time, rejected. The values we stand for—tolerance, humane treatment of everyone; whether you agree with them or not—have also stood the test of time. Over time, we will win, and they will lose. Today is about making that time period shorter. The sooner America can reattach itself to who she is, the worse off the enemy will be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

ALASKA SAFE FAMILIES AND VILLAGES ACT OF 2014

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 524, S. 1474.

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

The assistant legislative clerk read as follows:

A bill (S. 1474) to encourage the State of Alaska to enter into intergovernmental agreements with Indian tribes, to improve the quality of life in rural Alaska, to reduce alcohol and drug abuse, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 1474

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Alaska Safe Families and Villages Act of 2014''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) residents of remote Alaska villages suffer disproportionately from crimes and civil disturbances rooted in alcohol abuse, illicit drug use, suicide, and domestic violence;

(2) the alcohol-related suicide rate in remote Alaska villages is 6 times the average in the United States and the alcohol-related mortality rate is 3.5 times that of the general population of the United States;

(3) Alaska Native women suffer the highest rate of forcible sexual assault in the United States and an Alaska Native woman is sexually assaulted every 18 hours;

(4) according to the Alaska Native Tribal Health Consortium, one in two Alaska Native women experience physical or sexual violence;

(5) according to the 2006 Initial Report and Recommendations of the Alaska Rural Justice and Law Enforcement Commission, more than 95 percent of all crimes committed in rural Alaska can be attributed to alcohol abuse;

(6) the cost of drug and alcohol abuse in Alaska is estimated at $525,000,000 per year;

(7) there are more than 200 remote villages in Alaska, which are ancestral homelands to Indian tribes and geographically isolated by rivers, oceans, and mountains making most of those villages accessible only by air;

(8) small size and remoteness, lack of connection to a road system, and extreme weather conditions often prevent or delay travel, including that of law enforcement personnel, into remote villages, resulting in challenging law enforcement conditions and lack of ready access to the State judicial system;

(9) less than ½ of remote Alaska villages are served by trained State law enforcement entities and several Indian tribes provide peace officers or tribal police without adequate training or equipment;

(10) the centralized State judicial system relies on general jurisdiction Superior Courts in the

regional hub communities, with only a handful of staffed magistrate courts outside of the hub communities;

(11) the lack of effective law enforcement and accessible judicial services in remote Alaska villages contributes significantly to increased crime, alcohol abuse, drug abuse, domestic violence, rates of suicide, poor educational achievement, and lack of economic development;

(12) Indian tribes that operate within remote Alaska villages should be supported in carrying out local culturally relevant solutions to effectively provide law enforcement in villages and access to swift judicial proceedings;

(13) increasing capacities of local law enforcement entities to enforce local tribal laws and to achieve increased tribal involvement in State law enforcement in remote villages will promote a stronger link between the State and village residents, encourage community involvement, and create greater local accountability with respect to violence and substance abuse;

(14) the United States has a trust responsibility to Indian tribes in the State;

(15) the report of the Indian Law and Order Commission to the President and Congress entitled ''A Roadmap to Making Native America Safer'' and dated November 2013 found that the crisis in criminal justice in the State is a national problem and urged the Federal Government and the State to strengthen tribal sovereignty and self-governance and for Congress to create a jurisdictional framework to support tribal sovereignty and expand the authority of Indian tribes in the State; and

(16) it is necessary to invoke the plenary authority of Congress over Indian tribes under article I, section 8, clause 3 of the Constitution to improve access to judicial systems in remote Alaska Native villages and provide for the presence of trained local law enforcement.

(b) PURPOSES.—The purposes of this Act are—

(1) to improve the delivery of justice in Alaska Native villages by—

(A) encouraging the State and Indian tribes to enter into intergovernmental agreements relating to the enforcement and adjudication of State laws relating to drug and alcohol offenses; and

(B) supporting Indian tribes in the State in the enforcement and adjudication of tribal laws relating to child abuse and neglect, domestic violence, and drug and alcohol offenses; and

(2) to enhance coordination and communication among Federal, State, tribal, and local law enforcement agencies.

SEC. 3. DEFINITIONS.

In this Act:

(1) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

(2) GRANT PROGRAM.—The term ''grant program'' means the Alaska Safe Families and Villages Self Governance Intergovernmental Grant Program established under section 4.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(4) PARTICIPATING INDIAN TRIBE.—The term ''participating Indian tribe'' means an Indian tribe selected by the Attorney General to participate in the grant program or the tribal law program, as applicable.

(5) REMOTE ALASKA VILLAGE.—The term ''remote Alaska village'' means an Alaska Native Village Statistical Area delineated for the Director of the Census by the officials of the village for the purpose of presenting data for the decennial census conducted under section 141(a) of title 13, United States Code.

(6) STATE.—The term ''State'' means the State of Alaska.

(7) TRIBAL COURT.—The term ''tribal court'' means any court, council, or a mechanism of any court or council sanctioned by an Indian tribe for the adjudication of disputes, including the violation of tribal laws, ordinances, and regulations.

(8) TRIBAL LAW PROGRAM.—The term ''tribal law program'' means the Alaska Safe Families and Villages Tribal Law Program established under section 5.

SEC. 4. ALASKA SAFE FAMILIES AND VILLAGES SELF GOVERNANCE INTERGOVERNMENTAL GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish a program in the Office of Justice Programs of the Department of Justice, to be known as the Alaska Safe Families and Villages Self Governance Intergovernmental Grant Program, to make grants to Indian tribes acting on behalf of 1 or more Indian tribes to assist Indian tribes in planning for and carrying out intergovernmental agreements described in subsection (d).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Each Indian tribe desiring to participate in the grant program shall submit to the Attorney General an application in accordance with this section.

(2) ELIGIBILITY FOR GRANT PROGRAM.—To be eligible to participate in the grant program, an Indian tribe in the State shall—

(A) request participation by resolution or other official action by the governing body of the Indian tribe;

(B) have for the preceding 3 fiscal years no uncorrected significant and material audit exceptions regarding any Federal contract, compact, or grant;

(C) demonstrate to the Attorney General sufficient governance capacity to conduct the grant program, as evidenced by the history of the Indian tribe in operating government services (including public utilities, children's courts, law enforcement, social service programs, or other activities);

(D) certify that the Indian tribe has entered into, or can evidence intent to enter into negotiations relating to, an intergovernmental agreement with the State described in subsection (d);

(E) meet such other criteria as the Attorney General may promulgate, after providing public notice and an opportunity to comment; and

(F) submit to the Attorney General of the State a copy of the application.

(c) USE OF AMOUNTS.—Each participating Indian tribe shall use amounts made available under the grant program—

(1) to carry out a planning phase that may include—

(A) internal governmental and organizational planning;

(B) developing written tribal law or ordinances, including tribal laws and ordinances detailing the structure and procedures of the tribal court;

(C) developing enforcement mechanisms; and

(D) negotiating and finalizing any intergovernmental agreements necessary to carry out this section; and

(2) to carry out activities of the Indian tribe in accordance with an applicable intergovernmental agreement with the State.

(d) INTERGOVERNMENTAL AGREEMENTS.—

(1) IN GENERAL.—The State (including political subdivisions of the State) and Indian tribes in the State are encouraged to enter into intergovernmental agreements relating to the enforcement of certain State laws by the Indian tribe.

(2) CONTENTS.—

(A) IN GENERAL.—An intergovernmental agreement described in paragraph (1) may describe the duties of the State and the applicable Indian tribe relating to—

(i) the employment of law enforcement officers, probation, and parole officers;

(ii) the appointment and deputization by the State of tribal law enforcement officers as special officers to aid and assist in the enforcement of the criminal laws of the State;

(iii) the enforcement of punishments imposed by the Indian tribe under tribal law;

(iv) the transfer of enforcement duties for State drug- and alcohol-related misdemeanor offenses to the Indian tribe;

(v) the adjudication by the Indian tribe of State drug- and alcohol-related misdemeanor offenses;

(vi) the transfer of information and evidence between tribal law enforcement entities and the court system of the State;

(vii) the detention of offenders;

(viii) searches and seizures of alcohol and drugs at municipal and State airports; and

(ix) jurisdictional or financial matters.

(B) REMEDIES.—Subject to title II of Public Law 90–284 (25 U.S.C. 1301 et seq.) (commonly known as the ''Indian Civil Rights Act of 1968''), an intergovernmental agreement described in paragraph (1) may include remedies to be imposed by the applicable Indian tribe relating to the enforcement of State law, including—

(i) restorative justice, including circle sentencing;

(ii) community service;

(iii) fines;

(iv) forfeitures;

(v) commitments for treatment;

(vi) restraining orders;

(vii) emergency detentions; and

(viii) any other remedies agreed to by the State and Indian tribe.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than May 1 of each year, the Attorney General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives an annual report that—

(A) describes the grants awarded under the grant program;

(B) assesses the effectiveness of the grant program; and

(C) includes any recommendations of the Attorney General relating to the grant program.

(2) REQUIREMENTS.—Each report shall be prepared in consultation with the government of each participating Indian tribe and the State.

SEC. 5. ALASKA SAFE FAMILIES AND VILLAGES SELF GOVERNANCE TRIBAL LAW PROJECT.

(a) IN GENERAL.—The Attorney General shall establish a project in the Office of Justice Programs of the Department of Justice, to be known as the Alaska Safe Families and Villages Self Governance Tribal Law Project, to make grants to Indian tribes acting on behalf of 1 or more Indian tribes to assist Indian tribes in planning for and carrying out concurrent jurisdiction activities described in subsection (d).

(b) APPLICATION.—

(1) IN GENERAL.—Each Indian tribe desiring to participate in the tribal law program shall submit to the Attorney General an application in accordance with this section.

(2) ELIGIBILITY.—To be eligible to participate in the tribal law program, an Indian tribe in the State shall—

(A) request participation by resolution or other official action by the governing body of the Indian tribe;

(B) have for the preceding 3 fiscal years no uncorrected significant and material audit exceptions regarding any Federal contract, compact, or grant;

(C) demonstrate to the Attorney General sufficient governance capacity to conduct the tribal law program, as evidenced by the history of the Indian tribe in operating government services (including public utilities, children's courts, law enforcement, social service programs, or other activities);

(D) meet such other criteria as the Attorney General may promulgate, after providing for public notice; and

(E) submit to the Attorney General of the State a copy of the application submitted under this section.

(3) ADDITIONAL SUBMISSIONS.—On completion of the planning phase described in subsection (c), the Indian tribe shall provide to the Attorney General—

(A) the constitution of the Indian tribe or equivalent organic documents showing the structure of the tribal government and the placement and authority of the tribal court within that structure;

(B) written tribal laws or ordinances governing tribal court procedures and the regulation and enforcement of child abuse and neglect, domestic violence, drugs and alcohol, and related matters; and

(C) such other information as the Attorney General may, by public notice, require.

(c) PLANNING PHASE.—

(1) IN GENERAL.—Each participating Indian tribe shall complete a planning phase that includes—

(A) internal governmental and organizational planning;

(B) developing written tribal law or ordinances detailing the structure and procedures of the tribal court; and

(C) enforcement mechanisms.

(2) CERTIFICATION.—

(A) IN GENERAL.—Not later than 120 days after receiving an application under subsection (b), the Attorney General shall certify the completion of the planning phase under this section.

(B) TIMING.—The Attorney General may make a certification described in subparagraph (A) on the date on which the participating Indian tribe submits an application under subsection (b) if the Indian tribe demonstrates to the Attorney General that the Indian tribe has satisfied the requirements of the planning phase under paragraph (1).

(d) CONCURRENT JURISDICTION.—

(1) IN GENERAL.—Unless otherwise agreed to by the Indian tribe in an intergovernmental agreement, beginning 30 days after the date on which the certification described in subsection (c)(2) is made, the participating Indian tribe may exercise civil jurisdiction, concurrent with the State, in matters relating to child abuse and neglect, domestic violence, drug-related offenses, and alcohol-related offenses over—

(A) any member of, or person eligible for membership in, the Indian tribe; and

(B) any nonmember of the Indian tribe, if the nonmember resides or is located in the remote Alaska Native village in which the Indian tribe operates.

(2) SANCTIONS.—A participating Indian tribe exercising jurisdiction under paragraph (1) shall impose such civil sanctions as the tribal court has determined to be appropriate, consistent with title II of Public Law 90–284 (25 U.S.C. 1301 et seq.) (commonly known as the ''Indian Civil Rights Act of 1968'') and tribal law, including—

(A) restorative justice, including community or circle sentencing;

(B) community service;

(C) fines;

(D) forfeitures;

(E) commitments for treatment;

(F) restraining orders;

(G) emergency detentions; and

(H) any other remedies the tribal court determines are appropriate.

(3) INCARCERATION.—A person shall not be incarcerated by a participating Indian tribe exercising jurisdiction under paragraph (1) except pursuant to an intergovernmental agreement described in section 4(d).

(4) EMERGENCY CIRCUMSTANCES.—Nothing in this subsection prevents a participating Indian tribe exercising jurisdiction under paragraph (1) from—

(A) assuming protective custody of a member of the Indian tribe or otherwise taking action to prevent imminent harm to that member or others; and

(B) taking immediate, temporary protective measures to address a situation involving an imminent threat of harm to a member of the Indian tribe by a nonmember.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than May 1 of each year, the Attorney General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a brief annual report that—

(A) details the activities carried out under the tribal law program; and

(B) includes an assessment and any recommendations of the Attorney General relating to the tribal law program.

(2) REQUIREMENTS.—Each report shall be prepared—

(A) in consultation with the government of each participating Indian tribe; and

(B) after the participating Indian tribe and the State have an opportunity to comment on the report.

SEC. 6. ADMINISTRATION.

(a) EFFECT OF ACT.—Nothing in this Act—

(1) limits, alters, or diminishes the civil or criminal jurisdiction of the State, any subdivision of the State, or the United States;

(2) limits or diminishes the jurisdiction of any Indian tribe in the State, including inherent and statutory authority of the Indian tribe over alcohol, and drug abuse, child protection, child custody, and domestic violence (as in effect on the day before the date of enactment of this Act);

(3) creates a territorial basis for the jurisdiction of any Indian tribe in the State (other than as provided in section 5) or otherwise establishes Indian country (as defined in section 1151 of title 18, United States Code) in any area of the State;

(4) confers any criminal jurisdiction on any Indian tribe in the State unless agreed to in an intergovernmental agreement described in section 4(d);

(5) diminishes the trust responsibility of the United States to Indian tribes in the State;

(6) abridges or diminishes the sovereign immunity of any Indian tribe in the State;

(7) alters the criminal or civil jurisdiction of the Metlakatla Indian Community within the Annette Islands Reserve (as in effect on the date before the date of enactment of this Act); or

(8) limits in any manner the eligibility of the State, any political subdivision of the State, or any Indian tribe in the State, for any other Federal assistance under any other law.

(b) NO LIABILITY FOR THE STATE OF ALASKA.—The State, including any political subdivision of the State, shall not be liable for any act or omission of a participating Indian tribe in carrying out this Act, including any act or omission of a participating Indian tribe undertaken pursuant to an intergovernmental agreement described in section 4(d).

(c) REGULATIONS.—The Attorney General shall promulgate such regulations as the Attorney General determines are necessary to carry out this Act.

(d) ELIGIBILITY FOR FEDERAL PROGRAMS.—

(1) IN GENERAL.—Participating Indian tribes shall be eligible for the same tribal court and law enforcement programs and level of funding from the Bureau of Indian Affairs as are available to other Indian tribes.

(2) APPLICABILITY IN THE STATE.—Nothing in this Act limits the application in the State of—

(A) the Tribal Law and Order Act of 2010 (Public Law 111–211; 124 Stat. 2261);

(B) the Violence Against Women Reauthorization Act of 2013 (Public law 113–4; 127 Stat. 54); or

(C) any amendments made by the Acts referred to in subparagraphs (A) and (B).

(e) FULL FAITH AND CREDIT.—

(1) IN GENERAL.—Each of the 50 States shall give full faith and credit to all official acts and decrees of the tribal court of a participating Indian tribe to the same extent and in the same manner as that State accords full faith and credit to the official acts and decrees of other States.

(2) OTHER LAWS.—Nothing in this subsection impairs the duty of the State to give full faith and credit under any other law.

SEC. 7. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Attorney General may enter into contracts with Indian tribes in the State to provide—

(1) training and technical assistance on tribal court development to any Indian tribe in the State; and

(2) the training for proper transfer of evidence and information—

(A) between tribal and State law enforcement entities; and

(B) between State and tribal court systems.

(b) COOPERATION.—Indian tribes may cooperate with other entities for the provision of services under the contracts described in subsection (a).

SEC. 8. FUNDING.

The Attorney General shall use amounts made available to the Attorney General for the Office of Justice Programs to carry out this Act.

SEC. 9. REPEAL OF SPECIAL RULE FOR STATE OF ALASKA.

Section 910 of the Violence Against Women Reauthorization Act of 2013 (18 U.S.C. 2265 note; Public Law 113–4) is repealed.

Mr. BEGICH. I further ask unanimous consent that the committee-reported substitute amendment be withdrawn, the Begich substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the title amendment, which is at the desk, 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 committee-reported substitute amendment was withdrawn.

The amendment (No. 3981) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. REPEAL OF SPECIAL RULE FOR STATE OF ALASKA.

Section 910 of the Violence Against Women Reauthorization Act of 2013 (18 U.S.C. 2265 note; Public Law 113–4) is repealed.

The bill (S. 1474), as amended, was ordered to be engrossed for a third reading, was read the third time and passed.

The title amendment (No. 3982) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: ''A bill to amend the Violence Against Women Reauthorization Act of 2013 to repeal a special rule for the State of Alaska, and for other purposes.''.

The PRESIDING OFFICER. The Senator from Rhode Island.

SSCI STUDY OF THE CIA'S RETENTION AND INTERROGATION PROGRAM

Mr. WHITEHOUSE. Madam President, while Chairman FEINSTEIN and Chairman ROCKEFELLER are still here on the floor, may I just take a moment to thank them for the work they did on this report. I am very proud of the moral certainty of leadership that both Chairman ROCKEFELLER and Chairman FEINSTEIN showed.

It was, as they know better than I, through many troubles, toils, and

snares, that this report was able to be produced. I could not be happier that we made it public while Senator ROCKEFELLER remains a Member of this body and has the chance to participate in this.

I join Chairman FEINSTEIN in recognizing the exceptional work of the Intelligence Committee staff: David, Dan, Alissa—who is not with us any longer. I thank you for mentioning Andrew Grotto, who was my staff member, who worked on this report. I feel we have done a very good thing here. I appreciate very much in particular Senator MCCAIN coming forward. He brings a unique moral perspective and force to this conversation. He has wielded that moral perspective and force with great courage.

I yield the floor.

RECESS

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

Thereupon, the Senate, at 1:11 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

MORNING BUSINESS

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be equally charged to both sides.

The Senator from Georgia.

SSCI STUDY OF THE CIA'S DETENTION AND INTERROGATION PROGRAM

Mr. CHAMBLISS. Madam President, I rise today as the vice chairman of the Senate Select Committee on Intelligence to respond to the public release of the declassified version of the executive summary and findings and conclusions from the committee's study of the CIA's detention and interrogation program.

This is not a pleasant duty for me. During my 4 years as the vice chairman of the Intelligence Committee, I have enjoyed an excellent relationship with our chairman, Senator DIANNE FEINSTEIN. We have worked closely to conduct strong bipartisan oversight of the U.S. intelligence community, including the passage and enactment of significant national security legislation. However, this particular study has been one of the very, very few areas where we have never been able to see eye-to-eye.

Putting this report out today is going to have significant consequences. In addition to reopening a number of old wounds both domestically and internationally, it could be used to incite unrest and even attacks against our servicemembers, other personnel overseas, and our international partners. This report could also stoke additional mistreatment or death for American or other Western captives overseas. It will endanger CIA personnel, sources, and future intelligence operations. This report will damage our relationship with several significant international counterterrorism partners at a time when we can least afford it. Even worse, despite the fact that the administration and many in the majority are aware of these consequences, they have chosen to release the report today.

The United States today is faced with a wide array of security challenges across the globe, including in Afghanistan, Pakistan, Syria, Iraq, Yemen, north Africa, Somalia, Ukraine, and the list goes on. Instead of focusing on the problems right in front of us, the majority side of the Intelligence Committee has spent the last 5 years and over $40 million focused on a program that effectively ended over 8 years ago, while the world around us burns.

In March 2009, when the committee first undertook the study, I was the only member of the Intelligence Committee who voted against moving forward with it. I believed then, as I still do today, that vital committee and intelligence community resources would be squandered over a debate that Congress, the executive branch, and the Supreme Court had already settled. This issue has been investigated or reviewed extensively by the executive branch, including criminal investigations by the Department of Justice, the Senate Armed Services Committee, the International Committee of the Red Cross, as well as other entities.

Congress has passed two separate acts directly related to detention and interrogation issues—specifically, the Detainee Treatment Act of 2005 and the Military Commissions Act of 2006. The executive branch terminated the CIA program and directed that future interrogations be conducted in accordance with the U.S. Army Field Manual on Interrogation. Also, the Supreme Court decided Rasul v. Bush in 2004, Hamdi v. Rumsfeld in 2004, Hamdan v. Rumsfeld in 2006, as well as Boumediene v. Bush in 2008, all of which established that detainees were entitled to habeas corpus review and identified certain deficiencies in both the Detainee Treatment Act and the Military Commissions Act.

By the time I became the vice chairman, the minority had already withdrawn from active participation in the study as a result of Attorney General Holder's decision to reopen the criminal inquiry related to the interrogation of certain detainees in the CIA's detention program. This unfortunate decision deprived the committee of the ability to interview key witnesses who participated in the CIA program and essentially limited the committee's study to the review of a cold documentary record. Now, how can any credible investigation take place without interviewing witnesses? This is a 6,000-page report, and not one single witness was ever interviewed in this study being done. This is a poor excuse for the type of oversight the Congress should be conducting.

There is no doubt that the CIA's detention and interrogation program—which was hastily executed in the aftermath of the worst terrorist attack in our Nation's history—had flaws. The CIA has admitted as much in its June 27, 2013, response to the study. There is also no doubt that there were instances in which CIA interrogators exceeded their authorities and certain detainees may have suffered as a result. However, the executive summary and findings and conclusions released today contain a disturbing number of factual and analytical errors. These factual and analytical shortfalls ultimately led to an unacceptable number of incorrect claims and invalid conclusions that I cannot endorse.

The study essentially refuses to admit that CIA detainees—especially CIA detainees subjected to enhanced interrogation techniques—provided intelligence information which helped the U.S. Government and its allies to neutralize numerous terrorist threats. On its face, this refusal does not make sense given the vast amount of information gained from these interrogations, the thousands of intelligence reports that were generated as a result of them, the capture of additional terrorists, and the disruption of the plots those captured terrorists were planning.

Instead of acknowledging these realities, the study adopts an analytical approach designed to obscure the value of the intelligence obtained from the program. For example, the study falsely claims that the use of enhanced interrogation techniques played ''no role'' in the identification of Jose Padilla because Abu Zubaydah, a senior member of Al Qaeda with direct ties to Osama bin Laden, provided the information about Padilla during an interrogation by FBI agents who were ''exclusively'' using what is called ''rapport-building'' techniques against him more than 3 months prior to the CIA's ''use of DOJ-approved enhanced interrogation techniques.'' What the study ignores, however, is the fact that Abu Zubaydah's earlier interrogation in April of 2002 actually did involve the use of interrogation techniques that were later included in the list of enhanced interrogation techniques. Specifically, the facts demonstrate that Abu Zubaydah was subjected to ''around the clock'' interrogation that included more than 4 days of dietary manipulation, nudity, and more than 126 hours—which is about 5 days—of sleep deprivation during a 136-hour period by the time the FBI finished up the 8.5-hour interrogation shift in which Abu Zubaydah finally yielded the identification of Jose Padilla. So during a 5-day time period, Abu Zubaydah got less than 10 hours of sleep, yet the majority does not acknowledge that this was an enhanced interrogation. In light of these facts,

the study's claims that the FBI was exclusively using ''rapport-building'' techniques is nothing short of being dishonest.

More important, the actionable intelligence gleaned from the enhanced interrogation of Abu Zubaydah that started in April of 2002 served as the foundation for the capture of additional terrorists and the disruption of the plots those captured terrorists were planning. His information was also used to gather additional actionable intelligence from these newly captured terrorists, which in turn led to a series of successful capture operations and plot disruptions. By the study's own count, the numerous interrogations of Abu Zubaydah resulted in 766 sole-source disseminated intelligence reports. That is an awful lot of actionable intelligence collected under the CIA program that this study tries to quietly sweep under the carpet in an effort to support its false headline that the CIA's use of enhanced interrogation techniques was not effective.

The study also overlooks several crucial intelligence successes that prevented terror attacks against the United States and our allies around the world. Al Qaeda-affiliated extremists subjected to the program's enhanced interrogation techniques made admissions that led to the identification of the man responsible for plotting the September 11 attacks, Khalid Shaikh Mohammed, or KSM.

The program also helped stop terrorist attacks in the U.S. homeland and against our military forces overseas. Al Qaeda affiliate Abu Zubaydah's statements to interrogators led to the identification of Jose Padilla—an Al Qaeda operative tasked with conducting a terrorist attack inside the United States. The interrogation of KSM and Guleed Hassan Ahmed disrupted Al Qaeda's plotting against Camp Lemonier in Djibouti, a critical base of operations in the war on terror in Africa and at that time home to some 1,600 U.S. military personnel. There is no telling how many lives this program saved in those particular interrogations alone.

Intelligence gathered under the detention and interrogation program also prevented terrorist attacks on our allies in the United Kingdom. Terrorist plots against London's Heathrow Airport and Canary Wharf—a major London financial center—were disrupted because key conspirators were apprehended and questioned on the basis of intelligence gathered using several interrogation techniques, including enhanced interrogation techniques.

Finally, information from detainees held in the program was critical to ascertaining the true significance of Abu Ahmed al-Kuwaiti, the Al Qaeda facilitator who served as Osama bin Laden's personal courier and the man who ultimately lead CIA intelligence analysts and the Navy Seals to bin Laden himself.

For anyone interested in a nice, chronological survey of the significant intelligence gained from the program and how it was used to capture additional terrorists and disrupt terrorist plots, I would invite my colleagues to read two pages of our minority views. Pages 96 and 97 delineate exactly a chronology of significant intelligence that allowed for the takedown of individuals.

It seems as though the study takes every opportunity to unfairly portray the CIA in the worst light possible, presupposing improper motivations and the most detestable behavior at every turn. The very enemies whom the program helped keep at bay for all of those years, as well as adversarial nations, will be able to exploit what is essentially a dangerously insightful and instructive treasure trove of information about our intelligence operations. I am all for pointing out and correcting problems with the intelligence community and I have been very outspoken on some of them, but I prefer our oversight be conducted quietly and in a manner that does not jeopardize the national security of the United States.

Ultimately, our minority views examined eight of the study's most problematic conclusions, many of which attack the CIA's integrity and credibility in developing and implementing the program. These problematic claims and conclusions created the false impression that the CIA was actively misleading policymakers and impeding the counterterrorism efforts of other Federal Government agencies during the program's operation. We found these claims and conclusions were largely not supported by the documentary record and were based upon flawed reasoning.

Specifically, we found that:

No. 1, the CIA's detention and interrogation program was effective and produced valuable and actionable intelligence.

No. 2, most of the CIA's claims of effectiveness with respect to the use of EITs were accurate.

No. 3, the CIA attempted to keep the Congress informed of its activities and did so on a regular basis. As a member of the committee, I can attest to that.

No. 4, the CIA did not impede White House oversight. The White House was very involved in doing oversight of the program.

No. 5, the CIA was not responsible nor did it have control over sharing or dissemination of information to other executive branch agencies or to members of the Principals Committee.

No. 6, many of the study's claims about the CIA providing inaccurate information to the Department of Justice were themselves totally inaccurate.

No. 7, the CIA did not significantly impede oversight by the CIA Office of the Inspector General.

No. 8, the White House determined that the CIA would have the lead on dealing with the media regarding detainees.

These findings are not meant as a defense of the CIA. The CIA is fully capable of defending its own actions, and I know it will do so. Rather, these findings are a critique of certain aspects of this particular study. As a general rule, I want our committee findings, conclusions, and recommendations to be unassailable in every investigation we conduct. Unfortunately, that didn't happen, and I am very concerned about the unintended consequences that will result from the study's erroneous and inflammatory conclusions.

I imagine some members of the media may choose to repeat the study's false headlines contained in the report without checking the underlying facts. By doing so they will only be damaging their own credibility. I invite anyone who reads the study's executive summary and findings and conclusions to pay particular attention to how often the text uses absolutes, such as ''played no role,'' ''no connection'' or ''no indication.'' Please then read our minority views to find the clear counter examples that disprove most of these absolute claims. I suspect the readers who make this effort will be disappointed, as I was, that this study makes so many inaccurate claims and conclusions.

Our minority views also explain how this study was crippled by numerous procedural irregularities that hampered the committee's ability to conduct a fair and objective review of the CIA's detention and interrogation program. These procedural defects resulted in a premature committee vote in December of 2012 to approve the study before the text was adequately reviewed by the committee membership or subjected to a routine fact check by the intelligence community.

Typically, once a Senate committee report has been approved, staff are only authorized to make technical and conforming changes. The executive summary and findings and conclusions released this week have undergone such extensive and unprecedented revisions since the study was approved back in December of 2012 that the traditional concept of technical and conforming changes has now been rendered meaningless. Amazingly, the majority made significant changes in the substance of the study for months after it was voted on by the committee. In addition, after we submitted our minority views, the majority staff then went back and made a few changes to specifically correct some of the more blatant errors that we identified in the views and that the CIA identified in their review. While I am pleased our views led to some minor improvements in the study, those untimely changes required us to add text explaining the validity of our initial conclusions and criticisms. Simply put, the documents released today are very different from the documents that were approved almost exactly 2 years ago by the committee at the end of the last Congress on a partisan basis.

Another significant weakness of this study is its disregard of the context

under which the CIA's detention and interrogation program was developed. It is critical to remember that the intelligence community was inundated by a surge of terrorist threat reporting after the September 11 attacks. The fear of a follow-on attack was pervasive, and it was genuine. The Nation was traumatized by the horrific murders of nearly 3,000 Americans and at the CIA there was no greater imperative than stopping another attack from happening. This context is entirely absent from the study.

In addition, everyone must remember that the CIA was directed to conduct this program by the President. I have spoken with a number of CIA officers over the years who remember the contentious debates about the program at the time it was being considered, but at the end of the day the Agency did what the President directed them to do under the color of law and based upon opinions issued and updated by the Department of Justice.

Many of my colleagues continue to discuss the brutality of many of the enhanced interrogation techniques. I agree that waterboarding, which only occurred against three detainees, is particularly severe. Many of the other techniques were not. By comparison, KSM, who was one of the detainees who was subjected to waterboarding, personally beheaded Wall Street Journal reporter Daniel Pearl, and a number of other U.S. citizens have been tortured and beheaded by Al Qaeda-inspired groups since.

In my opinion, the current threat level posed by ISIL and other Al Qaeda-affiliated terrorist groups may be greater today than what we faced prior to the 9/11 terrorist attacks. They are better funded, better equipped, and have recruited hundreds of terrorists who have American as well as European passports. ISIL terrorists are using social media to encourage new recruits to conduct ''lone wolf'' attacks in their home countries such as the United States. They are murdering and beheading captured hostages and planning terrorist attacks against U.S. citizens.

In light of these significant threats, the President is still attempting to make good on a misguided campaign promise to close down Guantanamo Bay. It doesn't seem to matter to him that we are now down to the worst of the worst or that his own review groups have strongly recommended against the release of these remaining terrorists. Instead, he has returned to the pre-9/11 practice of treating terrorists like ordinary criminals. We are reading terrorists their Miranda rights instead of conducting extended intelligence interrogations to develop actionable intelligence that might lead to additional captures or plot disruptions.

I think we would be better off if we were to return to a mindset where we attempt to capture the enemy and use authorized interrogation techniques to obtain the actionable intelligence information needed to neutralize these dangerous terrorist organizations. While there is no doubt there were indeed moments during the CIA detention and interrogation program where interrogators exceeded their authorized limits, such instances were relatively few and far between.

In this, my last week of service on the floor of the U.S. Senate and as the vice chairman of the Intelligence Committee, I wish to thank the men and women of the CIA and the rest of the intelligence community and the members of our Armed Forces who have served us so well since the 9/11 terrorist attacks. Their efforts and their sacrifices have not gone unnoticed. I will be forever grateful for their patriotic service to our beloved country. May God bless them all and may God bless the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

TRIBUTES TO MIKE JOHANNS

Mr. MCCAIN. Madam President, I come to the floor to praise the public service of and bid farewell to my friend and valued colleague from Nebraska, Senator MIKE JOHANNS.

With my remarks, I celebrate not just MIKE's last 6 years in the Senate but also his 30-plus years in public service that will culminate with the end of this term.

At the highest levels of government in both the legislative and executive branches, MIKE's life of public service has been punctuated by great accomplishment. From the Lancaster County Board in Nebraska to the Lincoln City Council, from his service as mayor of Lincoln to his service as the 38th Governor of Nebraska, from his service as the 28th U.S. Secretary of Agriculture and throughout his tenure in the Senate, MIKE has demonstrated a commitment to those with muted voices in our political system, including small business owners, veterans, those impaired by mental illness and most certainly America's farmers and ranchers.

In the Senate, MIKE's leadership and bipartisan efforts to repeal purposeless tax reporting requirements in ObamaCare, his championing new trade agreements, and his contribution to the development and final passage of a new farm bill this year all describe a strong conservative legislator committed to stimulating economic growth through reduced government spending, lower tax rates, and reduced regulatory burdens on American business.

I have appreciated MIKE's partnership on key legislation, including his joining me to cosponsor the bipartisan Congressional Accountability and Line-Item Veto Act of 2009. During the 112th Congress, we were both cosponsors of the Foreign Earnings Reinvestment Act, a bipartisan effort to let corporations reinvest earnings kept overseas by our high corporate tax rates back into the American economy.

I was also proud to join MIKE as an original cosponsor of his bill, the Two-Year Regulatory Freeze Act of 2011, which sought to give the American economy a much needed reprieve to burdensome and confusing Federal regulations that frequently hinder economic growth. MIKE was also an original cosponsor of the Jobs Through Growth Act, and many others.

I am also grateful that he joined in helping replenish the Forest Service's aging air tanker fleet. A decade ago the Forest Service had roughly 40 large air tankers to fight wildfires that burned millions of acres of land across Western States, including Nebraska and Arizona.

Today they own eight large air tankers. Senator JOHANNS and I saw an opportunity to transfer several excess Department of Defense aircraft to the Forest Service to temporarily address this shortage, and that has happened.

While MIKE and I have had disagreements along the way, I have always respected his knowledge and experience as a farmer, foreign trade expert, and the Nation's former Agriculture Secretary.

I am proud of the areas where we agree: reining in certain farm subsidy programs, advocating for free trade agreements with Colombia, Panama, and South Korea, and even working together to kill the proposed USDA catfish office—a little known $15 million program inside the last farm bill that we both highlighted as wasting taxpayer money and that, from a trade perspective, was negatively impacting our cattlemen and soy farmers.

We also agree on the need to help returning veterans seeking to reenter the workforce as beginning farmers, an effort he championed in our last farm bill. I have long applauded Senator JOHANNS for calling on Congress to pass laws to stop farm subsidies from going to millionaires while he was a sitting Secretary of Agriculture.

As much as I respect the substance of MIKE's accomplishments in public service, I have valued how he has achieved them with a quiet, purposeful dignity and, indeed, a vibrant sense of humor. He has never been opposed to bipartisan cooperation whenever it is needed to further the interests of his constituents or the greater Nation.

For these reasons, his approach to governance in legislating has earned him the respect of colleagues and constituents across the political continuum. It should also serve as an example to all of us in this body who remain behind.

In an email MIKE wrote to his friends last February announcing his decision not to seek reelection in 2014, MIKE wrote: ''With everything in life, there is a time and a season.''

Well, to my friend and valued colleague, MIKE JOHANNS, I bid fair winds and following seas in all that he and his lovely wife Stephanie do, and I thank him for his service and his friendship.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise and second what my friend and colleague from Arizona said.

It has been a privilege of mine to serve in this body for 12 years—and I will be making some comments about that tomorrow—but during my early years in the Senate the Secretary of Agriculture was Secretary MIKE JOHANNS.

Being a very active member of the Agriculture Committee and being chairman for 2 years during then-Secretary JOHANN's tenure, I had the opportunity to work with MIKE on a day-to-day basis and, boy, what a pleasure it is to work with one of the finest gentlemen and public servants I have ever known. He is smart, and he is political when he needs to be political, but he has as much or more common sense as, again, any public servant I have ever known.

For the past 6 years, he has been my next-door neighbor in the Russell building, so we see a lot of each other coming and going and have the opportunity to visit on a regular basis.

As I leave at the end of this term, one of the real Members of the Senate I am going to miss is MIKE JOHANNS. I publicly thank him for his service and thank him for his commitment. I wish him and Stephanie the best, but what I really thank him for is the great friendship he and I developed over the years.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I join the Senator from Arizona and the Senator from Georgia—my senior Senator, Mr. CHAMBLISS—to rise for a minute and talk about MIKE JOHANNS.

I want to amend that. I don't want to just talk about MIKE JOHANNS, I want to talk about him and Stephanie Johanns.

In the South what we have is what we call a two-for. MIKE and Stephanie are a two-for. They are a great pair for America, and they are a great pair for the State of Nebraska.

As a Senator from an agricultural State, I know the value that MIKE brought to the Cabinet of the United States when he was Secretary of Agriculture.

I know from his serving the State of Nebraska when he was Governor what a great job they did. I know the past 6 years, working side-by-side with MIKE JOHANNS has been a real treat. He is a gentleman, and he is a scholar. He doesn't do anything where he doesn't know what he is doing, and if he is not always right, he is almost always right because he always has Stephanie there to guide him in the right direction.

I pay tribute to a great Senator, and a great personal friend, MIKE JOHANNS, and his lovely wife Stephanie.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

FAREWELL TO THE SENATE

Mr. JOHANNS. I wish to start by saying I so appreciate the kind words by Senators MCCAIN, CHAMBLISS, and ISAKSON. I see there are others in the Chamber who may weigh in and offer a thought or two. I can't express how much I appreciate it.

I would like to offer a few thoughts—my farewell thoughts—today.

I rise, first, to convey a very deep and sincere appreciation to the people of a really great State, the State of Nebraska. They have entrusted me with the high privilege and the solemn responsibility of representing them in this body.

I am honored to have served as a Senator from Nebraska, and I hope and pray that I have done so in a manner that upholds the high standards that Nebraskans have rightly established for their elected office holders.

If I could turn back the clock 32 years I would do it again—from my first day as the county commissioner, throughout my service as a Lincoln City Council member, as mayor of our capital city, Lincoln, as the Governor of Nebraska, in President Bush's Cabinet, and now as a Senator. No doubt about it, if I could turn back the clock, I would just do it again.

I am so grateful for the trust placed in me and the support of so many people who have made this service possible.

Let me start with the top of the list, and that would be my family. My wife, Stephanie, has been an incredible pillar of support.

One of my best friends refers to her as ''spirited.'' That would be an understatement. She is a true partner. She has given her whole heart to public service—both her own service as a State senator and as a county commissioner when we first met—and to mine.

I thank my children, Justin and Michaela, who are now grown up. They have their own families. We have five beautiful grandchildren. They have been a source of true joy and pride. They too have cheerfully supported me despite the sometimes long hours and the missed birthdays—I could go on and on. It cut into that dad and grandpa time.

I offer a special word of thanks to the hundreds or thousands of volunteers whom I could never thank individually. They went out there, pounded the yard signs, walked the precincts, worked the phone banks, and they probably wrote checks when the bank account was pretty low. Their belief in me is what has been inspiring in those campaigns.

Another group of people near and dear to my heart are my current and former staff, campaign or government related. We have always called ourselves Team Johanns. It is an extended family and for good reason. Their hard work, their commitment, and their professionalism enabled me to represent and serve our great State and our country.

I have not only been truly blessed by the privilege to serve, but I have been blessed by the privilege of meeting some very extraordinary people.

In my various roles I have been with world leaders, spiritual heads, cultural icons, Presidents, Vice Presidents, Prime Ministers, Queens, and Kings—all memorable experiences to be sure. But I will say they are not the extraordinary people I speak about today. My real inspiration comes from ordinary people whom I have observed and watched do remarkable, extraordinary things.

Each year for the past 6 years, I have had the privilege of selecting a Nebraska family to be honored as ''Angels in Adoption.'' Each year their stories of unconditional love show the limitless capacity of the human heart.

One family, the Welchels of Harrisburg, NE, went from two children to seven. They adopted five children, all with special needs, but their selflessness did not stop there. They created a camp where these very special kids could share life's journeys. How powerful is that?

I have learned that heroes walk among us daily whose courage is revealed in split-second decisions, and in that split second they put the lives of others in front of their own.

Two Nebraskans did exactly that in 2012. A school bus had collided with a semitrailer on a rural road near a community called Blue Hill, NE. These individuals, Ron Meyer and Phil Petr, arrived on this horrific scene. They bravely ran onto that burning bus and pulled five children to safety. A witness who was there at the scene expressed absolutely no doubt those five children would have perished, as others sadly did, if not for the remarkable courage of Ron and Phil.

I have been so moved beyond words by my conversations with the parents of our fallen men and women in uniform. I would call them to offer them my condolences, and I have found their strength to be so astounding. To a person, they speak with such passion about love of country and pride in their loved one's service, despite sorrow. They honor their children with their patriotism. They honor their children with their fortitude. Their grace through incomprehensible grief inspires immeasurable gratitude. May God bless them and all of the families of the fallen.

Walking the streets of a tornado-ravaged community—and I have done that too many times as Governor and as a Senator—I saw ordinary people doing extraordinary things.

One stands out especially in my mind. I watched in amazement as Kim Neiman, the Pilger, NE, city clerk, attempted to take care of every conceivable need of every single resident following a devastating tornado that literally leveled this Nebraska community.

Her tireless advocacy, her raw determination was focused entirely on the community she loved. She had virtually no regard for her personal loss.

You see, her home was destroyed, and her life was turned upside down by this tornado as well. But for Kim, community came first.

These are good people, and there are so many more like them. They inspired me, and they have motivated me to search for solutions to break through partisan rancor that too often dominates this government.

But they also fuel my optimism for the future. You see, I believe that America's strength is in the fabric of which we are woven. The threads of this fabric include both the character of our people and the wisdom reported in our Constitution.

It is a very strong and very durable fabric that withstands the overreach of any one President and the misguided policies of any one administration.

That is why I look back, not with any regret—I would do it all over again—but with gratitude. There were victories won during my time here, and I am pleased to have lead some of those charges. But I have to admit many battles remain.

I would be dishonest if I denied some feelings of frustration about the absence of the will to address issues of paramount importance to our country, but I know that no issue is powerful enough to shred the fabric of this great Nation. Rather, these challenges are overpowered by the ordinary people who do extraordinary things, by the character of our people, and by the wisdom of our Founders. So I reject the prophecy of hopelessness.

As the challenges we face grow more urgent—and they will—so grows the collective fortitude to address them, and I believe that is about to intensify.

On January 3, I will officially pass the baton to Senator-elect Ben Sasse, and I wish him the best. With the 114th Congress, there will be a new day in this Chamber, a new majority, and a lot of new faces. I hope they embrace the new opportunities to exemplify true statesmanship.

Although confidence in our Nation's ability to solve problems may be shaken, I still believe ordinary people can do extraordinary things—even here in Washington, DC. May God guide those efforts and may God bless this great country, the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

TRIBUTES TO MIKE JOHANNS

Mr. MCCONNELL. Madam President, I had an opportunity to address the extraordinary career of the Senator from Nebraska the other day, and he was on the floor, which was welcomed, and his staff was in the gallery. I wanted to say again, in a much shorter version, how much we all appreciate his remarkable contributions to our country, to his State, and to the Senate and wish him well in the future.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Madam President, I rise today to celebrate the legacy of my dear friend, my colleague, and my fellow Nebraskan, Senator MIKE JOHANNS.

Senator JOHANNS has dedicated more than three decades of his life to serving the people of Nebraska and also this Nation. His career in public service began at the local level, where he was elected to the Lancaster County Board of Commissioners. He later joined the Lincoln City Council, and eventually became mayor of Nebraska's capital city where he served for two terms.

Perhaps the most infamous decision Senator JOHANNS ever made throughout his career in public service was in his days as mayor of Lincoln. After an early season winter storm dropped more than a foot of heavy wet snow on Lincoln in late October, Mayor JOHANNS decided to cancel Halloween. He cited power outages and hazardous downed power lines.

As you can imagine, this news was not received well among some of those Lincolnites. To this day, constituents haven't forgotten and they still occasionally remind him of how he deprived an entire city of trick or treats on that fateful October evening. He made up for it, though, when he and his wife Stephanie treated children who came to trick or treat at the mansion.

Fortunately, this incident didn't deal a death blow to Senator JOHANNS' political career. He went on to serve as Governor of Nebraska and was reelected to a second term.

As Governor, he focused on fiscal discipline and the responsible use of limited State tax dollars, principles he upheld here in the Senate as well. At one point, as Governor, he even vetoed an entire 2-year budget proposal because it raised taxes to expand government power.

He also championed ambitious mental health reforms that allowed patients to receive care in the stability and in the security of their own communities where they could be near their loved ones. A decade later, these reforms in Nebraska are still regarded as a major milestone in improving mental health care.

Before he was a Senator or a Governor or a mayor or a city councilman, he worked on his family's dairy farm. That is not easy work. And as MIKE puts it, it is a job that builds character and humility. Growing up on a dairy farm, he would milk cows every day before school, sometimes even taking the tractor halfway to town in the winter months when the roads were so bad that the schoolbus couldn't get out to his farm.

This upbringing gave Senator JOHANNS a great appreciation and a deep understanding for the needs of our Nation's ag producers, so it was no surprise when President George W. Bush selected him to lead the Department of Agriculture as its Secretary. MIKE dutifully served in this role, overseeing a new reform-oriented farm bill and opening doors to new global markets for our Nation's ag producers.

As Secretary of Agriculture, he saw firsthand the challenges facing hungry nations. It was in this role that he fell in love with the people of Africa, and he has worked here in the Senate to develop food aid programs that not only feed but also empower hungry populations around the world.

Senator JOHANNS has tirelessly worked for our State and our Nation. He brought to the Senate a unique perspective, having served virtually every level of government. His well-rounded approach to his work here reflects that rare wisdom. Many of us here have had the pleasure of working closely with him because he always makes a point to work with his colleagues regardless of party affiliation, whether it be on complex legislation or that annual Senate secret Santa tradition.

We are all familiar with the confident, peaceful demeanor he brings to the Senate, and his plain-spoken clarity will truly be missed once he leaves Congress. This is who MIKE JOHANNS is. It is who he has always been: a quiet workhorse with a soft spot for the world's most disadvantaged, and a burning desire to help wherever he can. Friends back home who have known him since before he began his career in public service will tell you that he is the same man today he was back then—never losing sight of his goal of helping people, never getting a big head, and always putting Nebraska first.

The Senator's wife Stephanie has been by his side throughout every step of this tremendous journey, always supportive and steadfast. Anyone who knows MIKE knows he and Steph are inseparable. I am sure they are both looking forward to having more time to spend with family next year.

MIKE, you are a statesman and a model citizen. I am thankful for all the work you have done for Nebraska and for the entire Nation. You have set such a great example for your fellow Senators, and we all appreciate your dedication over these past 32 years. You have served Nebraska with dignity and integrity. Good luck. I wish you and Stephanie all the best. God bless you both.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, this is a bittersweet time for all of us. As you have heard, as we close the book on one term of Congress and look forward to the next, we are here to say goodbye to one of our esteemed colleagues who is finishing his service in the Senate. It is always tough, but it is especially hard for me with regard to Senator MIKE JOHANNS—a guy I consider a fine Senator, also a good friend, and sort of the perfect example of the statesman. Through his impressive career as mayor, Governor, Cabinet member, and Senator, as his colleague has just said, he has displayed that.

I first met Senator JOHANNS when he was Secretary JOHANNS. He was Secretary of Agriculture in the George W. Bush Cabinet, and that meant we got to spend a lot of time together. I was the U.S. Trade Representative, and I truly believe I have traveled around the world more with MIKE than I have with my family. We went all over, from Asia to Europe to South America and Africa. We fought for farmers and ranchers. Our ideal was that we could expand exports, and we were able to do that and make some progress with his hard work.

We went to far-flung corners of the world, such as Burkina Faso, to deal with cotton issues important to U.S. farmers. We spent countless—and I mean countless—hours on something called the green room negotiating sessions, trying to reach a deal in the Doha round of talks with the World Trade Organization.

I remember one time MIKE and I had the opportunity to brief reporters as we were going across Africa. We were racing across the Sahara desert to make our way to an airport. Because the airport had no lights, the pilots insisted we get there while there was still light so they could see where they were landing.

He taught me a lot, not just about arcane agricultural issues, such as what is a green box or an amber box subsidy in agriculture—fun issues such as that—but he also taught me a lot about negotiating and about how, as we said earlier, to be a statesman.

We had some tough negotiating sessions, but MIKE was always a proud and relentless representative and champion for the interests of our great country and the interests of the farmers and ranchers he knew so well. He always did his job on the global stage with honor and with dignity. If there has ever been a more forceful advocate for American farmers, whether it was there or here in the Senate, I don't know who it is.

In 2007, he told me he was going to leave the administration and go home to Nebraska, and that he was considering running for the Senate. I never thought I would be able to serve with him, because I didn't know I was going to follow him, but I knew when he told me that, he would be in the Senate and that he would put in the same level of dedication to this body as he had as Secretary of Agriculture, and that has been true.

He is not flashy. His colleague from Nebraska has just called him a workhorse. I hope he takes that as a compliment. I would. He has never sought out the cameras or, for that matter, sought out recognition for his good work. He just does the right thing. A true statesman.

So, MIKE JOHANNS, we are going to miss you. We are going to miss Stephanie. And we wish you Godspeed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, the first time I met MIKE JOHANNS was in Hutchison, KS. Hutchison, KS, is where we have the State fair every year. I was somebody then. I was the chairman of the sometimes powerful House Committee on Agriculture, and I had made a pitch to get the Secretary of Agriculture to actually come to the fair, thinking that MIKE JOHANNS would be a far better speaker than myself and maybe I could avoid some trouble. So I had the Secretary come and I made the promise that every farmer who wanted to ask the Secretary of Agriculture a question would have that opportunity. I hadn't bothered to tell MIKE about it, but when he arrived on the scene, he nodded his head and said: Fine. He had this yellow tablet under his arm, and with ample staff, some who used to work for me, but that is beside the point.

So cutting things short, all the activities in the State fair he attended, and he dutifully went around to every exhibit, and we finally ended up in the amphitheater and there must have been 150 to 175 farmers all lined up waiting to speak to or to question the Secretary of Agriculture. I thought to myself: Oh, my gosh, what have I done? The Secretary is coming in—I didn't know MIKE that well at that particular time—and what have I gotten him into?

But MIKE didn't seem to be bothered at all. He was absolutely comfortable, unflappable. He had the microphone and he sat down at a table, put down the yellow tablet and said: Yes, sir, and what is your first question and what is your name? The individual would give his name and the question, and MIKE would write down the question. He said: Thank you very much for that. It will receive all of our attention. Next.

He went through the whole 125 or 150 and never answered a question, but he wrote it down. Every farmer who came up later to me said: You know, the Secretary wrote down my question. They were tremendously impressed, as opposed to me. Silly me, I would have tried to answer their questions, and we would have been there 2 or 3 hours, Lord knows how long. So I asked MIKE: How do you get by with that? He said: Well, it saves a lot of time and you never get in trouble by what you don't say, which always sort of stuck with me and what a class act he was.

County commissioner, mayor of Lincoln, Governor, Secretary of Agriculture, U.S. Senate. I suppose if I floated a balloon for you to be President that you might—no, Stephanie wouldn't buy it and you wouldn't either. But that would be the logical next step, MIKE, and I think we certainly could and probably will do a lot worse. But at any rate, since I brought up Stephanie, Franki and I extend our very best wishes and love.

I do have somewhat of a minor discomfort, it isn't a quarrel—I would never quarrel with Stephanie—but some degree of discomfort.

We have to have meetings around here a lot, and some of us stay for the whole thing. We would always look around for MIKE. He would be around for the fireworks and then he would leave and he would always go home—because he had a home very close on Capitol Hill—to be with Stephanie.

She is absolutely wonderful. She has the best smile ever. You cannot be unhappy or in a bad mood ever when you see Stephanie.

So I would come to work in the Hart Building or here in the Capitol and I would happen to run into Stephanie and she would always come up with that big smile on her face and say: Hi, PAT. How are things going?

What are you going to do? I mean, I am trying to be the curmudgeon of the Senate, but GRASSLEY keeps edging me out. So here I would be in sort of a bad or a grumpy mood and she would flash that smile, and I would say: Just fine. Then I would be feeling pretty good and I would go into the office. They would say: What is wrong? You have a smile on your face. I would say, ''I've been Stephanized.'' I am truly going to miss that.

I remember the time we were sitting probably right about here in the back. We had just concluded the farm bill for the first time, and then it took us 400 days to get the rest of it. MIKE is an expert on agriculture program policy. Ask anybody else if they would like to talk about agriculture program policy and you would get a high glaze after about 8 seconds—but not MICHAEL. MIKE knows agriculture farm program policy. We call it farm program policy in Nebraska and Kansas, but he knows an awful lot about it.

I asked him: How many people do you think in this body, in this Senate, absolutely understand farm program policy? He retorted: How many people want to understand agriculture program policy? We decided there were about 5 in the Senate and maybe about 10 in the House—which shows you why we have a tough time getting the farm bill done.

I relied on his advice and counsel when I was the ranking member. I am so sorry—I regret—should I have the privilege of becoming chairman of the Senate agriculture committee, I would look forward to a dynamic duo with regard to what we could accomplish. But Senator JOHANNS is like Shane: Come back, Shane. Come back, MIKE. But Shane rode away, and the Senator is going to ride back to Nebraska. I give him that, and I give him all of the success he can possibly have.

Six years is all this man has served. Some people have been here a lot longer. I have. You can accomplish a lot in 6 years. People say: What can you do in 6 years?

No. 1, you can work on legislation and you can know what you are talking about and you can earn people's respect and you can be smart about it. I don't mean smart smart. I mean just smart, so that what you say and when

you say it, people pay attention. That is precisely the kind of person MIKE is. You can have all the integrity in the world and you can do exactly what he says when he talks about the people of Nebraska.

The people of Kansas are very similar to the people of Nebraska. My only complaint with the people of Nebraska is they chose to go play in the Big Ten and are finding it a little more difficult than running the track meets they used to run against Kansas State and KU. But if you want to go to the Big Ten and do that, why that is your business—but we have the same kind of roots.

I have always said there are no self-made men or women in public office. It is our friends and the people we represent who make us what we are, and Senator JOHANNS has spoken so eloquently to that.

MICHAEL, I was trying to think of a tag I could label you with that might be noteworthy of everything you stand for. Others will do better than I and others have already said that. I simply come up by saying that you are an uncommon man with a very common touch, and I am going to miss you—and everybody in the conference is going to miss you and I suspect everybody in the Senate is going to miss you for the way you have conducted yourself and the job you have done for Nebraska.

We wish you all the best and we love you.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Maine.

Ms. COLLINS. Mr. President, when Senator MIKE JOHANNS stated in February of last year that he had decided not to seek a second term in the Senate, he did so in a way that revealed so much about his character. There was no dramatic press conference, there were no weeks of rumors, there were no guessing games. Instead, there was just a simple and brief press release.

Then, the very next day it was back to work for Senator JOHANNS, traveling throughout the State of Nebraska for a series of townhall meetings with the people he is honored to serve.

Nine months later, in October of 2013, his character again shone through. The Federal Government was shut down due to a massive failure to govern responsibly. It was stifling our economy and causing great harm to the trust the American people deserve to have in their government.

As a key member of our Common Sense Coalition, Senator JOHANNS worked effectively and quietly to restore government operations and to restore citizen trust in government. Again, no dramatics, no search for the limelight, just solid results, just effective leadership.

Quiet, effective leadership guided by common sense has been the hallmark throughout the Senator's 32 years in public service. From Lancaster County commissioner and mayor of Lincoln to Governor of Nebraska and U.S. Secretary of Agriculture, he has been well informed, thoughtful, and untiring.

The old farm country saying that sowing is easy, reaping is hard perfectly describes his record of accomplishment and his determination to see any task to its completion. Most of all, the Senator from Nebraska always does what he thinks is in the best interests of our country and of the people he so proudly represents.

In an interview shortly before he announced that he would be leaving the Senate, Senator JOHANNS said he hoped he would be remembered as ''a guy who was good to work with.''

Working with Senator MIKE JOHANNS has been more than just good. It has been an honor and a privilege and I wish him and Stephanie all the best.

Thank you for your service.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise to also express my appreciation for Senator MIKE JOHANNS and for his wife Stephanie.

I first met MIKE shortly after I was elected Governor of my State. At that time MIKE was serving as Governor of Nebraska. Right away when I went and visited with MIKE I could tell this was somebody who was not only somebody we could count on but who had the right motivation in public service, had great ideas, and was somebody I could look to as a mentor, and I have ever since.

From his experience at the local level as commissioner, then as mayor, then as Governor, then as Secretary of Agriculture, and then as a Senator, MIKE has been somebody all of us have counted on and somebody whose advice we have sought when we wrestled with tough decisions.

So I just want to add my voice as well to the others who have expressed our appreciation for Senator MIKE JOHANNS and for Stephanie and to say how much we are going to miss him. We are going to miss him not only on a personal level—because he is a great guy and a great friend and somebody we can count on—but we are going to miss his advice, his counsel, his participation in this process on behalf of the American people.

I think MIKE epitomizes the kind of approach we need to have in this body to get work done—to listen, to think carefully, and to remember always that we work for the American people, and he has a long and distinguished career doing that.

He is somebody who will be truly missed, and I think he is somebody who exemplifies the very best of this body and of public service on behalf of our great Nation.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, our colleagues know the Presiding Officer is a recovering Governor, I am a recovering Governor, MIKE JOHANNS is a recovering Governor. So we are sort of a support group for one another, men and women who used to be somebody special. I am kidding because I think we still are.

The Senator was talking about MICHAEL, and I had the privilege of knowing him and his wife for a number of years. We were Governors together, and my wife Martha and his wife Stephanie were First Ladies together and define what the standards should be for First Lady or First Man, if you will, if you have a female Governor.

I will never forget when I first met him. I was talking about Stephanie and how we know each other and so forth, and he told me this great story about—I think they were county commissioners together. It was Lancaster County.

I might be mistaken, I think he used to be in those days maybe a Democrat, and a long time ago I was a young Republican for Barry Goldwater, when I was a 17-year-old Republican freshman student at Ohio State, and later found out Hillary Clinton was a Goldwater ''Golden Girl'' at the Republican convention in 1964.

In any event, I just want to say one of the reasons he is so thoughtful, and I hope maybe the reason I am fairly thoughtful, is because we have the ability to work across the aisle and to see and appreciate the views of other people.

The story about how he and Stephanie, when they were on county council together, they met, started liking each other, started dating, fell in love and later got married—they even had lunch together every day they were on county council, and every day he was Governor they continued to have lunch together and here, too, for many days. That is a love, the kind you just don't see. You just don't see that very much.

I just want to say: You are such an inspiration to the rest of us, you and your wife, the way you cherish each other and hold together and support each other and stand by each other. It is just a real source of inspiration.

There is an old saying: It doesn't matter who gets credit for something when you get a lot more done. You define that, a guy who doesn't need headlines, a lot of attention. I hope the rest of us are that way, but you define that for us.

We love working with you. We are going to miss you. We wish you the best and wish you Godspeed. As we say in the Navy, fair winds. God bless you.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I am here to talk about the Intelligence Committee report, but before the Senator leaves the floor, I just want to tell my colleague from Nebraska how much I appreciate his service. I note for the body that in the effort to build a bipartisan coalition for major tax reform, MIKE JOHANNS was the Senator whose counsel we all thought we needed, and I thank him. I will have more to say about his career before the end of this week.

SSCI STUDY OF THE CIA'S DETENTION AND INTERROGATION PROGRAM

Mr. WYDEN. Mr. President, I have served on the Senate Intelligence Committee for 14 years and came to the Senate floor in the spring of 2005 to join with Senator ROCKEFELLER in calling for the committee to investigate the CIA's interrogation activities and the possible use of torture. In 2009 I joined my Intelligence Committee colleagues in voting to approve Chair FEINSTEIN's motion to launch an investigation into these activities.

I said at the time, I continue to believe it today, that what this debate over torture requires is an infusion of facts. Americans can hear me and other policymakers argue that the CIA's so-called enhanced interrogation techniques constituted torture and did not work, and Americans can also hear various former officials argue that these techniques are not torture and that they produced uniquely valuable information. What is important is that today all Americans finally have access to the facts so they can make up their own minds. Personally, I hope this report closes the door on the possibility of our country ever resorting to torture again.

Americans have known since the days of the Salem witch trials that torture is an unreliable means of obtaining truthful information in addition to being morally reprehensible. But following the terrorist attacks of September 11, 2001, a small number of CIA officials chose to follow the advice of private, outside contractors who told them the way to quickly get important information from captured terrorist suspects was by using coercive interrogation techniques that had been developed and used by Communist dictatorships during the Cold War.

I would note that the CIA officials later paid these same contractors to evaluate the effectiveness of their own work.

CIA officials repeatedly represented to the public, to the Congress, to the White House, and to the Justice Department that the techniques were safe, that they were only used against high-level terrorist captives, and that their use provided unique otherwise unavailable intelligence that saved lives. After 5 long years of investigation, our committee found that none of these claims held up. The CIA's so-called enhanced interrogation techniques included a number of techniques that our country has long considered torture. Furthermore, the CIA's own interrogation records make it clear that the use of these techniques in the CIA's secret prisons was far harsher than was described in representations by the CIA.

CIA Director Michael Hayden testified that any deviation from approved procedures were reported and corrected, but CIA interrogation logs described a wide variety of harsh techniques that the Justice Department's infamous torture memos did not even consider. Practices such as placing detainees in ice water or threatening a detainee with a power drill were often not appropriately recorded or corrected when they happened. Director Hayden also testified that detainees at a minimum have always had a bucket to dispose of their human waste, but in fact CIA detainees were routinely placed in diapers for extended periods of time, and CIA cables show multiple instances in which interrogators withheld waste buckets from detainees.

CIA records indicate that some CIA prisoners may not have been terrorists at all. Some of these individuals were in fact ruthless terrorists with blood already on their hands, but one of the report's most important findings is that this did not seem to be the case in every instance. In one particularly troubling case, the CIA held an intellectually challenged man prisoner and attempted to use tapes of him crying as leverage against another member of the individual's family.

At another point the CIA official noted in writing that the CIA was holding a number of detainees about whom we know very little, and the CIA on multiple occasions continued to hold people even after CIA officers concluded there was not information to detain them. The review even found email records that described Director Hayden instructing a CIA officer to underreport the total number of CIA detainees. To this day the CIA's official response to this report indicates that senior CIA officials are alarmingly uninterested in determining exactly how many detainees the CIA even held.

To be clear, the report doesn't attempt to determine the motivation behind these misrepresentations. The report doesn't reach judgments about whether individuals deliberately lied or unknowingly passed along inaccurate information. It simply compares the representations the CIA made to Congress, the Justice Department, the public, and others to the information found in the CIA's own internal records, and it notes where those comparisons reveal significant contradictions.

One of the biggest sets of contradictions revolve around the repeated claim that the use of these techniques produced unique, otherwise unavailable intelligence that saved lives. CIA officials made this claim to the White House, the Justice Department, the Congress, and the public. The claim was repeated over and over and over again. Over the years CIA officials came up with a number of examples to try to support the claim, such as the names of particular terrorists supposedly captured as a result of coercive interrogations or plots that had been supposedly thwarted based on this unique, otherwise unavailable information.

The committee took the 20 most prominent or frequently cited examples used by the CIA and our investigators spent years going through them. Twenty examples are going to seem like a lot to anybody who reads the report, but the committee members who were working on the report agreed it was important to be comprehensive and avoid cherry-picking just one or two cases. In every one of these cases the CIA statements about the unique effectiveness of coercive interrogation techniques were contradicted in one way or another by the Agency's own internal records.

I am going to repeat that because I think it is a particularly important finding. In every one of these 20 cases, CIA statements about the unique effectiveness of coercive interrogation was contradicted in one way or another by the Agency's own internal records. We are not talking about minor inconsistencies. We are talking about fundamental contradictions.

For example, in congressional testimony and documents prepared for White House briefings, the CIA claimed that a detainee had identified Khalid Shaikh Mohammed as the mastermind of the 9/11 attacks after he was detained by the CIA and subjected to the CIA's coercive interrogation techniques, but in fact CIA records clearly show that Abu Zubaydah provided this information during noncoercive interrogations by the FBI prior to the beginning of his coercive CIA interrogations and days before he was even moved to the CIA's secret detention site. I personally expected that there would be at least one or two cases where vague or incomplete records might appear to support the Agency's claims, but in fact in every one of these 20 examples they and the arguments for them crumble under close scrutiny.

The report that is being released today includes a number of redactions aimed at protecting our national security. I will say in my view some of these redactions are unnecessary and a few of them even obscure some details that would help Americans understand parts of the report. Overall I am satisfied that the redactions do not make the report unreadable and it would be possible for Americans to read the report to learn not only what happened but how it happened, and learning that is essential to keep it from happening again.

One of the reasons this public release is necessary is that the current CIA leadership has been resistant to acknowledging the full scope of the mistakes and misrepresentations that have surrounded this program. Some of this resistance is made clear in the Agency's official response to the committee's report, and I suspect some of it will be echoed by former officials who were involved in the program.

Finally, I want to wrap up by reminding people about the documents that have come to be known as the Panetta review. When former CIA Director Panetta came to the Agency in 2009, he made it clear from the outset that he wanted to work to put the Agency's history of torture behind it

and that he wanted to cooperate with the Intelligence Committee inquiry. He also sensibly asked CIA personnel to review internal CIA records and get a sense of what this investigation could be expected to find.

The review got off to a solid start. It began to identify some of the same mistakes and misrepresentations that are identified in our committee's report. Unfortunately, it does not appear that this review ever made it to the Director's desk. Instead, publicly available documents made it clear this review was quietly terminated by CIA attorneys who thought it was moving too fast.

Earlier this year the Agency conducted an unprecedented and secret search of Senate files in an effort to find out whether the committee had obtained copies of the Panetta review. After it was found that committee investigators had in fact obtained the Panetta review, the CIA actually attempted to file unsupported criminal allegations against Senate staff members. After the search was publicly revealed by the press, the CIA's own spokesperson acknowledged in USA Today that the search had taken place and it had been done because the CIA was looking to see if our investigators had found a document the CIA didn't want the Congress to have. Incredibly, that same week CIA Director John Brennan told reporter Andrea Mitchell of NBC that the CIA had not spied on Senate files and that ''nothing could be further from the truth.''

I think this incident and the difference between what was said to Andrea Mitchell and what the Agency's own people said to USA Today reflects once again what I call an alarming culture of misinformation. Instead of acknowledging the serious organizational problems that are laid out in this report, the Agency's leadership seems inclined to try to sweep them under the rug. This means organizational problems aren't going to be fixed unless they are laid out publicly, and there is also a danger that other countries or even future administrations might be tempted to use torture if they don't have all the facts about the CIA's experience. That is why the release today is so important.

In concluding, I thank all of the staff who have put in hours and hours and nights and weekends and time away from their families to get this investigation completed. I praise Chair FEINSTEIN and our former Chair Senator ROCKEFELLER, who together were resolute in pushing for this kind of congressional oversight.

TRIBUTE TO MARK UDALL

Mr. WYDEN. I close with just a word about our friend and colleague Senator MARK UDALL of Colorado. I have had the pleasure of serving with Senator UDALL on the Intelligence Committee and have admired his commitment to American security and core American values. Many in the Senate would not know this because all of those intelligence meetings are behind closed doors, but MARK UDALL is not a Senator who is afraid to stand alone. He is not afraid to fight for what he believes in. When the fight to declassify this report got bumpy—and let me tell you it did a lot of times. I think some of you heard this weekend we had an eleventh-hour objection to the report getting out. People asked me what I thought, and I said it was not particularly surprising because there were objections practically every hour on the hour for months and months. Yet when the fight to declassify the report got very difficult, some people said: This is going to get buried forever. That is what happens when you try to get accountability and transparency. Senator MARK UDALL made it clear that wasn't going to be allowed to happen on MARK UDALL's watch.

I am going to wrap up by saying to Senator UDALL, I remember when we started this battle together and we got a handful of votes, sometimes like 13 to 2 or whatever. We thought it was going to be a long time before there was reform. We went from those days to eventually getting up to 15 or 20 votes. Colleagues, today, to a great extent because of Senator UDALL, in the last vote for real surveillance reform, we were up to 58 votes—58 votes for real surveillance reform. That, to a great extent, is possible because of the extraordinary service of my good friend Senator MARK UDALL from Colorado. We westerners always make sure we stay in touch, and you know that is going to be the case with this particular friend from the West, a wonderful Senator, Mr. MARK UDALL.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

SENATE SELECT COMMITTEE ON INTELLIGENCE STUDY OF THE CIA'S DETENTION AND INTERROGATION PROGRAM

Mr. UDALL of Colorado. Mr. President, today is a historic day, as Senator WYDEN made clear, Senator FEINSTEIN, Senator ROCKEFELLER, and many other Senators to follow.

Before I talk about my involvement in the efforts that were put forth to reach this day, I want to say to Senator WYDEN, my good friend, you honor me with those comments. I want to acknowledge that when you are in a fight, it matters whom you are in the fight with. It has been my privilege and honor to fight on the side of transparency, on the side of protecting the Bill of Rights, and this has been a righteous cause. We are going to continue to work to find the right balance between privacy and security. As Ben Franklin famously implied, we can have both, but we don't end up with both if we set aside the Bill of Rights and those fundamental principles that are enshrined into the Bill of Rights. It has been my privilege to fight alongside you, and I wish you all the best. Yes, we westerners will stay in touch.

Turning back to the matter at hand, today, almost 6 years after the Senate Intelligence Committee voted to conduct a study of the CIA's detention and interrogation program and nearly 2 years after approving the report, the American people will finally know the truth about a very dark chapter in our Nation's history.

I had two goals at the beginning of this long process, and I still hold those two goals today. First, I have been committed to correcting the public record on the CIA's multiple misrepresentations to the American people, to other agencies, the executive branch, the White House, and to Congress.

Second, my goal has been to ensure that the truth comes out about the terrible acts committed in the name of the American people. Why? Because I want this to be our way of going forward, that neither the CIA nor any future administration repeats the grievous mistakes this important oversight work reveals.

This has been a careful and very deliberative process. We have compiled, drafted, redacted, and now released this report. It has been much harder than it needed to be. Senator WYDEN and many others pointed it out.

It brings no joy to discuss the CIA's brutal and appalling use of torture or the unprecedented actions that some in the intelligence community and the administration have taken in order to cover up the truth. By releasing the Intelligence Committee's landmark report, we affirm that we are a nation that does not hide from its past but learns from it. An honest examination of our shortcomings is not a sign of weakness but of the strength of our great Republic.

We have made significant progress since the CIA first delivered its heavily—underline ''heavily''—redacted version of the executive summary to the committee in August. The report we released today cuts through the fog the CIA's redactions created and will give the American people a candid, brutal, and coherent account of the CIA's torture program.

As the chairman said earlier today, even when public tensions were high, our committee continued to work behind the scenes to successfully whittle down 400 instances of unnecessary redactions to just a few. We didn't make all the progress we wanted, and the redaction process was filled with unwarranted and completely unnecessary obstacles, but all told, after reviewing the final version, I believe our landmark report accomplishes the goals I laid out at the outset and tells the story that needs to be told. It also represents a significant and essential step toward restoring faith in the crucial role of Congress to conduct oversight of the intelligence community. Congressional oversight is important to all of government's activities, but it

is especially important to those parts of government that operate in secret, as the Church committee discovered decades ago.

The challenges the Church committee confronted four decades ago persists today—namely, how to ensure that those government actions which are necessarily conducted in secret are nonetheless conducted within the confines of the law.

The release of this executive summary is testament to the power of effective oversight and the determination of Chairman FEINSTEIN and members of the committee to doggedly beat back obstacle after obstacle in order to reveal the truth to the American people. I have much more to say about these obstacles and about the critical importance of reforming an agency that refuses to even acknowledge what it has done. I will deliver those remarks soon. For now, I wish to congratulate the chairman and her staff on this very important achievement.

The document we are finally releasing today is the definitive history of what happened in the CIA's detention and interrogation program. We have always been a forward-looking nation, but to be so, we must be mindful of our own history. That is what this study is all about. That is why I have no doubt that we will emerge from this dark episode with our democracy strengthened and our future made even brighter.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I see the distinguished senior Senator from Texas on the floor seeking recognition. I have been told to come here at 3:30 p.m., but obviously I yield to my friend from Texas and ask unanimous consent that when he completes his remarks I be recognized.

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

The Senator from Texas.

Mr. CORNYN. I thank my friend from Vermont. All of this got pushed back a little bit with the laudatory speeches for our retiring colleague from Nebraska. We are backed up a little bit, but I won't be long.

I have to say that I came to the floor when the Senators from Oregon and Colorado were talking about Senator FEINSTEIN's decision to release this report. I get it that different people see the same subject matter sometimes through a different lens, but I can't think of any more reckless or irresponsible thing to do to our brave men and women who fight in our military, who have fought our wars for the last 13 years, and the intelligence community that has worked while risking their lives to keep us safe.

We all remember what happened on 9/11/2001, but apparently with time our memories have faded. What we do know for a fact is we would not have avoided another attack on our own soil if it were not for the dedication and the patriotism of men and women in our intelligence community who were operating under color of law. In other words, this isn't just something they decided to cook up; this was something that was vetted at the highest levels of the Justice Department and the Department of Defense.

We had hearing upon hearing on these various enhanced interrogation techniques. There were disagreements, but we do know they were effective in gleaning intelligence that helped keep Americans safer. That is not just me saying that. Ask Leon Panetta, the immediate past Director of the Central Intelligence Agency and the Secretary of the Department of Defense—a proud Democrat but also a patriot in his own right. Ask John Brennan, President Obama's choice to be the current CIA Director. He said virtually the same thing.

So much of this should have proven to be unnecessary after two separate U.S. attorneys conducted criminal investigations. There was one done earlier and then one done later when Attorney General Eric Holder reopened the investigation. These men and women who risk their lives to do what their government asks them to do to keep us safe were subjected to at least two Justice Department investigations, and obviously no decision to proceed with any kind of criminal charges was decided upon.

I think you have to wonder about the timing of this in a lameduck session where we have basically three items of business to do before we break for the Christmas holidays and a new Congress. It is clear that this report was pushed out in an attempt to make a political statement, but I have to tell you that I think it is a reckless act, and it is a disservice not only to the men and women who risked their lives but also to the American people who should expect more of us.

This was not a bipartisan Senate Intelligence Committee report. Once Republicans on the Senate Intelligence Committee figured out what was happening, they simply disassociated themselves from it. This is purely a partisan report. There are absolutely no recommendations made for any reforms in this report. It was simply done to embarrass and to hold up our brave men and women who serve our country and the intelligence community to ridicule, and it is a shame.

TRIBUTE TO RALPH HALL

Mr. CORNYN. I came to the floor to talk about another topic, and that is about my friend and fellow Texan Congressman RALPH HALL, who at the end of this year will be retiring from representing Texas's Fourth District in the House of Representatives for more than three decades. It is hard to speak to the entirety of RALPH's 34 years in Congress in just a few minutes. I will try. I would be remiss if I didn't mention some of his greatest hits, so to speak.

Let me begin with what I admire most about RALPH HALL and why he is so beloved back home in Texas. Why would they return him election after election over these many years?

First, RALPH is someone whom a lot of Texans look up to as a role model. He is a happy warrior. Having proudly served this country and Texas for over 50 years, he is a man of extraordinary character and remarkable integrity.

Thinking about RALPH, the first thing that comes to mind is his service to others, from his military service to being the oldest and among the longest serving Members of Congress. RALPH has lived a life of service to others and leaves behind a considerable legacy—one that will be long remembered and celebrated by people in my State and I believe the people of the United States too.

Those who know RALPH know he is the man who, wherever he goes—whether it is back home or here in Washington—before leaving a room, he will have hugged or shaken the hand of every person in the room, not to mention telling a few bad jokes and leaving everybody laughing in the process. He is a man who truly cares about others, and that is evident by the way he arranged his desk in his Washington office. He said one of his favorite things about his office is the view. Even so, he arranged his desk with his back to the window so others could sit and enjoy the view. This speaks to the kind of man he is, always putting other people first.

As I said, he is also well known for his excellent sense of humor and an occasional bad joke. He is a great storyteller and raconteur. He does have some pretty good stories to tell, though, from selling cigarettes to the famous outlaws Bonnie and Clyde, to putting President Reagan on hold, to his interesting encounters and friendships with Mickey Mantle, Muhammad Ali, Ted Williams, Neil Armstrong, John Glenn, among others. There are his many stories about flying Hellcat fighter aircraft in the U.S. Army during World War II.

RALPH has led a full and exciting life. During his time in Congress, he has not just been the hometown Congressman from Rockwall, TX; he has been the hometown Congressman to everyone he has encountered. It doesn't matter who you are—RALPH just naturally wants to try to find out how he can be helpful to you, from the person he met on the street, to the colleagues in the Texas delegation, to the President of the United States. That is just the way he is.

Knowing RALPH, he probably has something up his sleeve that he is not telling us about what he is going to do after he leaves Congress next month. In fact, when asked about his plans after leaving Congress, RALPH mentioned he would probably go to work at Walmart because he has to have a job.

RALPH has always got to have something to do. But it goes to show that no matter what he does next, he will not be slowing down anytime soon.

RALPH HALL will be greatly missed in this Congress. I am privileged to call him a colleague and a friend. I would like to wish him Godspeed and all the best as he continues to recover from a recent car accident at home in Rockwall. I look forward to seeing what he accomplishes in the next chapter of his long and storied life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont

SSCI STUDY OF THE CIA'S DETENTION AND INTERROGATION PROGRAM

Mr. LEAHY. Mr. President, I listened with interest to the tremendous statement made by the Senator from California, Mrs. FEINSTEIN, earlier today. She has spoken of this issue on other occasions, and we Americans should listen.

More than a decade ago the Central Intelligence Agency began detaining and torturing human beings in the name of the war on terrorism. Then employees and contractors of the U.S. Government, paid for by our taxpayers' dollars, abused and degraded, dehumanized people. They stripped them of their basic humanity. But more than stripping them of their basic humanity, they stripped America of its standing in the world as the leader of promoting and protecting human rights. Instead of protecting us as Americans, by their actions they hurt all Americans.

President Obama banned torture and cruel treatment when he took office, but only now, because of the courage and conviction of Senator FEINSTEIN and the other members of the Intelligence Committee and their staffs, do we have a full and public accounting of the CIA's actions—an accounting the American people deserve.

The decision to release this historic report, as Senator FEINSTEIN has courageously said, has been difficult, but it was the right and moral thing to do. If something is right and something is moral, no matter how difficult it is, you should do it. Releasing the report demonstrates that America—the America I love—is different. As Americans, we cannot sweep our mistakes under the rug and pretend they did not happen. We have to acknowledge our mistakes. We have to learn from our mistakes. In this case, we as Americans must and will do everything we can to ensure that our government never tortures again.

Five years ago, in 2009, I called for a commission of inquiry to review the Bush administration's detention and interrogation program and other sweeping claims of executive power by the Bush administration. I believe that in order to restore America's moral leadership, we have to acknowledge what happened in our name because much of the leadership we can show around the world is not based on our wealth or on the power of our military but on our moral leadership. Our Nation needed back then a full accounting of the CIA's treatment of detainees, and we need it today. With this report, at long last we have it.

This is not the first report to record or condemn the detention and interrogation policies and practices that were used during the last administration, but it is the first to fully chronicle the actions of the most secretive of our government agencies, the Central Intelligence Agency. The final report lays bare the dark truth about their program. That truth is far worse and it is far more brutal than most Americans ever imagined.

We have all seen the shocking pictures from Abu Ghraib. We have read the cold, clinical description of ''harsh'' or ''enhanced'' techniques written by Department of Justice attorneys to justify such treatment. We know that what was done at Abu Ghraib terribly diminished the image of the United States throughout the world. It did not make us safer by one iota. In fact, many would argue it made us less safe.

The report makes clear one fundamental truth: The CIA tortured people. That is the bottom line. No euphemistic description or legal obfuscation or pettifoggery can hide that fact any longer. The Intelligence Committee report shows that techniques such as waterboarding and sleep deprivation were used in ways far more frequent and cruel and harmful than previously known. It shows that gross mismanagement by those in charge at the CIA and a shocking indifference to human dignity led to horrendous treatment and conditions of confinement that went far beyond even what they had been approving. It turns out that the senior CIA leadership did not even know that ''enhanced'' techniques were being used at one CIA detention facility. In fact, in one instance, one of their prisoners died as a result, left shackled on a concrete floor in a dungeon room, and likely died of hypothermia.

This is America? This is what we stand for? This is the image we want to give the rest of the world? This American does not think so. This American does not think so. It is not what brought my grandparents and great-grandparents to this country.

These so-called ''enhanced'' interrogation techniques were not just used on the worst of the worst either. In some instances, the CIA did not even know whom it was holding. CIA records show that at least 26 people detained by the CIA did not meet the CIA's own standard for detention. Some of these individuals were subjected to—and this is a wonderful slogan—''enhanced'' techniques. What an evil slogan. Some detainees were determined not even to be members of Al Qaeda.

Moreover, the CIA relied on contractors—not even CIA personnel but contractors—who had no experience as interrogators to develop this program. They were happy to take American taxpayers' money. They did not know what they were doing, but they said: Give us the money. Eventually the CIA outsourced all aspects of the program to the company these contractors set up. Did they make a few thousand dollars? No. They made $80 million. This was a program out of control. It is yet another reason why Congress has to exercise its oversight responsibility.

The report also disproves CIA claims that torture programs were necessary to protect our Nation, and that it thwarted attacks. How many times have we heard it before—that we need this to protect us; we need this to protect us from another 9/11? We had all of the evidence we needed to stop 9/11, but the government had not even bothered to translate some of the material that our intelligence people had already obtained. After the fact, they decided: We should really translate some of that material we have. Then we found it could have been stopped.

This program of torture did not make us safer. As laid out in meticulous detail in the report, the use of these techniques did not generate uniquely valuable intelligence. In fact, the report thoroughly repudiates each of the most commonly cited examples of plots thwarted and terrorists captured. That should not come as a surprise.

The Senate Judiciary Committee held numerous hearings on the Bush administration's interrogation policies and practices. What we heard time and again from witness after witness is that torture and other cruel treatments do not work. But there are still some who continue to argue, even in the face of overwhelming testimony and actually now hard evidence to the contrary, that the program thwarted attacks and saved lives. They defend the CIA's action. They argue that the report does not tell the full story. But these are often the same people who participated in the rampant misrepresentations detailed in this report.

The report shows that CIA officials consistently misled virtually everyone outside the Agency about what was actually going on and about the results of the CIA interrogations—very similar to what we heard leading up to the war in Iraq after 9/11. I remember being in those hearings. I remember listening to the then-Vice President. I remember listening to others in those secret hearings and thinking: It does not ring true. I stated to others that I thought some of the things they were telling us did not ring true.

I remember walking early one morning with my wife near our home and two joggers coming up, calling us by name. These were people we had never seen before in the neighborhood.

One of them said, ''I hear you have some questions.'' He asked whether I had asked to see a particular document.

I said, ''I haven't. I didn't know there was such a thing.''

He said, ''You might find it interesting to read.''

So I did. Then I raised even more questions about what I read there, which totally contradicted what the Vice President and others were saying. I mentioned that to some.

A few days later we are out walking again. Both joggers—my wife remembers this so well—they said, ''I see you read the document.''

I said, ''I did.''

''But did they tell you about this other document?''

I said, ''I didn't know there was such a document.''

''You may find it interesting.''

And so I then reviewed it. It was obvious from what I read that they were withholding evidence that Saddam Hussein had nothing to do with 9/11, contrary to what the Vice President and others were saying; that there were no weapons of mass destruction; and that in fact, they were actually well penned in by the no-fly zone we had set up. But instead we rushed into war because we sought to avenge 9/11, even though they had nothing to do with 9/11. Now almost $3 trillion later, look at the mess we are in.

The report released today details how, like the run-up to the war in Iraq, material that was held back from people who should have seen it. This included Members of Congress, White House officials, even Justice Department lawyers who were being asked to review the legality of CIA techniques.

In the coming weeks, as we go into the new Congress, we are going to hear a lot about the need for oversight. I would hope the new leadership would look at the report Senator FEINSTEIN and her committee have come out with, because this is where oversight should be—at the top of the list. So too should the unprecedented spying by the CIA on the congressional staff investigating this program. Just think about that. They investigated Members of Congress who were asking them about things they had done wrong. Then there is also the troubling pattern of intimidation, which includes the CIA referring its own congressional overseers to the Justice Department for criminal prosecution. My God, we are going back to the Joseph McCarthy days with things like this. This report and those actions show a CIA out of control. It is incumbent upon all of us—Republicans and Democrats alike—in the Congress to hold the Agency accountable.

The Judiciary Committee should take a hard look at the role of the Department of Justice and its legal justifications for this program. Much ink has been spilled criticizing the OLC opinion written during the Bush administration by John Yoo, Jay Bybee, and Stephen Bradbury. The OLC has always had a good reputation, but these opinions sullied the reputation of that office, and they have been rightly repudiated. But the report also demonstrates that even those opinions were the result of key misrepresentations by the CIA about the seniority of the people subjected to these techniques, the implementation of the techniques, and the intelligence resulting from them.

As an institution, if we truly represent 325 million Americans, do we not have a responsibility to examine the systemic failure that allowed this to happen and then to ensure that it does not happen again?

Those who attack the credibility of this report are wrong. This report is not based on conjecture or theory or insinuation. Anyone who reads it can see that this careful, thorough report was meticulously researched and written. It is based on more than 6 million pages of CIA cables, emails, and other documents containing descriptions that CIA employees and contractors themselves recorded.

I believe Senator FEINSTEIN and the other members of the Intelligence Committee who worked on this deserve our respect and our appreciation.

Intelligence Committee staffers, too, have dedicated years of their lives to this report. They have demonstrated courage and dedication in the face of enormous challenges, because they thought first and foremost about the United States of America.

In the past year they were even threatened with criminal prosecution. Why? For doing the job they are supposed to do for the United States of America. But they would not allow themselves to be intimidated. They have served their country well, and they have my deepest appreciation for bringing us this truly historic study.

I thank their families, because they couldn't tell their families the things they were reading. I imagine the families knew of some of these attacks on them. Their families too deserve our thanks.

I am disappointed that those same honorable staffers had to spend so many months arguing with this White House about redactions to this report—a White House that is supposed to be dedicated to transparency. This report should have been issued months ago, and it still contains more redactions than it should. I can think of some who will wonder why the redactions are there, but I am gratified that we can finally shed light on this dark chapter.

Among the many lessons we can take from this report is that Americans deserve more government transparency, and that is essential to a strong democracy. Just yesterday the Senate unanimously passed a bipartisan bill, the Leahy-Cornyn FOIA Improvement Act. It significantly improves the Freedom of Information Act. Today's release of this report is another important victory for greater government transparency.

I strongly disagree with those who argue that the reports should not come out and who have tried to pressure and silence Senator FEINSTEIN. Don't place the blame on those who are telling the truth. Place the blame squarely where it belongs: on those who authorized and carried out a systematic program of torture and secret detention, which is in violation of domestic law, and in violation of international law. But more importantly it is in violation of the fundamental principles of morality on which our great Nation was founded.

In trying times, such as those we faced after September 11 and those we face now, we look to our intelligence, military, and law enforcement professionals to keep us safe. We are fortunate to have so many dedicated and talented people serving in the intelligence community, military, and law enforcement. But one lesson for their sake, our sake, and our country's sake, is that we should never become so blinded by fear that we are willing to sacrifice our own principles, laws, and humanity.

We are the greatest, most powerful Nation on Earth. We cannot turn our backs on our laws, our history, and our Constitution because we are afraid. This Senator is not afraid.

No matter what, our enemies are human beings. And no matter how hardened and evil they are, no matter how repulsive their actions—and many are—no matter how horribly they have treated their own victims, we do not torture them—because we don't join them on that dark side of history. We stand on the other side of history as Americans. Generations of men and women have given their lives and many have even endured torture themselves in order to protect this Nation. They did so not to protect our way of life, but to protect our principles, our understanding of right and wrong, of humanity, of evil.

The shameful actions uncovered by this report dishonored those men and women who have fought to protect what is the best of our Nation, as well as the men and women even today who continue to put their lives at risk for this country.

Americans know, throughout this country, that we are better than this. As we heard after Abu Ghraib and we will hear now, we are better than this and we should never let this happen again. Let's show the rest of the world, too.

I have spoken much longer than I normally do, but this is important to me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, I also want to address the report that was released this morning by the Chair of the Intelligence Committee. I come at this in a slightly different way than some of my colleagues, because I came to this process late.

I joined the Intelligence Committee in January of 2013. By that time the report had been authorized, had been written, and actually had been finalized. So I came to it as a final product and the decision was whether it should be released.

Before talking about the report, there are two very important points that should be made.

No. 1, one of my problems with this discussion is that everybody talks about the CIA. The CIA did this, the CIA did that. The fact is the CIA as an institution doesn't do anything. People do things.

I have been around the world and met with CIA people in many countries. I have met with them here. They are patriotic, they are dedicated, they are smart, and they are brave. The problem with this situation is their reputation has been sullied by a relatively small group of people early in the prior decade.

So I want to make clear, at least as far as I am concerned, this is not an attempt to discredit or otherwise undermine the CIA or the good people who are there, but to point out that mistakes were made.

No. 2, I think we need to acknowledge that those were extraordinary times, the year or so after September 11. We thought there was going to be another attack. There was a lot of pressure to uncover that information. It is easy, 10 years later, to look back and say: Well, we shouldn't have done this or we shouldn't have done that. I understand that. We have to acknowledge that. However, those circumstances cannot justify a basic violation of who we are as Americans and what our values are.

The process is the report was completed and accepted by the committee on a bipartisan basis. My predecessor, Olympia Snowe, voted in favor of the acceptance of the report in December of 2012.

It was then sent to the CIA. They responded, a rather full response. It took about 6 months, and then they submitted their response to the committee.

I knew the vote was going to be coming up last spring as to whether to release the report. I went to the secure site in one of our buildings and sat down every night for a week and read this executive summary, every single word—all 500 pages, all of the footnotes—and made my own judgment as one who was in no way invested in this report. Here are the conclusions I reached. I must say, until I sat and read it, I didn't fully comprehend what this issue was, why we needed this large report, why we needed to do this study. After reading it, I was shaken and convinced that the report was important and should be released.

Basically, it has four conclusions. I am not going to go through them in detail, but No. 1 was: We committed torture. I am not going to argue that. I would say, as I said repeatedly, read the report. No person can read the description of what was done in our name and not conclude that it was way outside the values of our country and constituted torture by any definition.

No. 2, it was terribly managed. That is not a very exciting point about management, but nobody was in charge. Contractors were actually designing the program and assessing whether it was successful—the people who had designed it and were implementing it. There was no central place at the CIA that managed it, so that was a problem.

No. 3—and this we are going to talk about for a few minutes—it was not effective. The guts of this report are an analysis of the 20 principal cases the CIA presented as justification for the torture to say that it worked, that it led to intelligence that was reliable and current, and the report goes through in excruciating detail looking at each one of those allegations.

It basically finds that the information was either already available, it was available in our hands, it was available in other ways, and the witnesses had given up the data prior to their being subjected to these extraordinary measures. I am going to talk, as I mentioned, in a couple of minutes about this issue of effectiveness.

I should have said this at the beginning. My poor words can't contribute a great deal to this debate, but the speech Senator JOHN MCCAIN made on this floor this morning should be required viewing for every schoolchild in America, every Member of this body, every Member of this Congress, and every American. He spoke eloquently about the violation of our ideals of this program and the fact that it cannot, will not, and could not work.

The final point we take from the report is this program was continually misrepresented. It was misrepresented to the President, it was misrepresented to the Justice Department, it was misrepresented to the Congress, and it was misrepresented to the Intelligence Committee.

The problem is that continues today. In the past few days we have seen an outburst of statements, speeches, and interviews on television saying it was effective. It wasn't effective, and the report makes that clear.

There is a semantic sleight of hand going on, and I have already seen it in two or three interviews on television where people slide from the report and they say: The program of detention of people whom we captured after September 11 was effective in generating intelligence.

Absolutely true. There is no doubt of that. People were detained, they were interrogated, they gave good intelligence, it taught us what we know about Al Qaeda, and it was very helpful to the country in preventing future plots.

The question for the House, though, is was the torture effective? If you have somebody in custody, they give up good information, and then later you torture them and they don't give you anymore information, the torture didn't create that information or that intelligence. The question is did the extraordinary methods create additional evidence.

People should cock their ears when they hear people say the program created this good intelligence. It did. But the program is not what we are talking about today. We are talking about so-called enhanced interrogation techniques.

I would suggest when people come up with a euphemism such as enhanced interrogation techniques, that should tip us off that something is going on that we should be concerned about.

I wrestled with this decision. It was not easy. There is risk involved. There has been a lot of commentary today. Our people are on alert. Will someone attack us because of this report?

I can't deny that risk. I think it is impossible to say. But we have already learned that these people will attack us for any or no reason. They have been trying to attack us for 10 years. That is their reason for existing.

ISIL has beheaded Americans, not because of this report, but because that is their agenda. Now they may issue a press release or a YouTube video and say we are doing this because of the report, but I would submit they are going to do it anyway.

What they are going to cite—it is not the report, it is what we did that has inflamed opposition around the world, and it has done so for many years already.

Finally, on the question of the risk, when the terrible activities at Abu Ghraib came to the attention of the Congress, we did a report. The Armed Services Committee did a study and issued a report in grisly detail of what was done, and at that point we had 100,000 troops in Iraq. If ever there was a report that would have inflamed public opinion in a foreign country and generated retribution against us, it was that. We cannot be intimidated by people who tell us that we cannot exercise and be true to our own ideals.

But if there is any risk, why should we do it? Because these actions are so alien to our values, they are so alien to our principles that we simply can't countenance them.

By the way, if this wasn't torture, if this wasn't a problem, why did the CIA destroy the tapes of one of these interrogations? That is what started all of this, when the Senate learned they had destroyed tapes. If they thought this was not torture—which is what they were telling us—then why are they destroying the tapes? That is what began this process.

To me, one of the most telling quotes in the whole report was a back-and-forth between the CIA and I think the White House—but I think it was within the CIA where the statement was made: ''Whatever you do, don't let Colin Powell find out about this, he'll blow his stack.'' Now that tells me they knew they were doing something that wasn't acceptable to our country and to the American people. But the second reason to release this report is the key: so it will never happen again. That is the whole deal here.

The campaign of the last few days of people saying it worked and it wasn't torture and you shouldn't do it because

of the risk—that, to me, validates my concern because these people are essentially saying: We would do it again if we had the chance. And the only thing standing between them and doing it again is an Executive order signed by this President in January of 2009, which could be wiped out in the first week of a new Presidency or in the first month of a new Presidency. We cannot have this happen again.

The oratory is that it works. I have a letter, which I will submit for the RECORD, from 20 former terrorist interrogators—Army, Air Force, CIA, FBI—saying these kinds of tactics don't work and, in fact, they produce bad intelligence. There is an article in Politico today by Mark Fallen, who is a 30-year interrogator, saying it doesn't work.

We have to have this discussion and lay that to rest because the people who are saying it works are really saying: And we will do it again if we have to. And that is not who we are as people.

Interestingly, in the CIA's response to the report—all during the early part of this past decade the argument was—and we are hearing it today—it works. We are certain it works. We got valuable intelligence. We got Osama bin Laden.

The CIA is not saying that today. When they submitted their response to the committee's report, what they said about effectiveness was that it is unknowable whether it was effective. I believe the migration from the certainty they gave to Members of Congress and the President and the Department of Justice—the migration from ''certainty'' to ''unknowable'' speaks volumes because they couldn't refute the facts that are in this report.

If this idea that this kind of interrogation works becomes conventional wisdom, it will definitely happen again.

I go back in conclusion to JOHN MCCAIN's statement this morning. I can't match his eloquence. It was one of the most powerful messages I have ever heard in this body or anywhere else. He talked about who we are as Americans, and he also talked from personal experience about what torture will do and whether it will produce good information, and I would submit that JOHN MCCAIN knows more about that particular subject than all the rest of us in this body put together.

I got a critical note from a friend in Maine this morning that said ''You know, you are naive'' and all those kinds of things. I just wrote him back and said, ''Don't take it from me; watch what JOHN MCCAIN had to say.''

We are exceptional, but we are not exceptional because of natural resources or because we are smarter and better looking than anybody else; we are exceptional because of our values. We are one of the few countries in the world that was founded on explicit values and ideals and principles. And principles aren't something you discard when times get tough. That is when they are important. That is like saying: I am in favor of free press unless somebody says something offensive. These are principles that make us distinct and different.

I believe this debate is about the soul of America. It is about who we want to be as a people. It is a hard debate. It is difficult. It is hard to talk about these things. This was a dark period. But I believe that having this discussion, having this debate, getting this information out—and by the way, all the information is going to be out: the report; the CIA's response was made public today; the minority had their own statement that is quite substantial. So the public is going to be able to look at all this information and make their own decisions. I looked at the information, and the decision I made was that this is important information the people of America are entitled to, they should understand, and we should move forward consistent with our ideals and our principles as a nation and see that something like this never happens again.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter I referred to earlier.

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

FEBRUARY 4, 2014.

Hon. ANGUS KING,
U.S. Senate, 359 Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KING: We write to you as current and former professional interrogators, interviewers, and intelligence officials regarding the Senate Select Committee on Intelligence's (SSCI) 6000-plus page study of the CIA's post-9/11 rendition, detention, and interrogation program. We understand that the SSCI may soon take up the issue of whether to pursue declassification and public release of the study. In the interest of transparency and furthering an understanding of effective interrogation policy, we urge you to support declassification and release of as much of the study as possible, with only such redactions as are necessary to protect national security.

Since the CIA program was established over a decade ago, there has been substantial public interest in, and discussion of, the fundamental efficacy of the so-called ''enhanced interrogation techniques'' (EITs). Despite the employment of these methods, critical questions remain unanswered as to whether EITs are an appropriate, lawful, or effective means of consistently eliciting accurate, timely, and comprehensive intelligence from individuals held in custody. Based on our experience, torture and other forms of abusive or coercive techniques are more likely to generate unreliable information and have repeatedly proven to be counterproductive as a means of securing the enduring cooperation of a detained individual. They increase the likelihood of receiving false or misleading information, undermine this nation's ability to work with key international partners, and bolster the recruiting narratives of terrorist groups.

We would like to emphasize that this view is further supported by relevant studies in the behavioral sciences and publicly available evidence, which show that coercive interrogation methods can substantially disrupt a subject's ability to accurately recall and convey information, cause a subject to emotionally and psychologically ''shut down,'' produce the circumstances where resistance is increased, or create incentives for a subject to provide false information to lessen the experience of pain, suffering, or anxiety.

Despite this body of evidence, some former government officials who authorized the CIA's so-called ''enhanced interrogation'' program after 9/11 claim that it produced a significant and sustained stream of accurate and reliable intelligence that helped disrupt terrorist plots, save American lives, and even locate Osama Bin Laden. While some of the particular claimed successes of the program have been disproven based on publicly available information, the broader claim that the EIT program was necessary to disrupt terrorist plots and save American lives is based on classified information unavailable to the public.

The SSCI study—based on a review of more than 6 million pages of official records—provides an important opportunity to shed light on these important questions. We understand that the SSCI minority and CIA have separate views regarding the meaning and significance of the official documentary record. Those views are important and should also be made public so that the American people have an opportunity to decide for themselves whether the CIA program was ultimately worth it.

It is beyond time for this critical issue of national importance to be driven by facts—not rhetoric or partisan interest. We therefore urge you to vote in favor of declassifying and releasing the SSCI study on the CIA's post-9/11 interrogation program.

Sincerely,

Tony Camerino, Glenn Carle, James T. Clemente, Jack Cloonan, Gerry Downes, Mark Fallon, Brigadier General David R. Irvine, USA (Ret.), Steven Kleinman, Marcus Lewis, Mike Marks, Robert McFadden, Charles Mink, Joe Navarro, Torin Nelson, Erik Phillips, William Quinn, Buck Revell, Mark Safarik, Haviland Smith, Lieutenant General Harry E. Soyster (Ret.).

Mr. KING. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, I ask unanimous consent that Senator LEVIN be permitted to follow my remarks and speak for up to 10 minutes.

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

Mr. HEINRICH. Mr. President, torture is wrong, it is un-American, and it doesn't work. Recognizing these important realities, the President signed an Executive order in January of 2009 that limited interrogations by any American personnel to the guidelines that are in the Army Field Manual, and he reinforced U.S. commitment to the Geneva Conventions. This closed the book on the Bush administration's interrogation program. But make no mistake—these weren't enhanced interrogations. This was torture. I would challenge anyone to read this report and not be truly disturbed by some of these techniques.

Releasing the Intelligence Committee's study of the CIA's detention and interrogation program to the American people today will finally provide a thorough accounting of what happened and how it happened. In addition, like my colleague and friend from Maine

who spoke before me, I hope this process helps to ensure that it never ever happens again.

This was a grave chapter in our history, and the actions taken under this program cost our Nation global credibility, and—let's be blunt—they put American lives at risk. Some have suggested that releasing this report could put American lives at risk. But let's be clear. It has been the use of torture that has unnecessarily put Americans in harm's way.

There is no question that there will never be a good time to release this study. We all know that for months, terrorists in the extremist group ISIS have been kidnapping and barbarically killing innocent Americans because of what we as a nation stand for. The response to their threats and terrorism should not be for us to change our American values; it should be to stand firm in our values and work with our allies to root out extremism and terrorism in all its forms.

The release of this study will finally let us face what was done in the name of the American people and allow for future generations to use these findings to learn from the mistakes made by the architects of this program. This is an objective, fact-based study. It is a fair study. And it is the only comprehensive study conducted of this program and the CIA's treatment of its detainees in the aftermath of the September 11 attacks. Today marks an enormous, albeit painful, step into our future.

It is important to know that these torture methods were the brainchild of a few CIA officials and their contractors. When I joined the Intelligence Committee two years ago, I began to read the classified report and was surprised to learn this. Frankly, it was not consistent with all of my assumptions. It wasn't what my prejudices told me to expect. But that is exactly why a fact-based study is so important.

Furthermore, it is important to know that at every turn, CIA leadership avoided congressional oversight of these activities and, even worse, misled Congress. That leadership deliberately kept the vast majority of the Senate and House Intelligence Committees in the dark on the interrogation techniques until the day the President revealed the detention and interrogation program to the rest of the world in 2006—4 years after it began.

Even then, misrepresentations to the committee about the effectiveness of this program continued, in large part because the CIA had never performed any comprehensive review of the effectiveness of the interrogation techniques or the actions of its officers. Myths of the effectiveness of torture have been repeated, perpetuating the fable that this was a necessary program that somehow saved lives.

The committee examined the CIA's claims of plots thwarted and detainees captured as a result of intelligence gained through torture. In each and every case, the committee found that the intelligence was already available from other sources or provided by the detainees themselves before they were tortured.

However, we need to stop treating the issue of torture as one worthy of debate over its practical merits. This is about torture being immoral, being un-American. Reducing a human being to a state of despair through systematic subjugation, pain, and humiliation is unquestionably immoral. It should never happen again with the blessing of the Government of the United States of America.

As my colleague who spoke before me—Senator KING of Maine—said so well in an interview this morning, ''This is not America. This is not who we are.'' I think that sums up how I view the revelations in that report.

The information in the study released today to the public will finally pull back the curtain on the terrible judgment that went into creating and implementing this interrogation program.

The decision to use these techniques and the defense of the program were the work of a relatively small number of people at the CIA. This study is in no way a condemnation of the thousands of patriotic men and women at this great Agency who work tirelessly every day to protect and defend our Nation from very real and imminent threats using lawful measures; using effective measures. In fact, the insistence that so many intelligence successes were the result of enhanced interrogations negates and marginalizes the effective work done by thousands of other CIA officers not involved in these activities.

What this study does is show that multiple levels of government were misled about the effectiveness of these techniques. If secretive government agencies want to operate in a democracy, there must be trust and transparency with those who are tasked with the oversight of those agencies.

As the committee carries out future oversight, we will benefit from the lessons in this study. I hope we never again let the challenges of difficult times be used as an excuse to frustrate and defer oversight the way it was in the early years described in this report.

Although President Obama ended the program by signing that Executive order in 2009, any future President could reverse it. It is worth remembering that years before this detention and interrogation program even began, the CIA had sworn off the harsh interrogations of its past. But in the wake of the terrorist attacks against the United States, it repeated those mistakes by once again engaging in brutal interrogations that undermined our Nation's credibility on the issue of human rights, produced information of dubious value, and wasted millions and millions of taxpayer dollars.

The public interest in this issue too often has centered on the personalities involved and the political battle waged in the release of this study, but those stories are reductive, and I hope they will soon be forgotten. Because the story of what happened in this detention and interrogation program—and how it happened—is too important, and it needs to be fully understood so that future generations will not make the same mistakes that our country made out of fear.

When America engages in these acts, with authorization from the highest levels of government, we invite others to treat our citizens and our soldiers the same way. This study should serve as a warning to those who would make similar choices in the future or argue about the efficacy of these techniques. Let us learn from the mistakes of the past, and let us never repeat these mistakes again.

Before I close, I wish to say how important it is to acknowledge that the Intelligence Committee's study of the CIA's detention and interrogation program represents many, many years of hard work by Members and staff who faced incredible obstacles in completing their work. The fact that this study is finished is a testament to their dedication, and it is a testament to the dedication and focus of Chairman ROCKEFELLER and Chairman FEINSTEIN in deciding that oversight is our job, regardless of how long it takes.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Michigan.

Mr. LEVIN. Mr. President, the report released today by the Intelligence Committee is an important addition to the public's knowledge about the CIA's use of torture, euphemistically described by some as ''enhanced interrogation techniques'' in the period following the September 11, 2001, terrorist attacks.

The use of these techniques was a failure, both moral and practical. These tactics violated the values this Nation has long stood for, while adding little benefit to our security. As GEN David Petraeus and others have pointed out, their use has placed U.S. personnel at greater risk of being tortured. They have tarnished America's standing in the world and undermined our moral authority to confront tyrants and torturers. I am glad this report will fully inform a public debate with facts that have remained classified for too long, and I hope it ensures that our Nation never again resorts to such brutal and misguided methods.

The report lays out clearly that, contrary to claims by former CIA and Bush administration officials, these techniques did not produce uniquely valuable intelligence that saved lives. The report examines 20 such specific representations that were used frequently by the CIA to make the case to policymakers for continued use of abusive techniques. In all 20 cases, the CIA's claims about the value of intelligence gathered through torture were inaccurate. At the same time the CIA

was making false claims about the effectiveness of these techniques, it was failing to mention that some detainees subjected to these techniques provided false, fabricated information—information that led to time-consuming wild-goose chases.

This is not at all surprising when we consider the origin of these abusive interrogation techniques. In 2008 the Senate Armed Services Committee produced a detailed investigative report into the treatment of detainees in military custody. That report traced the path of techniques such as waterboarding, sleep deprivation, and forced nudity from the military's survival, evasion, resistance, and escape training, or SERE training, the path to interrogations of U.S. detainees. SERE training was not designed to train U.S. personnel to torture detainees. Rather, it was designed to prepare U.S. personnel to survive torture at the hands of our enemies. SERE training simulated techniques that were used by the Chinese interrogators during the Korean War—techniques designed to elicit a confession—any confession—whether true or false. Those who tortured U.S. troops were not after valuable actionable intelligence. They were after confessions they could use for propaganda purposes.

Defenders of the CIA's actions have claimed that abusive techniques produced key intelligence on locating bin Laden that couldn't have been acquired through other means. This is false, as the Intelligence Committee's report demonstrates in detail. Not only was the key information leading to bin Laden obtained through other means not involving abusive interrogation techniques by the CIA, but, in fact, the CIA detainee who provided the most significant information about the courier provided the information prior to being subjected to abusive interrogation.

There has been a great deal of conversation, and rightly so, about the need for effective congressional oversight of our intelligence community and the obstacles that exist to that oversight. This report highlights many such obstacles. In one case, this report makes public the likely connection between the Senate's efforts to oversee intelligence and the destruction of CIA tapes documenting abusive interrogation of detainees. In 2005 I sponsored a resolution, with the support of ten colleagues, to establish an independent national commission to examine treatment of detainees since 9/11. According to emails quoted in the report released today, Acting CIA General Counsel John Rizzo wrote on October 31, 2005, that the commission proposal ''seems to be gaining some traction,'' and argued for renewed efforts ''to get the right people downtown''—that is, at the White House—''on board with the notion of our destroying the tapes.'' Does it sound a little bit like Watergate? The videos were destroyed at the direction of Jose Rodriguez, then the head of the CIA's National Clandestine Service, just 1 day after the November 8, 2005, vote on our commission proposal in the Senate. It is just one striking example of the CIA's efforts to evade oversight.

Some have argued against releasing this report, suggesting that it could spark violence against American interests. Fundamentally, the idea that release of this report undermines our security is a massive exercise in blame shifting. Telling the truth about how we engaged in torture doesn't risk our security. It is the use of torture that undermines our security. Release of this report is hopefully an insurance policy against the danger that a future President, a future intelligence community, and a future Congress might believe that we should compromise our values in pursuit of unreliable information through torture. If a future America believes that what America's CIA did in 2001, 2002, and 2003 was acceptable and useful, we are at risk of repeating the same horrific mistakes. That is a threat to our security.

Torture is never the American way. Concealing the truth is never the American way. Our Nation stands for something better. Our people deserve something better—they deserve an intelligence community that conducts itself according to the law, according to basic human values, and with the safety of our troops always in mind. They deserve better than intelligence tactics that are likely to produce useless lies from people trying to end their torture being used against them, instead of producing valuable intelligence.

I thank Chairman FEINSTEIN for her leadership in completing and releasing this report. I thank Senator ROCKEFELLER for his longstanding effort in this regard. I thank Senator MCCAIN and others for speaking out on the need to ensure that the United States never again repeats these mistakes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

AMERICAN SAVINGS PROMOTION ACT

Mr. MORAN. Mr. President, I am on the floor this afternoon to speak briefly about the American Savings Promotion Act, H.R. 3374.

My understanding is that this bill may soon pass the Senate—it was passed by the House of Representatives in September—and I wish to speak briefly about its value to our country, to its citizens, and to our country's future.

I believe this is a fairly narrow circumstance with broad consequences. I believe if there is a primary responsibility we have in being a citizen of this country, it is to make sure, among other things, that we pass on to future generations of Americans the opportunity to pursue the American dream—to be able to have an idea to pursue a business plan, to save for your family's and children's education, to save for your own retirement, to prepare yourself for a bright financial future. Unfortunately, many Americans struggle to do that.

Certainly, one of the aspects of that circumstance is there is very little savings that goes on in our country today. People are unable or unwilling, or perhaps undisciplined, in a way that allows them to prepare for their financial security and their financial future. The problem is—and statistics bear this out—people aren't saving. The reality is, according to a recent survey, 44 percent of American households lack the savings to cover basic expenses for 3 months if unemployment or medical emergency or another crisis leads to a loss of stable income. Many Americans have the inability—almost the majority of Americans have the inability to care for themselves and their families if there is an emergency or a problem for more than 3 months. That is something we ought to try to resolve.

I also think there has been over a period of time a disparity of incomes. We want to make certain those at the lowest income levels have an opportunity to increase their income and to increase their financial stability. In fact, the Senator from Oregon, Senator WYDEN, and I created sometime ago the Senate Economic Mobility Caucus, trying to make certain that people have a chance to move up the ladder of economic success and security in our economy and in our country. Senator WYDEN and I came together to bring some of the best minds from conservative to more liberal thought-provoking organizations and policy organizations to visit with Republican and Democratic Senators and their staffs about what ideas are out there that might increase the chances that a person or a family has the chance to improve their financial circumstances.

One of the ideas that arose from that caucus's discussions was this legislation called the American Savings Promotion Act, again, with the realization that people are not saving for their own financial security, that they lack stability in times of emergency and difficult economic challenges to care for themselves, how can we encourage Americans to save more?

One of the ideas that came forth in this regard is the opportunity to link savings to prizes. When I first heard this, I thought it sounded a little bit odd, a little bit like a gimmick. But the reality is with little savings, people still believe—in fact, 20 percent of Americans believe that winning the lottery is a meaningful strategy to build wealth. Americans spend more than $60 billion every year on lottery

tickets and families earning the least spend the highest percentage of their earnings on lottery tickets despite the long odds of winning.

This legislation is not about a lottery, but about allowing financial institutions the opportunity to provide prizes for those who save, who open a savings account and deposit money into that account. In our country, because of the way financial institutions are regulated, that has been an opportunity in a number of States in credit union financial institutions for a period of time. In fact, the statistics and the facts that arise from that experiment or that experience indicate that savings increases when there is a prize associated with the savings behavior. So it is one of the reasons this makes sense. Prize-linked savings is an innovation, a tool to encourage savings while offering the chance to win a larger prize.

We know these programs work because of the evidence in the States that I mentioned in which credit unions have been offering these prizes associated with savings, and that has occurred in Nebraska and North Carolina and Washington. Since 2009, over 50,000 accountholders have collectively saved more than $94 million, and it only is available in the credit union setting and not available in a bank setting because of Federal barriers that prevent banks and thrifts from offering these prize-linked savings products.

With the passage of this legislation—again, which is a pretty straightforward, commonsense kind of opportunity—this legislation will update Federal laws to allow States to expand prize-linked savings to other financial institutions beyond credit unions.

Increasing savings is a win-win for individuals. It is certainly valuable to boost the financial institutions' accounts and an improvement to the American economy.

This legislation was introduced by me, with the cosponsorship efforts of Senator SHERROD BROWN, the Senator from Ohio, in an effort to create one more opportunity, one more piece of encouragement for people to save for their own financial well-being, to care for themselves and their families, and to increase the savings rate in this country for the benefit of the entire economy, but most importantly for the benefit of low-income individuals who need a boost of encouragement to save.

I wish to thank my colleagues in the House. As I say, this legislation passed in the House where Congressman KILMER and Congressman COTTON led the effort in the House, and my colleague, the Senator from Ohio, Senator BROWN, for his efforts in supporting this legislation here in the Senate. It is an opportunity for us to do something modest but useful, something based upon common sense, and something that accomplishes a goal we all should have of making certain the American dream is alive and well, that individuals and families take personal responsibility for themselves and their family members. We all know that increased savings, preparing for any kind of circumstance or emergency that comes our way, is something that ought to be encouraged.

I appreciate that it is likely that later today or tomorrow H.R. 3374 will pass, again, an example of where we have been able to work together and bring new ideas to the cause of making certain that everybody has the opportunity to increase their economic value, to increase the economic worth for their family available for the future, to pay their bills, and to make certain their future is bright, again, in my mind making sure the American dream is more alive and all American families are better off.

Mr. President, I thank you for the opportunity to address the Senate, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

SSCI STUDY OF THE CIA'S DETENTION AND INTERROGATION PROGRAM

Mr. WHITEHOUSE. Madam President, I had a chance briefly earlier, when Chairman DIANNE FEINSTEIN of the Senate Intelligence Committee and her predecessor as Chairman of the Senate Intelligence Committee, Commerce Chairman JAY ROCKEFELLER, were on the floor, to express my appreciation to them for the leadership they showed in bringing the Senate Intelligence Committee report through a very long ordeal and finally before the American public today.

I am not going to revisit what the report says. I was on the Intelligence Committee as it was prepared. I was closely involved in its preparation. The points I would like to make here today are, first, to once again thank Chairman ROCKEFELLER and Chairman FEINSTEIN for persisting through this process, particularly Chairman FEINSTEIN, who I think saw very intense resistance both within the Senate and within the CIA to this effort. They, I think, have done something that is in the very best traditions of the Senate.

The second thing I will say is that in my opinion, in America, an open democracy like ours lives and dies by the truth. If we have done something wrong, if we have done something we should not have done, then we should come clean about it. That is what this report does, in excruciating, painstaking detail.

Let me credential the report for a minute. When the CIA was offered a chance to challenge the facts of the report, they had it for 6 months. My understanding is they came up with one factual correction which was accepted. You hear a lot of blather in the talk show circuit now about how the report is inaccurate. Well, the agency that least wanted to see this report come out and most wanted to hammer at it had 6 months with full access to all of the files and the underlying knowledge of what was done. The best they could come up with was a single correction. So I hope we can get past whether it was correct.

The other thing we should get past is this was a bunch of second-armchair thinking by people who approved the program originally and now, on reflection, want to look good. The Senate was not briefed on this program until the public found out about it. The Senate Intelligence Committee was not briefed on this program until the public found out about it. The only people who were briefed on it were the Chairs, the Chair and the Vice Chair on the House and the Senate side. They were told strictly not to talk to anybody, not to talk to staff, not to consult with lawyers, in some cases not even to talk with each other. So the idea that the Senate is now having some kind of second thoughts about this, having once approved it—part of the findings of the report are that the Senate was misled. Not only was the Senate misled, but it appears the executive branch was misled as well.

The point that I would like to conclude with is that when you have a wrong, a considerable wrong that has taken place—and I think that for an American agency to torture a human being is a very considerable wrong—it tends to affect nearby areas. You cannot contain the wrong. So congressional oversight was compromised in order to protect this program. People simply were not told. When they were told, they were given watered-down, misleading, or outright false versions.

The separation of powers has been compromised by this. A Federal executive agency has actually used its technological skills to hack into the files of a congressional investigative committee. That has to be a first in this country's history. A subject of a congressional investigation was allowed to file a criminal referral with the Department of Justice against members of the investigative committee's staff. That, I believe, is a first in the history of separation-of-powers offenses in this country.

The integrity of reporting not only through congressional oversight, but up into the executive branch, appears to have been compromised to protect this program with information that the government already knew, from legitimate, proper, professional interrogation, being ascribed to the torture program. You can line up the timeline. You can see that the information was disclosed first. You can see where higher-ups in the executive branch were told that that information was due to the torture which occurred after the

information was received. That simply does not meet the test of basic logic.

The final thing is that it compromised the integrity of the way we look at our law. The Department of Justice and the Office of Legal Counsel wrote opinions designed to allow and protect this program that were so bad that they have since been withdrawn by the Department of Justice.

The Presiding Officer is a very able and experienced lawyer. Those of us who have been in the Department of Justice know well that the Office of Legal Counsel stands at the pinnacle of the Department of Justice in terms of legal talent, ability, and acumen. Many of us believe the Department of Justice stands at the pinnacle of the American legal profession. So those are the people who ordinarily are the best of the best. When they write legal opinions so shoddy that they have to be withdrawn, when they overlook and fail to even address the U.S. Circuit Court decisions that describe waterboarding as torture when they are answering the question, is waterboarding torture, that is shoddy legal work.

When I first got a look at this and came to the Senate floor to speak about it, I described it as ''fire the associate'' quality legal work. That is what we got from the very top of the Department of Justice. It is not because there was a lack of talent there. It is because things were bent and twisted to support this program. So it is very important that the truth just came out.

I am very glad this has happened. It is a sad day in many respects because these are hard truths. These are hard facts to have to face. But we are better off as a country if we face hard truths and hard facts.

I will close by saying this. I have traveled all over that theater looking at the way our Central Intelligence Agency operates and the way our other covert operations operate. I am extremely proud of what our intelligence services do. I am incredibly impressed by the courage and the talent of the young officers who go overseas into often very difficult and dangerous situations and do a brilliant job. In many respects, it is for them that I think this report needs to be out. It needs to be known that this was not the whole department, that there are many officers who had nothing to do with it and would want nothing to do with it and knew better. There were many people who were professionals in interrogation who knew how amateurish this was. It was done by a bunch of contractors, basically.

So I think we should be well aware, as we reflect on this, of their courage and of the sacrifice and of the ability and of the discipline of the young men and women who put themselves in harm's way to make sure that this country has the information and the intelligence it needs to succeed in the world. I am proud of them.

I am also proud of the Intelligence Committee and our staffs who worked so hard to perform this extraordinary service.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that following the vote on confirmation of Executive Calendar No. 1081, Walter, the Senate consider Calendars Nos. 1094 and 1095; 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 in the order listed; that any rollcall votes, following the first in the series, be 10 minutes in length; that if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. For the information of all Senators, these two nominations are Peter Michael McKinley to be Ambassador to the Republic of Afghanistan and Richard Rahul Verma to be Ambassador to India.

We expect that the nominations will be considered and confirmed by voice vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

OBAMACARE

Mr. THUNE. Madam President, a Bloomberg headline Monday noted: ''Half of the Senators Who Voted for ObamaCare Will be Gone in 2015.'' ObamaCare, it seems, has not been kind to the party that jammed it through Congress.

In fact, the third ranking Democrat in the Senate admitted as much 2 weeks ago when he told an audience that Democrats made a mistake after the 2008 election by putting all their focus on passing a health care law. He further said:

> Unfortunately, Democrats blew the opportunity the American people gave them. We took their mandate and put all of our focus on the wrong problem—health care reform.

Now, as a result, my colleague from New York said: ''The average middle-class person thought, 'the Democrats aren't paying enough attention to me.' ''

Well, Democrats weren't paying enough attention to middle-class families. The American people didn't support the health care law, and they made that clear. But Democrats just ignored their objections and forced it through anyway.

They were far from frank about what was in the bill. In fact, ObamaCare architect Jonathan Gruber essentially admitted that Democrats were deliberatively deceptive when passing their health reform law. Gruber said:

> This bill was written in a tortured way to make sure CBO did not score the mandate as taxes. . . . Lack of transparency is a huge political advantage. And basically, call it the 'stupidity of the American voter' or whatever, but basically that was really, really critical to getting the thing to pass.

That is from Jonathan Gruber, as I said, an architect of ObamaCare.

Well, 4½ years after the law has passed, it is clear Americans were right to be concerned. The law that was supposed to reduce the cost of health care for American families is actually driving up prices.

Each Friday my office puts out a document featuring the ObamaCare headlines of the week. I would like to read a few headlines from the past week that I think give a picture of where we are with this law.

This is from the Associated Press: ''Healthcare.gov average premiums going up in 2015.'' From the Wall Street Journal: ''More Cost of Health Care Shifts to Consumers.'' From Businessweek: ''Obamacare's Future: Cancer Patients Paying More for Medication.'' From Gallup: ''Cost Still a Barrier Between Americans and Medical Care.'' From the Fiscal Times: ''High Deductible Plans Have More People Delaying Treatment.'' From U.S. News & World Report: ''Americans Unhappy With Obamacare Shopping Experience.'' And from The Hill: ''Security Flaws Found in Obamacare Fee Calculator.''

And I could go on. Those are just headlines from last week. I could read similar headlines from the week before and from the week before that.

Any way you look at it, ObamaCare is a mess. The President promised the law would lower premiums by $2,500. In fact, the average family health care premium has increased by $3,064 since the law was passed, and family premiums are still going up.

The President promised Americans could keep the health care plans they had and liked. In reality, ObamaCare has forced millions of Americans off their plans.

The President promised that Americans would be able to keep the doctors they liked. In fact, Americans have lost the doctors they liked and trusted, not to mention access to convenient hospitals and needed medications.

The President promised that shopping for ObamaCare would be like shopping on Amazon or Kayak. The reality is the President's own former Health and Human Services Secretary recently admitted it was more like buying an airline ticket using your fax machine.

We are still just talking about the ways ObamaCare has harmed Americans' health care. But the damage hasn't been confined to health care. ObamaCare is also hurting our already sluggish economy.

Take the ObamaCare tax on lifesaving medical devices, such as pacemakers and insulin pumps. This tax has already eliminated thousands of jobs in the medical device industry, and it is on track to eliminate thousands more if it isn't repealed. In fact, this tax is so bad that even Democrats who voted for ObamaCare support repealing the tax.

Then there is the ObamaCare 30-hour workweek rule, which has forced employers to cut workers' hours and wages, and there are the numerous—numerous—ObamaCare rules and regulations that are making it difficult for small businesses to hire and create jobs. It is no wonder that Democrats are rethinking their decisions to support this law.

Americans have made it clear they do not like ObamaCare, and Republicans are listening. One of our top priorities when we take the majority in the Senate in the new Congress will be working to repeal this law and replacing it with real reforms—reforms that will actually cut costs and improve Americans' access to health care.

In the meantime, we will focus on chiseling away at the law's most harmful provisions. We want to repeal the job-killing medical device tax and restore the 40-hour workweek so that employers will no longer be forced to cut workers' hours in order to afford health care costs. Many Democrats as well as Republicans opposed these ObamaCare provisions, so I look forward to bipartisan repeals.

The senior Senator from New York was right when he said Democrats made a mistake when they decided to focus on the President's health care law instead of on jobs and the economy. In poll after poll, Americans have made it clear they want their representatives in Washington focused on creating jobs and on growing the economy, and that is what the new Republican majority in the Senate intends to do.

We will take up legislation to approve the Keystone XL Pipeline and the 42,000-plus jobs it would support. We will take up House-passed bills that have been gathering dust on the Democratic leader's desk.

We will work with the President to expand trade promotion authority to open new markets for American agricultural products and manufactured goods, and we will take up legislation to repeal the President's national energy tax, which could eliminate tens of thousands—hundreds of thousands—of jobs and devastate entire communities.

We also intend to take up big projects that would help put our economy on a path to long-term health, such as legislation to simplify and streamline our costly and inefficient Tax Code.

The election results were pretty decisive. Americans made it very clear they were tired of the Democrats' policies and they wanted a change in Washington, and Republicans are listening. Our priorities in the next Congress will be the American people's priorities. We will focus on creating jobs and growing our economy, and we hope the Democrats will join us. The American people have been waiting long enough.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

Mr. CARPER. I object, just for a moment.

The PRESIDING OFFICER. Objection is heard.

The assistant bill clerk continued with the call of the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COBURN. I ask unanimous consent to speak for at least 5 minutes.

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

TAXPAYERS RIGHT-TO-KNOW ACT

Mr. COBURN. Madam President, I first wish to spend a few minutes talking about my colleague and chairman of the Homeland Security and Governmental Affairs Committee.

The last 2 years have been a real pleasure on my part, and I have grown to have a great friendship with the chairman of the committee. I can truly say in our committee we have done a lot of great work. We have both compromised on a lot of issues to try to move the country forward, and to him I am thankful for that. I don't think either of us have had to break on any principles we have had to be able to do that. I think our committee has been a model in terms of doing bipartisan bills and on bipartisan approval of nominees. For him, I would say I appreciate his leadership this past year. He has the unfortunate attribute of having the same initials I do, so it is somewhat confusing on our committee. But maybe that is why we have been as successful as we have.

I also wish to recognize the hard work of so many of the staff members on both sides, the work they put in, and the cooperative nature under which they have worked.

We have before us a bill we are trying to clear called the Taxpayers Right-to-Know Act, and it is actually a continuation of a bill that Senator CARPER, myself, and several others—including the President—started when we started the transparency act back in 2009. This follows along with the DATA Act which was passed this year.

What this bill does is says the American people ought to know where the money is being spent, and so it says the agencies are going to list the programs they have. It is done in a stepwise fashion so it doesn't put too much pressure on OMB as they try to implement it. I believe at this time we are waiting to make sure we have clearance for this before we ask for a unanimous consent.

I yield my remaining time to the chairman of the committee, Senator CARPER.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I would like to say to my colleague, Ted Kennedy said to me when I first got here a number of years ago, talking about compromise and that sort of thing—he always said: I am willing to compromise on policy, not on principle.

I think if we look at what we have accomplished in the last 2 years, that is exactly what we have done. I thank my colleague for being a great leader—not just of his caucus but of our body and for being my friend.

With that, I would say on the legislation that is before us, as he suggested, the Taxpayers Right-to-Know Act does build on previous legislation reported out of our committee. Some of those bills, the DATA Act, the Government Performance and Results Modernization Act, and some others have been signed into law with bipartisan support, including by the current President.

The Taxpayers Right-to-Know Act is a good government bill that will provide better and more detailed information to Congress and the American people about Federal spending. Congress has passed several bills in the last few years to improve transparency on government spending and to get this information online. Unfortunately, the information has not always been provided at the level of detail taxpayers and a number of my colleagues and I would prefer.

This bill builds on the Government Performance and Results Modernization Act passed in 2010 and that I coauthored with Senators WARNER and Akaka. That bill required OMB to work with agencies to create a list of all Federal programs that can be accessed on a single Web site.

Unfortunately, there has been no consistency whatsoever across the government in how agencies define the term ''program.'' GAO has agreed that the current program list isn't giving us the kind of transparency we want because agencies took different approaches in defining their programs. The Taxpayers Right-to-Know Act addresses this problem by defining the term ''program.''

GAO has also noted that the current program inventory does not allow Congress and the GAO to compare similar programs, which is an obstacle to measuring government performance. Additionally, budget and cost information is not available for all programs.

This bill will ensure that agencies provide a full list of their programs along with important information about each program. For grants and other types of direct assistance, it will provide information on how many people a program serves and how many people it takes to run it.

A complete inventory of Federal programs, along with budget and financial information at the program level, will allow Congress to compare similar programs and identify overlap and duplication.

The bill has strong bipartisan support in our committee and was reported out without dissent. Seeing it to final passage would be a good win for this Congress.

I am pleased to yield back to our colleague from Oklahoma for a unanimous consent request.

The PRESIDING OFFICER. The Senator from Oklahoma.

UNANIMOUS CONSENT REQUEST—S. 2113

Mr. COBURN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 531, S. 2113; that the committee-reported substitute be agreed to, the bill, as amended, be read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, I don't like this bill. The White House doesn't like the bill. I object.

The PRESIDING OFFICER. Objection is heard.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session to consider the Lodge and Walter nominations.

NOMINATION OF VIRGINIA TYLER LODGE TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY—Continued

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

Mr. REID. I yield back all time.

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

The question occurs on the Lodge nomination.

Mr. ALEXANDER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Virginia Tyler Lodge, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

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

The result was announced—yeas 86, nays 12, as follows:

[Rollcall Vote No. 320 Ex.]

YEAS—86

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

NAYS—12

Blunt	Crapo	Paul
Burr	Heller	Risch
Chambliss	McConnell	Roberts
Coburn	Moran	Toomey

NOT VOTING—2

Harkin	Landrieu

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. This vote we are about to have will be the last recorded vote of the day.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

I now ask unanimous consent that following the vote on confirmation of Executive Calendar No. 1095, the Senate consider Calendar Nos. 800 and 801; 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 that time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that any rollcall votes following the first in the series be 10 minutes in length; that if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. We expect the nominations to be considered by voice vote.

NOMINATION OF RONALD ANDERSON WALTER TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY—Continued

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

Mr. REID. I yield back that time.

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

The question is, Will the Senate advise and consent to the nomination of Ronald Anderson Walter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

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

The result was announced—yeas 86, nays 12, as follows:

[Rollcall Vote No. 321 Ex.]

YEAS—86

Alexander	Carper	Fischer
Ayotte	Casey	Flake
Baldwin	Coats	Franken
Barrasso	Cochran	Gillibrand
Begich	Collins	Graham
Bennet	Coons	Grassley
Blumenthal	Corker	Hagan
Booker	Cornyn	Hatch
Boozman	Cruz	Heinrich
Boxer	Donnelly	Heitkamp
Brown	Durbin	Hirono
Cantwell	Enzi	Hoeven
Cardin	Feinstein	Inhofe

Isakson
Johanns
Johnson (SD)
Johnson (WI)
Kaine
King
Kirk
Klobuchar
Leahy
Lee
Levin
Manchin
Markey
McCain
McCaskill
Menendez
Merkley
Mikulski
Murkowski
Murphy
Murray
Nelson
Portman
Pryor
Reed
Reid
Rockefeller
Rubio
Sanders
Schatz
Schumer
Scott
Sessions
Shaheen
Shelby
Stabenow
Tester
Thune
Udall (CO)
Udall (NM)
Vitter
Walsh
Warner
Warren
Whitehouse
Wicker
Wyden

NAYS—12

Blunt
Burr
Chambliss
Coburn
Crapo
Heller
McConnell
Moran
Paul
Risch
Roberts
Toomey

NOT VOTING—2

Harkin
Landrieu

The nomination was confirmed.

NOMINATION OF PETER MICHAEL McKINLEY, 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 ISLAMIC REPUBLIC OF AFGHANISTAN

NOMINATION OF RICHARD RAHUL VERMA TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDIA

NOMINATION OF TONY HAMMOND TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION

NOMINATION OF NANCI E. LANGLEY TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION

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

The assistant bill clerk read the nominations of Peter Michael McKinley, 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 Islamic Republic of Afghanistan; Richard Rahul Verma, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of India; Tony Hammond, of Missouri, to be a Commissioner of the Postal Regulatory Commission; Nanci E. Langley, of Hawaii, to be a Commissioner of the Postal Regulatory Commission.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE ON MCKINLEY NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Peter Michael McKinley, 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 Islamic Republic of Afghanistan?

The nomination was confirmed.

VOTE ON VERMA NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Richard Rahul Verma, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of India?

The nomination was confirmed.

VOTE ON HAMMOND NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Tony Hammond, of Missouri, to be a Commissioner of the Postal Regulatory Commission?

The nomination was confirmed.

VOTE ON LANGLEY NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Nanci E. Langley, of Hawaii, to be a Commissioner of the Postal Regulatory Commission?

The nomination was confirmed.

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

LODGE AND WALTER NOMINATIONS

Mr. SESSIONS. Mr. President, I voted to confirm Virginia Lodge and Ron Walter to be members of the Board of the Tennessee Valley Authority. I believe that these nominees are qualified and have demonstrated the characteristics that will enable them to fulfill their duties in supporting the mission of the TVA.

According to the TVA Act, the Board sets the broad strategies and goals of the Tennessee Valley Authority. Given the many changes facing our electricity system, those strategies for TVA—one of the Nation's biggest utilities—are critical. As technology changes the future of energy production and energy use, the administration is busy unleashing costly regulations that risk damaging our economy for little environmental gain.

Navigating these crosscurrents, TVA's Board must strive to keep electricity costs low through prudential and nonideological decisionmaking. They must continue the work of TVA's current management to cut costs without impacting service. Only through demanding decisions based on data and through questioning assumptions will they successfully lead TVA through today's challenges.

Also of importance is TVA's continued maintenance and eventual completion of the Bellefonte nuclear power plant. In the 1970s, TVA made plans to build a large number of nuclear reactors, but it abandoned those plans after completing several plants while others—including two units at Bellefonte—were only partially completed. TVA continues to maintain its assets at Bellefonte, where it has invested $6 billion. I know that these nominees will examine the cost to complete Bellefonte and the baseload demand forecasts for TVA to best determine when the plant should be completed.

I believe the nominees have demonstrated the ability to serve effectively and I look forward to their service on the Board and to working with them for the betterment of the region in the years to come.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

PROTECTING VOLUNTEER FIREFIGHTERS AND EMERGENCY RESPONDERS ACT OF 2014

Mr. REID. I ask the Chair to lay before the Senate a message from the House with respect to H.R. 3979.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3979) entitled ''An Act to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act,'' with an amendment.

MOTION TO CONCUR

Mr. REID. I move to concur in the House amendment to the Senate amendment to H.R. 3979.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment to H.R. 3979.

CLOTURE MOTION

Mr. REID. There is a cloture motion at the desk. I ask that the Chair order it reported.

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 3979.

Harry Reid, Carl Levin, Brian Schatz, Martin Heinrich, John E. Walsh, Patty Murray, Jack Reed, Tom Udall, Sheldon Whitehouse, Amy Klobuchar,

Christopher A. Coons, Debbie Stabenow, Robert Menendez, Tom Harkin, Richard J. Durbin, Charles E. Schumer, Robert P. Casey, Jr.

MOTION TO CONCUR WITH AMENDMENT NO. 3984

Mr. REID. I move to concur in the House amendment to the Senate amendment to H.R. 3979, with a further amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment to H.R. 3979 with an amendment numbered 3984.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

Mr. REID. I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3985 TO AMENDMENT NO. 3984

Mr. REID. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3985 to amendment No. 3984.

The amendment is as follows:

In the amendment, strike ''1 day'' and insert ''2 days''.

MOTION TO REFER WITH AMENDMENT NO. 3986

Mr. REID. I have a motion to refer the House message with respect to H.R. 3979 with instructions.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message on H.R. 3979 to the Committee on Armed Services with instructions to report back forthwith with an amendment numbered 3986.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3987

Mr. REID. I have an amendment to the instructions which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3987 to the instructions of the motion to refer the House message on H.R. 3979.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''4 days''.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3988 TO AMENDMENT NO. 3987

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3988 to amendment No. 3987.

The amendment is as follows:

In the amendment, strike ''4'' and insert ''5''.

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

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

The PRESIDING OFFICER. The Senator from Rhode Island.

TRIBUTES TO DEPARTING SENATORS

Mr. REED. Mr. President, I would like to take a few minutes to salute my colleagues who are departing the Senate at the end of this year with the conclusion of the 113th Congress: MARK BEGICH of Alaska, SAXBY CHAMBLISS of Georgia, TOM COBURN of Oklahoma, KAY HAGAN of North Carolina, TOM HARKIN of Iowa, MIKE JOHANNS of Nebraska, TIM JOHNSON of South Dakota, MARY LANDRIEU of Louisiana, CARL LEVIN of Michigan, MARK PRYOR of Arkansas, JAY ROCKEFELLER of West Virginia, MARK UDALL of Colorado, and JOHN WALSH of Montana.

They have all worked hard, ceaselessly giving their energy and considerable time and service to their constituents, to their home States and to our country. I want to thank them for their service and for their kindness to me over many, many years in so many cases. In particular, I want to say a few words about these colleagues.

MARK BEGICH

MARK BEGICH and I worked together to address the challenges facing the fishing industry, which is vital to both of our States. He has continually fought to address the unique challenges facing Alaskans, particularly with respect to access to VA health care. I salute him and wish him the best.

SAXBY CHAMBLISS

I have served with SAXBY CHAMBLISS on the Armed Services Committee and joined him in his efforts to support the National Infantry Museum and Soldier Center. Saxby has been a strong supporter of our men and women in uniform. He has also been a leader on homeland security and intelligence matters. I wish him well.

TOM COBURN

TOM COBURN has always been passionate on the issues he cares about. We have engaged in vigorous debate, demonstrating, I hope, that principled disagreement can lead ultimately to principled progress. My thoughts are with him, particularly as he battles health issues, his cancer. I hope and wish him success and much happiness as he moves forward.

KAY HAGAN

I have served with KAY HAGAN on the Banking, Housing, and Urban Affairs Committee and on the Armed Services Committee. We have worked together on a number of initiatives, including efforts to keep student loan interest rates low. We traveled together to Iraq, Afghanistan, and Pakistan in 2010. She has been a tremendous advocate, especially for our military families and for small businesses.

TOM HARKIN

TOM HARKIN has been a great friend, a longtime advocate for students, for workers, for individuals with disabilities. As Chairman of the Health, Education, Labor, and Pensions Committee, he has worked to end the logjam and pass reauthorizations of our childcare programs and the workforce investment system, and he recently worked with me to pass a bipartisan bill I helped author to ensure consumers have access to the safest, most effective sunscreens available.

He has been a steadfast advocate for increasing our investment in medical research at the NIH. An extraordinary Senator, we have so much to thank him for on behalf of every American. His legacy is going to be so profound. It is hard to pick one. But his efforts, along with Arlen Specter's, to double NIH funding was a landmark in terms of not only successful investment in programs that matter to Americans and the world but bipartisan efforts to lead the country forward.

MIKE JOHANNS

I have been proud to work with MIKE JOHANNS, an extraordinary Senator and an extraordinary gentleman, on a number of issues. We were particularly happy—both of us—when the HAVEN Act was incorporated into the pending version of the National Defense Authorization Act. This legislation will allow disabled and low-income veterans the ability to finance improvements to their homes so they are safer and more accessible. We also worked together on healthy housing efforts and to reduce lead hazards. This is consistent with so many things he has done, particularly with respect to veterans. Again, I wish him the best as he goes forward.

TIM JOHNSON

TIM JOHNSON and I served in the House of Representatives together. We came to the Senate together in 1997. As chairman of the banking committee, he has been an extraordinary leader. He has dedicated himself particularly to community banks and to rural housing, which is consistent with the interests of his constituents in South Dakota.

He has worked to build bipartisan compromise on issues like TRIA and FHA reform, among so many other matters. As the chairman of the Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies he has been a tireless

advocate for our military personnel. I thank him.

MARY LANDRIEU

MARY LANDRIEU and I also came to the Senate together in 1997. We served together on the Appropriations Committee, where she has been an extraordinary advocate for Louisiana, particularly after Hurricane Katrina. In fact, her efforts have been so profoundly influential in her home State, she is one that we all look to as a model for what it is to be an advocate for your constituents. She has done it so well.

MARK PRYOR

MARK PRYOR and I have worked together on the Appropriations Committee. We have worked together on a number of initiatives. I want to thank him particularly for his role in trying to help states like Rhode Island be included in the Commodity Supplemental Food Program. I thank MARK for that. I offer him my fondest wishes.

JAY ROCKEFELLER

Today, we are recognizing the work of JAY ROCKEFELLER as chairman of the Intelligence Committee, along with Senator FEINSTEIN. But he has been such a stalwart in so many different areas: as chairman of the commerce committee, someone who has championed the Children's Health Insurance Program, someone who has been in the lead with respect to advocacy for the E-Rate, which helps bring broadband connectivity to all of our libraries and schools, to EPSCoR. I can go on and on for a remarkable career by a remarkable individual, a real gentleman, someone whom I am proud to call a friend and am deeply indebted to his friendship.

MARK UDALL

MARK UDALL and I served together on the Armed Services Committee. I am grateful to have traveled with him also to Afghanistan and Pakistan in 2011. Again, he is committed to our troops, committed to our national security, committed to his home State. He has been an advocate for clean energy, for natural resources, for things that will be a legacy for generations to come in Colorado and throughout the United States.

JOHN WALSH

JOHN WALSH is a friend that I met and served with over the last several years. I want to salute him, not only as a Senator but as a combat veteran. He has had the greatest privilege that I believe any American has—the privilege to lead American soldiers. He did it well. I thank him for that.

CARL LEVIN

But let me say, especially, a few words about my dear, dear friend CARL LEVIN. For 18 years, CARL LEVIN has either been chairman or ranking member of the Armed Services Committee. The U.S. military, the most powerful and professional force in the world, has in countless ways been shaped because CARL LEVIN repeatedly helped form a new common ground to move us forward as a Nation for the benefit of our men and women in uniform and for the benefit of us all.

CARL and I have traveled many times together—Bosnia, Kosovo, Iraq, Afghanistan, Pakistan, Israel, Syria, Colombia. We were there to visit with commanders and local leaders, but especially to see our troops and to thank them. In the faces of those troops I saw the trust and respect they felt—some to their own surprise—when they met the chairman—the powerful chairman of the Armed Services Committee. He was there. He had traveled across the globe to listen to them, to work for them, and to thank them.

It was profoundly moving to me to see this—inspiring indeed. As the chairman of one of the other major committees, the Permanent Subcommittee on Investigations, he has pursued the powerful on behalf of the powerless, on behalf of the people. He has not only uncovered abuse, but he has sent a powerful message to an increasingly discouraged America that there is someone who will fight for them, who understands that everyone deserves a fair chance at a better future.

CARL LEVIN has been a friend, a role model. I will miss working with him.

Along with all of my other colleagues who are leaving us at the conclusion of the 113th Congress, let me thank them for their service, their dedication to improving the lives of Americans, and on a very personal level for their friendship. I wish them all well.

SSCI STUDY OF THE CIA'S DETENTION AND INTERROGATION PROGRAM

Let me conclude on a slightly different topic; that is, to commend Senator ROCKEFELLER again and Senator FEINSTEIN for their extraordinary leadership today in bringing forward to the American public the Intelligence Committee report on the CIA's interrogation program.

But I particularly want to commend and thank Senator MCCAIN. For many years, Senator MCCAIN has spoken out, and many times alone, against the despicable and heinous actions that have been illustrated today. He has led our efforts. No one has led them more vigorously and more intensely and more successfully than JOHN MCCAIN—to prohibit the use of torture and abusive methods by the United States of America, to remind us that our highest ideals require us to do something else—something better—and also to remind us that what is at stake—very much at stake—are the lives and the health of our soldiers.

We cannot expect others to follow the law if we do not. We cannot expect our forces to be treated according to the conventions and laws that govern civilized society if we depart from them. That is a powerful message. It is no surprise coming from someone whose personal experience, whose personal courage lends incredible credibility, incredible support to these efforts.

To these three colleagues, I extend my thanks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

TAX EXTENDERS

Mr. GRASSLEY. Mr. President, this week it seems that the Senate is finally ready to take up and pass a tax extenders bill. Congress' procrastination on tax extenders has been causing a lot of headaches and indigestion to many of my constituents back home in Iowa.

Small business owners and farmers want to know whether the enhanced expensing rules under section 179 will be extended so that they can invest in new machinery. Retirees want to know whether they can make a charitable donation from their IRA to meet their required minimum distribution. The renewable energy sector wants to know what investments they should make to increase production.

The Senate could have made strides towards answering these questions just this past spring. The Finance Committee acted in a bipartisan fashion to report an extenders package to the floor that would have extended all expiring provisions for 2 years. By all accounts, this package could have been passed by the Senate with broad support on both sides of the aisle.

Unfortunately, movement of this package in the Senate stalled in May due to procedural maneuvering on the Senate floor. That maneuvering was meant to prevent votes on all amendments—even those with broad, bipartisan support. With the Senate failing to take action, the hopes of getting the extenders done in a timely fashion faded last spring.

However, there were high hopes that a bipartisan deal could be worked out with the House that could provide individuals and businesses much-needed tax certainty. Before Thanksgiving, House and Senate negotiators were making real headway towards a bipartisan agreement that would have extended most provisions for 2 years and made several provisions permanent. The President then thwarted negotiations by threatening to veto that package before it was even finalized.

Why the President would threaten to veto a package that, by all accounts, recognized bipartisan priorities as well as priorities of the administration is beyond me. The President's stated complaint is that the deal was geared too heavily toward business. From an administration that has regularly been advocating business-only tax reform, this complaint rings hollow.

However, all of the business provisions that would have been made permanent under the proposed deal have had strong support from both sides of the aisle here in the Senate as well as from the White House. For instance, the President's fiscal package that was in the 2015 budget calls for both the research and development tax credit and the enhanced expensing rules under Section 179 to be made permanent.

The bipartisan deal would have accomplished this. The proposed deal also

included priorities specific to President Obama and many of my Democratic colleagues. For instance, the American opportunity tax credit enacted as part of the President's 2009 stimulus bill would have been made permanent. The President's other named priorities were the enhanced refundable child tax credit and the earned-income tax credit. But it was the President's own actions on immigration—using presidential edict—that made their inclusion a very tough sell. Many on my side of the aisle have long had concerns about fraud and abuse in both of these credits. The President's Executive action only served to enhance these concerns and added fuel to the fire by eroding established policy that prohibits undocumented immigrants from receiving their earned-income credit.

The President may have a phone and a pen. He says he has it, and it seems as if he is always using it. But the last time I checked, Congress is still a coequal branch of government under the Constitution. When the President acts unilaterally, it should not surprise him when Congress responds.

So it is true that the deal did not include everything the President wanted, but it didn't include everything Republicans wanted either. Nobody ever gets everything they want in bipartisan negotiations. The point of negotiating is to get something the majority of us can support.

By cutting off negotiations, the White House has left us with voting on something that is barely better than nothing for individuals and industries. This includes industries the President claims to be a priority of his, such as the renewable energy sector, which is very much a high priority for me.

Forward policy guidance is critically important to the renewable energy sector. The proposed deal would have provided certainty to wind energy through a multiyear phaseout that would have provided a glidepath to self-sustainability. Other renewable provisions would have been extended for 2 years. Instead, Congress is now faced with settling for a 1-year retroactive extension that fails to provide any meaningful incentive for the further development of renewable energy.

It also fails to provide certainty to other businesses and to individuals as well. These are provisions that will once again expire almost as soon as they go into law. I think we all agree that making tax law 1 year at a time in retroactive fashion is not the way to do business. Yet that is the reality we currently face because of this administration's refusal to compromise.

While I would prefer longer extensions of these provisions, that is no longer a viable option as we close down this Congress. As a result, I intend to support the House package. My only hope is that in the new Congress we can make strides toward putting some certainty back into the Tax Code.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

WOMEN OWNED SMALL BUSINESS CONTRACTING

Ms. CANTWELL. I rise today to speak about an important piece of legislation that will be before the Senate shortly that will help women entrepreneurs across the country break through the glass ceiling.

Earlier this year, as chairwoman of the Senate Committee on Small Business and Entrepreneurship, I released a report entitled ''21st Century Barriers to Women's Entrepreneurship.'' These barriers, according to our report, show that women entrepreneurs were not getting a fair shot at access to capital, not getting a fair shot at competing for Federal contracts, and needed more programs tailored specifically to their needs and certainly needed more access to capital and at smaller amounts of money.

This chart shows the various things that were relevant from that report: equal access to Federal contracts, access to capital, and relevant business training.

We heard an earful from women entrepreneurs all across America, and it spurred us to take action and make major changes.

That is why we introduced legislation called the Women's Small Business Ownership Act of 2014, and this legislation did three things: It said, let's focus on sole-source contracting authority for women-owned businesses when they are working with the Federal Government, let's improve the counseling to women, and let's make sure women get the access to capital that they deserve.

Additionally, the issue of sole-source contracting was taken up by two of my colleagues, Senator SHAHEEN and Senator GILLIBRAND. I should say that my predecessor on the committee, Senator LANDRIEU, had worked on this issue of access to capital for women for a long time, and we certainly applaud all she did as chairwoman of the Small Business Committee.

The sole-source contracting provision is in the Defense bill we are going to be taking up shortly.

I thank all of my colleagues—as I said, Senator SHAHEEN, Senator GILLIBRAND, Senator LANDRIEU—and also the SBA Administrator, Maria Contreras-Sweet, for their support in getting more federal contracts to women-owned businesses.

There are more than 8 million women-owned businesses in the United States, but they only get a tiny percent—about 4 percent—of Federal contracts. We want to make sure this is changed. I think we have a second chart that describes this problem.

We have a Federal goal of making sure that small businesses get access to contracts at each Federal agency so that we are doing all we can to grow small businesses in America. If you think about it, many small businesses have the technological expertise to do the work. What they often don't have is the manpower to wade through the lengthy and complicated federal contracting process. So sole-source contracting allows the Federal Government to streamline the procurement process when selecting a company. So we want to make sure this is changed, and the FY 15 NDAA legislation will do just that.

Twenty years ago, Congress established the goal of awarding 5 percent of all Federal contracts to women-owned small businesses, but we did not make sure there was fair representation in the marketplace to achieve this goal. Last year, the Department of Defense accounted for 68 percent of Federal procurement opportunities; yet the Department of Defense only issued 3.6 percent of those contracts to women-owned small businesses. In my State, the State of Washington, women received only 1.67 percent of Federal contracts. We heard from women across America, when they came to testify before the Small Business Committee this summer, exactly how challenging this process is.

I want to point out a last chart, which shows that 28 percent of businesses in the United States are women-owned, and we certainly want to increase that. Part of our challenge economically is to make sure various groups are getting access to adequate capital, getting opportunities to compete for federal contracts, and getting the counseling and training they need, so they can participate in the economy as small business owners. But we can see on this chart that the percentage of federal contracts to women-owned businesses is minuscule. We want to make sure we are doing everything we can to help these women.

Trena Payton, a business owner and veteran from my home state of Washington, is one of these voices fighting for this provision to be made into law. Trena testified at a Small Business Committee hearing on Veterans' Entrepreneurship. In 2003, Trena decided to open her own business. It took her more than a year to land her first contract. She said at the hearing:

> As the head of a women-owned small business, I can tell you that access to the federal marketplace is a huge issue.

Today, Trena's company, ABN Technologies, has grown to employ twelve people and last year generated revenues of 8.1 million dollars. On sole-source contracting, Trena said, this change ''would help millions of women break through barriers to accessing federal contracts.''

I also want to talk about Charlotte Baker, who owns Digital Hands in Tampa, FL. Charlotte's company provides cyber security services and IT business to the government. Her company is developing new, innovative solutions to deter cyber threats. That is a service we need, but she may never win a contract through the regular process.

I urge my colleagues to support this legislation that is coming over from the House and give women the tools they need to be successful.

I would like to thank the many organizations, small business advocates, and staff who have worked to get the women's sole-source provision enacted into law: Women Impacting Public Policy—especially Ann Sullivan, Barbara Kasoff, John Stanford, and Martin Feeney; the National Women's Business Council; the Women's Business Enterprise National Council; the Women President's Organization; the National Association of Women Business Owners; the National Women Business Owners Corporation; the U.S. Black Chambers; the U.S. Hispanic Chamber of Commerce; the Association for Enterprise Opportunity; the Business and Professional Women's Foundation; Enterprising Women; the Path Forward Center for Innovation and Entrepreneurship; the REDC Center for Women's Enterprise; the Small Business & Entrepreneurship Council; Women in Trucking; the Women's Business Development Council; the Women's Exchange; and the Association of Women's Business Centers. From staff, I'd like to thank Jonathan Hale, Alison Mueller, Nick Sutter, Ami Sanchez, Carl Seip, Jane Campbell, Kevin Wheeler and LeAnn Delaney.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

TRIBUTE TO CARL LEVIN

Mr. MCCAIN. Mr. President, I wish to offer a few words of tribute to my departing colleague, Senator CARL LEVIN—a model of serious purpose, firm principle, and personal decency, and whose example ought to inspire the service of new and returning Senators. We could not aspire to better service than what he has given our country.

CARL and I have served together on the Senate Armed Services Committee for the better part of three decades. He is my senior in this body by 8 years and has been my chairman for more than 10 years in total. It has been a privilege to serve under his very able, honorable, and fair leadership.

CARL and I sit on opposite sides of the aisle. The difference is quite obvious on any number of issues, but I hope it is also obvious how much I admire and respect my friend from Michigan.

We have had our moments on the committee. Debate there can get a little passionate from time to time, perhaps a little more passionate on my part than CARL's, but that, as all my colleagues would surely attest, is my problem, not CARL's. We are, however, both proud of the committee's tradition of bipartisan cooperation which CARL has worked diligently to preserve and strengthen. We both know how important that tradition is to faithfully discharging our responsibilities to help maintain the defense of this country and do right by the men and women of the U.S. Armed Forces. We both feel their example of selfless sacrifice would shame us if we let the committee descend into the partisan posturing that often makes it hard to get important work done in Congress.

When Members disagree in committee—often heatedly—it is because we feel passionately about whatever issue is in dispute. Even then we try to behave civilly and respectfully to each other, and we do not let our disagreements prevent us from completing the committee's business. CARL won't let us. That we have managed to keep that reputation in these contentious times is a tribute to CARL LEVIN. He has kept the committee focused on its duties and not on the next election or the latest rush-to-the-barricades partisan quarrel. He does so in a calm, measured, patient, and thoughtful manner. He seems, in fact, to be calmer and more patient the more heated our disagreements are. As members' emotions and temperatures rise, CARL's unperturbed composure and focus bring our attention back to the business at hand. You could safely say he and I have slightly different leadership styles. I am gentler and less confrontational. But Carl's style seems to work for him. It works well for the committee too, for the armed services, and for the country.

The committee has a heavy workload every year, and CARL manages to keep us all in harness and working together at a good pace and with a constructive, results-oriented approach that is the envy of the dozen or so lesser committees of the Senate. Our principal responsibility is to produce the Defense authorization bill—one of the most important and comprehensive pieces of legislation the Senate considers on an annual bases. The committee has never failed to report the bill, and the Senate has never failed to pass it. That is not an accomplishment that some of the lesser committees I just referred to can claim every year, and no one deserves more of the credit than CARL LEVIN.

When CARL LEVIN first joined the committee, he explained his reason for seeking the assignment this way:

> I had never served, and I thought there was a big gap in terms of my background and, frankly, felt it was a way of providing service.

He might never have served in the military, but he has surely served the military well, and he has served the national interests our Armed Forces protect in an exemplary manner that the rest of us would be wise to emulate.

More recently, I have had the honor and privilege of serving alongside CARL on the Permanent Subcommittee on Investigations. His tireless efforts and steadfast dedication to exposing misconduct and abuse by financial institutions and government regulators have set a new standard for thoughtful and thorough congressional investigations.

Whether the topic was the 2008 financial crisis, Swiss banking secrecy, or JPMorgan's ''London Whale'' debacle, professionals in the industry and the public at large knew they could count on CARL LEVIN to get to the bottom of it with authoritative reports and hearings. CARL's tenacity in uncovering wrongdoing sparked significant changes in the financial sector.

I also commend CARL LEVIN on zealously and effectively pursuing his investigations in a way that has furthered the subcommittee's longstanding tradition of bipartisanship. While CARL LEVIN and I may have had our disagreements, we never let them get in the way of finding common ground where we could.

While CARL's retirement may come as a relief to some of those on Wall Street, his patience, thoughtfulness, and commitment to bipartisanship will be deeply missed on the subcommittee and in the Senate.

Indeed, from CARL LEVIN's long and distinguished service in the Senate, Carl has obtained the respect of his colleagues on both sides of the aisle. We all listen to him, and we listen closest to him on the occasions when we disagree with him. That, in my view, is a great compliment from one Senator to another. It is a tribute paid to only the most respected Members.

Of course, the greatest compliment one Senator can pay another is to credit him or her as a person who keeps his or her word. That has become too rare in Washington but not so in my experiences with CARL LEVIN. He has never broken his word to me. He has never backed out of a deal, even when doing so would have been personally and politically advantageous. When we are in agreement on an issue, CARL usually argues more effectively than I can, and when we disagree, we usually find a way to settle our dispute without abandoning our responsibilities. CARL LEVIN deserves most of the credit for that too.

One of the great satisfactions in life is to fight for a common cause with someone you haven't always agreed with, someone whose background, views, and personality are different from yours. Yet you discover that despite your differences, you have always been on the same side on the big things.

Thank you, CARL, for the privilege and for your friendship and example. The committee is going to miss you, the Senate is going to miss you, the men and women of the U.S. Armed Forces are going to miss you, and I will miss you a lot.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

FOIA IMPROVEMENT ACT

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to engage in a colloquy with Senator LEAHY of Vermont, chairman of the Senate Judiciary Committee, regarding S. 2520, the FOIA Improvement Act of 2014.

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

Mr. ROCKEFELLER. I thank Senator LEAHY for attempting to address my concerns about this bill. I thank his committee staff for working with my committee staff to insert clarifying report language.

Mr. LEAHY. I would like to acknowledge the chairman of the Senate Committee on Commerce, Science, and Transportation for highlighting important concerns of the agencies his committee works with closely. This legislation seeks to further the goal of government transparency; but we also understand the need for government agencies to dutifully and carefully fulfill their responsibilities.

Mr. ROCKEFELLER. From the beginning, I have recognized that this bill would make important changes to the Freedom of Information Act. My concerns have been rooted in the possible unintended consequences this bill would have on consumer protection. I was concerned this bill would make it harder for our consumer protection agencies to bring enforcement actions against corporate wrongdoers.

Specifically, I am concerned that requiring government law enforcement agencies to show foreseeable harm that is not ''speculative or abstract'' when invoking FOIA exemptions for attorney-client, work-product, and deliberative process privileges will undermine law enforcement efforts.

Hundreds of years of American legal tradition has generally protected work-product documents and attorney-client communications from the discovery process in civil litigation. Further, the deliberative process privilege has allowed government agencies' law enforcers to freely exchange ideas and legal strategies as part of their internal decision making process.

I am concerned that the bill could have a ''chilling effect'' on internal communications and deliberations of agencies' law enforcement personnel who are preparing law enforcement actions against alleged wrongdoers, in order to avoid the prospect of increased litigation.

We do not want to hinder the robust, internal exchange of rigorous ideas and legal strategies within government agencies when they are bringing enforcement actions.

Given this, courts should review agency law enforcement decisions on the new foreseeable harm standard under an ''abuse of discretion'' standard.

Mr. LEAHY. At Senator ROCKEFELLER's request we have included language in the committee report on the abuse of discretion standard and its application to make clear that it is the intent of Congress that judicial review of agency decisions to withhold information relating to current law enforcement actions under the foreseeable harm standard be subject to an abuse of discretion standard.

Mr. ROCKEFELLER. Furthermore, if we are going to potentially burden our government agencies with increased costs that will be associated with complying with the bill, then I think Congress should also provide these agencies with sufficient funding to deal with what is sure to be an increased workload.

While I still have concerns about this bill's effect on consumer protection, I think the accommodation made by Senator LEAHY will help. I thank him for inserting clarifying language in the report with regard to this congressional intent on review of information withheld under the foreseeable harm standard.

Mr. JOHNSON of South Dakota. Mr. President, I ask consent to engage in a colloquy with Senator LEAHY, chairman of the Senate Judiciary Committee, regarding important aspects of S. 2520, the FOIA Improvement Act of 2014.

While I support the ultimate goal of this legislation, which seeks to increase government transparency, as the chairman of the Senate Banking Committee, I am also mindful of the need for government agencies to dutifully and carefully fulfill their oversight responsibilities of our Nation's financial institutions and the health and welfare of our financial systems at-large. Financial regulatory agencies are tasked with ensuring the safety and soundness of the financial system, compliance with Federal consumer financial law, and promoting fair, orderly, and efficient financial markets. A critical component of effective oversight is the ability of a financial regulator to have unfettered access to information from a regulated institution. A financial institution should not have to fear that its regulator will be unable to protect the institution's confidential information from disclosure. Since the passage of the Freedom of Information Act, Congress has recognized the importance of protecting this type of supervisory information as evidenced specifically in 5 U.S.C. § 552(b)(8), commonly referred to as Exemption 8, and more generally in other exemptions. It is my understanding that nothing in S. 2520 is intended to limit the scope of the protections under Exemption 8, or other exemptions relevant to financial regulators; nor is the bill intended to require release of confidential information about individuals or information that a financial institution may have, the release of which could compromise the stability of the financial institution or the financial system, or undermine the consumer protection work by the regulators. Given that the release of confidential or sensitive information relating to oversight of regulated entities could cause harm to such entities, individuals, or the financial system, a financial regulatory agency could reasonably foresee that disclosure of such information requested under FOIA may harm an interest protected by Exemption 8. This is precisely why Congress continues to provide these statutory exemptions.

Mr. LEAHY. I thank Senator JOHNSON for his remarks and for his interest and support for this legislation. I agree that it is important to ensure that our financial regulators are able to do the work required to maintain the safety and soundness of our financial institutions. I also agree that the free flow of information between regulators and financial institution is important to this process. Exemption 8 was intended by Congress, and has been interpreted by the courts, to be very broadly construed to ensure the security of financial institutions and to safeguard the relationship between financial institutions and their supervising agencies. The proposed amendments to the Freedom of Information Act, FOIA, are not intended to undermine the broad protection in Exemption 8 or to undermine the integrity of the supervisory examination process. Moreover, much of the information that the government is permitted to withhold under Exemption 8, is also protected under Exemption 4, which exempts from disclosure commercial and financial information that is privileged or confidential. Exemption 4 covers information prohibited from disclosure under the Trade Secrets Act and similar laws, and as such does not provide for discretionary disclosure under FOIA. As with other exemptions that are based on separate legal restrictions, it is understood that the foreseeable harm standard will not apply to most of the information falling under Exemption 4. I will address these concerns, and I appreciate all the time and attention the Senator from South Dakota has given to this important legislation.

Mr. JOHNSON of South Dakota. I thank the Senator from Vermont for his work on this important matter and for working with me to clarify the scope of this bill. I hope the Senator from Vermont continues to work on these issues with the agencies to ensure that this new standard will not serve to undermine the broad protections currently afforded to confidential supervisory information and in turn undermine the cooperative relationship between regulators and their supervised institutions.

TRIBUTE TO MARK PRYOR

Ms. STABENOW. Mr. President, today we honor the dedicated public service of my dear friend and colleague, Senator MARK PRYOR from Arkansas.

For MARK PRYOR, public service is a calling—one that goes to the roots of who he is. MARK PRYOR is the fifth generation in his family to serve in public office.

Beholden to no party, no special interests, Senator PRYOR's singular objective in Washington has been to make lives better for the people of the State his family calls home. The sign on his desk says ''Arkansas comes first.'' It was his father's campaign slogan a generation ago, and that's the priority that guided MARK PRYOR from the day he arrived in the Senate.

When Senator PRYOR learned that a widow in Greenwood, AR, was being deprived death benefits because her husband died at home, instead of in combat, Senator PRYOR crafted an amendment to change that Pentagon rule, restoring the full death benefit for the widow—and fixing it permanently so it would be available to other surviving spouses.

A deeply patriotic man, with a profound respect for those who serve, Senator PRYOR is the author of the HIRE At Home Act, which encourages companies to consider military experience for servicemembers reentering the workforce.

But he has also fought to bring down the costs of Arkansans' prescriptions and to protect the social safety net. When FEMA demanded back pay for Federal disaster aid it provided to Arkansas, Senator PRYOR made sure the rule got changed.

And I was honored this past year to partner with Senator PRYOR on the Bring Jobs Home Act, to prevent companies from being rewarded for shipping jobs overseas and giving them an incentive to bring those jobs that have left our borders back home again.

Of course, Senator PRYOR served as chairman of the Senate Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies. So as author of the 2014 Farm Bill, I relied on Senator PRYOR as a partner. He introduced the Forest Products Fairness Act, which helps timber farmers in Arkansas and across the Nation qualify for USDA's BioPreferred Program.

During an age of partisan strife, Senator PRYOR has provided sanctuary for those who seek compromise. I share the sentiment he expressed in his farewell address—it is imperative that we come to work not wearing jerseys of red or blue but ones that have red, white and blue.

It saddens me that my dear friend, Senator PRYOR, cannot join us in this enterprise, because he has truly been a voice of civility and reason. But I have no doubt he will find new ways to serve the country and the State that he loves.

I wish him Godspeed in his future efforts.

SSCI STUDY OF THE CIA'S DETENTION AND INTERROGATION PROGRAM

Mr. HARKIN. Mr. President, I would like to personally commend Senator FEINSTEIN for releasing this report today. We have all heard the Justice Louis Brandeis quote that ''sunlight is the best disinfectant'' but occasionally we need a real world reminder. Today, Senator FEINSTEIN and the members and staff of the Intelligence Committee have provided that. The findings of this report are truly remarkable, laying bare that the CIA interrogation program was simultaneously far more brutal and far less effective than previously claimed.

This 600-page report is long overdue and makes clear that the CIA's so-called ''enhanced interrogation techniques'' failed to produce any otherwise unavailable intelligence that saved lives. At no time were these coercive interrogation techniques effective.

But more critically, this report makes clear to all Americans that what took place was not in keeping with our ideals as a nation. We have no greater duty than to protect the American people and our national security. But the single best way to do that is—and always has been—to do that in a manner consistent with our laws and our traditions. Horrific and torturous practices are explicitly prohibited and are never necessary. I thank Senator FEINSTEIN, Senator UDALL and other members of the committee for the months and years they have committed to making this release a reality.

Ms. MIKULSKI. Mr. President, I rise today to speak on the release of the declassified Senate Select Intelligence Committee report on the CIA's past rendition, detention and interrogation practices.

As a longtime member of the committee, I strongly support today's release of the declassified Executive Summary, Findings, Conclusions and Additional and Minority Views of the committee's report. With the release of this report, the American people finally have the information they need to understand the CIA's interrogation practices that spanned 2001 through 2009, when President Obama put an end to the Bush-era program.

The CIA's practices went against our values as Americans and damaged America's global reputation. The committee's report shows not only that torture did not extract the ''otherwise unavailable'' intelligence that some CIA officials claimed, it did not work as a policy or in practice.

I have consistently opposed the repugnance, legality and efficacy of torture. I supported FBI Director Robert Mueller's directive saying FBI agents may not participate in torture. I have repeatedly and publicly expressed my frustration about being lied to and manipulated by some CIA officials over many years. As I said during the Intelligence Committee's hearing confirming John Brennan as CIA Director, ''I'm going to be blunt and this will be no surprise to you, sir—but I've been on this Committee for more than 10 years, and with the exception of Mr. Panetta, I feel I've been jerked around by every CIA Director.''

My views against torture have been consistent with those of Senator JOHN MCCAIN, whose stance against torture is particularly compelling given his own experiences as a prisoner of war. I have also supported the use of interrogation techniques as laid out in the Army Field Manual and have decried the use of contractors by the CIA in the torture of detainees.

Some people have raised concerns about the timing of the release of this report and that our enemies could use it as a pretext for violence. Long before the release of this report, however, terrorist groups made their violent intentions towards America clear. They hate America and our freedoms. They use violence for the sake of violence. No public action is without risks, whether by President or Congress, but we also risk who we are as Americans by suppressing the facts in this report.

I would like to reiterate that this report was reviewed and redacted in conjunction with the CIA and White House, and the Director of National Intelligence approved its declassification. It was a difficult process that took over a year, but we finally got to a place where the narrative of the report was adequately preserved while ensuring that CIA personnel and operations were not compromised. The DNI weighed the risks and ultimately certified the declassification of the report.

To be clear, my support for this report in no way diminishes my respect for the men and women of the CIA, who are faithfully and legally doing their duties. The CIA's intelligence professionals put their lives at risk for our country. They deserve our support and respect.

I would like to thank Select Committee on Intelligence Chairman DIANNE FEINSTEIN for her leadership, as well as my committee colleagues from both sides of the aisle who supported this investigation. Throughout the frustrating and sometimes contentious process of producing this report, we never gave up on pursuing the truth. Thanks also to the committee staff who worked tirelessly on this report at great sacrifice to themselves and their families.

This report sheds light on a complicated episode in America's history, but it is also a testament to the value of never giving up on the search for truth and accountability. I hope that future generations will read it, study it, learn from it and make sure that torture is never again used by the U.S. government.

TRIBUTE TO CLEMENCIA SPIZZIRRI

Mr. GRASSLEY. Mr. President, I would like to take this time to honor an extraordinary Iowa teacher who has had a positive impact on a great many students. Ms. Clemencia Spizzirri was recently announced as the 2015 Iowa Teacher of the Year. This award honors the great work she has done as a foreign language teacher at Merrill Middle School in Des Moines, IA.

Ms. Spizzirri has been teaching Spanish to eager young minds at Merrill Middle School for 5 years. Despite her relatively short time there, her profound impact is evident. The high praise she receives from her students, colleagues, and community members are a testament to the work ethic and passion she displays in her classroom every schoolday.

As an immigrant herself, Ms. Spizzirri embodies the importance of a broad-based education that helps students understand the world beyond their own country. Born in Quito, Ecuador's capital city, Ms. Clemencia was the youngest of seven children. She learned quickly that success was nearly impossible without a quality education. This drove her to become a teacher. She witnessed firsthand the struggles that accompany poverty and knew she could make a difference through teaching. She started her career teaching English in Quito. When the conditions in her country began to worsen, she obtained a visa and moved to the United States. After immigrating to this country, Ms. Spizzirri received a bachelor's degree in New York. She then moved to Des Moines, IA, where she received her master's degree from Drake University.

Ms. Spizzirri attributes her passion for educating young minds to unfortunate circumstances she has witnessed in her own life. This passion ensures a quality education for all her students and contributes well-rounded citizens to the community. Great teachers are an invaluable resource to all of our communities and Ms. Spizzirri deserves nothing but praise for her tremendous work. I thank Ms. Spizzirri for her service to the people of her community and wish her nothing but the best in her future school years and beyond.

REMEMBERING MARK HESSE

Mr. UDALL of Colorado. Mr. President, I wish to remember an upstanding Coloradan and accomplished mountaineer who passed away unexpectedly this year while doing what he was so passionate about: climbing. Mark Hesse was a man of exceptional character, exhibited a strong sense of adventure, and was a devoted admirer of nature; all of which are qualities of a true conservationist. He was an inspiration to many of us in the great State of Colorado.

Mark grew up in Colorado Springs, CO, where he became an Eagle Scout. Upon graduating from the University of Colorado at Boulder with a master's degree in special education and teaching, Mark took to traveling abroad in pursuit of climbing peaks around the world. In 1976, he became the first person to climb the completely vertical southeast face of Mount Asgard on Baffin Island. In 1986, he made the first ascent up the northeast buttress of Kangtega in Nepal, a prominent Himalayan peak with a summit of over 20,000 feet. These ascents, among countless others, inspired him to advocate for conservation and accomplish so much for Colorado's environment.

He is survived by Julie Asmuth, his wife of 30 years, his two daughters Hartley and Laurel, his mother Florence, brothers Jon, Paul, Phil, and sisters Anne Ness and Maria Hesse Vasey.

Mark was a loyal and devoted husband and father. He had a warm personality and a great sense of humor. He also had an amazing knack for turning ordinary outings into epic adventures, and thus was well known for adventure stories that seemed almost too absurd to be true. These qualities enabled him to inspire and educate his children and their peers, as well as the friends and colleagues he had through climbing and service projects he was part of. Mark was devoted to taking his family on trips to some of the most remote places possible, including the rainforests in South America and the ocean reefs of South East Asia. He believed in supporting ecotourism and educating himself and his family about different cultures and natural wonders of the world before they disappeared.

Mark loved the environment, believed in a higher standard for managing public spaces, and was committed to preserving the natural beauty of our great Nation. He received several distinguished awards for his work, such as the American Alpine Club's David Brower Award for Mountain Conservation in 1995, the Bob Marshall Champion of Wilderness Award presented by the U.S. Forest Service in 2005 and 2007, and the U.S. Bureau of Land Management's Making a Difference National Volunteer Award for outstanding service on public lands in 2014. He was the co-founder and executive director of the Santa Fe Mountain Center from 1977 to 1980, the program director of the Southwest Outward Bound School, and co-founder of the Colorado Fourteeners Initiative Program. He worked with the Bureau of Land Management to preserve two popular climbing destinations: Shelf Road and Penitente Canyon. Perhaps most notably, Mark founded the Rocky Mountain Field Institute in 1982, which has engaged more than 16,000 volunteers to contribute 200,000 hours to public land stewardship projects. These efforts amounted to more than $4 million in on-the-ground restoration efforts.

One of Mark's final projects, and a dream he had been nurturing for many years, was to create a hot-shot trail crew with high-end rock working skills that could build climbing access trails in the steep, rocky, and unstable terrain where climbers travel. At the time of his passing, Mark was collaborating with the Boulder Climbing Community and the Access Fund, two non-profits based in Boulder, to develop the Front Range Climbing Stewards trail crew. The project moved forward, inspired by Mark's lifetime of work, and in 2014 the trail crew performed more than $120,000 worth of work, in both Eldorado Canyon and the Flatirons, including the spectacular rebuild of the iconic Royal Arch Trail that was destroyed in the flood of 2013.

Colorado lost an irreplaceable individual with the passing of Mark Hesse. I, along with many others, have lost a respected leader, visionary, and friend. Let his life be a reminder of what every American is capable of accomplishing.

I ask that my colleagues join me in remembering Mark Hesse for his passion for the outdoors, his vast wealth of experiences, and his leadership in showing us how to be good stewards of our public lands.

ADDITIONAL STATEMENTS

TRIBUTE TO CHARLES NIX

• Mr. BOOZMAN. Mr. President, I wish to honor Charles Nix, who will retire as the Poinsett County judge after three terms of honorable service to the citizens of Arkansas in this elected position.

As Poinsett County judge, Charles faced and overcame several disasters including the 2011 flood and multiple tornadoes. Charles played a pivotal role in leading the county through the storms, repairing the damages and restoring the livelihood of the citizens.

Beyond his county judge duties, Charles served as a member of the County Judges Association of Arkansas, Crowley's Ridge Development Council Board, Eastern Arkansas Planning and Development Council Board, and Northwest Arkansas Workforce Investment. He also presided as president of the Harrisburg Area Chamber of Commerce and served in the Army National Guard for 6 years.

Charles Nix has displayed honor, perseverance, and an eagerness to serve his community that we can all admire. I am truly grateful for his years of dedicated service and commitment to Poinsett County and the State of Arkansas.•

RECOGNIZING ST. PATRICK SCHOOL

• Mr. DONNELLY. Mr. President, I wish to applaud St. Patrick School of Chesterton, IN for being recognized as a 2014 National Blue Ribbon School by the U.S. Department of Education.

Established in 1982, the National Blue Ribbon Schools program has recognized over 7,000 public and nonpublic schools that demonstrate a vision of educational excellence for all students, regardless of their social or economic

background. Since its inception, this program has offered the opportunity for schools in every State to gain recognition for educational accomplishments in closing the achievement gaps among student groups.

Recognition as a National Blue Ribbon School by the U.S. Department of Education is based on a school being measured as either an ''Exemplary High Performing School''—where schools are among the State's highest scorers in English and mathematics—or as an ''Exemplary Achievement Gap Closing School''—where schools with at least 40 percent of their student body coming from disadvantaged backgrounds have reduced the achievement gap in English and mathematics within the last 5 years. St. Patrick School has made great strides in the area of improved proficiency in both English and mathematics.

As a Four Star School, St. Patrick's takes great care to integrate elements of Catholic faith into its curriculum. Consisting of strong morals, a deeply rooted faith in community, and a strong sense of respectful conduct, the staff at St. Patrick challenges its students to put their faith into action through community service and social engagement on global issues.

I wish to acknowledge Principal Richard John Rupcich of St. Patrick School, the entire staff, and the student body. It undoubtedly took hard work and dedication to achieve this prestigious award.

On behalf of the citizens of Indiana, I congratulate St. Patrick School, and I wish them continued success in the future.●

TRIBUTE TO DONALD LINDBERG

● Mr. HARKIN. Mr. President, as a member of the Senate who has spent many years leading efforts to build support for biomedical research and improved public health, I would like to pay tribute to a great public servant and trailblazer in medical informatics, Donald A.B. Lindberg, Director of the National Library of Medicine, NLM, the world's largest biomedical library, and a part of the National Institutes of Health. Dr. Lindberg recently announced that he will retire next year after over 30 years of distinguished public service.

Trained as a pathologist, Dr. Lindberg is recognized worldwide as a pioneer in medical information technology, artificial intelligence, computer-aided medical diagnosis and electronic health records. When Dr. Lindberg joined NLM in 1984, the library had no electronic journals, personal computers were few and far between, and only a relatively small number of research institutions had access to the Internet. Today millions of scientists, health professionals, and members of the public use NLM's high-quality electronic information resources billions of times a year.

Dr. Lindberg arrived at NLM with a belief in the potential of advanced computing and telecommunications. He immediately launched the groundbreaking Unified Medical Language System, now broadly used to help computer systems behave as if they understand biomedical meaning. He also greatly expanded NLM's informatics research training programs, increasing the Nation's supply of informatics researchers and health information technology leaders. The library, its grantees, and its former trainees continue to play essential roles in the development of electronic health records, health data standards, and the exchange of health information.

One of the proudest achievements of Dr. Lindberg's tenure was the establishment of the National Center for Biotechnology Information, NCBI, in 1988. It expanded the scope of the NLM and provided a national resource for molecular biology information and essential support for mapping the human genome. Today, NCBI is home to GenBank, dbGaP, PubChem, and PubMed Central and is an indispensable international repository and software tool developer for genetic sequences and other genomic data, and a pioneer and leader in linking data and published research results to promote new scientific discoveries.

In another unprecedented move, Dr. Lindberg asked NLM to create the Visible Humans, a library of digital images representing the complete anatomy of a man and a woman—giving a unique and detailed look inside the body. People around the world can and do use the images in a variety of ways. They have been used to help students learn anatomy; to develop products like artificial limbs; and to create tools to help surgeons rehearse operations.

As access to the World Wide Web and the Internet spread throughout the country, Dr. Lindberg seized the opportunity to make high quality medical information freely available to the public. In a 1997 press briefing that I sponsored with the late Senator Arlen Specter, R–PA, and then Vice President Al Gore, we announced free Internet access to MEDLINE via PubMed. In 1998, Dr. Lindberg went on to create the consumer-friendly MedlinePlus.gov and a new era of timely and trusted online health information for the general public began. ClinicalTrials.gov, now the world's largest trial registry and a unique source of summary results data for many trials, followed soon after in 2000, providing patients, families and members of the public easy access to information about the location of clinical trials, their design and purpose, and criteria for participation.

In 2003, I again joined the NLM and the National Institute on Aging in launching NIHSeniorHealth.gov, a website that features authoritative, up-to-date information from the NIH, in a format that addresses the cognitive changes that come with aging and allows easy use. In that same year, I partnered with Dr. Lindberg and respected national physician groups to launch the Information Rx project, which supplies prescription pads to health providers to point their patients to trusted health care information from the NIH. At the urging of the Senate Appropriations Committee, Dr. Lindberg has also made high-quality health information available to physicians and their patients via NIH's first consumer magazine, NIH MedlinePlus. This free magazine is now available in Spanish and online around the Nation and worldwide.

Over the past three decades, Dr. Lindberg greatly expanded the scope of the National Network of Libraries of Medicine. Now, NLM and this network of more than 6,000 academic, hospital, and public libraries partner with community-based organizations to bring high-quality information to health professionals and the public-regardless of location, socioeconomic status or access to computers and telecommunications. NLM has entered into longstanding and successful partnerships with minority-serving institutions, tribal and community-based organizations, and the public health community. NLM's marvelous exhibitions which Dr. Lindberg championed, such as Native Voices: Native Peoples' Concepts of Health and Illness, expand NLM's reach with electronic and traveling versions, bringing important issues and scholarship to persons unable to make it through NLM's Bethesda doors. Moreover, Dr. Lindberg helped set the U.S. standards for the public's use of the Internet. He was the founding Director of the National Coordination Office for High Performance Computing and Communications in the President's Office of Science and Technology Policy and was named by the HHS Secretary to be the U.S. National Coordinator for the G–7 Global healthcare Applications Project.

It gives me great pleasure pay tribute to Dr. Donald A.B. Lindberg, one of this country's visionaries, for his many contributions in science and technology that have transformed access to biomedical information and clearly had a lasting positive impact on the Nation.●

TRIBUTE TO COLONEL ROBERT J. McALEER

● Mrs. MURRAY. Mr. President, I wish to pay tribute to my constituent COL Robert J. McAleer for his exemplary dedication to duty and his service to the U.S. Army and to the United States of America. He has served his last 2 years in the Army as Chief of the Army's Senate Liaison Division, representing the Army on Capitol Hill.

A native of Washington State, Colonel McAleer earned a commission as a distinguished graduate from the U.S. Military Academy in 1988. Colonel McAleer has served in a broad range of challenging operational assignments and an unusually diverse set of Army units: cannon artillery, rocket and missile, air defense, light infantry, cavalry, Ranger, Special Forces, and Stryker.

Colonel McAleer spent more than a decade overseas, including two tours each in Germany and Korea, and two 15-month tours in Iraq. As a lieutenant, he completed critical assignments in austere locations on the Demilitarized Zone in Korea. As a captain and major with the Army Special Operations Command, he participated in the detention of Bosnian war criminals, served as a fire support officer for twenty AC–130 gunship and similar missions in Kosovo, an operation to rescue American hostages in South America, and numerous exercises that served as blueprints for post-9/11 operations. In Iraq, as battalion operations officer and, later, Squadron Commander, he worked to secure dangerous areas in southwest Baghdad, Abu Ghraib, and then Diyala Province. His units were marked by their discipline, determination, purposeful operations, and focus on the needs of the civilian population. He led efforts in intelligence, governance, essential services, and reconciliation. As a colonel, serving as Chief of Future Operations for Combined Forces Command in Korea, he synchronized the U.S. and South Korean response to North Korea's artillery shelling of Yong Pyong Island, the death of Kim Jong Il, and a North Korean ballistic missile launch. He led major joint and international planning efforts on the Korean Peninsula to prepare military forces and governments for contingencies, especially in the areas of rear area logistics, noncombatant evacuation, and countering and preventing the use of weapons of mass destruction.

With the exception of his current assignment as an Army legislative liaison, Colonel McAleer spent his entire career in combat units, either in command or operations positions. He spent 6 years in command of four units: Bravo Battery 1–39 Field Artillery, Airborne; Bravo Battery 1–321 Field Artillery, Airborne; 2nd Battalion, 8th Field Artillery; and Fires Squadron, 2nd Stryker Cavalry Regiment. A soldier's soldier, focused on his assigned mission and the wellbeing of those under his command, he touched thousands of lives, developing countless leaders and young soldiers in his units.

On behalf of a grateful nation, I join my colleagues today in recognizing and commending Colonel McAleer for over 26 years of service to his country. He played a key role in defending our national interests while positively impacting the soldiers and families under his command. He has been an excellent Army liaison to the Senate. We wish Bob, his wife Kate, daughter Catherine, and son Colin all the best as they continue their journey of service.●

MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 229. An act to designate the medical center of the Department of Veterans Affairs located at 3900 Woodland Avenue in Philadelphia, Pennsylvania, as the ''Corporal Michael J. Crescenz Department of Veterans Affairs Medical Center''.

S. 1434. An act to designate the Junction City Community-Based Outpatient Clinic located at 715 Southwind Drive, Junction City, Kansas, as the Lieutenant General Richard J. Seitz Community-Based Outpatient Clinic.

S. 2921. An act to designate the community based outpatient clinic of the Department of Veterans Affairs located at 310 Home Boulevard in Galesburg, Illinois, as the ''Lane A. Evans VA Community Based Outpatient Clinic''.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2901. An act to strengthen implementation of the Senator Paul Simon Water for the Poor Act of 2005 by improving the capacity of the United States Government to implement, leverage, and monitor and evaluate programs to provide first-time or improved access to safe drinking water, sanitation, and hygiene to the world's poorest on an equitable and sustainable basis, and for other purposes.

ENROLLED BILL SIGNED

At 3:46 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5462. An act to amend title 49, United States Code, to provide for limitations on the fees charged to passengers of air carriers.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

At 4:04 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. 579. An act to designate the United States courthouse located at 501 East Court Street in Jackson, Mississippi, as the ''R. Jess Brown United States Courthouse''.

H.R. 4030. An act to designate the facility of the United States Postal Service located at 18640 NW 2nd Avenue in Miami, Florida, as the ''Father Richard Marquess-Barry Post Office Building''.

H.R. 4926. An act to designate a segment of Interstate Route 35 in the State of Minnesota as the ''James L. Oberstar Memorial Highway''.

H.R. 5146. An act to designate the United States courthouse located at 700 Grant Street in Pittsburgh, Pennsylvania, as the ''Joseph F. Weis Jr. United States Courthouse''.

H.R. 5385. An act to designate the facility of the United States Postal Service located at 55 Grasso Plaza in St. Louis, Missouri, as the ''Sgt. Amanda N. Pinson Post Office''.

H.R. 5562. An act to designate the facility of the United States Postal Service located at 801 West Ocean Avenue in Lompoc, California, as the ''Federal Correctional Officer Scott J. Williams Memorial Post Office Building''.

H.R. 5687. An act to designate the facility of the United States Postal Service located at 101 East Market Street in Long Beach, California, as the ''Juanita Millender-McDonald Post Office''.

H.R. 5794. An act to designate the facility of the United States Postal Service located at 16105 Swingley Ridge Road in Chesterfield, Missouri, as the ''Sgt. Zachary M. Fisher Post Office''.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 4:51 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 229. An act to designate the medical center of the Department of Veterans Affairs located at 3900 Woodland Avenue in Philadelphia, Pennsylvania, as the ''Corporal Michael J. Crescenz Department of Veterans Affairs Medical Center''.

S. 1434. An act to designate the Junction City Community-Based Outpatient Clinic located at 715 Southwind Drive, Junction City, Kansas, as the Lieutenant General Richard J. Seitz Community-Based Outpatient Clinic.

S. 2673. An act to enhance the strategic partnership between the United States and Israel.

S. 2917. An act to expand the program of priority review to encourage treatments for tropical diseases.

S. 2921. An act to designate the community based outpatient clinic of the Department of Veterans Affairs located at 310 Home Boulevard in Galesburg, Illinois, as the ''Lane A. Evans VA Community Based Outpatient Clinic''.

H.R. 2366. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of World War I.

H.R. 5739. An act to amend the Social Security Act to provide for the termination of social security benefits for individuals who participated in Nazi persecution, and for other purposes.

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 enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. LEAHY).

ENROLLED BILLS SIGNED

At 6:18 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 78. An act to designate the facility of the United States Postal Service located at 4110 Almeda Road in Houston, Texas, as the ''George Thomas 'Mickey' Leland Post Office Building''.

H.R. 1707. An act to designate the facility of the United States Postal Service located at 302 East Green Street in Champaign, Illinois, as the ''James R. Burgess Jr. Post Office Building''.

H.R. 2112. An act to designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the ''National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office''.

H.R. 2223. An act to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the ''Elizabeth L. Kinnunen Post Office Building''.

H.R. 2678. An act to designate the facility of the United States Postal Service located at 10360 Southwest 186th Street in Miami, Florida, as the ''Larcenia J. Bullard Post Office Building''.

H.R. 3534. An act to designate the facility of the United States Postal Service located at 113 West Michigan Avenue in Jackson, Michigan, as the ''Officer James Bonneau Memorial Post Office''.

H.R. 4939. An act to designate the facility of the United States Postal Service located at 2551 Galena Avenue in Simi Valley, California, as the ''Neil Havens Post Office''.

H.R. 5030. An act to designate the facility of the United States Postal Service located at 13500 SW 250 Street in Princeton, Florida, as the ''Corporal Christian A. Guzman Rivera Post Office Building''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 5759. An act to establish a rule of construction clarifying the limitations on executive authority to provide certain forms of immigration relief.

H.R. 5771. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions and make technical corrections, to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Select Committee on Intelligence:

Special Report entitled ''Committee Study of the Central Intelligence Agency's Detention and Interrogation Program'' (Rept. No. 113–288). Additional and minority views filed.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Alissa M. Starzak, of New York, to be General Counsel of the Department of the Army.

*Robert M. Scher, of the District of Columbia, to be an Assistant Secretary of Defense.

*David J. Berteau, of Maryland, to be an Assistant Secretary of Defense.

Army nomination of Brig. Gen. Margaret C. Wilmoth, to be Major General.

Marine Corps nomination of Maj. Gen. James B. Laster, to be Lieutenant General.

Navy nomination of Rear Adm. James G. Foggo III, to be Vice Admiral .

Air Force nomination of Brig. Gen. Derek P. Rydholm, to be Major General.

Army nomination of Maj. Gen. Larry D. Wyche, to be Lieutenant General.

Army nomination of Col. Lawrence F. Thoms, to be Brigadier General.

*Navy nomination of Adm. Harry B. Harris, Jr., to be Admiral.

Air Force nomination of Col. Shelley R. Campbell, to be Brigadier General.

Air Force nomination of Maj. Gen. Mark C. Nowland, to be Lieutenant General.

Army nominations beginning with Colonel Michael G. Amundson and ending with Colonel Clifford W. Wilkins, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 2014. (minus 1 nominee: Colonel Barry K. Taylor)

Army nomination of Brig. Gen. Darsie D. Rogers, Jr., to be Major General.

Army nomination of Maj. Gen. Frederick S. Rudesheim, to be Lieutenant General.

Army nomination of Col. Stephen J. Hager, to be Brigadier General.

Army nomination of Col. Eugene J. LeBoeuf, to be Brigadier General.

Army nomination of Brig. Gen. John C. Harris, to be Major General.

Army nomination of Brig. Gen. Lewis G. Irwin, to be Major General.

Army nomination of Maj. Gen. David E. Quantock, to be Lieutenant General.

Army nomination of Maj. Gen. Anthony R. Ierardi, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Vincent R. Stewart, to be Lieutenant General.

Air Force nomination of Lt. Gen. Andrew E. Busch, to be Lieutenant General.

Army nomination of Brig. Gen. Richard D. Clarke, Jr., to be Major General.

Army nomination of Lt. Gen. John F. Mulholland, Jr., to be Lieutenant General.

Army nomination of Col. Aaron T. Walter, to be Brigadier General.

Army nomination of Col. David W. Ling, to be Brigadier General.

Navy nomination of Rear Adm. Troy M. Shoemaker, to be Vice Admiral.

Navy nomination of Vice Adm. Scott H. Swift, to be Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Taft Owen Aujero and ending with Jeffery Lynn Richard, which nominations were received by the Senate and appeared in the Congressional Record on May 15, 2014. (minus 105 nominees beginning with Peter G. Bailey)

Air Force nominations beginning with Peter Brian Abercrombie II and ending with Jason C. Zumwalt, which nominations were received by the Senate and appeared in the Congressional Record on July 31, 2014.

Air Force nominations beginning with George W. Clifford III and ending with Young J. Jun, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2014.

Air Force nominations beginning with Travis K. Acheson and ending with Paul C. Zurkowski, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2014.

Air Force nomination of Jennifer C. Alexander, to be Colonel.

Air Force nomination of Joyce P. Fiedler, to be Colonel.

Air Force nominations beginning with Robert B. O. Allen and ending with Keith M. Vollenweider, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014.

Air Force nominations beginning with Richard Y. Baird and ending with Jerome L. Vinluan, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014.

Air Force nominations beginning with Richard M. Burgon and ending with Joshua N. Scott, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014.

Air Force nomination of Allyson M. Yamaki, to be Major.

Air Force nominations beginning with Aaron J. Agirre and ending with Gregory S. Zilinski, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014.

Air Force nominations beginning with Erika S. Abraham and ending with Fei Zhang, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014.

Air Force nominations beginning with Rhett B. Casper and ending with Stacey Elizabeth Zaikoski, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014.

Air Force nominations beginning with Jose C. Aguirre and ending with Sandy K. Yip, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014.

Air Force nominations beginning with Jason D. Eitutis and ending with Brian K. Wyrick, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014.

Air Force nominations beginning with Sarahann Beal and ending with Carol C. Walters, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014.

Air Force nominations beginning with David P. Abbott and ending with Kevin D. Underwood, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014.

Air Force nominations beginning with Mohammed H. Aljallad and ending with Anita M. Yates, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014.

Army nomination of Kimberely Derouenslaven, to be Colonel.

Army nomination of Barry C. Busby, to be Major.

Army nominations beginning with Lamar D. Adams and ending with G001317, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2014. (minus 6 nominees beginning with Steven R. Berger)

Army nominations beginning with Eric C. Anderson and ending with D011466, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2014. (minus 9 nominees beginning with Steven R. Ansley, Jr.)

Army nominations beginning with Randy L. Brandt and ending with Kenneth R. Williams, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2014.

Army nominations beginning with Michael D. Acord and ending with D006516, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2014. (minus 8 nominees beginning with Treavor J. Bellandi)

Army nomination of Darrell R. V. Tran, to be Major.

Army nominations beginning with George W. Mason III and ending with Alvin D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2014.

Army nominations beginning with John W. Bozicevic and ending with James E. Scalf, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2014.

Army nomination of Patrick M. McGrath, to be Major.

Army nominations beginning with Peggy E. D. McGill and ending with Elena M. Scarbrough, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2014.

Army nominations beginning with Delroy A. Brown and ending with Richard G. Schmid, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2014.

Army nominations beginning with Brian R. Coleman and ending with Robert W. Thompson, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2014. (minus 1 nominee: Spencer T. Price)

Army nominations beginning with Vance J. Argo and ending with Gregory W. Teisan, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2014.

Army nominations beginning with Scott A. Arcand and ending with William D. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2014.

Army nominations beginning with Dawn M. Flynn and ending with Sandra J. Hetzel, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2014. (minus 1 nominee: Paul V. Rahm)

Army nominations beginning with Scott B. Byers and ending with Charlene A. Weingarten, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2014. (minus 1 nominee: Michele M. Spencer)

Army nominations beginning with Donna K. Ayers and ending with Mary E. Woodard, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2014. (minus 2 nominees: Lesley A. Watts; Roy Wilms)

Army nominations beginning with Felix J. E. Andujar and ending with Terence R. Woods, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2014. (minus 1 nominee: Jerry L. Tolbert)

Army nominations beginning with Bryan D. Brown and ending with Nicholas D. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2014. (minus 4 nominees: Timothy A. Doherty; William R. Elliott; Lynnell D. Peace; Craig A. Yunker)

Army nominations beginning with Anthony J. Labadia and ending with Joseph F. Tommasino, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2014.

Army nominations beginning with Marta E. Acha and ending with Ricord W. Torgerson, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2014. (minus 1 nominee: Jacob A. Johnson)

Army nominations beginning with Zenaida M. Cofie and ending with Todd L. Stewart, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2014.

Army nomination of Joseph T. Morris, to be Colonel.

Army nomination of Richard T. Knowlton, to be Colonel.

Army nominations beginning with Robert A. Borcherding and ending with Dean L. Whitford, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2014.

Army nomination of Steven E. Baker, to be Major.

Army nomination of Arun Sharma, to be Major.

Army nomination of James M. Brumit, to be Lieutenant Colonel.

Army nominations beginning with Samuel Agostosantiago and ending with John R. Wilt, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2014.

Army nominations beginning with Edwin B. Bales and ending with Ryan M. Zipf, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2014.

Army nominations beginning with Paul P. McBride and ending with Paul E. Reynolds, Jr., which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2014.

Army nomination of John E. Atwood, to be Colonel.

Army nominations beginning with Daniel H. Aldana and ending with David R. Navorska, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2014.

Army nomination of Eric Graham, to be Lieutenant Colonel.

Army nominations beginning with Susan Davis and ending with Matthew G. Stlaurent, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2014. (minus 1 nominee: Raymond L. Phua)

Army nominations beginning with Shelley P. Honnold and ending with Neal E. Woollen, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2014.

Army nominations beginning with Susan J. Argueta and ending with Jason S. Windsor, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2014. (minus 1 nominee: Susan R. Cloft)

Army nominations beginning with John R. Bailey and ending with D004653, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2014. (minus 2 nominees: Roger S. Giraud; Neil I. Nelson)

Army nominations beginning with Gary L. Gross and ending with Craig D. Shriver, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2014.

Army nominations beginning with Melissa R. Beauman and ending with Michael W. Stephens, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2014.

Army nomination of Richard M. Hester, to be Lieutenant Colonel.

Army nomination of Jay E. Clasing, to be Lieutenant Colonel.

Army nominations beginning with Scott J. Anderson and ending with Stefania V. Wilcox, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014. (minus 1 nominee: Marion A. Alston)

Army nominations beginning with Rachel R. Anthony and ending with D011532, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014. (minus 1 nominee: Steven A. Brewer)

Army nominations beginning with Nadine M. Alonzo and ending with D012299, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014.

Army nominations beginning with Mark Acopan and ending with Timothy R. Yourk, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014. (minus 1 nominee: James Lawhorn, Jr.)

Army nominations beginning with Katharine M. E. Adams and ending with Hans P. Zeller, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014.

Army nominations beginning with Robert J. Abbott and ending with D011857, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2014.

Marine Corps nomination of Timothy E. Robertson, to be Lieutenant Colonel.

Marine Corps nomination of Christopher E. Hall, to be Major.

Navy nomination of Angela M. Rowell, to be Lieutenant Commander.

Navy nomination of Gregory L. Koontz, to be Lieutenant Commander.

Navy nomination of Timothy S. Roush, to be Captain.

Navy nomination of Kimberly M. Freitas, to be Lieutenant Commander.

Navy nomination of Adam B. Yost, to be Lieutenant Commander.

Navy nomination of Charles S. Eisenberg, to be Lieutenant Commander.

Navy nomination of Jack W.L. Tsao, to be Captain.

Navy nomination of James M. Ross, to be Lieutenant Commander.

Navy nomination of Lakeeva B. Gunderson, to be Lieutenant Commander.

Navy nominations beginning with Travis S. Anderson and ending with Julian G. Wilson III, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2014.

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Willie E. May, of Maryland, to be Under Secretary of Commerce for Standards and Technology.

*Tho Dinh-Zarr, of Texas, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2018.

*Mark R. Rosekind, of California, to be Administrator of the National Highway Traffic Safety Administration.

*Carlos A. Monje, Jr., of Louisiana, to be an Assistant Secretary of Transportation.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. CANTWELL (for herself, Ms. COLLINS, and Mrs. SHAHEEN):

S. 2990. A bill to establish a State Trade and Export Promotion Grant Program; to the Committee on Small Business and Entrepreneurship.

By Mr. BEGICH:

S. 2991. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to promote sustainable conservation and management for the Nation's fisheries and the communities that rely on them, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND:

S. 2992. A bill to amend title 10, United States Code, to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice, and for other purposes; read the first time.

ADDITIONAL COSPONSORS

S. 209

At the request of Mr. PAUL, the name of the Senator from Illinois (Mr. KIRK)

was added as a cosponsor of S. 209, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

S. 318

At the request of Mr. JOHANNS, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 318, a bill to rescind funds made available to the Administrator of the Environmental Protection Agency if the Administrator fails to meet certain deadlines.

S. 631

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 631, a bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

S. 769

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 769, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1695

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1695, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 1861

At the request of Mr. CORNYN, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1861, a bill to save taxpayer money and end bailouts of financial institutions by providing for a process to allow financial institutions to go bankrupt.

S. 2206

At the request of Mr. COBURN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2206, a bill to streamline the collection and distribution of government information.

S. 2689

At the request of Mrs. SHAHEEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2689, a bill to amend title XVIII of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.

S. 2807

At the request of Mr. BLUMENTHAL, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2807, a bill to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

S. 2898

At the request of Mr. MERKLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2898, a bill to provide consumer protections for students.

S. 2911

At the request of Mr. MURPHY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2911, a bill to establish a task force to review policies and measures to promote, and to develop best practices for, reduction of short-lived climate pollutants, and for other purposes.

S. 2930

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2930, a bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to provide for the conduct of an evaluation of mental health care and suicide prevention programs of the Department of Defense and the Department of Veterans Affairs, 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. 2946

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2946, a bill to provide improved water, sanitation, and hygiene programs for high priority developing countries, and for other purposes.

S. 2965

At the request of Mr. CRUZ, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2965, a bill to provide that members of the Armed Forces performing hazardous humanitarian services in West Africa to combat the spread of the 2014 Ebola virus outbreak shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone.

S. 2971

At the request of Mr. PORTMAN, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 2971, a bill to promote energy efficiency, and for other purposes.

S. 2975

At the request of Mr. PORTMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2975, a bill to amend title XVIII of the Social Security Act to require State licensure and bid surety bonds for entities submitting bids under the Medicare durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) competitive acquisition program, and for other purposes.

S. RES. 413

At the request of Mr. COONS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 413, a resolution recognizing 20 years since the genocide in Rwanda, and affirming it is in the national interest of the United States to work in close coordination with international partners to help prevent and mitigate acts of genocide and mass atrocities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3977. Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. TESTER)) proposed an amendment to the bill H.R. 1204, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes.

SA 3978. Mr. REID (for Ms. AYOTTE) proposed an amendment to the bill H.R. 2719, to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs, and for other purposes.

SA 3979. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table.

SA 3980. Mr. BROWN (for himself, Mr. PORTMAN, Mr. ROCKEFELLER, Mr. CASEY, Mr. SCHUMER, Ms. STABENOW, Mr. CARDIN, Mr. DONNELLY, Ms. BALDWIN, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill H.R. 5771, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions and make technical corrections, to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes; which was ordered to lie on the table.

SA 3981. Mr. BEGICH proposed an amendment to the bill S. 1474, to amend the Violence Against Women Reauthorization Act of 2013 to repeal a special rule for the State of Alaska, and for other purposes.

SA 3982. Mr. BEGICH proposed an amendment to the bill S. 1474, supra.

SA 3983. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table.

SA 3984. Mr. REID proposed an amendment to the bill H.R. 3979, supra.

SA 3985. Mr. REID proposed an amendment to amendment SA 3984 proposed by Mr. REID to the bill H.R. 3979, supra.

SA 3986. Mr. REID proposed an amendment to the bill H.R. 3979, supra.

SA 3987. Mr. REID proposed an amendment to amendment SA 3986 proposed by Mr. REID to the bill H.R. 3979, supra.

SA 3988. Mr. REID proposed an amendment to amendment SA 3987 proposed by Mr. REID to the amendment SA 3986 proposed by Mr. REID to the bill H.R. 3979, supra.

SA 3989. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 3990. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 3991. Mr. LEE submitted an amendment intended to be proposed by him to the bill

H.R. 3979, supra; which was ordered to lie on the table.

SA 3992. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 3993. Mr. SCHATZ (for Mr. COONS) proposed an amendment to the resolution S. Res. 413, recognizing 20 years since the genocide in Rwanda, and affirming it is in the national interest of the United States to work in close coordination with international partners to help prevent and mitigate acts of genocide and mass atrocities.

SA 3994. Mr. SCHATZ (for Mr. COONS) proposed an amendment to the resolution S. Res. 413, supra.

SA 3995. Mr. SCHATZ (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 4681, to authorize appropriations for fiscal years 2014 and 2015 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

TEXT OF AMENDMENTS

SA 3977. Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. TESTER)) proposed an amendment to the bill H.R. 1204, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Aviation Security Stakeholder Participation Act of 2014''.

SEC. 2. AVIATION SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

''§ 44946. Aviation Security Advisory Committee

''(a) ESTABLISHMENT.—The Assistant Secretary shall establish within the Transportation Security Administration an aviation security advisory committee.

''(b) DUTIES.—

''(1) IN GENERAL.—The Assistant Secretary shall consult the Advisory Committee, as appropriate, on aviation security matters, including on the development, refinement, and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security, while adhering to sensitive security guidelines.

''(2) RECOMMENDATIONS.—

''(A) IN GENERAL.—The Advisory Committee shall develop, at the request of the Assistant Secretary, recommendations for improvements to aviation security.

''(B) RECOMMENDATIONS OF SUBCOMMITTEES.—Recommendations agreed upon by the subcommittees established under this section shall be approved by the Advisory Committee before transmission to the Assistant Secretary.

''(3) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Assistant Secretary—

''(A) reports on matters identified by the Assistant Secretary; and

''(B) reports on other matters identified by a majority of the members of the Advisory Committee.

''(4) ANNUAL REPORT.—The Advisory Committee shall submit to the Assistant Secretary an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its subcommittees, for the preceding year. Not later than 6 months after the date that the Secretary receives the annual report, the Secretary shall publish a public version describing the Advisory Committee's activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5.

''(5) FEEDBACK.—Not later than 90 days after receiving recommendations transmitted by the Advisory Committee under paragraph (4), the Assistant Secretary shall respond in writing to the Advisory Committee with feedback on each of the recommendations, an action plan to implement any of the recommendations with which the Assistant Secretary concurs, and a justification for why any of the recommendations have been rejected.

''(6) CONGRESSIONAL NOTIFICATION.—Not later than 30 days after providing written feedback to the Advisory Committee under paragraph (5), the Assistant Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives on such feedback, and provide a briefing upon request.

''(7) REPORT TO CONGRESS.—Prior to briefing the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives under paragraph (6), the Assistant Secretary shall submit to such committees a report containing information relating to the recommendations transmitted by the Advisory Committee in accordance with paragraph (4).

''(c) MEMBERSHIP.—

''(1) APPOINTMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Aviation Security Stakeholder Participation Act of 2014, the Assistant Secretary shall appoint the members of the Advisory Committee.

''(B) COMPOSITION.—The membership of the Advisory Committee shall consist of individuals representing not more than 34 member organizations. Each organization shall be represented by 1 individual (or the individual's designee).

''(C) REPRESENTATION.—The membership of the Advisory Committee shall include representatives of air carriers, all-cargo air transportation, indirect air carriers, labor organizations representing air carrier employees, labor organizations representing transportation security officers, aircraft manufacturers, airport operators, airport construction and maintenance contractors, labor organizations representing employees of airport construction and maintenance contractors, general aviation, privacy organizations, the travel industry, airport-based businesses (including minority-owned small businesses), businesses that conduct security screening operations at airports, aeronautical repair stations, passenger advocacy groups, the aviation security technology industry (including screening technology and biometrics), victims of terrorist acts against aviation, and law enforcement and security experts.

''(2) TERM OF OFFICE.—

''(A) TERMS.—The term of each member of the Advisory Committee shall be 2 years. A member of the Advisory Committee may be reappointed.

''(B) REMOVAL.—The Assistant Secretary may review the participation of a member of the Advisory Committee and remove such member for cause at any time.

''(3) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive pay, allowances, or benefits from the Government by reason of their service on the Advisory Committee.

''(4) MEETINGS.—

''(A) IN GENERAL.—The Assistant Secretary shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

''(B) PUBLIC MEETINGS.—At least 1 of the meetings described in subparagraph (A) shall be open to the public.

''(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

''(5) MEMBER ACCESS TO SENSITIVE SECURITY INFORMATION.—Not later than 60 days after the date of a member's appointment, the Assistant Secretary shall determine if there is cause for the member to be restricted from possessing sensitive security information. Without such cause, and upon the member voluntarily signing a non-disclosure agreement, the member may be granted access to sensitive security information that is relevant to the member's advisory duties. The member shall protect the sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

''(6) CHAIRPERSON.—A stakeholder representative on the Advisory Committee who is elected by the appointed membership of the Advisory Committee shall chair the Advisory Committee.

''(d) SUBCOMMITTEES.—

''(1) MEMBERSHIP.—The Advisory Committee chairperson, in coordination with the Assistant Secretary, may establish within the Advisory Committee any subcommittee that the Assistant Secretary and Advisory Committee determine to be necessary. The Assistant Secretary and the Advisory Committee shall create subcommittees to address aviation security issues, including the following:

''(A) AIR CARGO SECURITY.—The implementation of the air cargo security programs established by the Transportation Security Administration to screen air cargo on passenger aircraft and all-cargo aircraft in accordance with established cargo screening mandates.

''(B) GENERAL AVIATION.—General aviation facilities, general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

''(C) PERIMETER AND ACCESS CONTROL.—Recommendations on airport perimeter security, exit lane security and technology at commercial service airports, and access control issues.

''(D) SECURITY TECHNOLOGY.—Security technology standards and requirements, including their harmonization internationally, technology to screen passengers, passenger baggage, carry-on baggage, and cargo, and biometric technology.

''(2) RISK-BASED SECURITY.—All subcommittees established by the Advisory Committee chairperson in coordination with the Assistant Secretary shall consider risk-based security approaches in the performance of their functions that weigh the optimum balance of costs and benefits in transportation security, including for passenger screening, baggage screening, air cargo security policies, and general aviation security matters.

''(3) MEETINGS AND REPORTING.—Each subcommittee shall meet at least quarterly and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including recommendations, regarding issues within the subcommittee.

''(4) SUBCOMMITTEE CHAIRS.—Each subcommittee shall be co-chaired by a Government official and an industry official.

''(e) SUBJECT MATTER EXPERTS.—Each subcommittee under this section shall include

subject matter experts with relevant expertise who are appointed by the respective subcommittee chairpersons.

''(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee and its subcommittees.

''(g) DEFINITIONS.—In this section:

''(1) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the aviation security advisory committee established under subsection (a).

''(2) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of Homeland Security (Transportation Security Administration).

''(3) PERIMETER SECURITY.—

''(A) IN GENERAL.—The term 'perimeter security' means procedures or systems to monitor, secure, and prevent unauthorized access to an airport, including its airfield and terminal.

''(B) INCLUSIONS.—The term 'perimeter security' includes the fence area surrounding an airport, access gates, and access controls.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new item:

''44946. Aviation Security Advisory Committee.''.

SA 3978. Mr. REID (for Ms. AYOTTE) proposed an amendment to the bill H.R. 2719, to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Transportation Security Acquisition Reform Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Transportation Security Administration has not consistently implemented Department of Homeland Security policies and Government best practices for acquisition and procurement.

(2) The Transportation Security Administration has only recently developed a multiyear technology investment plan, and has underutilized innovation opportunities within the private sector, including from small businesses.

(3) The Transportation Security Administration has faced challenges in meeting key performance requirements for several major acquisitions and procurements, resulting in reduced security effectiveness and wasted expenditures.

SEC. 3. TRANSPORTATION SECURITY ADMINISTRATION ACQUISITION REFORM.

(a) IN GENERAL.—Title XVI of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2312) is amended to read as follows:

''TITLE XVI—TRANSPORTATION SECURITY

''Subtitle A—General Provisions

''SEC. 1601. DEFINITIONS.

''In this title:

''(1) ADMINISTRATION.—The term 'Administration' means the Transportation Security Administration.

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Transportation Security Administration.

''(3) PLAN.—The term 'Plan' means the strategic 5-year technology investment plan developed by the Administrator under section 1611.

''(4) SECURITY-RELATED TECHNOLOGY.—The term 'security-related technology' means any technology that assists the Administration in the prevention of, or defense against, threats to United States transportation systems, including threats to people, property, and information.

''Subtitle B—Transportation Security Administration Acquisition Improvements

''SEC. 1611. 5-YEAR TECHNOLOGY INVESTMENT PLAN.

''(a) IN GENERAL.—The Administrator shall—

''(1) not later than 180 days after the date of the enactment of the Transportation Security Acquisition Reform Act, develop and submit to Congress a strategic 5-year technology investment plan, that may include a classified addendum to report sensitive transportation security risks, technology vulnerabilities, or other sensitive security information; and

''(2) to the extent possible, publish the Plan in an unclassified format in the public domain.

''(b) CONSULTATION.—The Administrator shall develop the Plan in consultation with—

''(1) the Under Secretary for Management;

''(2) the Under Secretary for Science and Technology;

''(3) the Chief Information Officer; and

''(4) the aviation industry stakeholder advisory committee established by the Administrator.

''(c) APPROVAL.—The Administrator may not publish the Plan under subsection (a)(2) until it has been approved by the Secretary.

''(d) CONTENTS OF PLAN.—The Plan shall include—

''(1) an analysis of transportation security risks and the associated capability gaps that would be best addressed by security-related technology, including consideration of the most recent quadrennial homeland security review under section 707;

''(2) a set of security-related technology acquisition needs that—

''(A) is prioritized based on risk and associated capability gaps identified under paragraph (1); and

''(B) includes planned technology programs and projects with defined objectives, goals, timelines, and measures;

''(3) an analysis of current and forecast trends in domestic and international passenger travel;

''(4) an identification of currently deployed security-related technologies that are at or near the end of their lifecycles;

''(5) an identification of test, evaluation, modeling, and simulation capabilities, including target methodologies, rationales, and timelines necessary to support the acquisition of the security-related technologies expected to meet the needs under paragraph (2);

''(6) an identification of opportunities for public-private partnerships, small and disadvantaged company participation, intragovernment collaboration, university centers of excellence, and national laboratory technology transfer;

''(7) an identification of the Administration's acquisition workforce needs for the management of planned security-related technology acquisitions, including consideration of leveraging acquisition expertise of other Federal agencies;

''(8) an identification of the security resources, including information security resources, that will be required to protect security-related technology from physical or cyber theft, diversion, sabotage, or attack;

''(9) an identification of initiatives to streamline the Administration's acquisition process and provide greater predictability and clarity to small, medium, and large businesses, including the timeline for testing and evaluation;

''(10) an assessment of the impact to commercial aviation passengers;

''(11) a strategy for consulting airport management, air carrier representatives, and Federal security directors whenever an acquisition will lead to the removal of equipment at airports, and how the strategy for consulting with such officials of the relevant airports will address potential negative impacts on commercial passengers or airport operations; and

''(12) in consultation with the National Institutes of Standards and Technology, an identification of security-related technology interface standards, in existence or if implemented, that could promote more interoperable passenger, baggage, and cargo screening systems.

''(e) LEVERAGING THE PRIVATE SECTOR.—To the extent possible, and in a manner that is consistent with fair and equitable practices, the Plan shall—

''(1) leverage emerging technology trends and research and development investment trends within the public and private sectors;

''(2) incorporate private sector input, including from the aviation industry stakeholder advisory committee established by the Administrator, through requests for information, industry days, and other innovative means consistent with the Federal Acquisition Regulation; and

''(3) in consultation with the Under Secretary for Science and Technology, identify technologies in existence or in development that, with or without adaptation, are expected to be suitable to meeting mission needs.

''(f) DISCLOSURE.—The Administrator shall include with the Plan a list of nongovernment persons that contributed to the writing of the Plan.

''(g) UPDATE AND REPORT.—Beginning 2 years after the date the Plan is submitted to Congress under subsection (a), and biennially thereafter, the Administrator shall submit to Congress—

''(1) an update of the Plan; and

''(2) a report on the extent to which each security-related technology acquired by the Administration since the last issuance or update of the Plan is consistent with the planned technology programs and projects identified under subsection (d)(2) for that security-related technology.

''SEC. 1612. ACQUISITION JUSTIFICATION AND REPORTS.

''(a) ACQUISITION JUSTIFICATION.—Before the Administration implements any security-related technology acquisition, the Administrator, in accordance with the Department's policies and directives, shall determine whether the acquisition is justified by conducting an analysis that includes—

''(1) an identification of the scenarios and level of risk to transportation security from those scenarios that would be addressed by the security-related technology acquisition;

''(2) an assessment of how the proposed acquisition aligns to the Plan;

''(3) a comparison of the total expected lifecycle cost against the total expected quantitative and qualitative benefits to transportation security;

''(4) an analysis of alternative security solutions, including policy or procedure solutions, to determine if the proposed security-related technology acquisition is the most effective and cost-efficient solution based on cost-benefit considerations;

''(5) an assessment of the potential privacy and civil liberties implications of the proposed acquisition that includes, to the extent practicable, consultation with organizations that advocate for the protection of privacy and civil liberties;

''(6) a determination that the proposed acquisition is consistent with fair information

practice principles issued by the Privacy Officer of the Department;

''(7) confirmation that there are no significant risks to human health or safety posed by the proposed acquisition; and

''(8) an estimate of the benefits to commercial aviation passengers.

''(b) REPORTS AND CERTIFICATION TO CONGRESS.—

''(1) IN GENERAL.—Not later than the end of the 30-day period preceding the award by the Administration of a contract for any security-related technology acquisition exceeding $30,000,000, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives—

''(A) the results of the comprehensive acquisition justification under subsection (a); and

''(B) a certification by the Administrator that the benefits to transportation security justify the contract cost.

''(2) EXTENSION DUE TO IMMINENT TERRORIST THREAT.—If there is a known or suspected imminent threat to transportation security, the Administrator—

''(A) may reduce the 30-day period under paragraph (1) to 5 days to rapidly respond to the threat; and

''(B) shall immediately notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives of the known or suspected imminent threat.

''SEC. 1613. ACQUISITION BASELINE ESTABLISHMENT AND REPORTS.

''(a) BASELINE REQUIREMENTS.—

''(1) IN GENERAL.—Before the Administration implements any security-related technology acquisition, the appropriate acquisition official of the Department shall establish and document a set of formal baseline requirements.

''(2) CONTENTS.—The baseline requirements under paragraph (1) shall—

''(A) include the estimated costs (including lifecycle costs), schedule, and performance milestones for the planned duration of the acquisition;

''(B) identify the acquisition risks and a plan for mitigating those risks; and

''(C) assess the personnel necessary to manage the acquisition process, manage the ongoing program, and support training and other operations as necessary.

''(3) FEASIBILITY.—In establishing the performance milestones under paragraph (2)(A), the appropriate acquisition official of the Department, to the extent possible and in consultation with the Under Secretary for Science and Technology, shall ensure that achieving those milestones is technologically feasible.

''(4) TEST AND EVALUATION PLAN.—The Administrator, in consultation with the Under Secretary for Science and Technology, shall develop a test and evaluation plan that describes—

''(A) the activities that are expected to be required to assess acquired technologies against the performance milestones established under paragraph (2)(A);

''(B) the necessary and cost-effective combination of laboratory testing, field testing, modeling, simulation, and supporting analysis to ensure that such technologies meet the Administration's mission needs;

''(C) an efficient planning schedule to ensure that test and evaluation activities are completed without undue delay; and

''(D) if commercial aviation passengers are expected to interact with the security-related technology, methods that could be used to measure passenger acceptance of and familiarization with the security-related technology.

''(5) VERIFICATION AND VALIDATION.—The appropriate acquisition official of the Department—

''(A) subject to subparagraph (B), shall utilize independent reviewers to verify and validate the performance milestones and cost estimates developed under paragraph (2) for a security-related technology that pursuant to section 1611(d)(2) has been identified as a high priority need in the most recent Plan; and

''(B) shall ensure that the use of independent reviewers does not unduly delay the schedule of any acquisition.

''(6) STREAMLINING ACCESS FOR INTERESTED VENDORS.—The Administrator shall establish a streamlined process for an interested vendor of a security-related technology to request and receive appropriate access to the baseline requirements and test and evaluation plans that are necessary for the vendor to participate in the acquisitions process for that technology.

''(b) REVIEW OF BASELINE REQUIREMENTS AND DEVIATION; REPORT TO CONGRESS.—

''(1) REVIEW.—

''(A) IN GENERAL.—The appropriate acquisition official of the Department shall review and assess each implemented acquisition to determine if the acquisition is meeting the baseline requirements established under subsection (a).

''(B) TEST AND EVALUATION ASSESSMENT.—The review shall include an assessment of whether—

''(i) the planned testing and evaluation activities have been completed; and

''(ii) the results of that testing and evaluation demonstrate that the performance milestones are technologically feasible.

''(2) REPORT.—Not later than 30 days after making a finding described in clause (i), (ii), or (iii) of subparagraph (A), the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives that includes—

''(A) the results of any assessment that finds that—

''(i) the actual or planned costs exceed the baseline costs by more than 10 percent;

''(ii) the actual or planned schedule for delivery has been delayed by more than 180 days; or

''(iii) there is a failure to meet any performance milestone that directly impacts security effectiveness;

''(B) the cause for such excessive costs, delay, or failure; and

''(C) a plan for corrective action.

''SEC. 1614. INVENTORY UTILIZATION.

''(a) IN GENERAL.—Before the procurement of additional quantities of equipment to fulfill a mission need, the Administrator, to the extent practicable, shall utilize any existing units in the Administration's inventory to meet that need.

''(b) TRACKING OF INVENTORY.—

''(1) IN GENERAL.—The Administrator shall establish a process for tracking—

''(A) the location of security-related equipment in the inventory under subsection (a);

''(B) the utilization status of security-related technology in the inventory under subsection (a); and

''(C) the quantity of security-related equipment in the inventory under subsection (a).

''(2) INTERNAL CONTROLS.—The Administrator shall implement internal controls to ensure up-to-date accurate data on security-related technology owned, deployed, and in use.

''(c) LOGISTICS MANAGEMENT.—

''(1) IN GENERAL.—The Administrator shall establish logistics principles for managing inventory in an effective and efficient manner.

''(2) LIMITATION ON JUST-IN-TIME LOGISTICS.—The Administrator may not use just-in-time logistics if doing so—

''(A) would inhibit necessary planning for large-scale delivery of equipment to airports or other facilities; or

''(B) would unduly diminish surge capacity for response to a terrorist threat.

''SEC. 1615. SMALL BUSINESS CONTRACTING GOALS.

''Not later than 90 days after the date of enactment of the Transportation Security Acquisition Reform Act, and annually thereafter, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives that includes—

''(1) the Administration's performance record with respect to meeting its published small-business contracting goals during the preceding fiscal year;

''(2) if the goals described in paragraph (1) were not met or the Administration's performance was below the published small-business contracting goals of the Department—

''(A) a list of challenges, including deviations from the Administration's subcontracting plans, and factors that contributed to the level of performance during the preceding fiscal year;

''(B) an action plan, with benchmarks, for addressing each of the challenges identified in subparagraph (A) that—

''(i) is prepared after consultation with the Secretary of Defense and the heads of Federal departments and agencies that achieved their published goals for prime contracting with small and minority-owned businesses, including small and disadvantaged businesses, in prior fiscal years; and

''(ii) identifies policies and procedures that could be incorporated by the Administration in furtherance of achieving the Administration's published goal for such contracting; and

''(3) a status report on the implementation of the action plan that was developed in the preceding fiscal year in accordance with paragraph (2)(B), if such a plan was required.

''SEC. 1616. CONSISTENCY WITH THE FEDERAL ACQUISITION REGULATION AND DEPARTMENTAL POLICIES AND DIRECTIVES.

''The Administrator shall execute the responsibilities set forth in this subtitle in a manner consistent with, and not duplicative of, the Federal Acquisition Regulation and the Department's policies and directives.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by striking the items relating to title XVI and inserting the following:

''TITLE XVI—TRANSPORTATION SECURITY

''Subtitle A—General Provisions

''Sec. 1601. Definitions.

''Subtitle B—Transportation Security Administration Acquisition Improvements

''Sec. 1611. 5-year technology investment plan.

''Sec. 1612. Acquisition justification and reports.

''Sec. 1613. Acquisition baseline establishment and reports.

''Sec. 1614. Inventory utilization.

''Sec. 1615. Small business contracting goals.

''Sec. 1616. Consistency with the Federal acquisition regulation and departmental policies and directives.''.

(c) PRIOR AMENDMENTS NOT AFFECTED.—Nothing in this section may be construed to

affect any amendment made by title XVI of the Homeland Security Act of 2002 as in effect before the date of enactment of this Act.

SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.

(a) IMPLEMENTATION OF PREVIOUS RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that contains an assessment of the Transportation Security Administration's implementation of recommendations regarding the acquisition of security-related technology that were made by the Government Accountability Office before the date of the enactment of this Act.

(b) IMPLEMENTATION OF SUBTITLE B OF TITLE XVI.—Not later than 1 year after the date of enactment of this Act and 3 years thereafter, the Comptroller General of the United States shall submit a report to Congress that contains an evaluation of the Transportation Security Administration's progress in implementing subtitle B of title XVI of the Homeland Security Act of 2002, as amended by section 3, including any efficiencies, cost savings, or delays that have resulted from such implementation.

SEC. 5. REPORT ON FEASIBILITY OF INVENTORY TRACKING.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit a report to Congress on the feasibility of tracking security-related technology, including software solutions, of the Administration through automated information and data capture technologies.

SEC. 6. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF TSA'S TEST AND EVALUATION PROCESS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that includes—

(1) an evaluation of the Transportation Security Administration's testing and evaluation activities related to security-related technology;

(2) information on the extent to which—

(A) the execution of such testing and evaluation activities is aligned, temporally and otherwise, with the Administration's annual budget request, acquisition needs, planned procurements, and acquisitions for technology programs and projects; and

(B) security-related technology that has been tested, evaluated, and certified for use by the Administration but was not procured by the Administration, including the reasons the procurement did not occur; and

(3) recommendations—

(A) to improve the efficiency and efficacy of such testing and evaluation activities; and

(B) to better align such testing and evaluation with the acquisitions process.

SEC. 7. NO ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

No additional funds are authorized to be appropriated to carry out this Act or the amendments made by this Act.

SA 3979. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

Subtitle J—Uniform Code of Military Justice Reform

SEC. 596. SHORT TITLE.

This subtitle may be cited as the ''Military Justice Improvement Act of 2014''.

SEC. 597. MODIFICATION OF AUTHORITY TO DETERMINE TO PROCEED TO TRIAL BY COURT-MARTIAL ON CHARGES ON CERTAIN OFFENSES WITH AUTHORIZED MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.

(a) MODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—

(A) MILITARY DEPARTMENTS.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in paragraph (2) and not excluded under paragraph (3), the Secretary of Defense shall require the Secretaries of the military departments to provide for the determination under section 830(b) of such chapter (article 30(b) of the Uniform Code of Military Justice) on whether to try such charges by court-martial as provided in paragraph (4).

(B) HOMELAND SECURITY.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in paragraph (2) and not excluded under paragraph (3) against a member of the Coast Guard (when it is not operating as a service in the Navy), the Secretary of Homeland Security shall provide for the determination under section 830(b) of such chapter (article 30(b) of the Uniform Code of Military Justice) on whether to try such charges by court-martial as provided in paragraph (4).

(2) COVERED OFFENSES.—An offense specified in this paragraph is an offense as follows:

(A) An offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that is triable by court-martial under that chapter for which the maximum punishment authorized under that chapter includes confinement for more than one year.

(B) An offense under section 892a of title 10, United States Code (article 92a of the Uniform Code of Military Justice), as added by section 599B of this Act, regardless of the maximum punishment authorized under that chapter for such offense.

(C) An offense under section 907a of title 10, United States Code (article 107a of the Uniform Code of Military Justice), as added by section 599C of this Act, regardless of the maximum punishment authorized under that chapter for such offense.

(D) A conspiracy to commit an offense specified in subparagraph (A) through (C) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(E) A solicitation to commit an offense specified in subparagraph (A) through (C) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(F) An attempt to commit an offense specified in subparagraphs (A) through (E) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(3) EXCLUDED OFFENSES.—Paragraph (1) does not apply to an offense as follows:

(A) An offense under sections 883 through 917 of title 10, United States Code (articles 83 through 117 of the Uniform Code of Military Justice).

(B) An offense under section 933 or 934 of title 10, United States Code (articles 133 and 134 of the Uniform Code of Military Justice).

(C) A conspiracy to commit an offense specified in subparagraph (A) or (B) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(D) A solicitation to commit an offense specified in subparagraph (A) or (B) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(E) An attempt to commit an offense specified in subparagraph (A) through (D) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(4) REQUIREMENTS AND LIMITATIONS.—The disposition of charges pursuant to paragraph (1) shall be subject to the following:

(A) The determination whether to try such charges by court-martial shall be made by a commissioned officer of the Armed Forces designated in accordance with regulations prescribed for purposes of this subsection from among commissioned officers of the Armed Forces in grade O–6 or higher who—

(i) are available for detail as trial counsel under section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice);

(ii) have significant experience in trials by general or special court-martial; and

(iii) are outside the chain of command of the member subject to such charges.

(B) Upon a determination under subparagraph (A) to try such charges by court-martial, the officer making that determination shall determine whether to try such charges by a general court-martial convened under section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), or a special court-martial convened under section 823 of title 10, United States Code (article 23 of the Uniform Code of Military Justice).

(C) A determination under subparagraph (A) to try charges by court-martial shall include a determination to try all known offenses, including lesser included offenses.

(D) The determination to try such charges by court-martial under subparagraph (A), and by type of court-martial under subparagraph (B), shall be binding on any applicable convening authority for a trial by court-martial on such charges.

(E) The actions of an officer described in subparagraph (A) in determining under that subparagraph whether or not to try charges by court-martial shall be free of unlawful or unauthorized influence or coercion.

(F) The determination under subparagraph (A) not to proceed to trial of such charges by general or special court-martial shall not operate to terminate or otherwise alter the authority of commanding officers to refer such charges for trial by summary court-martial convened under section 824 of title 10, United States Code (article 24 of the Uniform Code of Military Justice), or to impose non-judicial punishment in connection with the conduct covered by such charges as authorized by section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(5) CONSTRUCTION WITH CHARGES ON OTHER OFFENSES.—Nothing in this subsection shall be construed to alter or affect the disposition of charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense triable by court-martial under that chapter for which the maximum punishment authorized under that chapter includes confinement for one year or less.

(6) POLICIES AND PROCEDURES.—

(A) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall revise policies and procedures as necessary to comply with this subsection.

(B) UNIFORMITY.—The General Counsel of the Department of Defense and the General Counsel of the Department of Homeland Security shall jointly review the policies and procedures revised under this paragraph in order to ensure that any lack of uniformity in policies and procedures, as so revised, among the military departments and the Department of Homeland Security does not render unconstitutional any policy or procedure, as so revised.

(7) MANUAL FOR COURTS-MARTIAL.—The Secretary of Defense shall recommend such changes to the Manual for Courts-Martial as are necessary to ensure compliance with this subsection.

(b) EFFECTIVE DATE AND APPLICABILITY.—Subsection (a), and the revisions required by that subsection, shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to charges preferred under section 830 of title 10, United States Code (article 30 of the Uniform Code of Military Justice), on or after such effective date.

SEC. 598. MODIFICATION OF OFFICERS AUTHORIZED TO CONVENE GENERAL AND SPECIAL COURTS-MARTIAL.

(a) IN GENERAL.—Subsection (a) of section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

''(8) the officers in the offices established pursuant to section 598(c) of the Military Justice Improvement Act of 2014 or officers in the grade of O–6 or higher who are assigned such responsibility by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the Commandant of the Coast Guard, but only with respect to offenses to which section 597(a)(1) of the Military Justice Improvement Act of 2014 applies;''.

(b) NO EXERCISE BY OFFICERS IN CHAIN OF COMMAND OF ACCUSED OR VICTIM.—Such section (article) is further amended by adding at the end the following new subsection:

''(c) An officer specified in subsection (a)(8) may not convene a court-martial under this section if the officer is in the chain of command of the accused or the victim.''.

(c) OFFICES OF CHIEFS OF STAFF ON COURTS-MARTIAL.—

(1) OFFICES REQUIRED.—Each Chief of Staff of the Armed Forces or Commandant specified in paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as amended by subsection (a), shall establish an office to do the following:

(A) To convene general and special courts-martial under sections 822 and 823 of title 10, United States Code (articles 22 and 23 of the Uniform Code of Military Justice), pursuant to paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as so amended, with respect to offenses to which section 592(a)(1) applies.

(B) To detail under section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), members of courts-martial convened as described in subparagraph (A).

(2) PERSONNEL.—The personnel of each office established under paragraph (1) shall consist of such members of the Armed Forces and civilian personnel of the Department of Defense, or such members of the Coast Guard or civilian personnel of the Department of Homeland Security, as may be detailed or assigned to the office by the Chief of Staff or Commandant concerned. The members and personnel so detailed or assigned, as the case may be, shall be detailed or assigned from personnel billets in existence on the date of the enactment of this Act.

SEC. 599. DISCHARGE USING OTHERWISE AUTHORIZED PERSONNEL AND RESOURCES.

(a) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall carry out sections 597 and 598 (and the amendments made by section 598) using personnel, funds, and resources otherwise authorized by law.

(b) NO AUTHORIZATION OF ADDITIONAL PERSONNEL OR RESOURCES.—Sections 597 and 598 (and the amendments made by section 598) shall not be construed as authorizations for personnel, personnel billets, or funds for the discharge of the requirements in such sections.

SEC. 599A. MONITORING AND ASSESSMENT OF MODIFICATION OF AUTHORITIES ON COURTS-MARTIAL BY INDEPENDENT PANEL ON REVIEW AND ASSESSMENT OF PROCEEDINGS UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

Section 576(d)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1762) is amended—

(1) by redesignating subparagraph (J) as subparagraph (K); and

(2) by inserting after subparagraph (I) the following new subparagraph (J):

''(J) Monitor and assess the implementation and efficacy of sections 597 through 599 of the Military Justice Improvement Act of 2014, and the amendments made by such sections.''.

SEC. 599B. EXPLICIT CODIFICATION OF RETALIATION FOR REPORTING A CRIME AS AN OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) IN GENERAL.—Section 893 of title 10, United States Code (article 93 of the Uniform Code of Military Justice), is amended by inserting '', or retaliating against any person subject to his order for reporting a criminal offense,'' after ''any person subject to his orders''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION (ARTICLE) HEADING.—The heading of such section (article) is amended to read as follows:

''§ 893. Art. 93. Cruelty and maltreatment; retaliation for reporting a crime''.

(2) TABLE OF SECTIONS (ARTICLES).—The table of sections at the beginning of subchapter X of chapter 47 of such title is amended by striking the item relating to section 893 (article 93) and inserting the following new item:

''893. Art. 93. Cruelty and maltreatment; retaliation for reporting a crime.''.

(c) REPEAL OF SUPERSEDED PROHIBITION.—Section 1709 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 962; 10 U.S.C. 113 note) is repealed.

SEC. 599C. ESTABLISHMENT OF OBSTRUCTION OF JUSTICE AS A SEPARATE OFFENCE UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) PUNITIVE ARTICLE.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 907 (article 107) the following new section (article):

''§ 907a. Art. 107a. Obstruction of justice

''Any person subject to this chapter who wrongfully does a certain act with the intent to influence, impede, or otherwise obstruct the due administration of justice shall be punished as a court-martial may direct. except that the maximum punishment authorized for such offense may not exceed dishonorable discharge, forfeiture of all pay and allowances, and confinement for not more than five years.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of such title, as amended by section 599B(b)(2) of this Act, is further amended by inserting after the item relating to section 907 (article 107) the following new item:

''907a. Art. 107a. Obstruction of justice.''.

SA 3980. Mr. BROWN (for himself, Mr. PORTMAN, Mr. ROCKEFELLER, Mr. CASEY, Mr. SCHUMER, Ms. STABENOW, Mr. CARDIN, Mr. DONNELLY, Ms. BALDWIN, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill H.R. 5771, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions and make technical corrections, to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, between lines 4 and 5, insert the following:

SEC. 101. EXTENSION OF HEALTH CARE TAX CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 35(b)(1) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2016''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage months beginning after December 31, 2013.

SA 3981. Mr. BEGICH proposed an amendment to the bill S. 1474, to amend the Violence Against Women Reauthorization Act of 2013 to repeal a special rule for the State of Alaska, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REPEAL OF SPECIAL RULE FOR STATE OF ALASKA.

Section 910 of the Violence Against Women Reauthorization Act of 2013 (18 U.S.C. 2265 note; Public Law 113–4) is repealed.

SA 3982. Mr. BEGICH proposed an amendment to the bill S. 1474, to amend the Violence Against Women Reauthorization Act of 2013 to repeal a special rule for the State of Alaska, and for other purposes; as follows:

Amend the title so as to read: ''A bill to amend the Violence Against Women Reauthorization Act of 2013 to repeal a special rule for the State of Alaska, and for other purposes.''.

SA 3983. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

Subtitle J—Uniform Code of Military Justice Reform

SEC. 596. SHORT TITLE.

This subtitle may be cited as the ''Military Justice Improvement Act of 2014''.

SEC. 597. MODIFICATION OF AUTHORITY TO DETERMINE TO PROCEED TO TRIAL BY COURT-MARTIAL ON CHARGES ON CERTAIN OFFENSES WITH AUTHORIZED MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.

(a) MODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—

(A) MILITARY DEPARTMENTS.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in paragraph (2) and not excluded under paragraph (3), the Secretary of Defense shall require the Secretaries of the military departments to provide for the determination under section 830(b) of such chapter (article 30(b) of the Uniform Code of Military Justice) on whether to try such charges by court-martial as provided in paragraph (4).

(B) HOMELAND SECURITY.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in paragraph (2) and not excluded under paragraph (3) against a member of the Coast Guard (when it is not operating as a service in the Navy), the Secretary of Homeland Security shall provide for the determination under section 830(b) of such chapter (article 30(b) of the Uniform Code of Military Justice) on whether to try such charges by court-martial as provided in paragraph (4).

(2) COVERED OFFENSES.—An offense specified in this paragraph is an offense as follows:

(A) An offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that is triable by court-martial under that chapter for which the maximum punishment authorized under that chapter includes confinement for more than one year.

(B) An offense of retaliation for reporting a crime under section 893 of title 10, United States Code (article 93 of the Uniform Code of Military Justice), as amended by section 599B of this Act, regardless of the maximum punishment authorized under that chapter for such offense.

(C) An offense under section 907a of title 10, United States Code (article 107a of the Uniform Code of Military Justice), as added by section 599C of this Act, regardless of the maximum punishment authorized under that chapter for such offense.

(D) A conspiracy to commit an offense specified in subparagraph (A) through (C) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(E) A solicitation to commit an offense specified in subparagraph (A) through (C) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(F) An attempt to commit an offense specified in subparagraphs (A) through (E) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(3) EXCLUDED OFFENSES.—Paragraph (1) does not apply to an offense as follows:

(A) An offense under sections 883 through 917 of title 10, United States Code (articles 83 through 117 of the Uniform Code of Military Justice).

(B) An offense under section 933 or 934 of title 10, United States Code (articles 133 and 134 of the Uniform Code of Military Justice).

(C) A conspiracy to commit an offense specified in subparagraph (A) or (B) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(D) A solicitation to commit an offense specified in subparagraph (A) or (B) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(E) An attempt to commit an offense specified in subparagraph (A) through (D) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(4) REQUIREMENTS AND LIMITATIONS.—The disposition of charges pursuant to paragraph (1) shall be subject to the following:

(A) The determination whether to try such charges by court-martial shall be made by a commissioned officer of the Armed Forces designated in accordance with regulations prescribed for purposes of this subsection from among commissioned officers of the Armed Forces in grade O–6 or higher who—

(i) are available for detail as trial counsel under section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice);

(ii) have significant experience in trials by general or special court-martial; and

(iii) are outside the chain of command of the member subject to such charges.

(B) Upon a determination under subparagraph (A) to try such charges by court-martial, the officer making that determination shall determine whether to try such charges by a general court-martial convened under section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), or a special court-martial convened under section 823 of title 10, United States Code (article 23 of the Uniform Code of Military Justice).

(C) A determination under subparagraph (A) to try charges by court-martial shall include a determination to try all known offenses, including lesser included offenses.

(D) The determination to try such charges by court-martial under subparagraph (A), and by type of court-martial under subparagraph (B), shall be binding on any applicable convening authority for a trial by court-martial on such charges.

(E) The actions of an officer described in subparagraph (A) in determining under that subparagraph whether or not to try charges by court-martial shall be free of unlawful or unauthorized influence or coercion.

(F) The determination under subparagraph (A) not to proceed to trial of such charges by general or special court-martial shall not operate to terminate or otherwise alter the authority of commanding officers to refer such charges for trial by summary court-martial convened under section 824 of title 10, United States Code (article 24 of the Uniform Code of Military Justice), or to impose non-judicial punishment in connection with the conduct covered by such charges as authorized by section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(5) CONSTRUCTION WITH CHARGES ON OTHER OFFENSES.—Nothing in this subsection shall be construed to alter or affect the disposition of charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense triable by court-martial under that chapter for which the maximum punishment authorized under that chapter includes confinement for one year or less.

(6) POLICIES AND PROCEDURES.—

(A) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall revise policies and procedures as necessary to comply with this subsection.

(B) UNIFORMITY.—The General Counsel of the Department of Defense and the General Counsel of the Department of Homeland Security shall jointly review the policies and procedures revised under this paragraph in order to ensure that any lack of uniformity in policies and procedures, as so revised, among the military departments and the Department of Homeland Security does not render unconstitutional any policy or procedure, as so revised.

(7) MANUAL FOR COURTS-MARTIAL.—The Secretary of Defense shall recommend such changes to the Manual for Courts-Martial as are necessary to ensure compliance with this subsection.

(b) EFFECTIVE DATE AND APPLICABILITY.—Subsection (a), and the revisions required by that subsection, shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to charges preferred under section 830 of title 10, United States Code (article 30 of the Uniform Code of Military Justice), on or after such effective date.

SEC. 598. MODIFICATION OF OFFICERS AUTHORIZED TO CONVENE GENERAL AND SPECIAL COURTS-MARTIAL.

(a) IN GENERAL.—Subsection (a) of section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

''(8) the officers in the offices established pursuant to section 598(c) of the Military Justice Improvement Act of 2014 or officers in the grade of O–6 or higher who are assigned such responsibility by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the Commandant of the Coast Guard, but only with respect to offenses to which section 597(a)(1) of the Military Justice Improvement Act of 2014 applies;''.

(b) NO EXERCISE BY OFFICERS IN CHAIN OF COMMAND OF ACCUSED OR VICTIM.—Such section (article) is further amended by adding at the end the following new subsection:

''(c) An officer specified in subsection (a)(8) may not convene a court-martial under this section if the officer is in the chain of command of the accused or the victim.''.

(c) OFFICES OF CHIEFS OF STAFF ON COURTS-MARTIAL.—

(1) OFFICES REQUIRED.—Each Chief of Staff of the Armed Forces or Commandant specified in paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as amended by subsection (a), shall establish an office to do the following:

(A) To convene general and special courts-martial under sections 822 and 823 of title 10, United States Code (articles 22 and 23 of the Uniform Code of Military Justice), pursuant to paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as so amended, with respect to offenses to which section 592(a)(1) applies.

(B) To detail under section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), members of courts-martial convened as described in subparagraph (A).

(2) PERSONNEL.—The personnel of each office established under paragraph (1) shall consist of such members of the Armed Forces and civilian personnel of the Department of Defense, or such members of the Coast Guard or civilian personnel of the Department of Homeland Security, as may be detailed or assigned to the office by the Chief of Staff or

Commandant concerned. The members and personnel so detailed or assigned, as the case may be, shall be detailed or assigned from personnel billets in existence on the date of the enactment of this Act.

SEC. 599. DISCHARGE USING OTHERWISE AUTHORIZED PERSONNEL AND RESOURCES.

(a) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall carry out sections 597 and 598 (and the amendments made by section 598) using personnel, funds, and resources otherwise authorized by law.

(b) NO AUTHORIZATION OF ADDITIONAL PERSONNEL OR RESOURCES.—Sections 597 and 598 (and the amendments made by section 598) shall not be construed as authorizations for personnel, personnel billets, or funds for the discharge of the requirements in such sections.

SEC. 599A. MONITORING AND ASSESSMENT OF MODIFICATION OF AUTHORITIES ON COURTS-MARTIAL BY INDEPENDENT PANEL ON REVIEW AND ASSESSMENT OF PROCEEDINGS UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

Section 576(d)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1762) is amended—

(1) by redesignating subparagraph (J) as subparagraph (K); and

(2) by inserting after subparagraph (I) the following new subparagraph (J):

''(J) Monitor and assess the implementation and efficacy of sections 597 through 599 of the Military Justice Improvement Act of 2014, and the amendments made by such sections.''.

SEC. 599B. EXPLICIT CODIFICATION OF RETALIATION FOR REPORTING A CRIME AS AN OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) IN GENERAL.—Section 893 of title 10, United States Code (article 93 of the Uniform Code of Military Justice), is amended by inserting '', or retaliating against any person subject to his orders for reporting a criminal offense,'' after ''any person subject to his orders''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION (ARTICLE) HEADING.—The heading of such section (article) is amended to read as follows:

''§ 893. Art. 93. Cruelty and maltreatment; retaliation for reporting a crime''.

(2) TABLE OF SECTIONS (ARTICLES).—The table of sections at the beginning of subchapter X of chapter 47 of such title is amended by striking the item relating to section 893 (article 93) and inserting the following new item:

''893. Art. 93. Cruelty and maltreatment; retaliation for reporting a crime.''.

(c) REPEAL OF SUPERSEDED PROHIBITION.—Section 1709 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 962; 10 U.S.C. 113 note) is repealed.

SEC. 599C. ESTABLISHMENT OF OBSTRUCTION OF JUSTICE AS A SEPARATE OFFENCE UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) PUNITIVE ARTICLE.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 907 (article 107) the following new section (article):

''§ 907a. Art. 107a. Obstruction of justice

''Any person subject to this chapter who wrongfully does a certain act with the intent to influence, impede, or otherwise obstruct the due administration of justice shall be punished as a court-martial may direct. except that the maximum punishment authorized for such offense may not exceed dishonorable discharge, forfeiture of all pay and allowances, and confinement for not more than five years.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of such title, as amended by section 599B(b)(2) of this Act, is further amended by inserting after the item relating to section 907 (article 107) the following new item:

''907a. Art. 107a. Obstruction of justice.''.

SA 3984. Mr. REID proposed an amendment to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

SA 3985. Mr. REID proposed an amendment to amendment SA 3984 proposed by Mr. REID to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; as follows:

In the amendment, strike ''1 day'' and insert ''2 days''.

SA 3986. Mr. REID proposed an amendment to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

SA 3987. Mr. REID proposed an amendment to amendment SA 3986 proposed by Mr. REID to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; as follows:

In the amendment, strike ''3 days'' and insert ''4 days''.

SA 3988. Mr. REID proposed an amendment to amendment SA 3987 proposed by Mr. REID to the amendment SA 3986 proposed by Mr. REID to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; as follows:

In the amendment, strike ''4'' and insert ''5''.

SA 3989. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 1209.

SA 3990. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress a report on all assessed and voluntary contributions, including in-kind, of the United States Government to the United Nations and its affiliated agencies and related bodies during the previous fiscal year.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) The total amount of all assessed and voluntary contributions, including in-kind, of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of the contribution;

(B) a description of the contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for the contribution;

(D) the purpose of the contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving the contribution.

(c) SCOPE OF INITIAL REPORT.—The first report required under subsection (a) shall include the information required under this section for the previous four fiscal years.

(d) PUBLIC AVAILABILITY OF INFORMATION.—Not later than 14 days after submitting a report required under subsection (a), the Director of the Office of Management and Budget shall post a public version of the report on a text-based, searchable, and publicly available Internet website.

SA 3991. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient

Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of section 1535, add the following:

(f) LIMITATION ON USE OF CERTAIN FUNDS PENDING CERTIFICATION ON DEFENSE BUDGETS OF NATO EUROPEAN ALLIES.—Funds available for the European Reassurance Initiative, other than funds covered by subsection (b)(1), may not be used for purposes described in subsection (a) unless, not later than 10 days before the commencement of the expenditure of such funds for such purposes, the President certifies to Congress in writing that the North Atlantic Treaty Organization (NATO) allies in Europe are—

(1) appropriately prioritizing current defense resources towards deterring aggression by the Russian Federation; and

(2) taking steps—

(A) to reverse declining defense spending, as most recently agreed to in the Wales Summit Declaration issued on September 5, 2014; and

(B) to increase defense spending towards the goal of defense spending in an amount equal to two-percent of gross domestic product (GDP).

SA 3992. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike title XXX.

SA 3993. Mr. SCHATZ (for Mr. COONS) proposed an amendment to the resolution S. Res. 413, recognizing 20 years since the genocide in Rwanda, and affirming it is in the national interest of the United States to work in close coordination with international partners to help prevent and mitigate acts of genocide and mass atrocities; as follows:

On page 6, beginning on line 14, strike ''events; and'' and all that follows through ''(8) supports'' on line 15 and insert the following: ''events;

(8) clarifies that nothing in this resolution shall be construed as an authorization for the use of force or a declaration of war; and

(9) supports

SA 3994. Mr. SCHATZ (for Mr. COONS) proposed an amendment to the resolution S. Res. 413, recognizing 20 years since the genocide in Rwanda, and affirming it is in the national interest of the United States to work in close coordination with international partners to help prevent and mitigate acts of genocide and mass atrocities; as follows:

Amend the twelfth whereas clause of the preamble to read as follows:

Whereas, in September 2005, the United States joined other members of the United Nations in adopting United Nations General Assembly Resolution 60/1, which affirmed that the international community has a responsibility to use appropriate diplomatic, humanitarian and other peaceful means to help protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity;

SA 3995. Mr. SCHATZ (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 4681, to authorize appropriations for fiscal years 2014 and 2015 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2015''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Budgetary effects.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Subtitle A—General Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. National intelligence strategy.
Sec. 304. Software licensing.
Sec. 305. Reporting of certain employment activities by former intelligence officers and employees.
Sec. 306. Inclusion of Predominantly Black Institutions in intelligence officer training program.
Sec. 307. Management and oversight of financial intelligence.
Sec. 308. Analysis of private sector policies and procedures for countering insider threats.
Sec. 309. Procedures for the retention of incidentally acquired communications.
Sec. 310. Clarification of limitation of review to retaliatory security clearance or access determinations.
Sec. 311. Feasibility study on consolidating classified databases of cyber threat indicators and malware samples.
Sec. 312. Sense of Congress on cybersecurity threat and cybercrime cooperation with Ukraine.
Sec. 313. Replacement of locally employed staff serving at United States diplomatic facilities in the Russian Federation.
Sec. 314. Inclusion of Sensitive Compartmented Information Facilities in United States diplomatic facilities in the Russian Federation and adjacent countries.

Subtitle B—Reporting

Sec. 321. Report on declassification process.
Sec. 322. Report on intelligence community efficient spending targets.
Sec. 323. Annual report on violations of law or executive order.
Sec. 324. Annual report on intelligence activities of the Department of Homeland Security.
Sec. 325. Report on political prison camps in North Korea.
Sec. 326. Assessment of security of domestic oil refineries and related rail transportation infrastructure.
Sec. 327. Enhanced contractor level assessments for the intelligence community.
Sec. 328. Assessment of the efficacy of memoranda of understanding to facilitate intelligence-sharing.
Sec. 329. Report on foreign man-made electromagnetic pulse weapons.
Sec. 330. Report on United States counterterrorism strategy to disrupt, dismantle, and defeat al-Qaeda and its affiliated or associated groups.
Sec. 331. Feasibility study on retraining veterans in cybersecurity.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

SEC. 3. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2015 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2015, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4681 of the One Hundred Thirteenth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2015 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

(b) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

(1) a student program, trainee program, or similar program;

(2) a reserve corps or as a reemployed annuitant; or

(3) details, joint duty, or long term, full-time training.

(c) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2015 the sum of $507,400,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2016.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 794 positions as of September 30, 2015. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2015 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2016.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2015, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2015 the sum of $514,000,000.

TITLE III—GENERAL PROVISIONS

Subtitle A—General Matters

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. NATIONAL INTELLIGENCE STRATEGY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.) is amended by inserting after section 108 the following:

"SEC. 108A. NATIONAL INTELLIGENCE STRATEGY.

''(a) IN GENERAL.—Beginning in 2017, and once every 4 years thereafter, the Director of National Intelligence shall develop a comprehensive national intelligence strategy to meet national security objectives for the following 4-year period, or a longer period, if appropriate.

''(b) REQUIREMENTS.—Each national intelligence strategy required by subsection (a) shall—

''(1) delineate a national intelligence strategy consistent with—

''(A) the most recent national security strategy report submitted pursuant to section 108;

''(B) the strategic plans of other relevant departments and agencies of the United States; and

''(C) other relevant national-level plans;

''(2) address matters related to national and military intelligence, including counterintelligence;

''(3) identify the major national security missions that the intelligence community is currently pursuing and will pursue in the future to meet the anticipated security environment;

''(4) describe how the intelligence community will utilize personnel, technology, partnerships, and other capabilities to pursue the major national security missions identified in paragraph (3);

''(5) assess current, emerging, and future threats to the intelligence community, including threats from foreign intelligence and security services and insider threats;

''(6) outline the organizational roles and missions of the elements of the intelligence community as part of an integrated enterprise to meet customer demands for intelligence products, services, and support;

''(7) identify sources of strategic, institutional, programmatic, fiscal, and technological risk; and

''(8) analyze factors that may affect the intelligence community's performance in pursuing the major national security missions identified in paragraph (3) during the following 10-year period.

''(c) SUBMISSION TO CONGRESS.—The Director of National Intelligence shall submit to the congressional intelligence committees a report on each national intelligence strategy required by subsection (a) not later than 45 days after the date of the completion of such strategy.''.

(b) TABLE OF CONTENTS AMENDMENTS.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 108 the following new item:

''Sec. 108A. National intelligence strategy.''.

SEC. 304. SOFTWARE LICENSING.

Section 109 of the National Security Act of 1947 (50 U.S.C. 3044) is amended—

(1) in subsection (a)(2), by striking ''usage; and'' and inserting ''usage, including—

''(A) increasing the centralization of the management of software licenses;

''(B) increasing the regular tracking and maintaining of comprehensive inventories of software licenses using automated discovery and inventory tools and metrics;

''(C) analyzing software license data to inform investment decisions; and

''(D) providing appropriate personnel with sufficient software licenses management training; and'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (2), by striking ''usage.'' and inserting ''usage, including—

''(A) increasing the centralization of the management of software licenses;

''(B) increasing the regular tracking and maintaining of comprehensive inventories of software licenses using automated discovery and inventory tools and metrics;

''(C) analyzing software license data to inform investment decisions; and

''(D) providing appropriate personnel with sufficient software licenses management training; and''; and

(C) by adding at the end the following new paragraph:

''(3) based on the assessment required under paragraph (2), make such recommendations with respect to software procurement and usage to the Director of National Intelligence as the Chief Information Officer considers appropriate.''; and

(3) by adding at the end the following new subsection:

''(d) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 180 days after the date on which the Director of National Intelligence receives recommendations from the Chief Information Officer of the Intelligence Community in accordance with subsection (b)(3), the Director of National Intelligence shall, to the extent practicable, issue guidelines for the intelligence community on software procurement and usage based on such recommendations.''.

SEC. 305. REPORTING OF CERTAIN EMPLOYMENT ACTIVITIES BY FORMER INTELLIGENCE OFFICERS AND EMPLOYEES.

(a) RESTRICTION.—Title III of the National Security Act of 1947 (50 U.S.C. 3071 et seq.) is amended by inserting after section 303 the following new section:

"SEC. 304. REPORTING OF CERTAIN EMPLOYMENT ACTIVITIES BY FORMER INTELLIGENCE OFFICERS AND EMPLOYEES.

''(a) IN GENERAL.—The head of each element of the intelligence community shall issue regulations requiring each employee of such element occupying a covered position to sign a written agreement requiring the regular reporting of covered employment to the head of such element.

''(b) AGREEMENT ELEMENTS.—The regulations required under subsection (a) shall provide that an agreement contain provisions requiring each employee occupying a covered position to, during the two-year period beginning on the date on which such employee ceases to occupy such covered position—

''(1) report covered employment to the head of the element of the intelligence community that employed such employee in such covered position upon accepting such covered employment; and

''(2) annually (or more frequently if the head of such element considers it appropriate) report covered employment to the head of such element.

''(c) DEFINITIONS.—In this section:

''(1) COVERED EMPLOYMENT.—The term 'covered employment' means direct employment by, representation of, or the provision of advice relating to national security to the government of a foreign country or any person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized, in whole or in major part, by any government of a foreign country.

''(2) COVERED POSITION.—The term 'covered position' means a position within an element of the intelligence community that, based on the level of access of a person occupying such position to information regarding sensitive intelligence sources or methods or other exceptionally sensitive matters, the head of such element determines should be subject to the requirements of this section.

''(3) GOVERNMENT OF A FOREIGN COUNTRY.—The term 'government of a foreign country' has the meaning given the term in section 1(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(e)).''.

(b) REGULATIONS AND CERTIFICATION.—

(1) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the head of each element of the intelligence community shall issue the regulations required under section 304 of the National Security Act of 1947, as added by subsection (a) of this section.

(2) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees—

(A) a certification that each head of an element of the intelligence community has prescribed the regulations required under section 304 of the National Security Act of 1947, as added by subsection (a) of this section; or

(B) if the Director is unable to submit the certification described under subparagraph (A), an explanation as to why the Director is unable to submit such certification, including a designation of which heads of an element of the intelligence community have prescribed the regulations required under such section 304 and which have not.

(c) TABLE OF CONTENTS AMENDMENTS.—The table of contents in the first section of the National Security Act of 1947 is amended—

(1) by striking the second item relating to section 302 (Under Secretaries and Assistant Secretaries) and the items relating to sections 304, 305, and 306; and

(2) by inserting after the item relating to section 303 the following new item:

''Sec. 304. Reporting of certain employment activities by former intelligence officers and employees.''.

SEC. 306. INCLUSION OF PREDOMINANTLY BLACK INSTITUTIONS IN INTELLIGENCE OFFICER TRAINING PROGRAM.

Section 1024 of the National Security Act of 1947 (50 U.S.C. 3224) is amended—

(1) in subsection (c)(1), by inserting ''and Predominantly Black Institutions'' after ''universities''; and

(2) in subsection (g)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph:

''(4) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' has the meaning given the term in section 318 of the Higher education Act of 1965 (20 U.S.C. 1059e).''.

SEC. 307. MANAGEMENT AND OVERSIGHT OF FINANCIAL INTELLIGENCE.

(a) REQUIREMENT FOR PLAN.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall prepare a plan for management of the elements of the intelligence community that carry out financial intelligence activities.

(b) CONTENTS OF PLAN.—The plan required by subsection (a) shall establish a governance framework, procedures for sharing and harmonizing the acquisition and use of financial analytic tools, standards for quality of analytic products, procedures for oversight and evaluation of resource allocations associated with the joint development of information sharing efforts and tools, and an education and training model for elements of the intelligence community that carry out financial intelligence activities.

(c) BRIEFING TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall brief the congressional intelligence committees on the actions the Director proposes to implement the plan required by subsection (a).

SEC. 308. ANALYSIS OF PRIVATE SECTOR POLICIES AND PROCEDURES FOR COUNTERING INSIDER THREATS.

(a) ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the National Counterintelligence Executive, shall submit to the congressional intelligence committees an analysis of private sector policies and procedures for countering insider threats.

(b) CONTENT.—The analysis required by subsection (a) shall include—

(1) a review of whether and how the intelligence community could utilize private sector hiring and human resources best practices to screen, vet, and validate the credentials, capabilities, and character of applicants for positions involving trusted access to sensitive information;

(2) an analysis of private sector policies for holding supervisors and subordinates accountable for violations of established security protocols and whether the intelligence community should adopt similar policies for positions of trusted access to sensitive information;

(3) an assessment of the feasibility and advisability of applying mandatory leave policies, similar to those endorsed by the Federal Deposit Insurance Corporation and the Securities and Exchange Commission to identify fraud in the financial services industry, to certain positions within the intelligence community; and

(4) recommendations for how the intelligence community could utilize private sector risk indices, such as credit risk scores, to make determinations about employee access to sensitive information.

SEC. 309. PROCEDURES FOR THE RETENTION OF INCIDENTALLY ACQUIRED COMMUNICATIONS.

(a) DEFINITIONS.—In this section:

(1) COVERED COMMUNICATION.—The term ''covered communication'' means any nonpublic telephone or electronic communication acquired without the consent of a person who is a party to the communication, including communications in electronic storage.

(2) HEAD OF AN ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''head of an element of the intelligence community'' means, as appropriate—

(A) the head of an element of the intelligence community; or

(B) the head of the department or agency containing such element.

(3) 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).

(b) PROCEDURES FOR COVERED COMMUNICATIONS.—

(1) REQUIREMENT TO ADOPT.—Not later than 2 years after the date of the enactment of this Act each head of an element of the intelligence community shall adopt procedures approved by the Attorney General for such element that ensure compliance with the requirements of paragraph (3).

(2) COORDINATION AND APPROVAL.—The procedures required by paragraph (1) shall be—

(A) prepared in coordination with the Director of National Intelligence; and

(B) approved by the Attorney General prior to issuance.

(3) PROCEDURES.—

(A) APPLICATION.—The procedures required by paragraph (1) shall apply to any intelligence collection activity not otherwise authorized by court order (including an order or certification issued by a court established under subsection (a) or (b) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803)), subpoena, or similar legal process that is reasonably anticipated to result in the acquisition of a covered communication to or from a United States person and shall permit the acquisition, retention, and dissemination of covered communications subject to the limitation in subparagraph (B).

(B) LIMITATION ON RETENTION.—A covered communication shall not be retained in excess of 5 years, unless—

(i) the communication has been affirmatively determined, in whole or in part, to constitute foreign intelligence or counterintelligence or is necessary to understand or assess foreign intelligence or counterintelligence;

(ii) the communication is reasonably believed to constitute evidence of a crime and is retained by a law enforcement agency;

(iii) the communication is enciphered or reasonably believed to have a secret meaning;

(iv) all parties to the communication are reasonably believed to be non-United States persons;

(v) retention is necessary to protect against an imminent threat to human life, in which case both the nature of the threat and the information to be retained shall be reported to the congressional intelligence committees not later than 30 days after the date such retention is extended under this clause;

(vi) retention is necessary for technical assurance or compliance purposes, including a court order or discovery obligation, in which case access to information retained for technical assurance or compliance purposes shall

be reported to the congressional intelligence committees on an annual basis; or

(vii) retention for a period in excess of 5 years is approved by the head of the element of the intelligence community responsible for such retention, based on a determination that retention is necessary to protect the national security of the United States, in which case the head of such element shall provide to the congressional intelligence committees a written certification describing—

(I) the reasons extended retention is necessary to protect the national security of the United States;

(II) the duration for which the head of the element is authorizing retention;

(III) the particular information to be retained; and

(IV) the measures the element of the intelligence community is taking to protect the privacy interests of United States persons or persons located inside the United States.

SEC. 310. CLARIFICATION OF LIMITATION OF REVIEW TO RETALIATORY SECURITY CLEARANCE OR ACCESS DETERMINATIONS.

Section 3001(b)(7) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(b)(7)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''2014—'' and inserting ''2014, and consistent with subsection (j)—'';

(2) in subparagraph (A), by striking ''to appeal a determination to suspend or revoke a security clearance or access to classified information'' and inserting ''alleging reprisal for having made a protected disclosure (provided the individual does not disclose classified information or other information contrary to law) to appeal any action affecting an employee's access to classified information''; and

(3) in subparagraph (B), by striking ''information,'' inserting ''information following a protected disclosure,''.

SEC. 311. FEASIBILITY STUDY ON CONSOLIDATING CLASSIFIED DATABASES OF CYBER THREAT INDICATORS AND MALWARE SAMPLES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Homeland Security, the Director of the National Security Agency, the Director of the Central Intelligence Agency, and the Director of the Federal Bureau of Investigation, shall conduct a feasibility study on consolidating classified databases of cyber threat indicators and malware samples in the intelligence community.

(b) ELEMENTS.—The feasibility study required by subsection (a) shall include the following:

(1) An inventory of classified databases of cyber threat indicators and malware samples in the intelligence community.

(2) An assessment of actions that could be carried out to consolidate such databases to achieve the greatest possible information sharing within the intelligence community and cost savings for the Federal Government.

(3) An assessment of any impediments to such consolidation.

(4) An assessment of whether the Intelligence Community Information Technology Enterprise can support such consolidation.

(c) REPORT TO CONGRESS.—Not later than 30 days after the date on which the Director of National Intelligence completes the feasibility study required by subsection (a), the Director shall submit to the congressional intelligence committees a written report that summarizes the feasibility study, including the information required under subsection (b).

SEC. 312. SENSE OF CONGRESS ON CYBERSECURITY THREAT AND CYBERCRIME COOPERATION WITH UKRAINE.

It is the sense of Congress that—

(1) cooperation between the intelligence and law enforcement agencies of the United States and Ukraine should be increased to improve cybersecurity policies between these two countries;

(2) the United States should pursue improved extradition procedures among the Governments of the United States, Ukraine, and other countries from which cybercriminals target United States citizens and entities;

(3) the President should—

(A) initiate a round of formal United States-Ukraine bilateral talks on cybersecurity threat and cybercrime cooperation, with additional multilateral talks that include other law enforcement partners such as Europol and Interpol; and

(B) work to obtain a commitment from the Government of Ukraine to end cybercrime directed at persons outside Ukraine and to work with the United States and other allies to deter and convict known cybercriminals;

(4) the President should establish a capacity building program with the Government of Ukraine, which could include—

(A) a joint effort to improve cyber capacity building, including intelligence and law enforcement services in Ukraine;

(B) sending United States law enforcement agents to aid law enforcement agencies in Ukraine in investigating cybercrimes; and

(C) agreements to improve communications networks to enhance law enforcement cooperation, such as a hotline directly connecting law enforcement agencies in the United States and Ukraine; and

(5) the President should establish and maintain an intelligence and law enforcement cooperation scorecard with metrics designed to measure the number of instances that intelligence and law enforcement agencies in the United States request assistance from intelligence and law enforcement agencies in Ukraine and the number and type of responses received to such requests.

SEC. 313. REPLACEMENT OF LOCALLY EMPLOYED STAFF SERVING AT UNITED STATES DIPLOMATIC FACILITIES IN THE RUSSIAN FEDERATION.

(a) EMPLOYMENT REQUIREMENT.—

(1) IN GENERAL.—The Secretary of State shall ensure that, not later than one year after the date of the enactment of this Act, every supervisory position at a United States diplomatic facility in the Russian Federation shall be occupied by a citizen of the United States who has passed, and shall be subject to, a thorough background check.

(2) EXTENSION.—The Secretary of State may extend the deadline under paragraph (1) for up to one year by providing advance written notification and justification of such extension to the appropriate congressional committees.

(3) PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on progress made toward meeting the employment requirement under paragraph (1).

(b) PLAN FOR REDUCED USE OF LOCALLY EMPLOYED STAFF.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with other appropriate government agencies, shall submit to the appropriate congressional committees a plan to further reduce the reliance on locally employed staff in United States diplomatic facilities in the Russian Federation. The plan shall, at a minimum, include cost estimates, timelines, and numbers of employees to be replaced.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to infringe on the power of the President, by and with the advice and consent of the Senate, to appoint ambassadors, other public ministers, and consuls.''

SEC. 314. INCLUSION OF SENSITIVE COMPARTMENTED INFORMATION FACILITIES IN UNITED STATES DIPLOMATIC FACILITIES IN THE RUSSIAN FEDERATION AND ADJACENT COUNTRIES.

(a) SENSITIVE COMPARTMENTED INFORMATION FACILITY REQUIREMENT.—Each United States diplomatic facility that, after the date of the enactment of this Act, is constructed in, or undergoes a construction upgrade in, the Russian Federation, any country that shares a land border with the Russian Federation, or any country that is a former member of the Soviet Union shall be constructed to include a Sensitive Compartmented Information Facility.

(b) NATIONAL SECURITY WAIVER.—The Secretary of State may waive the requirement under subsection (a) if the Secretary determines that such waiver is in the national security interest of the United States and submits a written justification to the appropriate congressional committees not later than 180 days before exercising such waiver.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

Subtitle B—Reporting

SEC. 321. REPORT ON DECLASSIFICATION PROCESS.

Not later than December 31, 2016, the Director of National Intelligence shall submit to Congress a report describing—

(1) proposals to improve the declassification process throughout the intelligence community; and

(2) steps the intelligence community could take, or legislation that may be necessary, to enable the National Declassification Center to better accomplish the missions assigned to the Center by Executive Order No. 13526 (75 Fed. Reg. 707).

SEC. 322. REPORT ON INTELLIGENCE COMMUNITY EFFICIENT SPENDING TARGETS.

(a) IN GENERAL.—Not later than April 1, 2016, and April 1, 2017, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the status and effectiveness of efforts to reduce administrative costs for the intelligence community during the preceding year.

(b) ELEMENTS.—Each report under subsection (a) shall include for each element of the intelligence community the following:

(1) A description of the status and effectiveness of efforts to devise alternatives to government travel and promote efficient travel spending, such as teleconferencing and video conferencing.

(2) A description of the status and effectiveness of efforts to limit costs related to hosting and attending conferences.

(3) A description of the status and effectiveness of efforts to assess information technology inventories and usage, and establish controls, to reduce costs related to underutilized information technology equipment, software, or services.

(4) A description of the status and effectiveness of efforts to limit the publication and printing of hard copy documents.

(5) A description of the status and effectiveness of efforts to improve the performance of Federal fleet motor vehicles and limit executive transportation.

(6) A description of the status and effectiveness of efforts to limit the purchase of extraneous promotional items, such as plaques, clothing, and commemorative items.

(7) A description of the status and effectiveness of efforts to consolidate and streamline workforce training programs to focus on the highest priority workforce and mission needs.

(8) Such other matters relating to efforts to reduce intelligence community administrative costs as the Director may specify for purposes of this section.

SEC. 323. ANNUAL REPORT ON VIOLATIONS OF LAW OR EXECUTIVE ORDER.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by adding at the end the following:

"SEC. 511. ANNUAL REPORT ON VIOLATIONS OF LAW OR EXECUTIVE ORDER.

''(a) ANNUAL REPORTS REQUIRED.—The Director of National Intelligence shall annually submit to the congressional intelligence committees a report on violations of law or executive order relating to intelligence activities by personnel of an element of the intelligence community that were identified during the previous calendar year.

''(b) ELEMENTS.—Each report submitted under subsection (a) shall, consistent with the need to preserve ongoing criminal investigations, include a description of, and any action taken in response to, any violation of law or executive order (including Executive Order No. 12333 (50 U.S.C. 3001 note)) relating to intelligence activities committed by personnel of an element of the intelligence community in the course of the employment of such personnel that, during the previous calendar year, was—

''(1) determined by the director, head, or general counsel of any element of the intelligence community to have occurred;

''(2) referred to the Department of Justice for possible criminal prosecution; or

''(3) substantiated by the inspector general of any element of the intelligence community.''.

(b) INITIAL REPORT.—The first report required under section 511 of the National Security Act of 1947, as added by subsection (a), shall be submitted not later than one year after the date of the enactment of this Act.

(c) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the head of each element of the intelligence community, shall—

(1) issue guidelines to carry out section 511 of the National Security Act of 1947, as added by subsection (a); and

(2) submit such guidelines to the congressional intelligence committees.

(d) TABLE OF CONTENTS AMENDMENT.—The table of sections in the first section of the National Security Act of 1947 is amended by adding after the item relating to section 510 the following new item:

''Sec. 511. Annual report on violations of law or executive order.''.

(e) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to alter any requirement existing on the date of the enactment of this Act to submit a report under any provision of law.

SEC. 324. ANNUAL REPORT ON INTELLIGENCE ACTIVITIES OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—For each fiscal year and along with the budget materials submitted in support of the budget of the Department of Homeland Security pursuant to section 1105(a) of title 31, United States Code, the Under Secretary for Intelligence and Analysis of the Department shall submit to the congressional intelligence committees a report for such fiscal year on each intelligence activity of each intelligence component of the Department, as designated by the Under Secretary, that includes the following:

(1) The amount of funding requested for each such intelligence activity.

(2) The number of full-time employees funded to perform each such intelligence activity.

(3) The number of full-time contractor employees (or the equivalent of full-time in the case of part-time contractor employees) funded to perform or in support of each such intelligence activity.

(4) A determination as to whether each such intelligence activity is predominantly in support of national intelligence or departmental missions.

(5) The total number of analysts of the Intelligence Enterprise of the Department that perform—

(A) strategic analysis; or

(B) operational analysis.

(b) FEASIBILITY AND ADVISABILITY REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Under Secretary for Intelligence and Analysis, shall submit to the congressional intelligence committees a report that—

(1) examines the feasibility and advisability of including the budget request for all intelligence activities of each intelligence component of the Department that predominantly support departmental missions, as designated by the Under Secretary for Intelligence and Analysis, in the Homeland Security Intelligence Program; and

(2) includes a plan to enhance the coordination of department-wide intelligence activities to achieve greater efficiencies in the performance of the Department of Homeland Security intelligence functions.

(c) INTELLIGENCE COMPONENT OF THE DEPARTMENT.—In this section, the term ''intelligence component of the Department'' has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

SEC. 325. REPORT ON POLITICAL PRISON CAMPS IN NORTH KOREA.

(a) IN GENERAL.—The Director of National Intelligence, in consultation with the Secretary of State, shall submit to the congressional intelligence committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on political prison camps in North Korea.

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) describe the actions the United States is taking to support implementation of the recommendations of the United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, including the eventual establishment of a tribunal to hold individuals accountable for abuses; and

(2) include, with respect to each political prison camp in North Korea to the extent information is available—

(A) the estimated prisoner population of each such camp;

(B) the geographical coordinates of each such camp;

(C) the reasons for confinement of the prisoners at each such camp;

(D) a description of the primary industries and products made at each such camp, and the end users of any goods produced in such camp;

(E) information regarding involvement of any non-North Korean entity or individual involved in the operations of each such camp, including as an end user or source of any good or products used in, or produced by, in such camp;

(F) information identifying individuals and agencies responsible for conditions in each such camp at all levels of the Government of North Korea;

(G) a description of the conditions under which prisoners are confined, with respect to the adequacy of food, shelter, medical care, working conditions, and reports of ill-treatment of prisoners, at each such camp; and

(H) unclassified imagery, including satellite imagery, of each such camp.

(c) FORM.—The report required by subsection (a) shall be submitted in an unclassified form and may include a classified annex if necessary.

SEC. 326. ASSESSMENT OF SECURITY OF DOMESTIC OIL REFINERIES AND RELATED RAIL TRANSPORTATION INFRASTRUCTURE.

(a) ASSESSMENT.—The Under Secretary of Homeland Security for Intelligence and Analysis shall conduct an intelligence assessment of the security of domestic oil refineries and related rail transportation infrastructure.

(b) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis shall submit to the congressional intelligence committees—

(1) the results of the assessment required under subsection (a); and

(2) any recommendations with respect to intelligence sharing or intelligence collection to improve the security of domestic oil refineries and related rail transportation infrastructure to protect the communities surrounding such refineries or such infrastructure from potential harm that the Under Secretary considers appropriate.

SEC. 327. ENHANCED CONTRACTOR LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

Section 506B(c) of the National Security Act of 1947 (50 U.S.C. 3098(c)) is amended—

(1) in paragraph (11), by striking ''or contracted'';

(2) by redesignating paragraph (12) as paragraph (13); and

(3) by inserting after paragraph (11) the following:

''(12) The best estimate of the number of intelligence collectors and analysts contracted by each element of the intelligence community and a description of the functions performed by such contractors.''.

SEC. 328. ASSESSMENT OF THE EFFICACY OF MEMORANDA OF UNDERSTANDING TO FACILITATE INTELLIGENCE-SHARING.

Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis, in consultation with the Director of the Federal Bureau of Investigation and

the Program Manager of the Information Sharing Environment, shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives an assessment of the efficacy of the memoranda of understanding signed between Federal, State, local, tribal, and territorial agencies to facilitate intelligence-sharing within and separate from the Joint Terrorism Task Force. Such assessment shall include—

(1) any language within such memoranda of understanding that prohibited or may be construed to prohibit intelligence-sharing between Federal, State, local, tribal, and territorial agencies; and

(2) any recommendations for memoranda of understanding to better facilitate intelligence-sharing between Federal, State, local, tribal, and territorial agencies.

SEC. 329. REPORT ON FOREIGN MAN-MADE ELECTROMAGNETIC PULSE WEAPONS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on the threat posed by man-made electromagnetic pulse weapons to United States interests through 2025, including threats from foreign countries and foreign non-State actors.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 330. REPORT ON UNITED STATES COUNTERTERRORISM STRATEGY TO DISRUPT, DISMANTLE, AND DEFEAT AL-QAEDA AND ITS AFFILIATED OR ASSOCIATED GROUPS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a comprehensive report on the United States counterterrorism strategy to disrupt, dismantle, and defeat al-Qaeda and its affiliated or associated groups.

(2) COORDINATION.—The report required by paragraph (1) shall be prepared in coordination with the Secretary of State, the Secretary of the Treasury, the Attorney General, and the Secretary of Defense, and the head of any other department or agency of the United States Government that has responsibility for activities directed at combating al-Qaeda and its affiliated or associated groups.

(3) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A definition of—

(i) al-Qaeda core, including a list of which known individuals constitute al-Qaeda core;

(ii) an affiliated group of al-Qaeda, including a list of which known groups constitute an affiliate group of al-Qaeda;

(iii) an associated group of al-Qaeda, including a list of which known groups constitute an associated group of al-Qaeda; and

(iv) a group aligned with al-Qaeda, including a description of what actions a group takes or statements it makes that qualify it as a group aligned with al-Qaeda.

(B) A list of any other group, including the organization that calls itself the Islamic State (also known as ''ISIS'' or ''ISIL''), that adheres to the core mission of al-Qaeda, or who espouses the same violent jihad ideology as al-Qaeda.

(C) An assessment of the relationship between al-Qaeda core and the groups referred to in subparagraph (B).

(D) An assessment of the strengthening or weakening of al-Qaeda and the groups referred to in subparagraph (B) from January 1, 2010, to the present, including a description of the metrics that are used to assess strengthening or weakening and an assessment of the relative increase or decrease in violent attacks attributed to such entities.

(E) An assessment of whether or not an individual can be a member of al-Qaeda core if such individual is not located in Afghanistan or Pakistan.

(F) An assessment of whether or not an individual can be a member of al-Qaeda core as well as a member of a group referred to in subparagraph (B).

(G) A definition of defeat of core al-Qaeda.

(H) An assessment of the extent or coordination, command, and control between core al-Qaeda and the groups referred to in subparagraph (B), specifically addressing each such group.

(I) An assessment of the effectiveness of counterterrorism operations against core al-Qaeda and the groups referred to in subparagraph (B), and whether such operations have had a sustained impact on the capabilities and effectiveness of core al-Qaeda and such groups.

(4) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SEC. 331. FEASIBILITY STUDY ON RETRAINING VETERANS IN CYBERSECURITY.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Homeland Security, shall submit to Congress a feasibility study on retraining veterans and retired members of elements of the intelligence community in cybersecurity.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. LANDRIEU. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, December 10, 2014, at 10 a.m., room SD–366 of the Dirksen Senate Office Building. The purpose of the business meeting is to consider the nomination of Colette D. Honorable to be a Member of the Federal Energy Regulatory Commission.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to sam__fowler@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on December 9, 2014, at 6 p.m., in room S–216 of the Capitol Building.

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

COMMITTEE ON FINANCE

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 9, 2014, at 9:30 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Social Security: Is a Key Foundation of Economic Security Working for Women?''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 9, 2014, at 2 p.m., to conduct a hearing entitled ''Authorization for the use of Military Force Against ISIL

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

COMMITTEE ON THE JUDICIARY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 9, 2014, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Campus Sexual Assault: the Roles and Responsibilities of Law Enforcement.''

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

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Human Rights, be authorized to meet during the session of the Senate on December 9, 2014, at 2:30 p.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing entitled ''The State of Civil and Human Rights in the United States.''

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

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on December 9, 2014, at 11 a.m., to conduct a

hearing entitled ''Inequality, Opportunity, and the Housing Market.''

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

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND ORGANIZATIONS, HUMAN RIGHTS, DEMOCRACY, AND GLOBAL WOMEN'S ISSUES

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 9, 2014, at 10 a.m., to hold an International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues subcommittee hearing entitled ''ISIL's Reign of Terror: Confronting the Growing Humanitarian Crisis in Iraq and Syria.''

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

PRIVILEGES OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent that Kelly Tribble Spencer, a detailee in my office, be granted privileges of the floor for the remainder of the 113th Congress.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that William Conlon, an intern in my personal office, be granted floor privileges for December 11, 2014.

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

Mr. KING. Mr. President, I ask unanimous consent that James Reeve, a defense fellow in Senator KAINE's office, be granted floor privileges for the duration of the 113th Congress.

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

Ms. CANTWELL. Mr. President, I ask unanimous consent that Alison Mueller, of the Committee on Small Business and Entrepreneurship, be granted floor privileges for the rest of December 9, 2014.

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

MAKING REVISIONS TO TITLE 36 UNITED STATES CODE

Mr. SCHATZ. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1067 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1067) to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements.

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

Mr. SCHATZ. 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.

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

The bill (H.R. 1067) was ordered to a third reading, was read the third time, and passed.

DORIS MILLER DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. SCHATZ. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 4199 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4199) to name the Department of Veterans Affairs medical center in Waco, Texas, as the ''Doris Miller Department of Veterans Affairs Medical Center.''

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

Mr. SCHATZ. 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. 4199) was ordered to a third reading, was read the third time, and passed.

RECOGNIZING 20 YEARS SINCE THE GENOCIDE IN RWANDA

Mr. SCHATZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 363, S. Res. 413.

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

The legislative clerk read as follows:

A resolution (S. Res. 413) recognizing 20 years since the genocide in Rwanda, and affirming it is in the national interest of the United States to work in close coordination with international partners to help prevent and mitigate acts of genocide and mass atrocities.

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

Mr. SCHATZ. Mr. President, I ask unanimous consent that the Coons amendment to the resolution, which is at the desk, be agreed to and the Senate proceed to vote on the resolution, as amended.

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

The amendment (No. 3993) was agreed to, as follows:

(Purpose: To provide that nothing in the resolution shall be construed as an authorization for the use of force or a declaration of war)

On page 6, beginning on line 14, strike ''events; and'' and all that follows through ''(8) supports'' on line 15 and insert the following: ''events;

(8) clarifies that nothing in this resolution shall be construed as an authorization for the use of force or a declaration of war; and

(9) supports

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the resolution, as amended.

The resolution (S. Res. 413), as amended, was agreed to.

Mr. SCHATZ. Mr. President, I ask unanimous consent that the Coons amendment to the preamble be agreed to, the preamble, as amended, 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 amendment (No. 3994) was agreed to, as follows:

(Purpose: To amend the preamble)

Amend the twelfth whereas clause of the preamble to read as follows:

Whereas, in September 2005, the United States joined other members of the United Nations in adopting United Nations General Assembly Resolution 60/1, which affirmed that the international community has a responsibility to use appropriate diplomatic, humanitarian and other peaceful means to help protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity;

The preamble, as amended, was agreed to.

(The resolution, as amended, with its preamble, as amended, will be printed in a future edition of the RECORD.)

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEARS 2014 AND 2015

Mr. SCHATZ. Mr. President, I ask unanimous consent the Intelligence Committee be discharged from further consideration of H.R. 4681 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4681) to authorize appropriations for fiscal years 2014 and 2015 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

Mr. SCHATZ. I ask unanimous consent that the Feinstein substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time, and the Senate proceed to vote on passage.

The PRESIDING OFFICER. Without objection, it so ordered.

The amendment (No. 3995) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Hearing no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 4681), as amended, was passed.

Mr. SCHATZ. I ask unanimous consent that the motion to reconsider be made and laid upon the table with no intervening action or debate.

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

JOINT EXPLANATORY STATEMENT TO ACCOMPANY THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2015

The following consists of the explanatory material to accompany the Intelligence Authorization Act for Fiscal Year 2015.

This joint explanatory statement shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a committee of conference.

This explanatory statement is accompanied by a classified annex that contains a classified Schedule of Authorizations. The classified Schedule of Authorizations is incorporated by reference in the Act and has the legal status of public law.

The classified annex and classified Schedule of Authorizations are the result of negotiations between the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence to reconcile differences in their respective versions of the Intelligence Authorization Act for Fiscal Year 2015. The congressionally directed actions described in Senate Report No. 113–233, the classified annex that accompanied Senate Report No. 113–233, and the classified annex that accompanied House Report No. 113–463 should be carried out to the extent they are not amended, altered, substituted, or otherwise specifically addressed in either this Joint Explanatory Statement or in the classified annex to this Statement.

SECTION-BY-SECTION ANALYSIS AND EXPLANATION

The following is a section-by-section analysis and explanation of the Intelligence Authorization Act for Fiscal Year 2015.

TITLE I—INTELLIGENCE ACTIVITIES

Section 101. Authorization of appropriations

Section 101 lists the United States Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2015.

Section 102. Classified Schedule of Authorizations

Section 102 provides that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and the applicable personnel levels by program for Fiscal Year 2015 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President.

Section 103. Personnel ceiling adjustments

Section 103 is intended to provide additional flexibility to the DNI in managing the civilian personnel of the Intelligence Community (IC). Section 103 provides that the DNI may authorize employment of civilian personnel in Fiscal Year 2015 in excess of the number of authorized positions by an amount not exceeding three percent of the total limit applicable to each IC element under Section 102. The DNI may do so only if necessary to the performance of important intelligence functions.

Section 104. Intelligence Community Management Account

Section 104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the DNI and sets the authorized personnel levels for the elements within the ICMA for Fiscal Year 2015.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Section 201. Authorization of appropriations

Section 201 authorizes appropriations in the amount of $514,000,000 for Fiscal Year 2015 for the Central Intelligence Agency Retirement and Disability Fund.

TITLE III—GENERAL PROVISIONS

SUBTITLE A—GENERAL MATTERS

Section 301. Increase in employee compensation and benefits authorized by law

Section 301 provides that funds authorized to be appropriated by the Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

Section 302. Restriction on conduct of intelligence activities

Section 302 provides that the authorization of appropriations by the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

Section 303. National intelligence strategy

Section 303 amends the National Security Act of 1947 to require the DNI to develop a comprehensive national intelligence strategy every four years beginning in 2017.

Section 304. Software licensing

Section 304 amends Section 109 of the National Security Act of 1947, which requires chief information officers within the IC to prepare biennial inventories and assessments concerning the use and procurement of software licenses, to make certain enhancements to the biennial assessments required under Section 109.

Section 305. Reporting of certain employment activities by former intelligence officers and employees

Section 305 requires the head of each element of the IC to issue regulations that require an employee occupying positions with access to particularly sensitive information within such element to sign a written agreement that requires the regular reporting of any employment by, representation of, or the provision of advice relating to national security to the government of a foreign country, or any person whose activities are supervised, directed, controlled, financed, or subsidized by any government of a foreign country, for a two-year period after the employee ceases employment with the IC element.

Section 306. Inclusion of Predominantly Black Institutions in intelligence officer training program

Section 306 amends the National Security Act of 1947 to include predominantly black institutions in the intelligence officer training programs established under Section 1024 of the Act.

Section 307. Management and oversight of financial intelligence

Section 307 requires the DNI to prepare a plan for management of the elements of the IC that carry out financial intelligence activities.

Section 308. Analysis of private sector policies and procedures for countering insider threats

Section 308 directs the DNI to submit to the congressional intelligence committees an analysis of private sector policies and procedures for countering insider threats.

Section 309. Procedures for the retention of incidentally acquired communications

Section 309 requires the head of each element of the IC to adopt Attorney General-approved procedures that govern the retention of nonpublic telephone or electronic communications acquired without consent of a person who is a party to the communications, including communications in electronic storage.

The procedures required under this section shall apply to any intelligence activity that is reasonably anticipated to result in the acquisition of such telephone or electronic communications to or from a United States person not otherwise authorized by court order, subpoena, or similar legal process, regardless of the location where the collection occurs. The procedures shall prohibit the retention of such telephone or electronic communications for a period in excess of five years, unless the communications are determined to fall within one of several categories, enumerated in subsection (b)(3)(B), for which retention in excess of five years is authorized, to include communications that have been affirmatively determined to constitute foreign intelligence or counterintelligence, communications that are reasonably believed to constitute evidence of a crime and are retained by a law enforcement agency, and communications that are enciphered or reasonably believed to have a secret meaning.

Because it may be necessary in certain instances for IC elements to retain communications covered by this section for a period in excess of five years that do not fall into the categories specifically enumerated in subsection (b)(3)(B), subsection (b)(3)(B)(vii) provides flexibility for the head of each element of the intelligence community to authorize such extended retention where the head of the element determines that it is necessary to protect the national security of the United States. In the absence of such a determination, Section 309 is intended to establish a default rule for intelligence collection activities, not otherwise authorized by legal process, that requires agencies to delete communications covered by this section after five years, unless a determination is made that the communications constitute foreign intelligence or counterintelligence or otherwise meet the retention requirements set forth in this section.

Section 310. Clarification of limitation of review to retaliatory security clearance or access determinations

Section 310 makes a technical amendment to Section 3001(b)(7) of the Intelligence Reform and Terrorism Prevention Act of 2004 to clarify that the policies and procedures prescribed by that section (to permit individuals to appeal adverse security clearance or access determinations) are only required to apply to adverse security clearance or access determinations alleged to be in reprisal for having made a protected whistleblower disclosure.

Section 311. Feasibility study on consolidating classified databases of cyber threat indicators and malware samples

Section 307 requires the DNI to conduct a feasibility study on consolidating classified databases of cyber threat indicators and malware samples in the IC and to provide a report to the congressional intelligence committees summarizing the feasibility study.

Section 312. Sense of Congress on cybersecurity threat and cybercrime cooperation with Ukraine

Section 312 expresses the sense of Congress concerning cybersecurity threat and

cybercrime cooperation between the United States and Ukraine.

Section 313. Replacement of locally employed staff serving at United States diplomatic faculties in the Russian Federation

Section 313 requires the Secretary of State to ensure that every supervisory position at a U.S. diplomatic facility in the Russian Federation is occupied by a citizen of the United States who has passed a background check and to provide Congress with a plan to further reduce reliance on locally employed staff.

Section 314. Inclusion of Sensitive Compartmented Information Facilities in United States diplomatic facilities in the Russian Federation and adjacent countries

Section 314 requires that each U.S. diplomatic facility that is constructed in, or undergoes a construction upgrade in, the Russian Federation, any country that shares a land border with the Russian Federation, or any country that is a former member of the Soviet Union, shall be constructed to include a Sensitive Compartmented Information Facility. The Secretary of State may waive the requirements of this section upon a determination that it is in the national security interest of the United States.

SUBTITLE B—REPORTING

Section 321. Report on declassification process

Section 321 requires the DNI to submit a report to Congress describing proposals to improve the declassification process and steps the IC could take or legislation that may be necessary, to enable the National Declassification Center to better accomplish the missions assigned to the Center by Executive Order 13526.

Section 322. Report on intelligence community efficient spending targets

Section 322 requires the DNI to submit a report to the congressional intelligence committees on the status and effectiveness of efforts to reduce administrative costs for the IC during the preceding year.

Section 323. Annual report on violations of law or executive order

Section 323 requires the DNI to report annually to the congressional intelligence committees on violations of law or executive order by personnel of an element of the IC that were identified during the previous calendar year. Under the National Security Act, the President is required to keep the congressional intelligence committees fully and currently informed of the intelligence activities of the United States government. Nonetheless, this annual reporting requirement is necessary to ensure that the intelligence oversight committees of the House and Senate are made fully aware of violations of law or executive order, including, in particular, violations of Executive order 12333 for activities not otherwise subject to the Foreign Intelligence Surveillance Act.

Section 324. Annual report on intelligence activities of the Department of Homeland Security

Section 324 requires the Under Secretary for Intelligence and Analysis of the DHS to provide the congressional intelligence committees with a report on each intelligence activity of each intelligence component of the Department that includes, among other things, the amount of funding requested, the number of full-time employees, and the number of full-time contractor employees. In addition, Section 324 requires the Secretary of Homeland Security to submit to the congressional intelligence committees a report that examines the feasibility and advisability of consolidating the planning, programming, and resourcing of such activities within the Homeland Security Intelligence Program (HSIP).

The HSIP budget was established to fund those intelligence activities that principally support missions of the DHS separately from those of the NIP. To date, however, this mechanism has only been used to supplement the budget for the office of Intelligence and Analysis. It has not been used to fund the activities of the non-IC components in the DHS that conduct intelligence-related activities. As a result, there is no comprehensive reporting to Congress regarding the overall resources and personnel required in support of the Department's intelligence activities.

Section 325. Report on political prison camps in North Korea

Section 325 requires the DNI to submit a report on political prison camps in North Korea to the congressional intelligence committees.

Section 326. Assessment of security of domestic oil refineries and related rail transportation infrastructure

Section 326 requires the Under Secretary of Homeland Security for Intelligence and Analysis to conduct an intelligence assessment of the security of domestic oil refineries and related rail transportation infrastructure.

Section 327. Enhanced contractor level assessments for the intelligence community

Section 327 amends the National Security Act of 1947 to require that the annual personnel level assessments for the IC, required under Section 506B of the Act, include a separate estimate of the number of intelligence collectors and analysts contracted by each element of the IC and a description of the functions performed by such contractors.

Section 328. Assessment of the efficacy of memoranda of understanding to facilitate intelligence-sharing

Section 328 requires the Under Secretary of Homeland Security for Intelligence and Analysis to provide appropriate congressional committees with an assessment of the efficacy of the memoranda of understanding signed between Federal, State, local, tribal, and territorial agencies to facilitate intelligence-sharing within and separate from the Joint Terrorism Task Force. This study should help identify any obstacles to intelligence sharing between agencies, particularly any obstacles that might have impeded intelligence sharing in the wake of the April 2013 bombing of the Boston Marathon, and find improvements to existing intelligence sharing relationships.

Section 329. Report on foreign man-made electromagnetic pulse weapons

Section 329 requires the DNI to provide appropriate congressional committees with a report on the threat posed by manmade electromagnetic pulse weapons to United States interests through 2025.

Section 330. Report on United States counterterrorism strategy to disrupt, dismantle, and defeat al-Qaeda and its affiliated or associated groups

Section 330 requires the DNI to provide appropriate congressional committees with a report on the United States counterterrorism strategy to disrupt, dismantle, and defeat al Qaeda and its affiliated or associated groups.

Section 331. Feasibility study on retraining veterans in cybersecurity

Section 331 requires the DNI to submit to Congress a feasibility study on retraining veterans and retired members of elements of the IC in cybersecurity.

DENOUNCING THE USE OF CIVILIANS AS HUMAN SHIELDS BY HAMAS AND OTHER TERRORIST ORGANIZATIONS IN VIOLATION OF INTERNATIONAL HUMANITARIAN LAW

Mr. SCHATZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 616, H. Con. Res. 107.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 107) denouncing the use of civilians as human shields by Hamas and other terrorist organizations in violation of international humanitarian law.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the preamble and an amendment to the title.

(Strike out all after the resolving clause and insert the part printed in italic.)

(Strike the preamble and insert the part printed in italic.)

H. CON. RES. 107

Whereas the use of human shields is unconscionable and morally unacceptable;

Whereas since June 15, 2014, there have been over 2,000 rockets fired by Hamas and other terrorist organizations from Gaza into Israel;

Whereas Hamas uses civilian populations as human shields by placing their missile batteries in densely populated areas and near schools, hospitals, and mosques;

Whereas Israel dropped leaflets, made announcements, placed phone calls, and sent text messages to the Palestinian people in Gaza warning them in advance that an attack was imminent, and went to extraordinary lengths to target only terrorist actors and to minimize collateral damage;

Whereas Hamas urged the residents of Gaza to ignore the Israeli warnings and to remain in their houses and encouraged Palestinians to gather on the roofs of their homes to act as human shields;

Whereas on July 23, 2014, the 46-Member UN Human Rights Council passed a resolution to form a commission of inquiry over Israel's operations in Gaza that completely fails to condemn Hamas for its indiscriminate rocket attacks and its unconscionable use of human shields, with the United States being the lone dissenting vote;

Whereas public reports have cited the role of Iran and Syria in providing material support and training to Hamas and other terrorist groups carrying out rocket and mortar attacks from Gaza;

Whereas throughout the summer of 2006 conflict between the State of Israel and the terrorist organization Hezbollah, Hezbollah forces utilized innocent civilians as human shields;

Whereas al Qaeda, Al-Shabaab, Islamic State of Iraq and the Levant (ISIL), and other foreign terrorist organizations typically use innocent civilians as human shields;

Whereas the United States and Israel have cooperated on missile defense projects, including Iron Dome, David's Sling, and the Arrow Anti-Missile System, projects designed to thwart a diverse range of threats, including short-range missiles and rockets fired by non-state actors, such as Hamas;

Whereas the United States provided $460,000,000 in fiscal year 2014 for Iron Dome research, development, and production;

Whereas, during the most recent rocket attacks from Gaza, Iron Dome successfully intercepted dozens of rockets that were launched against Israeli population centers; and

Whereas 5,000,000 Israelis are currently living under the threat of rocket attacks from Gaza: Now, therefore, be it

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

That Congress—

(1) strongly condemns the use of innocent civilians as human shields;

(2) calls on the international community to recognize and condemn Hamas' use of human shields;

(3) places responsibility for the rocket attacks against Israel on Hamas and other terrorist organizations, such as Palestine Islamic Jihad;

(4) supports the sovereign right of the Government of Israel to defend its territory and its citizens from Hamas' rocket attacks, kidnapping attempts, and the use of tunnels and other means to carry out attacks against Israel;

(5) expresses condolences to the families of the innocent victims on both sides of the conflict;

(6) supports Palestinian civilians who reject Hamas and all forms of terrorism and violence, desiring to live in peace with their Israeli neighbors;

(7) supports efforts to demilitarize the Gaza Strip, removing Hamas's means to target Israel, including its use of tunnels, rockets, and other means; and

(8) condemns the United Nations Human Rights Council's biased resolution establishing a commission of inquiry into Israel's Gaza operations.

Mr. SCHATZ. I ask unanimous consent that the committee-reported amendment to the resolution be agreed to, the resolution, as amended, be agreed to, and that the committee-reported amendment to the preamble be agreed to, the preamble, as amended, be agreed to, and that the committee-reported amendment to the title be agreed to, and that the motions to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The concurrent resolution (H. Con. Res. 107), as amended, was agreed to.

The committee-reported amendment to the preamble in the nature of a substitute was agreed to.

The preamble, as amended, was agreed to.

The committee-reported amendment to the title was agreed to, as follows:

Amend the title so as to read: ''A concurrent resolution denouncing the use of civilians as human shields by Hamas and other terrorist organizations.''.

MEASURE READ THE FIRST TIME—S. 2992

Mr. SCHATZ. Mr. President, I understand that S. 2992, introduced earlier today by Senator GILLIBRAND, is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2992) to amend title 10, United States Code, to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice, and for other purposes.

Mr. SCHATZ. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

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

ORDERS FOR WEDNESDAY, DECEMBER 10, 2014

Mr. SCHATZ. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, December 10, 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; and that following any leader remarks, the Senate resume consideration of the motion to concur in the House message to accompany H.R. 3979.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SCHATZ. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:53 p.m., adjourned until Wednesday, December 10, 2014, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 9, 2014:

POSTAL REGULATORY COMMISSION

TONY HAMMOND, OF MISSOURI, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2018.

NANCI E. LANGLEY, OF HAWAII, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING NOVEMBER 22, 2018.

TENNESSEE VALLEY AUTHORITY

VIRGINIA TYLER LODGE, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2019.

RONALD ANDERSON WALTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2019.

DEPARTMENT OF STATE

PETER MICHAEL MCKINLEY, 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 ISLAMIC REPUBLIC OF AFGHANISTAN.

RICHARD RAHUL VERMA, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDIA.