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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Eternal God, we acknowledge today that without Your protection, we labor in vain. Give rest to the weary and joy to those who work for liberty.

Lord, use our Senators to join You in bringing deliverance to captives and sight to the morally and ethically blind. Grant that our lawmakers will focus more on donation than duration as You remind them of their accountability to You. May looking to You for help become their first option.

We pray in Your marvelous Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENTS—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 3:00 p.m. today, the Senate proceed to executive session and vote on cloture on Executive Calendar Nos. 928, 930, 1032, 1033, 1034; further, that if cloture is invoked on any of those nominations, that on Thursday, November 20, at 2:00 p.m., all postcloture time be expired and the Senate proceed to vote on confirmation of the nominations in the order above.

The PRESIDING OFFICER (Mr. MARKEY).

Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask unanimous consent that—we had some nominations on which cloture was filed last night—there be 2 minutes for debate prior to each vote and that all rollcall votes after the first vote in each sequence be 10 minutes in length; further, with respect to the nominations in this agreement, that if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

Mr. REID. I now ask unanimous consent that following the cloture vote on Executive Calendar No. 1034, the Senate consider Executive Calendar Nos. 596, 699, 957, 1044, 1045, and 1056; 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. Without objection, it is so ordered.

Mr. REID. Mr. President, we expect these nominations I just listed to be confirmed by voice vote.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in a period of morning business, with Senators allowed to speak for up to 10 minutes each. The time from 1:00 p.m. to 2:00 p.m. will be under the control of the Republicans, and the majority will control from 2:00 p.m. to 3:00 p.m.

As a reminder, there will be an all-Senators briefing on ISIS at 4:30 p.m. this afternoon in the regular location.

LEGISLATIVE PROCESS

Mr. REID. Mr. President, I am glad that for a few minutes the President pro tem is here in this body and presiding over the Senate.

For years I have heard from Senate Republicans that they simply wanted to do some legislating; they were tired of being shut out of the legislative process; they were not able to debate legislation and amendments. They have assured the American people they want to be wholly dedicated to open and robust debate on legislation on the Senate floor.

Yesterday a bill that was bipartisan in nature and came out under the auspices of the chairman of the Judiciary Committee, after actually years of consternation, debate, and work by so many different people, came to the floor. That was blocked yesterday, blocked from even having a hearing here on the Senate floor. That is wrong. This is a very important piece of legislation. It protects Americans' rights to privacy without sacrificing the U.S. intelligence community's ability to gather information.

I also say through the Chair to my friend the President pro tem of the Senate that it does not matter if you agree with the statement I just made. Maybe some people disagree with this legislation. Certainly there are people who disagree with it. But shouldn't we at least be able to debate the issue here

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on the floor? Doesn't legislation of this magnitude merit the Senate's consideration? Yet yesterday we were shut down once again—this has been going on for years—before we even got started. They would not even let the Senate debate this very important piece of legislation. We were ready to legislate in good faith. We have been ready to legislate for the last 4 years. We have been prevented numerous times from doing that.

The Republican leader and his caucus will have to do more than just pay lipservice to an open, bipartisan legislative process. At some point they must practice what they preach. Maybe that will be the case come January.

Last night, just after the vote on Keystone, I heard the Republican leader say he will bring this same legislation to the Senate floor early next year. So we look forward to coming to the floor early next year. I would hope we can have an open amendment process and ample debate on that legislation that the Republican leader for months on record has wholeheartedly endorsed.

I feel very bad that the chairman of our Judiciary Committee has worked so hard during the time—when we were in recess, we talked several times about the importance of this legislation and how we were going to try to move it forward. We determined yesterday we are not going to move forward even without a debate or a vote on anything. That is really too bad.

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, with Senators permitted to speak therein for up to 10 minutes each.

THE PRESIDING OFFICER. The Senator from Vermont.

USA FREEDOM ACT

Mr. LEAHY. Mr. President, I appreciate the kind words of the majority leader. He and I have been friends for decades. He worked with me and was in touch with me throughout the recent effort on the NSA reform bill, the USA FREEDOM Act of 2014. He knew we had cosponsors, Republicans and Democrats, from across the political spectrum. This was an effort to do what was best for America and do it at a time when we would not be under urgent deadlines. Several of the authorities we were trying to amend expire on June 1 of next year.

We had a piece of legislation that began in the House of Representatives by a Republican chairman. We added to the bill in the Senate. There was a very clear signal from the House of Representatives that if we had passed the USA FREEDOM Act of 2014 here in the Senate, they would have taken it up and passed it. We would be enacting legislation that would improve not only the security of Americans, but also the privacy and individual liberties of Americans. And we would not do it under a deadline. So it was unfortunate last night that there was a partisan effort to stop it. There was some of the worst fear-mongering I have heard on this floor in 40 years. But I say this as more of a way to thank the distinguished majority leader for his steadfast support.

Mr. REID. Mr. President, the reason I feel—and I have made my remarks regarding the Senator from Vermont. There has been no one in modern history who has done more to protect the civil liberties of people than the senior Senator from Vermont. This legislation was drafted toward that effect, to make sure we were able to do the necessary work for this country as it relates to what was in this bill but also to protect the liberties of Americans.

I have such admiration for my friend from Vermont, for his work on landmines. At the time he started the conversation on landmines, he was it, but of course there are now people all over the world who are following his lead on the maiming, people who have been killed, thousands of people. Thousands of people, as we speak, are still being killed by landmines from wars past. So the fact that we were not able to get to this legislation does not in any way take away from the legacy of this good man who has done so much to protect the individual liberties of the people in Vermont and across the country.

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

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

RECOGNITION OF THE MINORITY LEADER

THE PRESIDING OFFICER. The Republican leader is recognized.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JOSHUA A. GRAY

Mr. MCCONNELL. Mr. President, I rise this morning to celebrate the life and mourn the loss of a soldier from Kentucky who died while serving in uniform. PFC Joshua Gray of Van Lear, KY, lost his life on February 10, 2014, at Bagram Airfield, Afghanistan, from a noncombat-related incident.

Private First Class Gray was 21 years old. For his service in uniform, Private First Class Gray received several medals, awards, and decorations, including the Army Commendation Medal, the Army Good Conduct Medal, the NATO Medal, the Overseas Service Ribbon, the Global War on Terrorism Service Medal, the Afghanistan Campaign Medal, and the Expert Marksmanship Badge.

Josh's life may have been tragically cut short, but it was full of promise. He excelled as a student. He scored a 34 out of 36 on the ACT standardized test in high school, putting his score in the 99th percentile. Friends and teachers from Johnson Central High School, where Josh graduated in 2011, remember how very bright he was.

''Josh was a very high-end student. He was an amazing kid,'' says John Robinson, one of Josh's teachers. ''He was very super-smart. He was always looking something up. He always had this thirst for knowledge—computers, math, science and technology. He was always more than willing to do work. He often came to me with questions—or answers.''

Josh's fascination with computers led him to salvage an old, massive IBM server that he brought to school to tinker with. John Robinson remembers the unit was so heavy it should have required two people to carry it. John said:

> He was carrying it around like it was nothing. He left it here. I still have it.

Josh was known around school for carrying something else around—Mr. Waddles, his stuffed penguin and constant companion. Though Josh carried the stuffed penguin at first for laughs, it soon became his trademark. As Tim Adams, district director of operations for Johnson County Schools, said:

> He took Mr. Waddles everywhere with him. It started out as a joke, but then it just caught on. Mr. Waddles became part of the class.

Joshua participated on the Johnson Central High School academic team and the SkillsUSA team. Popular with his classmates, he was also named prom king and voted ''Most Unforgettable'' by his senior class.

Lindsey Patrick, a classmate of Joshua's, stated:

> He could have done anything with his life, he was one of the most brilliant people I've ever met, and [service] is what he chose to do and give his life. That is why he is so unforgettable.

Josh was also musically gifted as well. Angie Carriere, his former music teacher, remembers Josh's musical talent:

> He was in my violin/fiddle class. He never wanted to learn to read music, instead he insisted on playing music 'by ear.' Actually, he never really needed the [sheet] music; he could just listen to the song and play it.

Josh joined the Army in November of 2012. He completed training at Fort Jackson, SC, and was assigned to Headquarters and Headquarters Battalion, 10th Mountain Division, based out of Fort Drum, NY, as a satellite communications system operator and maintainer. He deployed to Afghanistan in

support of Operation Enduring Freedom in January of 2014.

Joshua's funeral was held at Johnson County Middle School. He was buried with full military honors at Highland Memorial Park in Staffordsville, Johnson County.

We are thinking of Josh's family as I recount his story for my Senate colleagues, including his parents Seth William Gray and Robin Rena Gray, his brother Dustin Mollett, his sister Delaney Mollett, his maternal grandparents Andy and Kathleen Price, his paternal grandmother, Irene Gray, and many other beloved family members and friends.

PFC Joshua A. Gray was truly a talented and bright young man who could have done many things. The fact that he chose to serve his country in the U.S. Army is a testament to his character and his patriotism. I hope the family of Private First Class Gray knows that we in the Senate honor his choice to serve and we are grateful for his sacrifice.

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

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

KEYSTONE PIPELINE AND ENFORCING THE LAW

Mr. BLUNT. Mr. President, it is good to be here.

I was disappointed yesterday to see that we weren't able to move forward on the Keystone Pipeline. It has become symbolic in many ways of whether we are willing to embrace the opportunities of more American energy.

The American people clearly have a sense that it is to their advantage for us to take advantage of those opportunities, for us to deal with not only our own economy, with the energy we can produce but even with our next-door neighbors. Canada is our greatest trading partner, and Mexico continues to play a bigger and bigger role as a trading partner—I think now No. 4 and No. 5 of all the countries in the world we have economic exchanges with—but friendly neighbors in North America that can produce energy in ways that meet every logical standard.

I heard some discussions about the pipeline, that once this is built, even though it may create tens of thousands of jobs in building the pipeline, it will only take three dozen or so people to run the pipeline. Of course that is right; it is a pipeline. It is an efficient, safe way to transport the energy we need. But I think it is important to understand that just the jobs to run the pipeline have nothing to do in many ways with the job potential that is created when we embrace the energy potential we have. If we ask about that energy potential, the American people say yes. If we ask about lower utility bills or dependably payable utility bills, the American people say yes. If we ask about price at the pump, the American people say yes.

But beyond that, if somebody is thinking about a manufacturing job or any other job as a job creator, if they have that utility bill they can pay, if they have the delivery system they can rely on, the country is much more likely to make things again, the country is much more likely to compete, and the American people understand that.

Even if we ask specifically about this one small part of that puzzle—the Keystone Pipeline—the American people say yes. Six years is enough. The State Department has evaluated this over and over again under two different Secretaries of State. Both times they have said there is no problem moving forward with this. I was disappointed that we didn't.

Even the White House suggesting they would veto that if it was sent to them seems to continue to indicate to me that nobody is listening to what the people we all work for are saying.

The President said he wasn't on the ballot but his policies were. If his policies were on the ballot, as he said they were, those policies were widely rejected—not just to change next year in the body we get to serve in here, but also two-thirds of the legislative Houses in the country are no longer run by the President's party, and 60 percent-plus of the Governors are no longer run by the President's party.

People are trying to send a message. It would be a good idea if the White House would get on the receive and begin to figure out what that message is and what is wrong with those policies that the American people don't like. I don't think it is because they don't understand them. I know there would be one sense probably most closely held at the White House: If they just understood what we were trying to do, they would be for what we are trying to do.

I think it is not that way, even though the President might like to think it would be. In fact, the clear message is that people are concerned about costly energy policies, they are concerned about the President's recent overreach on a topic we wouldn't even think people would have engaged on, but they have: net neutrality, where even the Chairman of the FCC, nominated by the President and confirmed by this Senate—even the Chairman of the FCC said: I think the President is headed in the wrong direction there, and we need to do something different than that.

The SBA recently called on the EPA to withdraw one of their proposals and try again because it had too much negative impact on the economy.

I can't think of a similar situation ever, where an administration finds itself so often in conflict even with itself, even having the administration challenged. When the SBA thinks the EPA is off target, and that was empaneled sometime before a rule was laid down—a proposed regulation was laid down—we wonder, why not? Why wouldn't we be managing this discussion in a better way? Why wouldn't we be moving the country forward in a better way?

Ignoring the voters is an incredible tragedy in a democracy. Ignoring the law is an even more incredible tragedy in a constitutional democracy.

According to reports, the President is considering two requirements deciding on the 11 million people who are here without documents who either came illegally or stayed illegally and what to do about that. The President is looking at the length of time as a qualifier. Nowhere in the law is that a qualifier. The President is looking at the ties people might have to others in the country. These requirements, depending on how broadly they are drawn, could wind up with the President's announcement as early as Friday, leaving another 5 million people in the country in a status I don't quite understand and they will not either.

When someone is here based on an Executive order, that is totally dependent on one thing: Who is the Executive?

When someone is here based on the law, that is very dependent on everything having to come together that changes the law before their status will change.

Why would we put people in that kind of jeopardy? Why would we send that kind of mixed message?

After legislation overhauling the immigration process died in the Congress, the President said he is going to act on his own. I can't find that part of the Constitution which allows that to happen. In fact, in statements made more than one time, he couldn't find it either—statements made more than one time where the President said: I can't do this on my own. We are a nation of laws. That is his observation about who we are, not my observation about who we are.

I know there will be people on this side of the Capitol Building who will say: We sent something over there, I didn't vote for it, but it doesn't mean I am not aware that it was sent to the House. But the House sent a bill over here too. Apparently both the House and the Senate are so far from where the other side is that neither is willing to take up the other bill.

But that is the Constitution. The Constitution is designed so that when we change law, we do that in a fairly cumbersome way, but that has served our country pretty well for a long time, and it is not up to the President to decide that can be suspended on a topic he thinks is important and a topic he in fact has previously said he couldn't do on his own.

As he was talking about this the last several months, not just Republicans but Republicans and Democrats—and I

will admit particularly Democrats in close races around the country—said the President was overstepping his authority; the President is putting people in jeopardy of not knowing whether they are here on some kind of basis that nobody has quite defined or quite understands even after he acts.

Recently, a union representing thousands of Federal immigration officers raised an alarm that the U.S. Government had ordered supplies to create millions of blank work permits and green cards. According to reports following that union report, the new Federal contract proposal for Homeland Security would allow the government to buy enough supplies to make as many as 34 million immigrant work permits and residency cards over the next 5 years.

We issue immigrant work permits all the time but not at the level that is being talked about here. Nobody has contended, by the way, that we just got a particularly good opportunity to buy a lot of card stock. I haven't heard that given as the reason.

So these people who work with that every day are saying: What is going on here? The President of the National Citizenship and Immigration Services Council—the union representing 12,000 immigration service agents—called reports about planned Executive action dangerous, people who deal with this every day—his words—said it would increase exponentially the health risks, the threats to national security, and expense to taxpayers that he said are on the rise because of lax enforcement of immigration laws already.

Article II, section 3 of the Constitution declares that the President ''shall take Care that the Laws be faithfully executed.''

Simply put, these constitutional requirements are just that. They are requirements the President shall take care that the laws are faithfully executed, to execute the acts of the Congress, to enforce the law as written. Signed into law by some President and never changed by the current President would indicate that is what the law is and the President is supposed to enforce the law.

Yet President Obama continues to refuse in this and other areas to show a willingness to try to convince the Congress to change the law rather than assume: If the Congress doesn't do this, I will.

As I said earlier, and will say again, I am still trying to find that phrase in the Constitution that says: If the Congress doesn't do this, the President can. Whether it is issuing waivers to States from the work requirements contained in the bipartisan Welfare Reform Act of 1996 or announcing another change in the President's health care law—and I have lost count of how many changes on his own the President has had the administration do—they continue to look for ways to circumvent what the law says: a nation of laws, respect for the laws.

Americans are appropriately concerned the government is just too willing to overreach and at the same time unbelievably dysfunctional, whether it is kids at the border or a Secret Service that can't keep people out of the White House or how we deal with Ebola.

We have a Centers for Disease Control and Prevention, and when we have a disease control problem we have to put somebody else in charge. What is wrong with that?

That is why I introduced the ENFORCE the Law Act in March, a bill that would allow Congress to authorize a legal case to be brought against a President if he fails to uphold the law as written.

This bill would restore the system of checks and balances reiterated in the Constitution. The ENFORCE the Law Act removes the procedural barriers and then would allow the House or Senate or both together to jointly adopt the resolution that just says we don't believe the law is being enforced.

There is a set of regulations out now on the Clean Water Act which did authorize the Federal Government, the EPA, to monitor and have some authority over the navigable waters of the United States. I don't have any doubt that in the 1970s when that happened, people thought navigable waters meant the same thing they thought navigable waters meant when it was first put into Federal law in the 1880s. Suddenly, navigable waters in the new rule means any water anywhere that could ever become part of water that could become part of water that could become navigable. This is a case that can easily be litigated sooner rather than later, long before people try to comply with an area where the Federal Government will turn out not to have control, as they did in a number of areas this year. So I hope we will look at that again. The House has passed it in a bipartisan manner. The Congress should be concerned about enforcing the law as written. As the Constitution says, both the Members of the Congress and the President of the United States should be concerned about enforcing the law as written.

I thank the Presiding Officer for the time and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

TRIBUTE TO SENATOR TOM HARKIN

Mr. GRASSLEY. Mr. President, I rise today to celebrate the 75th birthday of my friend and longtime colleague from our home State of Iowa, Senator TOM HARKIN.

As the Presiding Officer knows, Senator HARKIN will be retiring from public office in a few weeks. At the end of the 113th Congress, Senator HARKIN will then close a chapter on public service that spans more than a half century, including four decades in Congress. He also served 27 years in the U.S. Navy and U.S. Naval Reserves, 10 years in the House of Representatives, and 30 years here in the U.S. Senate.

Now, I think anybody looking at that would say that is a remarkable and distinguished record of public service. After 40 years of representing Iowans in Congress, my friend TOM soon will leave behind the Halls of the U.S. Capitol. He also will leave behind a legacy of fiery floor speeches, passionately delivered on behalf of individuals with disabilities, also for Iowa farmers, also for the elderly, also for child laborers, and for many causes that he championed such as early childhood education, nutrition and wellness, conservation, renewable energy and the environment, and probably lots of others. But those are things everybody knows that he has worked hard on.

Throughout the years TOM and I have served side-by-side in Washington for the good of our home State. For three terms we worked together in the U.S. House of Representatives. It was here in the Senate our shared commitment to give rural America a voice at the policymaking table was sown, and for many years we worked together on the Senate agriculture committee, looking out for the millions of Americans who choose to work and earn a living in rural America. We worked together to advocate for rural infrastructure and investment, access to health care, housing, technology, and transportation.

For the last three decades we have served alongside one another in this distinguished body, the U.S. Senate, an institution that both of us hold near and dear to our hearts. Although some of our silver-tongued critics over the years may have ascribed TOM'S views as those of a bleeding-heart liberal or mine mischaracterized as that of a cold-hearted conservative, we both, TOM and I, know that our hearts have always been in the right place.

Neither of us was born with a silver spoon in our mouth and we learned early on to appreciate the work ethic of our parents and grandparents. Each of us raised our families with the hopes that our children and grandchildren would achieve the promise of America's prosperity and grow up to enjoy the pursuits of happiness.

As Iowa's U.S. Senators, we have worked to keep alive the dream of hard-working Iowan families.

Now of course it is true that we have vastly different views on the government's influence on America's ladder of opportunity. However, we do wholeheartedly agree it is an honor and a privilege to serve the people of our State. For some reason our respective reelections every 6 years have actually confounded political observers. Many couldn't seem to square the notion that Iowans would continue to elect two U.S. Senators from opposite sides of the political spectrum for the last three decades.

So to explain—or perhaps I don't have to because it is widely understood—Iowans are not casual political

observers. Our electorate takes pride in retail politicking and it is first in the Nation's political caucuses. We certainly have given Iowan voters a night-and-day choice between these two U.S. Senators. So while we may not see eye-to-eye on politics and ideology, we do see eye-to-eye when it comes to working for Iowa's best interests. Although our voting records may reflect night-and-day positions on some public policy, you wouldn't see the light of day between us when we worked together on matters that are of most importance to Iowans, including but not limited to natural disasters such as the tremendous floods of 1993 and 2008, Iowa farmers and agriculture, notably recovering from the farm crisis. Renewable energy and rural infrastructure have been our mutual interest. We have also enjoyed welcoming economic development leaders and constituents to the Nation's Capital.

Between the famous Siouxland steak dinner in Washington and the Harkin steak fry in Indianola, there is no doubt TOM will miss staking out Iowans to discuss politics and policy. However, I have no doubt my home State colleague will continue to champion the causes for which he has devoted a lifetime of service. In fact, I have read in news media about his retirement of what he intends to pursue, and so I have no doubt he is going to pursue out of the Senate what he has pursued in the Senate.

To his credit, my colleague's legacy reflects the priorities he set out to achieve decades ago, to make a difference for those on the downside of advantage.

My wife Barbara and this Senator extend our warmest wishes to TOM and his wife Ruth, and of course to the entire Harkin family, as he starts life's next chapter. I see my colleague on the floor, so I can look at him.

As you start life's next chapter, may you enjoy the blessings of hearth and home, health and happiness. Although TOM is retiring from public office, I am confident he is not retiring from serving the public interest. From one constituent to another, I thank you for your lifetime of public service and I wish you good luck and Godspeed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

A GREAT ASSOCIATION

Mr. HARKIN. Mr. President, first let me thank my friend and colleague for his lifetime characteristic which is being very gracious and very generous in his remarks.

CHUCK GRASSLEY and I have served together since 1974. I like to tell people that in 1974, that was a big wave of Democrats who came in. They called us the Watergate babies. We came in a big wave, won a lot of elections. In fact in Iowa that year they elected a Democratic U.S. Senator and every House seat—I think there were six at that time—six House seats all went Democratic except one, and that was the seat that CHUCK GRASSLEY won that year, bucking the trend—the tide—in 1974.

So it is kind of a funny thing, CHUCK,—I speak to my friend across the aisle here—that a lot of times people, this year, have said, ''All you Watergate babies are gone now, you and MAX BAUCUS, and CHRIS DODD and on the House side GEORGE MILLER and HENRY WAXMAN. So this is the last of the Watergate babies.''

I said, ''No, there is one left.''

''Well, who is that,'' they say.

I say, ''It is a Republican.''

''A Republican? Who is that?''

I say, ''My colleague from Iowa, CHUCK GRASSLEY, is sort of, shall I say, the last man standing from that class of 1974.''

Again, it is a tribute to Senator GRASSLEY that through all these years he has won the hearts and minds of the people of Iowa, been elected and re-elected. Of course he came to the Senate before I did. He came in 1981 and I came in 1984. So I like to think we at least share in common bucking the trend a little bit—the tide—because in 1984 someone said, ''Harkin ought to run for the Senate in 1984 because there will be a big Democratic landslide,'' and so I ran. The tide was just the opposite. There was a Reagan landslide here. But I was fortunate enough to win the election. So I think the two of us share the bucking of the tide, so to speak, getting into office when we ran. But it has been a great association all these years.

As I stand here today on my 75th birthday, I guess when you are this age, I think I have two kinds of emotions. One, I wonder where the heck did all the years go and how did they go by so fast. And sometimes I say, gosh, sometimes I wish I could turn the clock back and do it all again. The other emotion is sort of my Irish side of me. The Irish have a saying that any time you are on this side of the grass is a good day. So I am sure happy that I made it this far.

I again want to say that since the time we took our oath of office on January 4, 1975, we have served together both in the House and in the Senate. A lot of the time we were on the same committee, the agriculture committee, working on a lot of different agriculture bills. I remember back in the 1980s working on the credit bill at that time when so many farmers were underwater. As the Senator said, it has been a great honor and a privilege to represent the people of Iowa.

As he mentioned, we belong to different parties, we have different philosophies of approach in government, but I like to think we share a common-sense Iowa way of looking at the world. We are not monolithic out in Iowa. We are not all one philosophy or all the other philosophy. Sometimes I find very conservative friends of mine and I may have a liberal view of one thing and I find liberals and I may have a more conservative view of something else. So the people of Iowa, as my friend has said, think a lot about these things, and they take these things into consideration.

My friend has said, well, a lot of people say how can Iowans elect someone who is conservative and someone who is liberal. I think that is because there are common strains of that wave itself to the people of Iowa in so many ways where there is a cross of conflicts of maybe a conservative approach and a liberal approach.

I say to my friend, I value his friendship and his counsel through all these years, even though, again, as my friend said, we approach things maybe from a different philosophical standpoint. That is fine. That is okay. But we have never let a disagreement on philosophy ever be the last word between us or the final word or anything like that. It is always, well, that is that. What is next? And the one thing I really appreciate that my friend said is that when it comes to Iowa, you don't find any daylight when it comes to a disaster on what we can do for Iowa and Iowans. We have had a wonderful relationship through all these years and it is one that I have cherished very much.

I heard my friend, in making some notes, say that sometimes they say he is a cold-hearted conservative and I am a bleeding-heart liberal. I am going to set the record straight. He is not a cold-hearted conservative, he is a caring conservative. He cares deeply about people. He cares deeply about the people of Iowa, too. And I hope I am not a bleeding-heart liberal. I hope I am a liberal who believes in individual responsibility—individual responsibility.

My friend has been a very caring conservative through all these years. I think together we have achieved important things for our State: economic development, rural development, agriculture, energy, all these things we worked together on for Iowa. I am proud of the fact that in Iowa right now with regard to energy production, 25 percent of our energy comes from wind energy in Iowa. We produce the blades and turbines and everything in Iowa and all the jobs there. That is something we have worked together on through all these years.

Again, people have asked me why I am leaving the Senate. Well, it was my decision. At the time—almost 2 years ago—I said, you will never hear me ever say bad things about the Senate or denounce the Senate or say terrible things. I love the Senate. This is a wonderful institution. Yes, we hit a few bumps in the road once in a while, but that is to be expected in a legislative process that represents 300 million people in this country. But working together you form friendships and alliances.

I have often said that as a progressive, I want to go this far this fast and the conservatives want to go this far this slow, but by working together, you

can make progress. You can make progress, and that is what I think both Senator GRASSLEY and I have worked on together. We try to make progress, especially for the people of Iowa.

I thank the Senator for his kind words. I know we are not supposed to say this on the Senate floor; we are always supposed to speak in the third person. But I never wanted to follow all of the rules anyway. So I wish to speak directly and say: Thank you very much, CHUCK GRASSLEY, for your friendship, your counsel, and for working together through all these years. I will miss that relationship—working on the Senate floor.

I will be in Iowa. I will be working with the Harkin Institute at Drake University. I will be spending a lot of time on the disability policies and advancing the cause of people with disabilities in some way, shape or form. I don't know how but in some way. It is a nonpartisan institute, and we have a great board of directors. The former chair of the Iowa Republican Party is on the board of the Harkin Institute, and I want to keep it nonpartisan.

I ask that my friend come and speak—and perhaps lead a discussion at some time—at the institute at Drake University. I would be honored if my friend would do that sometime down the road. I don't know when, but sometime when we can work it out. I know my friend will be well received, and I think the young people at Drake need to hear the conservative side of the story as well as the liberal side of the story. They need to have that kind of input. I hope we can work it out.

I say again that I know in the future my friend and his wonderful wife Barbara, a great and wonderful person, and Ruth and I will maintain friendships and our connections as we move into the future. If there is any way we can work together for the benefit of Iowans, just let me know, and I will be glad to be the Senator's lieutenant in the field out there in Iowa sometime.

Again, I thank my friend so much for so many years of counsel and friendship and working together. Thank you, CHUCK.

I yield the floor.

Mr. GRASSLEY. I thank my colleague for his kind remarks and for being here and for serving the people of Iowa.

Mr. President, I wish to take 4 more minutes to speak on another subject.

The PRESIDING OFFICER (Mr. COONS). Is there objection?

Without objection, it is so ordered.

NATIONAL ADOPTION DAY

Mr. GRASSLEY. Mr. President, on Saturday, many children and families around the country will celebrate National Adoption Day. It's a day that many adoptions are finalized and youth find their forever families.

It's very comforting and fitting that this day helps kick off the holiday season. Families will be formed and strengthened. This Thanksgiving, many children will celebrate with their new families and not have to worry about their next placement or their next meal. And this month, we give thanks to the men and women who make their dreams come true.

Since the first National Adoption Day in 2000, nearly 50,000 children have joined ''forever families'' during National Adoption Day. In 2013 alone, adoptions for 4,500 children were finalized through 400 National Adoption Day events across the country.

These are impressive numbers—numbers that make us proud of the work being done to help children in foster care find loving families. But there is always more work to be done.

Today, there are over 102,000 children in the foster care system. Iowa alone has over 6,200 children in foster care, many of whom are waiting for a loving family to adopt them.

There are so many issues facing foster youth—in addition to being torn apart from their families. They face serious trauma. They are likely to be treated differently and don't get to do the same activities as other kids. They transition from home to home and school to school. They don't know normalcy, and they may never know permanency. And, after years of challenges, some are forced to transition to adulthood on their own. Unfortunately, each year over 23,000 youth age out of care in the U.S.

Too many older children in foster care, especially those with special needs, are often the ones who wait the longest to leave foster care. Foster youth simply desire to have what so many of us were blessed to have—a home with caring, loving parents and siblings. These kids are less likely than younger children to find ''forever homes.''

That is why I helped form the Senate Caucus on Foster Youth. I wanted to draw attention to the challenges that older foster youth face. The caucus has allowed congressional leaders to become more aware of the issues faced by young people and families who are involved in the foster care system.

The caucus cannot function without the input and insight from foster youth. These children are the experts on the foster care system. They tell us what works or what needs to change. They share their experiences and provide us with real world stories about how our policies truly affect them.

The caucus and the youth who share their experiences remind us that no child is unadoptable. No child should be without a mom and dad, and we must remember that foster care should be a layover, not a destination.

November is National Adoption Month, a time to raise national awareness of adoption and celebrate families, advocates, and volunteers involved in adoption. It's also a time to devote more attention to policies and practices that protect the safety and well-being for all children.

I am hopeful that Congress will continue to look for ways to improve the foster care system and promote adoptions. I am glad Congress worked to enact a bill this year to renew the adoption incentives program and to do more to screen and help foster youth who may be trafficked. We must continually examine how the system is treating youth and whether the policies in place are strengthening families.

There are many youth who will celebrate this holiday season without a permanent family. Hopefully, our celebration of National Adoption Month will raise awareness of the issues they face and the need to find them a mom and a dad. We need to keep working together to break down the barriers to adoption.

So today, I thank all those who have adopted or who have fostered children who needed it, and I thank the many individuals and organizations that work to make permanency possible for children. I know many dreams will come true this Saturday, and I wish the very best to the youth as they begin their journey with their new families.

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

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Minnesota.

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

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

NATIONAL ADOPTION MONTH

Ms. KLOBUCHAR. Mr. President, I rise in recognition of National Adoption Month, and I know our great colleague Senator LANDRIEU will be here to also address this important month. She has been such a great leader in fighting for this cause. She has literally gone to Guatemala to make sure that children who are awaiting loving homes in our country get to come to those homes. She literally knows the names of those kids and is hands-on every step of the way and has been the leader in Congress.

She established the Congressional Coalition on Adoption, which has brought together Senators and Members of Congress on behalf of children who need loving homes and families who want to welcome them home. We are very pleased with her leadership.

Senator LANDRIEU is joining us right now, and I will be able to flip it over to my friend at any time it is appropriate. But I do wish to speak about National Adoption Month. It is especially important in my home State of Minnesota.

Many people don't know this, but Minnesota actually has the highest rate of international adoptions in the country. Minnesota families have opened their homes and their hearts to children from all over the world—from

Vietnam to Guatemala to Nepal to Haiti.

I have had the opportunity to witness the power of adoption firsthand. Before being elected to the Senate, I spent 8 years as Hennepin County attorney, the largest county in Minnesota. We had jurisdiction over foster care and adoption. I actually worked to speed up those adoptions. I remember saying we need to eliminate this delay and reduce the time it takes for a child who has been going from foster care home to foster care home in half, and we were able to do that because people understood the need for children to have a permanent home.

I know Senator LANDRIEU is here right now and has a busy schedule, and I will turn it over to her as soon as I finish.

In the United States, nearly 400,000 children are living without permanent families in the foster care system. Over 100,000 of these children are eligible for adoption, but too many of them will wait for years and years to be adopted. Some will not be adopted at all.

Last night I attended an event called Kidsave. It is about children who are older and in other countries. This group has actually set up an incredible system where the kids come to our country for a few weeks and many of them end up being adopted. As the kids get older, it becomes harder and harder for them to become adopted.

Senator LANDRIEU and I are aware that as some of these countries, such as Russia, completely close their doors to adoption, there will actually be more and more children who are older that will need to be adopted. We hope the system changes and they do eventually open up their doors.

Around the world it is estimated that nearly 18 million orphans who have lost parents are living in orphanages or are on the streets and lack the care and attention required for healthy development. As a nation, we must open our arms to these children. Just last night at this event, I had the opportunity to hear the story of Jennifer Baumann, a 17-year-old girl from Colombia. She spent years in a broken home and then in a broken foster care system in that country. She was exposed to violence. She would go to bed hungry.

At age 14, she was still in foster care and had lost hope for her future. She was considered too old to be adopted. As she said in her own words, she ''cried for a year.''

But then, miraculously, she had the chance to visit a family here in America as part of the program that Kidsave organized. The family fell in love with her, she fell in love with them, and in 2011 she was adopted into a loving home. We have seen this time and time again in my State, and that is why I got involved in legislation with my mentor, MARY LANDRIEU.

One of the things we found out is—we had a family called the Makorises, and they were adopting nine children from the Philippines who had first lost their father, and their mother kept them together, and then their mother died, and it was the two oldest children who held those kids together. When they turned 16 and 17, they couldn't be adopted. The Makorises of Cambridge, MN, had to make a decision: Were they going to strand those two kids who held the family together, leave them in the Philippines, and take the other children? It was like Sophie's choice. That was their choice.

They decided there was a better way. They came to Congress. I led the bill in the Senate with the help of Senator LANDRIEU, Senator SESSIONS, Senator INHOFE, as well as House Members, and we were able to pass a bill that allowed kids who had reached an age where they were not legally allowed to be adopted, to be adopted if a younger sibling had been adopted. That means that retroactively, thanks to the work of Senator LANDRIEU, 10 million children all across the world were allowed to be adopted into loving families. And how fun was it to be in the Makorises' living room and see all nine children, like some Minnesota version of ''The Sound of Music,'' with a place for all of their winter boots and their coats. They came from the Philippines in the middle of the winter to Minnesota; yet they were still as happy and as warm as can be because now they have parents who love them.

The Senator from Maine understands how important adoption is because it has touched his own family. This has touched every Member of the Senate.

As we focus on National Adoption Month, we have to continue to look at policies and changes we can make to our laws to make them better. We passed that law to allow those older siblings to be adopted. We passed a law to allow vaccinations to be allowed in our country to make sure they are safe and that they are actually done. But there is more work to do with these intercountry adoptions, and I can think of no one better to lead that charge than the Senator from Louisiana, Ms. LANDRIEU.

So I am here to acknowledge the work we have done with the adoption tax credit, which we have gotten into law, and the work we have done to make sure it is easier for these international adoptions. Every single family out there knows there are problems right now with international adoptions. A lot of them stem from people such as Vladimir Putin. By the way, the reason Senator LANDRIEU was banned from going to Russia is because of the work she is doing for kids, being willing to take Putin on because of the fact that he was closing the doors to kids and using them as pawns for political gain. That is an amazing story, and that shows a fighter.

(Mr. KING assumed the Chair.)

I thank the Presiding Officer for his work with adoption and his personal story, as well as all the Members on both sides of the aisle who have devoted themselves to looking out for these kids who have no one else to look out for them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, yesterday we had a very different topic—the Keystone XL Pipeline—on the floor of the Senate. That fight is over for now, but the fight for adoption, foster care children, and all children in the world who are in desperate need of parents to love them and to nurture them goes on.

I could not be surrounded with a better team than Senator GRASSLEY, who has been fighting for this in the Senate since before I arrived—and 18 years ago when I got here, I quickly joined with him to continue the fight—and then AMY KLOBUCHAR joined us a few years ago and has become an extraordinary, effective, and willing soldier to go to the frontlines of this battle. I can't thank the Senator from Minnesota enough. She brings tremendous experience as a former prosecutor, which I didn't have and I don't think Senator GRASSLEY had, and she really understands the inner workings of the court systems in a way that has brought a lot of value to our coalition.

In addition, as she said, we are so proud of Minnesota as the State in our Union that has the highest per capita rate of international adoptions. So the leaders in Minnesota of all political parties and stripes as well as the faith-based community really understand this issue and have stood up time and time again. I wish to recognize Minnesota's leadership and particularly Senator KLOBUCHAR.

This month is November. It is a great month. It is Thanksgiving month. We give thanks for so many things in our country. It is a wonderful celebration—I think in some ways even better than Christmas because we are not so much focused on gifts; we are focused on really understanding the blessings we have received. One of those great blessings is a family.

I am so fortunate to have been born into one of the most remarkable families—not rich when I was born into my family and still not rich, and when I was born into my family we were not at all famous either, but we have two extraordinary parents, and to this day they continue to teach all 9 of us, 37 grandchildren, and now 5 great-grandchildren the value of family.

I have said many times, and Senator KLOBUCHAR has shared this with me, governments do a lot of things well, but raising children isn't one of them. I will repeat that. Governments do a lot of things well, but raising children isn't one of them. Actually, we were created and wired for one human to raise another. It just doesn't happen any other way. Our faith tells us that.

But now, interestingly, some really extraordinary science is being done by some of the most brilliant scientists in the world and sociologists, and one of

them is from my State, Dr. Charlie Zeanah. I want to give him a shout-out. When the terrible tragedy happened in Romania and Ceausescu fell—that crazy man who starved his country and put millions of children in orphanages—Charlie was one of the Americans who got on the plane with me and went to Romania, and he has never left. He stayed—not physically the whole time, but his colleagues stayed and did the most extraordinary science on the planet of what happens to a child who is detached from their birth parent or from a loving caregiver—just detached.

They also did the leading study in the world on institutionalization. The findings are remarkable in such a way that if they can't make us change the way we think—group homes are not sufficient. No matter how well run, they are not sufficient. No institution, no matter how beautifully it is run, no orphanage in the world, no matter how magnificently it is run, how clean and brightly painted—nothing can substitute for what an infant and a toddler and a young child and a teenager and an adult, amazingly, but particularly an infant need when they are born. They actually need it before they are born, and that is a whole other story. But when they are born, it says that the brain literally reacts physically to the fact that there is no caregiver who is consistent, and that is what happens when a child is abandoned. They go through what they are calling now this toxic stress.

The way I like to describe it—and I know maybe I only have 10 minutes, but it is worth talking about. Every adult in this world within the listening of my voice knows what stress is to an adult. We can literally feel it. Some people go out for a run. Some people have a couple of glasses of wine. Some people have long talks with their friends. We can feel that we have to do something. An infant feels that but in multiples, and an infant can't go out for a run, and a toddler doesn't know what to do. So that toxic stress goes right inside of them and they cannot release it. They don't know how. So it begins to affect the development of their brain.

These scientists are saying that when a child doesn't have, from the moment it is born, a constant, caring, confident touch and talk the way that loving parents demonstrate—as we know, as we hold our infant children in our arms, we give them strength. I used to think they just needed food and warmth, but that is not what the science says. The science says it is so much beyond that. We should have known this by our faith, but sometimes we doubt. So now the science is stepping up and saying exactly what we know by faith, which is that it is imperative that children have a loving, safe place.

I have been to orphanages all over this world, and I will never forget some of the visions I have seen. This is the most common vision we will see in an orphanage anywhere, particularly an orphanage where they have infants who are in cribs who are let's say around 1 year old. We walk into a room as big as this—sometimes smaller, but I have been in ones as large as this—with cribs everywhere, and the infants just sit there, those who can sit up, and they stare into space and they just rock themselves. The scientists say that is their last desperate attempt to console an inconsolable emptiness. So they just rock and they stare. They don't cry. The reason they don't cry is because they cried incessantly for the first 30 or 60 days of their lives, and then when no one came they just stopped because little babies are really smart. Contrary to popular belief, they are literally born with an exceedingly brilliant brain, but the more toxic, the more distorted it gets. So by the time a child is 3—not 13, not 30, but 3—their brain is like a muscle that kind of—it just doesn't function. It doesn't form correctly. And we can see this on this new imaging.

I know there are those who think this is a soft issue. People look at AMY and they look at me and they look at CHUCK GRASSLEY and think, why do these people keep talking about this? It is like nothing. Well, it is a lot. It is not nothing. It is very serious science, and it is very serious community development, and it is very important for this world to get this and get it quickly.

We wonder why prisons are filled. We wonder why psychiatric wards are filled. It is not because people are born bad because even though—I won't even go into mortal sin and my Catholic background. Let's just say forget that. Children are actually born beautifully made because God made them, and it is what we do to them in the time of their birth and the few years after that really shapes what they are going to be.

So, in my view, as a leader, that is why I have spent a great deal of my time on this subject. It is not a soft issue. It is as hard and as important as any Army or any trade policy, and I am never going to stop talking about it because it is so clearly the truth that I just can't stop talking about it.

So, again, this is National Adoption Month. We have put a resolution on the floor. We always get a remarkable amount of support from our Members.

I want to also give a special shout-out to Senator BLUNT, who has a child and who is very engaged in this issue, and he has really stepped up. He has a child who was adopted, as do I and as do other Members who have adopted children or grandchildren. ROSA DELAURO has been a remarkable leader in the House. Her grandchild was adopted from Guatemala. She has become an extraordinary voice. SUSAN BONAMICI, the Congresswoman from Oregon, has also been a great leader. And I just can't say again how happy I am that AMY KLOBUCHAR has been here to help.

I have some amazing photographs to share, and I thank the Huffington Post because that is where they came from. This is National Adoption Month. The Huffington Post has a great picture—and my colleagues can go online and see this—of many of the most remarkable adoption stories on Adoption Day.

These are all children I am going to show you, and I am going to tell you a little bit about them. This is a domestic adoption out of foster care. This is the Michael family. The parents are Tiffanie and Adebayo Michael from New York. The couple fostered two siblings, a boy and a girl who are pictured here. After 2 years and 4 months, the couple adopted these two children out of foster care on National Adoption Day. You can see the smiles.

It is so amazing to see these stories that happen all over the country. On National Adoption Day, this Saturday, many of the judges—this was started by a judge in California. I want to give him credit. His name is Judge Nash.

Judge Nash started this 20 years ago because he was in his courtroom. He was so frustrated—as Amy has been as a prosecutor—that no one was processing these adoption cases that he decided. This was how simple this was. He said: You know what. I am tired of the backlog. I am going to come in on Saturday. That is what he did. He said: I am just tired of it. So staff, we are coming in on Saturday. We are going to process 25 adoptions, 30 adoptions when we are not distracted and where we can get people in.

This is how National Adoption Day started. Judge Nash is my hero. National Adoption Day was started 20 years ago by one judge in one courtroom, and then lots of other organizations joined in. Now it is really a big movement.

This is a happy picture. This is a picture of parents from Baltimore who adopted an infant with a cleft palate from China in 2012. When this little infant was born—I know something about what happens in China and many countries. If an infant is born in almost any country in the nondeveloped world and they have anything wrong with them like a finger is missing or they have a cleft palate or, particularly, if they have something like spina bifida or a leg missing, in some countries they are literally put in rooms called dying rooms. They just leave them because they don't have the same understanding that we do in the United States about A, the dignity of every life, which our faith in this country teaches us; and B, in some countries they actually think it is a curse by God if a child is born with a defect, so they just sort of take it as if God never meant for this child to have a life.

I don't know what would have happened to this little boy. Trust me; it would not have been happy. The only little problem with him is he had a cleft palate.

This couple traveled a long distance. Under the law now, they would probably have to go back two or three

times because we have made it harder, not easier, for these parents. I don't know how many times they traveled, but they probably took their own money, borrowed money—unless they are super rich—from their relatives and went twice to get this little boy and finally brought him home.

The next picture is the Haden family. This is my favorite picture. They have two adopted children. Crew is a 1-year-old. He was adopted from Niger in 2013. Shepherd was 2 years old and was adopted from the DRC in 2012.

The most amazing thing is the biological children, which you can see, were the ones who received the children when they came. I have hardly seen a more beautiful picture than this that represents what the future could be if we would do our jobs.

The fourth picture is the Williams family. Jeff and Kelley Williams are from Nashville, Tennessee. Their faith called them to adopt in 2012. They brought daughter Haley home to Nashville from an orphanage in Ethiopia. This is how many relatives gathered to meet her. The most amazing thing about this picture is how tightly her father is holding her.

The fifth is a picture of the Hardbarger family. They are angels this year. They are from Shreveport. They are an amazing family from Louisiana. Chad is a pastor of a church. He is the senior pastor at Emmanuel Baptist Church in Shreveport. They formed an adoption ministry because they became so moved by their own experience in adopting.

They adopted all of these children. Monique is 19, Chris is 14, Bryce is 11, Jordan is 9, Bailey is 8, and Gavin is 7. He is a pastor of a really wonderful church. They have now taken this as a ministry and are developing—I see the leader on the floor.

I will wrap up in 2 minutes.

They are developing a wonderful ministry in Shreveport, and many of our churches in Louisiana are really stepping up to do this.

You may not believe this because this is a very famous family. They are admired—or otherwise—depending on what circles, so I have a lot of respect for the ''Duck Dynasty'' family in this area of what they have done. Willie and Korie Robinson have five children, three biological, one adopted, and one fostered. The couple adopted Willie, often called little Will, through a private adoption agency when he was born. They have a foster daughter from Taiwan named Rebecca. Since becoming rich and famous, which they weren't always—just a little simple family making duck calls, but now they are one of the most famous families in the world. They were our national angel 2 years ago, and they have continued to promote adoption, both domestic and international.

I wanted to just show a few of the most extraordinary families, both famous and not so famous, who are doing this great work.

I want to thank my colleagues for supporting this resolution, calling on us all in every elective office—Governors, Presidents, Members of Congress, and then at home in our districts, our courts, our judges, our prosecutors—to do everything we can to help.

I want to show you the last picture because this is our challenge. Domestic adoption—I am very proud to have moved this line. I want to give Secretary Hillary Clinton a shout-out—Senator Clinton—who helped to move this line. She really did remarkable work since 1999—basically 2000 to 2014. We now have more children being adopted domestically than ever before at all ages—infants, teenagers, et cetera.

Our challenge is international adoptions have dropped precipitously. I am going to come back to the floor and give a speech about why this is happening and what we have tried to do—a few of us—to turn it around, but our voices are hitting the wall and bouncing off because the State Department is not listening. We will continue the fight. This number is going down dramatically.

There are children such as that little boy in China with a cleft palate who will rot for the rest of their lives. If you want to wonder where terrorists come from, I will tell you where they come from. They come from families that are dysfunctional, and they come from places where there is no hope, no love, and no faith. That is where terrorists come from. If you want to stop it, I would suggest we start turning this line the other way.

I yield the floor.

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

Ms. KLOBUCHAR. Madam President, a lot of these adoptions wouldn't have happened without Senator LANDRIEU. When we go anywhere in this country on the adoption issue and mention her name, we see nodding of heads of so many parents because they actually know what she has done to fight for domestic adoptions and foster kids and also on the international level. There is so much more work to be done.

Thank you so much. I will be there when you give your speech.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Madam President, let me add my voice in this chorus because it is true. Senator LANDRIEU, more than any Member of the Congress, has made adoption her cause. We are reminded by Senator LANDRIEU what a difference it makes in the lives of children and their families and the world. I want to commend her. Senator LANDRIEU is the best.

As the grandfather of an adopted child, I know the difference, the joy, the importance of that moment in our family life. I thank her for continuing this battle to make certain that we understand the importance of adoption.

IMMIGRATION

Mr. DURBIN. There was a moment in the Civil War when President Abraham Lincoln sent a message to General McClellan. General McClellan was in charge of the Union troops, but he wouldn't use them. He sat encamped, intense, preparing for battle, and never going forward.

Lincoln, in his frustration, understood as he waited that the Confederate forces were getting stronger and the opportunities were slipping away. Lincoln sent a message to General McClellan. His message was this: If you are not going to use your Army, would you send it my way so I can use it?

I am reminded of that story when I address this issue on the floor of the Senate this morning because the issue I am going to address is the issue of immigration.

I come to this issue with personal and family experience, as so many Members of Congress do when it comes to an issue. In this circumstance, my mother was an immigrant to this country, and she was brought here at the age of 2 from Lithuania. Somehow my grandmother, with my aunt and uncle, made it across the ocean to Baltimore, landing in 1911, and then catching a train heading for the land of opportunity—East St. Louis, IL, which is where many Lithuanian families gathered and where my grandfather was waiting.

That was the city of my birth. My mother grew up there speaking Lithuanian and English—an immigrant family who worked hard and struggled. From family stories, I know they had little or nothing in their lives but the hope that the next generation, their children, would have a better life.

That is my story. That is my family's story, but that is America's story, too.

If we chart immigration as an issue in the course of America, we will find something very interesting. Political parties that become anti-immigrant parties eventually wither and disappear. Why? Because they are denying the fundamentals of America. They are saying that we are going to close the doors and pull up the ladder, and we don't need any more of those people.

We do need more of those people because the immigrant families who come to this country bring more than just determination and strength and a work ethic. They bring a level of courage that many families can't muster. These are families in different parts of the world who say at some point we are going to America. We may not speak the language, we may not even know what will happen to us once we arrive, but we are going to America—and they do. The vast majority of them who come to this country stay and make a difference. They sacrifice. They work night and day, but their moment comes when they become part of America. They are proud of where they came from but even more proud of the fact that they are part of the United States of America.

When any political party in history has decided to make anti-immigration their standard and their value, they have withered and disappeared as they should. They are ignoring and turning their back on who we are—what America is all about.

I was part of a group 2 years ago. We sat down—four Democratic Senators and four Republican Senators—and we worked for months to write a comprehensive immigration reform bill. I will tell you the names of the Senators so you know there was no secret deal here. JOHN MCCAIN led the Republicans, the former Republican candidate for President of the United States. By his side was LINDSEY GRAHAM, Republican from South Carolina—it was not exactly viewed as a liberal State but a very conservative one—and MARCO RUBIO of Florida, whose father and mother were immigrants to this country, refugees from Cuba; and JEFF FLAKE of Arizona, a conservative Republican by every measure. That was the team on the Republican side of the table.

On our side of the table we were led by CHUCK SCHUMER, from the State of New York, chairman of the immigration subcommittee of the Judiciary Committee. I joined him as a member of the Judiciary Committee and someone that has been involved in some of these issues for a long time. There was BOB MENENDEZ, the head of the Democratic Hispanic Caucus, which is a caucus of one at this point, by himself, the son of Cuban refugees who came to the United States; and MICHAEL BENNET of Colorado. The eight of us sat down for months, literally for months, hours at a time, sometimes angry and ready to walk out of the room.

We wrote a bill, a 200-page bill to rewrite the immigration laws in America, to fix the broken immigration system. Then we took it to committee, and the chairman of the Senate Judiciary Committee, PATRICK LEAHY, had open hearings and allowed any amendment to be offered that anyone wished.

Then we brought it to the floor after it was reported from the committee. We again gave an opportunity for amendments to be offered. Significant amendments were offered. Senator CORKER of Tennessee offered an amendment to even strengthen what was a very strong border security section of this bill. The net result of that of course was we brought it to a vote.

I will tell you, it was an incredible day, because on June 27 of 2013 we passed, on the floor of the Senate, comprehensive immigration reform by a vote of 68 to 32. Fourteen Republicans joined the Democrats in a bipartisan effort to fix our broken immigration system. It was a proud moment. We had the support of the U.S. Chamber of Commerce. We had the support of organized labor. We had every major religious group in America supporting our efforts. We had the ultraconservative Grover Norquist supporting this and liberals as well came together and said: Finally, we are going to do something about our broken immigration system.

But under the law of the land, passing in the Senate is not enough. The measure was then sent over to the House of Representatives on June 27, 2013. Today, November 19, 2014, the Republican-led House of Representatives has not only failed to have a hearing on this bill, it has refused to bring this bill to the floor, it has refused to bring any immigration bill to the floor. They refuse to address the obvious. We have a broken immigration system. We need to come up with a fair solution to it.

They refuse to act. It is within their power to call that bill today, as it has been every day since June 27, 2013, but for a year and a half the House Republican leadership has refused to act. Oh, they tempted us. They teased us time and again: We are thinking about it. We are going to put out a list of principles that we Republicans believe in, in the House of Representatives. We are going to tell you that maybe we would support something like the DREAM Act—maybe. We are going to tell you we want strong border enforcement, which of course the bill already has.

They have said all of those things and have done nothing. I am reminded of President Lincoln saying to General McClellan: If you are not going to use your Army, may I borrow it? The House Republicans have refused to address the immigration issue almost entirely, with one exception. They did call one immigration matter to the floor. It was one of the most hateful pieces of legislation which I have seen.

Here is what it said. Before they adjourned in August, the Republicans in the House of Representatives passed a measure with only four of their Members refusing to vote for it. Here is what it said. We have created an opportunity for about 2 million children brought to this country who have lived good lives, finished school, have no problems with the law and want to become part of America. The President has created an Executive order giving these children a chance to come forward, register with the government, pay their filing fee, and not be deported.

Madam President, 600,000 of them have taken advantage of that. This is called DACA. The President's Executive order gives them a chance to live in America, to go to school in America, to get a job in America, to make this a better nation. So 600,000 have done it. We believe 1.4 million more are eligible. They have not signed up yet.

So the Republican House of Representatives, in August, before they adjourned, passed a measure which said: The remaining 1.6 million who may be eligible for this protection cannot be allowed to be part of the DACA Program. Those 1.6 million young people should be subject to deportation—deportation.

Think about that for a moment; brought here at the age of 2 or 3 as infants, living in the United States their entire lives, standing in classrooms across America every morning pledging allegiance to the only flag they have ever known, and the Republicans voted, with an overwhelming majority, to deport them—to deport them.

That is not bad enough. That overwhelming vote that they cast, that hateful vote that they cast—they were so proud of themselves, that after voting they stood and applauded themselves. What a great moment in their minds for the House of Representatives.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I ask unanimous consent to speak for an additional 5 minutes.

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

Mr. DURBIN. What a terrible moment in the history of this Nation. The President of the United States, having waited for a year and a half, having heard all of the promises of the House Republicans, that they would move forward and finally call this bill, having been promised privately and even publicly by many of those Republicans that they were going to do something, now the President has said: I am going to use my authority, my authority under the law, to try to fix at least some part of this broken immigration system.

We are expecting, any day now, for the President to announce his Executive order. He will not be the first President to do this. Past administrations, Democratic and Republican, have stopped the deportation of low-priority cases in our country. Every President of the United States—every President of the United States since Dwight David Eisenhower has used his Executive authority to improve our immigration system by Executive order, every single one of them.

President George H.W. Bush issued a family fairness policy allowing 1.5 million people in America to apply for deferred action and work permits. It is clear that Presidents have the authority to do this. Yet the Republicans in the Senate and House have threatened this President that if he uses his Executive authority, as every President since President Eisenhower has done: We are going to hold it against you and you are going to pay a price, President Obama.

I hope the President pays little or no attention to that kind of threat. What is at stake is the future of millions of family members who are now subject to deportation. What is at stake is whether the Republican Party will come into the 21st century in this land of immigrants and join us in a bipartisan effort to fix this broken immigration system.

What is at stake are literally the futures of millions of families who just want a chance. That is all they are asking for, to earn their way into legal status in America. It is almost 13 years

now since I introduced the DREAM Act. The DREAM Act—I described it earlier—gives young people brought to the United States at an early age, who had no voice in what their families were going to do, to come to this country and eventually find their way to legal status.

At one point even the House Republicans said they supported this so-called DREAM Act. Time and again we have faced filibusters stopping the DREAM Act from passing in the Senate, but it was part of comprehensive immigration reform. This DREAM Act all started with this young lady, Tereza Lee, Korean, brought to the United States at the age of 2, grew up in a poor family in Chicago, had an amazing musical talent and was accepted to the Manhattan Conservatory of Music and the Julliard School of Music. Because she was undocumented she had no place to go.

Her mother called our office. Her mother, who incidentally worked night and day in a dry cleaning establishment in Chicago said: What can we do? The law had no real answer, other than to say to this then-18-year-old girl: Go back to where you came from for 10 years and try to come here legally.

That was the law. I introduced the DREAM Act. Since then we have seen a growth in support for this because it is only fair. We cannot, should not, hold children responsible for the decisions and wrongdoing of their parents. These kids deserve a chance. That is what the President's Executive action is about. That is why the action by the House Republicans was so reprehensible.

Tereza Lee, incidentally made it. She went to the Manhattan Conservatory of Music. She ended up not only getting a bachelor's degree, she did not receive any government assistance. She had friends and sponsors who stepped in to pay for it. She played at Carnegie Hall. She is now working on her Ph.D. in music.

She is now an American citizen, by virtue of the fact that she married this young American jazz musician. They are living in New York and recently had a baby.

I could not be prouder of Tereza Lee and what she has done with her life. There is a picture with her mom and dad. Her dad passed away. He had a serious medical illness that could not be treated adequately because he does not qualify for any kind of government health insurance. They did not have the money to provide him the care he needed.

But Tereza Lee's story is one that inspires me every day to come to this floor and remind my colleagues on both sides of the aisle, these are real human beings we are talking about. These are not political pawns. These are young people who deserve a chance to become part of the future of America. Sometime soon, I hope very soon, maybe even this Friday, the President of the United States is going to announce his Executive order.

He is going to say that, as he did with DACA, the Deferred Action Program, he is going to give more undocumented people in this country a chance. It will be a narrow category, not as broad as we would like it—at least some of us would like it—but it will be consistent with what every President of the United States has done since President Eisenhower.

It is fair. It is just. It recognizes our birthright as Americans, as a nation of immigrants. It says we are willing to stand and fight for fairness. I would hope—I would just hope that a few Republicans will stand and acknowledge this. I hope a few of them will join us in a bipartisan recognition that our broken immigration system cannot be fixed if the Congress of the United States—particularly the Republican House—refuses to even call the bill for a year and a half.

Instead, the President is using his authority and doing the best he can to make this Nation of immigrants proud again that we are welcoming a new generation of people who will make us even stronger in the future.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Madam President, I ask unanimous consent that the previous order be modified so that the following nominations be added following Executive Calendar No. 1056: Executive Calendar Nos. 966 and 967, with all the other provisions of the previous order remaining in effect.

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

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 15 minutes in morning business.

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

IMMIGRATION REFORM

Mr. CORNYN. Madam President, I am glad I got to the floor to listen to my friend, the Senator from Illinois, the majority whip, make his remarks. It reminds me of his great passion and commitment to the DREAMers and to the cause of repairing our broken immigration system.

While he and I differ on the details, and the feasibility of passing comprehensive immigration reform, we have been trying to do this for—laboring with this for at least the 10 or 11 years that I have been here. We have been unsuccessful. What does that tell us? It tells us we need to try something different. We need to break this down into smaller pieces. In the House, Speaker BOEHNER I know has made this pledge to the President and others. I know Senator MCCONNELL, the new incoming majority leader, believes immigration reform is important and we ought to use our best efforts to make progress.

But unfortunately the message the President of the United States has sent is he is giving up. To listen to my colleagues on the other side of the aisle who support this unprecedented Executive action by the President that is going to be announced on Friday, they have given up. They have given up.

What the Senator from Illinois did not say is even the President's deferred action order involving these young people—by the way, I support providing them an opportunity to become American citizens and productive members of society. I think we are all better off—these young people who are not culpable, they did not commit any offense or crime, they came with their parents, and we are much better off. They are much better off. Their families are much better off.

Our country is better off if we find a solution—which I am confident we could do. But the message the President has given and our Democratic friends have given is: We give up. We are not going to do our job as legislators.

We are going to let the President, with the stroke of a pen, provide an Executive amnesty to millions of people and create an awful lot of harm in the process.

The tragedy is we are a nation of immigrants and proud of it. Our rich, diverse heritage would not have been the same without the contribution of immigrants who have come from around the world, contributions that have become part of the very fabric of our lives and our society.

Millions of foreign-born immigrants who have come to the United States legally have become successful, patriotic citizens of the United States. We have been the beneficiary because of the opportunities that our Nation provides that nowhere else on Earth provides, and that is the opportunity to pursue the American dream.

But part of what makes the American dream possible is the rule of law. It is our Constitution. It is not Presidents getting frustrated with Congress, issuing an Executive order, defying the Constitution, and ignoring his oath to uphold and defend the Constitution of the United States. That undermines the American Dream.

So I listened to my colleague and friend from Illinois saying that this is a question about: Are immigrants good for America or not?

I stipulate they are good for America. As a matter of fact, my ancestors weren't born in the United States. We all came from somewhere else.

This is really, at bottom, whether the President, when he put his hand on the Bible and he took a sacred oath to uphold and defend the Constitution and the laws of the United States, whether he really meant it or whether he had his fingers crossed behind his back.

Like many of my colleagues, I have had the privilege of participating in naturalization ceremonies all across my State, where I have seen individuals from Vietnam, India, Mexico, and

from countries all around the world take the oath of allegiance to the United States of America. It is an inspiring and heartwarming occasion and, of course, many of them have taken that oath while wearing the uniform of the U.S. military, where they have served with honor and dignity as they await approval of their citizenship.

One of the first bills I passed when I came to the Senate was with Ted Kennedy of Massachusetts, the liberal lion of the Senate. What we did is we passed a simple piece of legislation that expedited the process whereby immigrants who serve in the military can become American citizens. That was one of the first bills I was a part of that passed when I came to the Senate.

Of course, these naturalization ceremonies represent a proud day, not only for these new Americans but for all Americans and for our Nation as a whole, where we welcome new citizens with open arms to this country to find a better life for themselves, for their family and, in the process, for all of us.

But the President has now threatened—and he is the one who has made the threat: If you don't do it on my timetable, according to the terms I prefer, I am going to do it myself.

He said that time and time again. There is no President who has abused the authority to issue Executive orders more than the current occupant of the White House. All Presidents have issued Executive orders since President George Washington, but no one has held Congress and the Constitution in such contempt that they feel as if Congress is irrelevant—except when I need them to appropriate money or to help them serve my purposes.

But the President is going to take steps in the coming days that would send men and women—such as those I have mentioned—who came, playing by the rules, pursuing legal immigration to the United States. He is going to basically tell those folks: Get to the back of the line.

We are the most generous country in the world when it comes to naturalization—almost 1 million people a year. But the President is going to tell the people who have been waiting patiently in line, playing by the rules: Get in the back of the line. I am going to put millions of people ahead of you in front of the line who have not played by the rules.

Well, it is a sure way to send a message to the rest of the world that our country does not enforce its own laws, which is an essential part of who we are, and where everybody, from the humblest to the most exalted in our country, are all bound by the same laws, whether you are President of the United States or whether you are one of these new Americans who takes an oath to uphold and defend the laws and the Constitution of the United States.

I have to say, because I come from a big State that sees disproportionate negative consequences of illegal immigration, this is a sure way to continue to reward the criminal organizations that get rich on the status quo. The 60,000 unaccompanied children that came from Central America that were part of this humanitarian crisis we had last summer continue to come, and the criminal organizations that continue to profit from this money-making operation are continuing to get rich. It encourages children to take a perilous journey, for many of whom it ends in kidnapping, sexual assault or death to get to the U.S. border.

The worst part is we just had a national election, as we do every 2 years. I have been in Congress when my side of the aisle wins elections, and we have had a pretty good election. I have been here when we lost, as we did in 2008. But that doesn't mean we can give up on our job, which is to legislate.

One of the saddest parts about what the President is going to do is he will poison the well and make it much harder, if not impossible, for us to do the sorts of things for which a bipartisan, bicameral commitment exists to do, which is to make serious progress on our broken immigration system. I am not sure whether we will be able to do as much as I would like to do or the Senator from Illinois would like to do, but we all know the status quo is unacceptable.

The President seems intent on provoking a constitutional crisis by adopting policies that he previously said were illegal. He said he didn't have the authority to do it time and time again. Now he has totally done a flip-flop of 180 degrees saying: I have discovered I now do have the authority. I was wrong when I said I didn't have the authority to do it. He seems intent on exacerbating partisan polarization and weakening democratic accountability.

We are the ones who are responsible for making these decisions, and we are accountable to our electorate, our voters. Unfortunately, it is going to make it much harder for us to make necessary progress on a number of different matters next year.

The President says we haven't acted on his timetable in a way that he prefers, so he is going to go it alone. But just think for a moment about the larger implications of that argument.

Every President in history has clashed with Congress. That is part of what we do. That is what the separation of powers is all about. It forces us to build consensus as opposed to pursuing our own agendas, and that is important. That is essential. But failing to get your way in Congress doesn't mean the President can simply override Congress with the stroke of his pen.

There is broad support for passing a series of commonsense immigration reform bills. I know the Speaker has said that publicly. The majority leader in the House, Congressman MCCARTHY, I believe, believes that, and I certainly do. The incoming majority leader, Senator MCCONNELL, has told me he does as well. But what there is no support for, other than purely partisan support, is what the President is proposing to do.

So in other words, if the President were willing to negotiate in good faith—and, yes, when your proposal is that I want everything I want or I want nothing, you frequently get nothing. You always get nothing because nobody gets everything they want, and it requires genuine compromise and it requires hard work. Nothing sustainable or meaningful will ever be done in this place without bipartisan support. We have learned that lesson time and time again.

But the President seems absolutely allergic—allergic—to good-faith negotiating and genuine compromise. In fact, I am not even sure he likes the job he ran so hard to get elected to, because that is part of his job—to work with Congress in a bipartisan way to achieve genuine consensus and compromise where possible.

He is claiming now, apparently, on Friday in Las Vegas, a right that no other President has claimed and, in fact, that he said he did not have, time and time again.

I know the White House Counsel's office is preparing a convoluted legal case to justify the President's actions. Most Americans will correctly view this as an abuse of power.

Earlier, I asked the President to think about the human costs of encouraging another massive wave of illegal immigration. My State is disproportionately affected, given our 1,200-mile common border with Mexico. It is not only people coming from Mexico; it is from Central America and around the world. But I urged him to think about all the men, women, and children from Guatemala, Honduras, and El Salvador who have suffered terrible violence and, indeed, some have died during their long journey through Mexico from Central America.

I urged him to think again about whether what he is doing inadvertently rewards and helps fund the criminal organizations that are creating such havoc in Mexico and in parts of Central America.

I can only hope the President will reconsider. I certainly am not optimistic because now the White House is leaking press reports about this announcement on Friday. But I believe his unilateral action, which is unconstitutional and illegal, will deeply harm our prospects for immigration reform. It will be deeply harmful to our Nation's tradition of the rule of law and deeply harmful to the future of our democracy.

Many Democrats believe, as I do, that this is a mistake. The President should heed their advice, stop making threats, and respect the Constitution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

NET NEUTRALITY

Ms. CANTWELL. Madam President, I rise today to call the Senate's attention to one of the most important economic issues before us, and that is the issue of Net neutrality.

We face a pivotal moment in the fight to preserve an open and fair Internet. Last week, the President called on the FCC to protect the bedrock principle of Net neutrality.

A strong, open Internet is one of the best ways to protect the innovation that supports millions of American jobs. It is one of the best ways to protect the competitiveness of the digital economy.

Now the FCC is working on formulating ways to protect a robust Internet. We know that the FCC received over 4 million comments on the issue of Net neutrality, and it registered many concerns by the public in making sure that we protect what has been a great resource for them.

They have spoken. They want to protect innovation, and they want to protect a free Internet.

Consumers should know for a fact that their Internet service is being held to the same standards as everywhere else. But we know now there are concerns about the concentration of players in the cable and large telephone market as it continues to develop. Maybe two providers will provide as much as 85 percent of the provider market, which raises concerns to many consumers.

Today I am calling on the FCC to take forceful action that adopts the strongest rule possible to provide maximum protection for consumers—maximum flexibility to promote the Internet economy.

I encourage the FCC to adopt robust and durable rules to prevent locking, throttling, fast lanes, and to safeguard transparency for consumers. These rules should apply both to the wired and wireless broadband networks so that your Web browser, your personal computer, your apps on your phone, all are treated in the same way.

This important policy would provide certainty to startup and business communities the same way as it will to support the Fortune 500 companies. In other words, we will treat an entrepreneur who started their company in their garage the same way we treat a big multinational corporation.

We need to send a clear message: We do not want artificial toll lanes on the innovation economy of the future. It is my hope the FEC arrives at a conclusion next year and issues these rules. The Internet has been an engine for unprecedented economic growth for our country. Today, the text-up sector represents 3.9 millions jobs, according to Pew Research, and it is continuing to grow. It really does represent the American entrepreneurial spirit.

YouTube was created in a garage in San Mateo; Facebook launched in a dorm room in Cambridge, MA; Amazon—when Jeff Bezos came to Bellevue, WA—has now become a juggernaut in downtown Seattle for new growth and development. These companies might have started in a garage, but they are supporting thousands of jobs across our country.

So today we want to make sure the Internet is not under attack by those who would prefer a pay-for-play system. The biggest telecom companies are trying to write the rules of the road that would crowd out some of these opportunities for unique entrepreneurs to continue to grow the application economy of the future. That is why we can't allow Internet service providers to set up fast lanes for those who can pay and slow lanes for those who can't. Our innovation economy depends on equal access for ideas.

Between 2007 and 2012, development of applications for smart phones and tablets created over 466,000 high-tech jobs and generated more than $20 billion in annual revenue. A tiered Internet system would put all of that at risk. It would allow Internet service providers to cut back from the deals to determine what information America can access on line.

We live in an economy based on speed, and a tiered Internet system would give the power to set speed limits to those few Internet service providers and what they wanted to do. This has a major ripple effect. Imagine your doctor examining a patient via telemedicine or a student trying to access a report through a university server, all of this put at challenge by whether they have fast access.

As an editorial in the Seattle Times said: America's democracy is in trouble when information is throttled or controlled by a few. The FEC must reverse this shameful trend.

What they are really trying to say is that creating additional barriers is tantamount, in my mind, to creating a tax on the Internet. A tiered Internet provider would have the range of control, and it means that individual users could be challenged. Strong Net neutrality rules will help maintain the same Internet we have today, and that is why the FEC should act.

Across the country, innovators, entrepreneurs, are experimenting with different app designs and different content creation and they rely on this open Internet to pursue those new business models. Nearly every startup relies on understanding that their product can reach any user connected to the Internet. So allowing Internet service providers to erect toll lanes would threaten the fundamental nature of the Internet and every business plan of every startup that relies on the consumer's ability for equal access to content.

We must do better than what has been done so far, and I encourage this body to make sure we too are going to stand up and protect the American spirit of entrepreneurship by making sure that Net neutrality is the law of the land.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Rhode Island.

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 2940 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WHITEHOUSE. I thank my colleague for allowing me the extra time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Madam President, I ask unanimous consent to address the Senate for up to 15 minutes.

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

RETIREMENT OF STEVE BACCUS, PRESIDENT OF KANSAS FARM BUREAU

Mr. MORAN. Madam President, agriculture is the lifeblood of my home State of Kansas. It drives our economy, but more importantly, it offers our citizens a way of life that is unique in today's world.

Within that industry I often encounter thoughtful, committed men and women who work every day to raise their families, run their businesses, serve their neighbors, and provide a better future for the next generation. Those qualities are found in Steve Baccus, who for the past 17 years has served on the Kansas Farm Bureau Board of Directors and for the last 12 served as its president.

Kansas Farm Bureau is our State's largest general farm organization, with nearly 105,000 members. Under Steve's leadership, the organization has influenced policy and politics, promoted rural values, and worked to show an increasingly urban population how food is produced and why technology is indispensable to feeding a hungry world.

Steve is a native Kansan, a veteran, a husband, a father of five, and a grandfather. His fourth-generation family farm in Ottawa County produces wheat, corn, soybeans, and occasionally a sunflower or a bit of sorghum.

I met Steve now many years ago when he was on his local farm bureau board, and we grew to be friends over the years. He was always someone I could count on to give trustworthy advice and counsel.

As agricultural issues repeatedly come to the forefront of debate in Washington, DC—from trade and energy, to the economy, overregulation, and the farm bill—Steve has worked to make certain the voices of Kansas farmers and ranchers are heard in the Nation's Capital.

Steve's passion for improving the lives of Kansans and advocating for the future of our rural State has always impressed me. His service on the Kansas Farm Bureau board was inspired by Steve's deeply held belief that there is a better future ahead for Kansas agriculture and for our State. He has always been selfless in his service, often

taking time to drive across all 105 Kansas counties over the years to update members of the farm bureau on issues that impact their lives and the lives of their family members in rural Kansas and across our State. KFB members always knew where to find Steve and felt comfortable seeking his help.

In addition to his service as president of the Kansas Farm Bureau, Steve has led multiple boards and organizations, including the Board of the American Farm Bureau Federation and the Farm Bureau Mutual Insurance Company, whose board he currently chairs. He has led trade missions, presented testimony before Congress and State legislative committees, and has championed the cause of agriculture for much of his adult life.

Steve embodies many traits we can all admire, including a deep love for the great State of Kansas and gratitude for the many hard-working families who provide food, fuel, and fiber on which Americans and the world rely. These traits have earned Steve the respect of his peers across the country. Steve has been a true public servant to agriculture, and he did it for all the right reasons. Not often do you find someone who has such good and clear intentions of service. Kansas farmers and ranchers found that in Steve Baccus in spades. He is a tremendous role model for all of us who want to make a difference in the lives of others.

Steve, we congratulate you for your service and wish you and your wife Patricia well in the next chapter of your life as you retire as president of Kansas Farm Bureau.

REMEMBERING ROSS AND MARIANNA BEACH

Mr. MORAN. Madam President, last Sunday I was at a funeral service in Manhattan, KS, because Kansas lost one of its greatest philanthropists and education advocates when Marianna Kistler Beach passed away on November 1, 2014.

Marianna and her late husband Ross Beach—who passed away in 2010—were residents of my hometown of Hay, KS, for more than 60 years before moving to Lawrence. This devoted couple was well known and well loved for their acts of service and kindness to others. Because of Marianna and Ross Beach, numerous Kansans have been inspired through the arts, and individuals with disabilities and their families have lived healthier, more productive lives.

Marianna was born on November 24, 1919, in Lincoln, KS, and Marianna learned the importance of empowerment through education at a young age from her parents. Elmer and Myrtle Kistler moved their family from Lincoln—including their 15-year-old daughter Marianna—to Manhattan, KS, in 1934 in order to give their children the opportunity for a college education during the Great Depression. Marianna graduated from Manhattan High School and Kansas State University, where she was a member of Pi Beta Phi, Sigma Phi Journalism Honorary, and Mortar Board.

Marianna married Ross—whom she always called Rossie—in 1941, and they were devoted to each other for 69 years until his death in 2010.

Ross Beach was a pioneer in banking, radio and television, and oil and gas, and Marianna was a support system behind all that success. Ross was the president of Kansas National Gas Company and chairman of the board of the Douglas County Bank, and with Marianna by his side Ross created economic opportunities for many Kansans. But the Beaches' business success was overshadowed by Ross and Marianna's generosity.

Marianna Beach worked hard to make certain education and the arts would be a priority of Kansans. She and her husband assisted with the formation of the Beach-Schmidt Performing Arts Center and the Sternberg Museum of Natural History at Fort Hays State University. Marianna was a member of the Mid-America Arts Alliance, president of the Hays Arts Council, and wrote a column on art and city beautification for the Hays Daily News for more than 20 years.

For the Beaches' 50th wedding anniversary, Marianna convinced her husband to establish the Marianna Kistler Beach Museum of Art on the campus of Kansas State University to ensure that art is accessible to all Kansans. My wife Robba and I have had the honor to serve on the board of visitors of this museum that bears their name. We are able to witness firsthand the positive consequences of the passion and commitment Ross and Marianna had for culture and for the arts in our State.

Marianna's priorities were guided by a belief in the value of each individual, which was illustrated by her lifelong commitment to supporting and uplifting individuals with special needs. Supported by her husband, Marianna worked tirelessly to maximize the potential of handicapped individuals, serving on the President's Committee on Mental Retardation from 1969 to 1975. She was also actively involved at the local level. She did everything personally. In fact, the Beach Center on Disability at the University of Kansas is named in her honor. The research done there focuses on disability policy, employment, family support, and early childhood services.

The Beaches' level of generosity will truly live on for generations to come.

Despite their stature in our community and State, Marianna and Ross Beach always treated every person they encountered with respect and dignity. As a young newlywed couple starting a new life in Hays, the first invitation Robba and I received was to come to Ross and Marianna's home for dinner. There was never a more gracious, caring couple than the Beaches, who wanted to make sure everyone was included.

For a large portion of my life, I joined Ross and other businessmen and professionals for lunch at The Roundtable. While there was a lot of talk about sports and politics, I learned a lot about life by listening to Mr. Beach. My friendship with Ross Beach certainly opened doors for me in business and politics, but more importantly, it gave me the confidence to realize that this smalltown Kansas kid could one day be able to serve here with my colleagues in the Senate.

While my family and I are saddened by the death of Marianna Beach, we take comfort knowing that the legacy of the Beach family will endure far beyond our generation. While Marianna and Ross Beach donated their talents and treasure, it is their character and generous souls that I and many others will miss the most.

Marianna was loved by all who knew her but especially by her family. I extend my heartfelt sympathies to her daughters Mary, Terry, and Jane, as well as her brother Lee, sister Janet, and eight grandchildren and six great-grandchildren. I know you loved your mother, grandmother, and sister dearly, and she will be greatly missed. I hope you find comfort in knowing that she and Ross are united in their Heavenly home.

We are told that to whom much is given, much is expected. Ross and Marianna Beach more than fulfilled any expectations. I am thankful for having the good fortune of knowing them for more than 40 years.

God bless Marianna and Ross Beach for their life together and let them be a role model for all of us.

Thank you, Madam President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

IMMIGRATION REFORM

Ms. STABENOW. Thank you very much, Madam President.

There is a lot of talk here in Washington and across our country right now about how to fix a very broken immigration system. The message the American people sent us earlier this month was very clear. I don't think anybody should miss it. They want us to work together, and they want us to get things done for the country and move things forward. They know we can still do big things when we put aside partisan politics and sit down together and work in the best interests of the country.

I know that firsthand because of the farm bill. It was not easy. It was complicated. There were regional differences. There were partisan differences. There were differences between the House and the Senate. But we wanted to get it done. We stuck with it, we worked hard, and in the end, a lot of people working together made that happen. So we know how to do that.

We know how to do that in the Senate on immigration as well because a

whole different group of people across the aisle sat down with very different ideas. How do we strengthen the border? How do we have a system that works for agriculture and business? How do we create a pathway of earning their citizenship in this country? People worked in a very complicated situation, they worked together, and ultimately, after a lot of amendments and slogging it through on the floor, just as we did on the farm bill, we achieved that. We achieved that. We achieved that 510 days ago.

So 510 days ago we passed overwhelmingly—I believe it was 68 votes—a comprehensive immigration reform bill and sent it to the House of Representatives—510 days ago. What has the Republican House of Representatives done with that comprehensive, bipartisan bill that was sent to them 510 days ago? Nothing. A great big zero. They have done nothing. They refused to even have a vote on it. They refused to suggest changes to the bill and work on the opportunity to bring their ideas to the table. They refused to even debate the bill. Why? Amazingly—amazingly—it is because the Speaker and the Republicans and the House know it would pass if they brought it up. And the public looks at that and says: What? Are you crazy? You don't want to bring up a bill because you know it would actually pass on a bipartisan vote?

But that is exactly what is happening. In fact, that is how it is supposed to work. There was a tremendous amount of effort by this body and by leaders on both sides of the aisle, who should feel very proud of the work that was done. It was sent to the House of Representatives 510 days ago, and nothing has been done. Zero has been done.

So I have a very simple message for Speaker BOEHNER: Let the House vote. Let the House vote. The time is now. The time is now to solve this problem, and it can be solved today if people want to do that.

House Republicans still have an opportunity to show the American people that they can be trusted to do the work that people sent them to do—sent all of us to do. They can do it today. They can do it tomorrow. They can get this done before Thanksgiving. Everyone knows that the bipartisan Senate immigration bill would pass right now with both Democrats and Republicans supporting it if Speaker BOEHNER would simply let the House vote.

As we in the Senate showed over a year ago, people on both sides of the aisle want to fix this broken system that hurts families, workers, businesses, and farmers. I could tell you story after story of crops being left in the field because of a broken immigration system. This is an urgent problem, and the time to act is now.

If our Republican colleagues in the House don't want President Obama to use his authority to help fix the broken immigration system—just as every President, by the way, since President Eisenhower, including Presidents Reagan and George H.W. Bush, has done—all they have to do is simply vote. Just have a vote. Then we don't have to have this back-and-forth about how do we work together on appropriations or how do we get all the work done that desperately needs to be done. Just vote. It is in their hands.

We cannot afford to wait another 510 days to begin to address this urgent problem, which is why if the House will not act the President has no choice but to act. But the good news is that we don't have to wait.

Americans didn't send us here to talk about impeachment or shutting down the government again. They sent us here to get things done. They sent us here to create opportunities for them to work hard and get in the middle class and stay in the middle class, which is harder and harder to do every day.

So I would say to Speaker BOEHNER: Let the House vote. Let's get the bipartisan immigration bill on the President's desk today. This isn't about the President waving a red flag in front of a bull, by the way—which is, frankly, a lot of bull—this is about waving the bill in front of the House of Representatives.

Yoo-hoo, Mr. Speaker, you have a bill. You have a bill. It passed with 68 votes in the Senate. It will pass in the House of Representatives. It will avoid what you say is going to be a big fight and legal challenges. Just vote. It is that simple.

Let's show the American people that we can put aside our differences, that we can work together and do what is best for the country. It is as simple as having a vote.

Thank you, Madam President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

TRIBUTE TO ABDUL-RAHMAN ''PETER'' KASSIG

Mr. DONNELLY. Madam President, this is a speech I hoped to never give and one I give with an incredibly heavy heart. I wish to speak about a young man from my home State of Indiana, Abdul-Rahman Kassig, known to many who loved him as Peter or Pete. He was a Hoosier, a son of Indiana, and we could not feel more proud of him or lucky about the fact that he was one of us.

Abdul-Rahman was a son of the United States of America who served our country and also served the world. He was a man of peace and healing and caring. Abdul-Rahman was with us for 26 years, and what he gave us during his life is so much greater and so much more important than how he died. The intensity and focus and desire to make a difference was the hallmark of Peter's life, and it stands in stark contrast to the cruelty and disdain for human life of the ISIL terrorists who took Peter from us.

Every one of us is heartbroken for his parents Paula and Ed, who have lost their son in the most nightmarish of circumstances and have been the most extraordinary people during this whole situation. The world mourns the loss of Abdul-Rahman along with us. His life is one to be admired.

As one of his teachers wrote to his parents: ''Peter's life is evidence that he's been right all along; one person can make a difference.''

While we mourn the loss of our fellow Hoosier in America, we are rightfully angry about his murder and we hunger for justice, but we are challenged to face the fact that there are others still being held by these terrorists, and we must work and pray for those who continue to be held against their will.

Today I want to talk about Abdul-Rahman—Peter. I know his wonderful parents Paula and Ed. They are extraordinary people. I was not lucky enough to meet Peter before he headed over to Syria to help provide emergency medical care there. However, through his folks and these many months, I feel as though I have gotten to know his spirit through his words, his actions, and the many stories from those who loved him. Some stories can be told, some stories can't be told, but he is an extraordinary young man in every way.

This was a selfless, courageous young man with a big heart who saw suffering and wanted to help, and ultimately he laid down his life in service to others. If you look at these pictures, this is Peter at the ambulance that he worked on as an emergency medical technician, and all he did was try to make other people's lives better by helping them when they were injured and wounded. You will hear that when his organization ran out of money, he took his own money out of his own pocket to buy bandages, equipment, and gas for the van. That is the kind of guy he was.

He was a son of Indiana, growing up near Broad Ripple as the only child of Paula and Ed. He graduated from Indianapolis North Central High School, spending his high school days as many kids in Wisconsin do—the home State of the Presiding Officer—running cross country and track and playing his guitar. He then served in the U.S. Army with a brief time in Iraq before being honorably discharged and enrolling in Hanover College back home in Indiana.

Abdul-Rahman was described as an intense young man who was always ready to help his friends in need. One classmate from Hanover said, ''From the moment you meet Abdul-Rahman, you know that he is a man that is destined for great things.''

Abdul-Rahman left Hanover in 2009 for training and then certification as an emergency medical technician, followed by attending Butler University. It was during his time as a student at Butler that Pete traveled over to Beirut during spring break in 2012. While other kids were heading to Florida and

Texas and the Bahamas over spring break, Pete went to Beirut to try to help people.

He saw the refugee crisis stemming from the Syrian civil war firsthand and decided to stay there.

I wish to read some of what he wrote to his family and friends at that time about the decision he made. These are Peter's words:

I do not know much, every day that I am here I have more questions and less answers, but what I do know is that I have a chance to do something here, to take a stand. To make a difference. Yesterday my life was laid out on a table in front of me. With only hours left before my scheduled flight back home to the United States, I watched people dying right in front of me. I had seen it before and I had walked away before . . .

I am staying in the region indefinitely. I am formally requesting that I be withdrawn from my courses for the remainder of the semester. I have had the conversation with my parents and it was the easiest one we ever had. They knew simply from the sound of my voice. I have never been freer, more alive, happier, or better received than in this place.

There is too much work to be done here. Too many people in need of immediate help . . .

This decision isn't one that everyone would make, most people wouldn't I guess, but those of you that really know me understand that this is what I was made to do. My whole life has led me to this point in time.

In May of 2012, Abdul-Rahman moved to Lebanon to work as a volunteer emergency medical technician, serving in a hospital in the region there.

By September 2012, Abdul-Rahman, still in his young twenties, formed his own nongovernmental organization to even better help those in need around him. It was called the Special Emergency Relief and Assistance, or SERA.

In the summer of 2013, Abdul-Rahman moved SERA's headquarters to Gaziantep, Turkey, where the organization provided first response assistance to refugees fleeing the Syrian civil war.

SERA provided food and medical supplies to the refugee camps on both sides of the border. SERA also provided primary trauma care and first-aid training to civilians in Syria so others could also provide that same care.

When fundraising was not going as well as needed, Abdul-Rahman donated his own money, giving not only his time and his talent, but everything he had financially to keep it going and assist those suffering around him. He was working on a project for SERA when he was detained on October 1, 2013.

When he was detained, he was traveling in the back of an ambulance on his way to Deir Ezzour in eastern Syria to help provide medical care. He was in the back of an ambulance when he was taken.

Peter showed incredible strength while in captivity—demonstrating his love for his parents while reflecting on the possibility that he might not make it home.

In a letter written while he was in captivity, and received by his parents in early 2014, Abdul-Rahman wrote:

It is still really hard to believe all of this is happening . . . as I am sure you know by now, things have been getting pretty intense. We have been held together, us foreigners . . . and now about half the people have gone home . . .

I hope that this all has a happy ending but it may very well be coming down to the wire here, if in fact that is the case then I figured it was time to say a few things that need saying before I have to go.

The first thing I want to say is thank you. Both to you and mom for everything you have both done for me as parents; for everything you have taught me, shown me, and experienced with me.

I cannot imagine the strength and commitment it has taken to raise a son like me but your love and patience are things I am so deeply grateful for.

Secondly, I want you to know about things here and what I've been through straight from me so you don't have to wonder, guess, or imagine (often this is worse than the reality). All in all I am alright. Physically I am pretty underweight but I'm not starved, & I have no physical injuries, I'm a tough kid and still young so that helps.

Mentally I am pretty sure this is the hardest thing a person can go through, the stress and fear are incredible but I am coping as best I can. I am not alone. I have friends, we laugh, we play chess, we play trivia to stay sharp, and we share stories and dreams of home and loved ones. I can be hard to deal with, you know me. My mind is quick and my patience thinner than most.

But all in all I am holding my own. I cried a lot in the first few months, but a little less now. I worry a lot about you and mom and my friends.

They tell us you have abandoned us and/or don't care but of course we know you are doing everything you can and more. Don't worry Dad, if I do go down, I won't go thinking anything but what I know to be true. That you and mom love me more than the moon & the stars.

I am obviously pretty scared to die but the hardest part is not knowing, wondering, hoping and wondering if I should even hope at all. I am very sad that all this has happened and for what all of you back home are going through.

If I do die, I figure at least you and I can seek refuge and comfort in knowing that I went out as a result of trying to alleviate suffering and helping those in need.

In terms of my faith, I pray everyday and I am not angry about my situation in that sense. I am in a dogmatically complicated situation here, but I am at peace with my belief.

I wish this paper would go on forever and never run out and I could just keep talking to you. Just know I'm with you. Every stream, every lake, every field and river. In the woods and hills, in all the places you showed me. I love you.

If you look at the pictures, you can see Peter and his mom in this picture and Peter and his dad off fishing in Indiana. This is the story of Abdul-Rahman Kassig. Nothing you have seen on TV over the past 3 or 4 days is the story of Abdul-Rahman Kassig. This is the story. Those are his parents and this is what he did—he devoted his life to others.

He was a young man who was taken from us in the most barbaric way, yet whose life stands for all that is good in our world.

Abdul-Rahman, we will miss you catching more fish than your dad Ed when you went out fishing together and then laughing with him and rubbing it in that you caught more than he did. Best friends right there.

We will miss you giving your mom Paula a big hug and telling your parents how much you love them. Folks around the world and every American will miss you terribly, but we will never forget how kind you were to the sick and injured people you cared for and the sick and injured people you made well, and everyone whose hearts you filled with love and passion and laughter.

This was a man all Hoosiers and everyone else was so proud of, who touched more people and helped more folks in his 26 years than most of us do in a lifetime.

I will close with something that Paula Kassig said on Monday:

Our hearts are battered, but they will mend. The world is broken, but it will be healed in the end. And good will prevail . . .

Abdul-Rahman spent the last years of this life working for good, serving those in the greatest need in the most dangerous of situations because his fellow citizens of the world needed him. He truly believed good would prevail.

Let us keep the Kassigs and those who are still currently being held against their will and their families in our prayers and thoughts.

Abdul-Rahman, we have been humbled by your generosity and your love. May God bless you and may God bless the United States of America.

I yield back and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

NEW REPUBLICAN MAJORITY AGENDA

Mr. THUNE. Madam President, today is our first full week back in session since the election 2 weeks ago. While we haven't had the change of control yet in the Chamber—it doesn't happen until next year—Republicans are setting out our priorities for the new Congress and looking forward to getting to work.

Two weeks ago the American people spoke. They sent a clear message to Washington that they are tired of the status quo, tired of gridlock, tired of obstruction. They are tired of Washington wasting their money. They want change, and on election day, they asked Republicans to make that happen.

Republicans are humbled by the trust the American people have placed in us, and we are not going to let them down. We look forward to setting a positive and a constructive agenda and getting the Senate working again for the American people.

Over the past several years, the Senate Democratic leadership has stifled debate, ignored the regular order of business, and wasted the Senate's time on partisan pieces of business that Democratic leaders knew would not pass. That means that very little time has been spent on American families' priorities.

Even many Democrats have grown frustrated with the highly partisan direction the Senate has taken under Democratic leadership. Republicans intend to chart a different course.

Starting in January, we will ensure that the Senate returns to the committee process and that the Senate floor once again becomes a forum for debate and amendments and votes. I am encouraged that this week a number of rank-and-file Democrats abandoned their leadership and joined Republicans to support legislation to approve the Keystone Pipeline and the more than 42,000 jobs it will create. Republicans hope we can continue to have that kind of collaboration in the new Congress.

Americans have had a rough time over the past several years, including a weak economy, few jobs, high prices on everything from health care to electricity, and the list goes on and on. Our first priority in the 114th Congress will be enacting policies that will help create jobs and increase economic opportunity for American families. A good place to start is the dozens of House-passed jobs bills that have been gathering dust on the Senate Democratic leader's desk. Many of these bills passed the House with bipartisan support, and it is high time they get a vote in the Senate so they can get on the President's desk.

We hope the President will work with us on priorities such as expanding trade to open new markets for American agriculture and manufacturing overseas.

I have to say I am a little concerned that the President has indicated his intention of continuing to operate on his own. The American people made it clear on election day that they have rejected his policies, and I hope the President will take that message to heart and rethink his plans to go it alone on important issues such as immigration.

Finally, Republicans will get to work on some of the big-ticket items that need to get done in Washington, including issues such as reforming our Tax Code to make it simpler and fairer and to make us more competitive in the global marketplace, eliminating the hundreds of inefficient regulations that are driving up prices for American families and killing jobs, and issues such as conducting oversight of the executive branch to ensure that the cycle of abuses such as the IRS scandal and the Veterans Affairs scandal stops now.

Republicans understand the opportunity we have been given and we don't intend to waste it. We are going to make Washington work again, we are going to make government more efficient and effective and stop the waste of taxpayer dollars, and we are going to get our economy going again to put our Nation on a path to growth and shared prosperity.

Divided government has been historically a time when great things have been accomplished. We can go back to Social Security reform in 1983 when we had a Republican President working with a Democratic House or tax reform in 1986 when we had a Republican President working with a Democratic House or 1996 when we had a Democratic President working with a Republican Congress on welfare reform. There are lots of examples throughout our history where divided government has led to big accomplishments and big results for the American people.

I submit that we can do that again. The American people are counting on us. Republicans are ready to roll up our sleeves and get to work, and we invite Democrats and the President to join us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

PRESIDENT'S HEALTH CARE LAW

Mr. BARRASSO. Madam President, this past Saturday the open enrollment period for the Obama health care law opened in terms of the health care exchange. People who bought health insurance through healthcare.gov or through their State's exchange are finally allowed to see how much their insurance is going to cost next year. Things were pushed back beyond the election so people wouldn't be able to find out before the election what it was going to cost. So the Obama administration had all of this information for awhile, but they intentionally kept it secret until after election day. Now people get to see the prices, and many people across the country are absolutely in shock at the increased costs of the health care law.

Millions of Americans are learning their health insurance is going to cost them a lot more. As a matter of fact, when the exchanges opened November 15, on the front page of the New York Times: ''Cost of Coverage Under Care Act Set to Increase.'' The article says:

> The Obama administration on Friday unveiled data showing that many Americans with health insurance bought under the Affordable Care Act could face substantial price increases next year—in some cases as much as 20 percent.

Substantial price increases, 20 percent.

For some people it is going to be even higher than that.

The Wall Street Journal took a look at it and they had a large story with a picture on Friday and the headline is: ''Consumers Still Confused Ahead of Insurance Sign-ups.''

The article describes a man named Bob Sorey, who is a real estate salesperson in Mount Juliet, TN. He had a plan through Blue Cross Blue Shield, and he says his premiums are going up nearly 25 percent next year. He told the newspaper, ''I just can't absorb that.''

President Obama promised the American people they would save $2,500 per year per family under his health care law. NANCY PELOSI, the former Speaker of the House, went on ''Meet the Press'' at one point and said everyone's rates would go down—everyone, she said. What does the President have to say now? What will he tell those people whose rates have continued to go up? What does he say to this real estate broker in Tennessee who can't absorb a 20-percent increase?

In Anchorage, AK, a typical plan is going to cost 28 percent more next year. That is for the second cheapest silver plan, what they call the benchmark plan.

In Minneapolis rates are going up almost 19 percent, and that is just for the premiums. For many people their copays are going up and their deductibles are going up as well. In some parts of Georgia 70 percent of the plans sold on the exchange have deductibles of at least $2,500. Is that affordable for people? Millions of Americans will be paying more in premiums as well as more out of their pocket—millions of people such as Bob Sorey, the real estate broker in Tennessee, who, as he said, just can't absorb the cost.

These skyrocketing premiums may explain why the President's health care law is more unpopular right now than ever before.

According to the latest Gallup poll, only 37 percent of Americans approve of the law. It was supposed to get more popular. That is what the Democrats on this floor told people across the country and told us. Instead, the opposite has happened. People see how much their costs have increased because of the law, and many people are learning that having coverage under the law is not the same as having care. There is a difference between coverage and care.

That is what USA Today found out. They had a front-page article last Friday with the headline: ''Rural Hospitals in Critical Condition.''

So not just the cost of coverage under the care act set to increase, but rural hospitals are in critical condition.

Obama critics say the law is speeding up the demise of rural facilities, of rural hospitals. That is the problem.

The article talks about a small hospital in Georgia that had to close in the spring of last year because of all the new burdens of the health care law. People in that town now have to travel many miles to get to another hospital in another town. One of those people was Bill Jones. He was a peanut and cotton farmer who lived about 9 miles away from the old hospital. Bill suffered a heart attack 1 month after the hospital had to close. The ambulance had to take him to another hospital in

a town further away. I can tell my colleagues, as a doctor who practiced medicine for 25 years, when someone has a heart attack, every minute counts. Bill Jones didn't survive his heart attack. Maybe he wouldn't have survived a trip to a closer hospital; we won't know that. But the hospital is gone now and it is gone because of the President's health care law. For people living in rural States such as Georgia and my own State of Wyoming, this is a terrifying prospect.

The article says that since January of 2010, more than 40 rural hospitals have closed across the country. There is a map of the country of all the places where hospitals have closed. Ezekiel Emanuel, who worked on the health care law, says that 40 hospitals is not enough. He is one of the architects of course of the President's health care law. He says that over the next 6 years, more than 1,000 hospitals will close. In more than 1,000 American communities, people will be further away from medical care. That is precious lost time for people who have heart attacks or for women with high-risk pregnancies who are further from the help they need to deliver a healthy baby. They may have coverage under the President's health care law, but that is not the same as getting the care they need.

We are also seeing that for people whom the law has pushed into Medicaid—because Medicaid, of course—the President's goal was to push more and more people into Medicaid—that pays less for services than traditional insurance companies pay. A lot of doctors and other providers can't afford to take new Medicaid patients.

There was a front-page story in the Wall Street Journal last Friday that says as more join Medicaid, health care systems feel strained.

As more join Medicaid—the President's goal—health systems feel the strain. The article says that about one-third of all primary care physicians aren't taking new Medicaid patients. One of them is Dr. Holly Abernathy. She is a family physician in Farmington, NM, and she says she just can't afford to take any new patients under the program. She says: ''I would love to see every Medicaid patient that comes through my door.'' She also says: ''If you give people coverage, they should be able to utilize it.''

Premiums are going up, out-of-pocket costs are going up. Hospitals are closing. Doctors are having to turn away patients—all because of the President's health care law.

ObamaCare was too long, too complicated, too expensive, and it took away too much from the people who like the care and the coverage they had before the law was passed. That is why Republicans are going to vote to repeal the entire health care law.

Meanwhile, we will also vote to strip away the worst and most destructive parts of the law—parts such as the employer mandate, the arbitrary 30-hour workweek, that has been devastating to part-time workers across the country and others such as the unfair medical device tax that sends American jobs overseas and threatens lifesaving innovation.

Republicans are going to keep fighting for Americans who have been harmed by the President's health care law. We are going to keep offering the real solutions that people wanted all along—access to the care they need from a doctor they choose at lower cost. That is what the American people are demanding, and that is what they deserve. It is what Republicans are going to give them.

I thank the Presiding Officer, 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. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INNOVATION AGENDA FOR THE 114TH CONGRESS

Mr. HATCH. Madam President, I rise today to emphasize the importance of keeping our technology industry in the forefront of our global economy. America has made extraordinary strides in innovation. For decades we have been the world's leader in developing new technologies and advancing the Internet age, but we are not the only nation in this hunt.

Across the globe, and particularly in China and other parts of Asia, our international competitors are working furiously to catch up. If the United States is to enjoy continued success in the technology arena, the policymakers must ensure that we have a legal and regulatory landscape that will enable our innovators to thrive.

As chairman of the Senate Republican High-Tech Task Force, I have been working with colleagues and stakeholders to develop an innovation agenda for the coming Congress. Today I would like to highlight several bipartisan initiatives that we should prioritize early next year to help ensure the continued success of our high-tech economy.

First, Congress must act to protect America's innovation and inventiveness. An essential part of fostering innovation is protecting legitimate intellectual property rights. In particular, we must enact legislation to combat abusive patent litigation.

Patent trolls—which are often shell companies that do not make or sell anything—are crippling innovation and growth across all sectors of our economy. It is estimated that abuse of patent litigation costs our economy over $60 billion every year. With so much on the line, how can we afford not to act? Yet the current Senate did exactly that and ignored the very real opportunity we had, to follow the House of Representatives and pass bipartisan legislation that would be supported by the White House.

Why would anyone walk away from the opportunity to enact pro-innovation policies that would do so much good for our economy?

It is no secret that trial lawyers and others told the current majority leader not to bring patent troll reform up for a vote. We all know when the trial lawyers say ''jump,'' the only answer for some of my Democratic colleagues is ''how high.''

While I am disappointed the Senate failed to act during this Congress, I intend to help ensure we pass legislation next year. Fortunately, combating patent trolls is a priority for incoming Senate Judiciary Committee Chairman CHUCK GRASSLEY and House Judiciary Committee Chairman BOB GOODLATTE.

I look forward to working with them and others who are committed to making long overdue reforms to our patent laws—including mandatory fee shifting, heightened pleading and discovery standards, demand letter reforms, and a mechanism to enable recovery of fees against shell companies or those who are behind them.

In addition, we must improve the quality of patents issued by the U.S. Patent and Trademark Office. Low-quality patents are essential to a patent troll's business model. I am optimistic we can reach agreement on how best to improve our patent process.

We also need a high-functioning and well-funded USPTO. A fully funded patent office would, at the very least, mean more and better trained patent examiners, more complete libraries of prior art, and greater access to modern information technologies to address the Agency's growing needs. All of these improvements would lead to higher quality patents that are granted more quickly. The good news is we can make these changes at no cost to taxpayers since the USPTO is a fee-generating agency.

Now, there are some who argue here that patent troll legislation is not necessary in light of the Supreme Court's decisions in the Octane Fitness and Highmark cases. Ms. Charlene Morrow and Mr. Brian Lahti, however, writing in the BNA's Patent, Trademark & Copyright Journal confirm that ''nothing in these cases addresses the proposed reforms to make the real parties in interest who are managing patent assertion entities responsible for fees and costs.'' This is something I worked on for quite a few months. As these experienced practitioners acknowledge such legislation is essential to address fee-collection concerns faced by defendants in present patent litigation. One of the legislative approaches Ms. Morrow and Mr. Lahti proposed is to make bonding more readily available at an early stage of litigation. I could not agree more.

We must ensure that those who defend against abusive patent litigation

and are awarded fees will actually get paid. Even when a patent troll structured as a shell company has no assets, there are other parties with an interest in the litigation. These parties are often intentionally beyond the jurisdiction of the courts. They stand to benefit if their plaintiff shell company forces a settlement and are protected from any liability if they lose.

It is a win-win situation for them and a lose-lose situation for America's innovators. Since we cannot force parties outside of a court's jurisdiction to join in a case, we must incentivize those interested parties to do the right thing.

That is the whole purpose behind my recovery-of-award provision. Under this provision, those who are deemed interested parties may either voluntarily submit to the court's jurisdiction and become liable for any unsatisfied fees awarded in the case or they may opt out by renouncing any meaningful interest in the litigation. If interested parties stand aside and do nothing, the original plaintiff must post a bond to ensure that any shifted fees are paid.

Bottom line: Without such bonding measures, all defendants have is a toothless joinder provision that can be easily circumvented by bad actors with no intention of paying the court-awarded fees for their abusive lawsuits.

I have said this before but it bears repeating. Fee shifting without such a recovery provision is like writing a check on an empty account. You are purporting to convey something that isn't there. Only fee shifting coupled with this recovery provision will stop patent trolls from litigating-and-dashing.

The House has already demonstrated that Members from both sides of the aisle can come together to craft and pass commonsense legislation to combat abusive patent lawsuits. President Obama supports such efforts. It is past time the Senate does its part. We ought to get rid of this phony attitude of obeisance to the personal injury lawyers and trial lawyers in this country.

I am determined to make such patent reform a priority early next year and to make sure we send the President a bill that he can sign into law for the good of all American innovation.

In addition to patent troll legislation, there is strong bipartisan, bicameral support for creating a harmonized, uniform Federal standard for protecting trade secrets.

Here in the Senate, Senator CHRIS COONS and I introduced the Defend Trade Secret Act on April 29, 2014. In the House of Representatives, Representative GEORGE HOLDING introduced the Trade Secrets Protection Act on July 29, 2014. Through our collective efforts we have shed light on an often overlooked form of intellectual property.

Trade secrets, such as customer lists, formulas, and manufacturing processes are an essential form of intellectual property. Yet trade secrets are the only form of U.S. intellectual property where misuse does not provide its owner with a Federal private right of action. Currently trade secret owners must rely on State courts or Federal prosecutors to protect their rights.

The multi-State procedural and jurisdictional issues that arise in such cases are costly and complicated, and the Department of Justice lacks the resources to prosecute many such cases. These systemic issues put companies at a great disadvantage, since the victims of trade secret theft need to recover information quickly before it crosses State lines or leaves the country.

Unfortunately, in today's global information age, there are endless examples of how easy and rewarding it can be to steal trade secrets. While the maximum penalty for trade secrets theft is 10 years in prison and a $250,000 fine, few of these thefts actually result in Federal prosecutions. While $250,000 may sound like a steep penalty, most stolen trade secrets amount to tens or even hundreds of millions of dollars in lost profits and sales. Even when thefts are prosecuted, victim companies rarely recover the full extent of their losses.

We have made some progress in moving forward trade secret legislation. Earlier this year, the Senate Judiciary Subcommittee on Crime and Terrorism held a hearing on the importance of creating a private right of action for trade secret theft. The House Judiciary Committee reported its bill—by voice vote—on September 17. Although we did not get the bill across the finish line this Congress, we are well positioned to move the trade secret legislation early next year.

It is past time to enable U.S. companies to protect their trade secrets in Federal court.

Another bipartisan initiative ready for congressional action relates to our privacy laws. I speak about the need to update the Electronic Communications Privacy Act or ECPA to require a warrant for all email content within the United States and to safeguard data stored abroad from improper government access.

Enacted in 1986, ECPA prohibits communication service providers from intercepting or disclosing email, telephone conversations or data stored electronically, unless such disclosure is authorized. Virtually everyone agrees that Americans should enjoy the same privacy protections in their online communications that they do in their offline communications.

But Congress has not adequately updated the law since its enactment, and technological developments have resulted in disparate treatment. As currently written, ECPA requires law enforcement to obtain a warrant for emails that are less than 6 months old but only a subpoena to access older electronic communications.

Think about your own email account. You may have hundreds of emails that you have received over many years. Additionally, ECPA has allowed law enforcement to access emails that have been opened with just a subpoena, even though a search warrant would be required for a printout of the same communication sitting on your desk.

Those conflicting standards should cause great concern to everyone who values personal privacy. Now to make matters more complicated, ECPA is silent on the privacy standard for accessing data stored abroad. Storing digital information around the world, a practice that did not exist when ECPA became law, is now routine. Moreover, the Federal Government has taken advantage of this statutory silence to apply its own standard, requiring access to data abroad if the company storing it has a presence in the United States.

For that reason alone, Congress should amend the law. That is why, together with Senators CHRIS COONS and DEAN HELLER, I introduced the Law Enforcement Access to Data Stored Abroad Act. The LEADS Act would require a warrant when the government demands customer communications from third-party service providers. Such a warrant would only apply to data stored in the United States, unless the data is owned by a U.S. corporation, citizen or lawful permanent resident.

To provide additional protections, the bill requires courts to modify or vacate such warrants if they would require the service provider to violate the laws of a foreign country. The practice of extending warrants extraterritorially presents unique challenges for a number of industries which increasingly face a conflict between American law and the laws of the countries where the electronic data is stored.

Additionally, if the United States expects to extend its warrants extraterritorially, we should not be surprised if other countries, including China and Russia, seek to do the same for the emails of Americans and others stored in this country.

Congress must ensure that law enforcement has the tools to execute search warrants where necessary so long as officials comply with the laws of the foreign country where the electronic data is stored.

The LEADS Act also provides needed improvements to the mutual legal assistance treaty process, which are formal agreements for sharing evidence between the United States and foreign countries in international investigations. Currently, the MLAT process is slow and unreliable, sometimes taking several months to access data held by foreign jurisdictions.

The Department of Justice not only needs additional funds to hire more people to handle MLAT requests, but reforms to the underlying program are needed to improve transparency and efficiency. The legislation recognizes, through a sense of Congress, that data

providers should not be subject to data localization requirements. Such requirements are incompatible with the borderless nature of the Internet——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. I ask unanimous consent that I be permitted to finish my remarks.

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

Mr. HATCH. Such requirements are incompatible with the borderless nature of the Internet. They are an impediment to online innovation and they are unnecessary to meet the needs of law enforcement. It is time to act to update our electronic communications privacy laws.

Finally, there is widespread consensus and real opportunity for bipartisan bicameral reform of our outdated visa system for economically essential high-skilled immigrants. For too long our country has been unable to meet the ever-increasing demand for workers trained in the science, technology, engineering, and mathematics or STEM fields.

As a result, some of our Nation's top technology markets are in desperate need for qualified STEM workers. We face a high-skilled worker shortage that has become a national crisis. In April, for the second year in a row, the Federal Government reached its current H–1B quota just 5 days after it began accepting applications.

Employers submitted 172,500 petitions for just 85,000 available visas, meaning American companies were unable to hire nearly 90,000 high-skilled workers essential to help grow their domestic businesses, develop innovative technologies at home rather than abroad, and compete internationally. This is one of the principal reasons why I, together with Senators AMY KLOBUCHAR, MARCO RUBIO, and CHRIS COONS, introduced the bipartisan Immigration Innovation or I-Squared Act.

To date the legislation has 26 bipartisan cosponsors. Among other things, the I-Squared Act provides a thoughtful, lasting legislative framework that would increase the number of H–1 visas based on annual market demand to attract highly skilled workers and innovators. The bill also reforms fees on H–1B visas and employment-based green cards for funding a grant-based State program to promote STEM education and worker retraining.

The I-Squared Act addresses the immediate short-term needs to provide American employees with greater access to high-skilled workers, while also addressing long-term needs to invest in America's STEM education. I am confident this two-step approach will enable our country to thrive and help us compete in today's global economy. No doubt, a concrete legislative victory, when there is already considerable consensus, would help build trust and good will among those who disagree sharply over other areas of immigration policy. It would mark a critical first step along the path to broader reform.

I look forward to working with my Senate colleagues in introducing I-Squared early next year. As Senators can see, there is a lot we can agree on and much we can and must accomplish. Looking ahead to the next Congress, I intend to do everything in my power to enact protechnology, pro-innovation policies that will ensure the continued success of our high-tech economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

MARKETPLACE FAIRNESS ACT

Mr. ENZI. Madam President, I rise to voice my continued support for the enactment of the Marketplace Fairness Act this year. There have been a number of editorials and letters and emails and other messages lately that have left out part of the story and have some of the other parts of the story wrong. I am not sure the people behind these messages have read the bill.

Last year the Senate passed this bill with a strong bipartisan vote of 69 Members. I believe that now is the time to get this issue done. I have been working on this sales tax fairness issue since joining the Senate in 1997, because as a former State legislator, mayor and small business owner, I believe it is important to level the playing field for all retailers—in-store, catalog, and online—so an outdated rule for sales tax collection does not adversely impact small business and Main Street retailers.

In the last century, the Supreme Court challenged us to solve this problem. We have been working on it. Thanks to a suggestion by Senator ALEXANDER, we made this bill a States rights bill. The States passed laws a long time ago that required the collection of sales tax. And those laws say that if the tax is not collected by the retailer out of State, it has to be paid directly by the purchaser in state. Most people do not even know about that requirement, but I do understand in Wyoming we collect about $1.5 million from people voluntarily realizing the law and complying with it.

But that is a minority of people. Right now, thousands of local businesses are forced to do business at a competitive disadvantage because they have to collect sales and use taxes and remote sellers do not, which in some States can mean that 5 to 10 percent advantage.

I recently talked with a fellow who had a camera store. A person came in. He was interested in this $2,000 camera and accessories. So of course the store owner helped him to figure it all out and gave him instructions on the camera. Then the guy pulled out his smart phone and clicks on the bar code of the camera and said he could get it cheaper. Of course the owner of the store wondered how much cheaper. It happened to be exactly the amount of sales tax. The small business owner lost the sale.

I am willing to bet that if the person has a problem with the camera, he is going to come back to that store and ask for help with it. Those people who have those small businesses hire locally. It is actually people from the community who are earning money they spend in the same community. They are paying property tax. I would be willing to bet that none of the online companies, unless they are local, are participating in the community the way those businesses are.

Of course, additionally, sales taxes go directly to State and local governments, which brings in the needed revenue for maintaining our schools, fixing our roads, supporting local law enforcement, fire departments, and emergency management crews. An interesting part of that is the smaller the town, the more important that is.

In Wyoming the smaller towns rely on their sales tax to provide police protection and fire protection. People in small towns in Wyoming are sometimes surprised to find out that sales taxes support these services, but realize then that they ought to be paying this sales tax. The smaller the town, the bigger the impact.

If Congress fails to let States collect taxes on remote sales this year, we are implicitly blessing a situation where States will be forced to maybe raise other taxes, such as income or property taxes, to offset the growing loss of sales tax revenue. Do we want this to happen?

There is another side to this too; that is, that some of the people, some of the Governors and legislatures have said: If that passes, we will reduce another tax because sales tax is a more constant flow of dollars that we can rely on more than virtually anything else we do.

So now is the time for Congress to complete action on this issue by enacting the Marketplace Fairness Act this year. Today I want to spend a few minutes debunking some of the myths and allegations that have been raised against the bill. First, some opponents argue the bill is unfairly burdensome to online retailers by forcing them to comply with the various sales tax rates across the country.

In response, I would first note that the Marketplace Fairness Act includes a small seller exemption. It is set at $1 million in remote sales each year. Until they pass that $1 million mark in a given year, states cannot make them comply with sales tax laws. If they do pass the million-dollar mark, then the Marketplace Fairness Act requires that the State provide the sellers with software, free of charge, that can calculate the sales and use tax due on each transaction at the time the transaction is completed. It would also file the sales and use tax returns and be updated to reflect any rate changes.

So all they have to know, to be able to do is, is the purchaser's ZIP Code. They are going to have to know the ZIP Code if they are sending something

somewhere. So it is not that complicated a process. Incidentally, some of the online companies opposing this bill sell the very same program. They make it available to a number of providers. So it is already being used by retailers across the country to accurately collect and remit State and local sales and use taxes.

In addition, opponents of the Marketplace Fairness Act argue that our bill violates States rights by setting tax rates. In fact, our bill does not change State law. It does not require States to do anything. The bill does not create new taxes or increase existing taxes. It simply gives the States the ability to collect the taxes owed, to enforce their own sales and use tax laws.

Our bill is a States rights bill, which is why the National Governors Association, the National Conference of State Legislatures, the National Association of Counties, and the National League of Cities support the bill. Wyoming passed a law in 1934. It says: If someone buys something out of State and they do not pay sales tax on it, by the end of the month they have to fill out a form which they have and submit the money. Our bill makes it easier for Wyomingites to comply with this law. Most people don't realize this, but it is much easier if the person who collects the sales tax is the one who sells the item.

Opponents of the Marketplace Fairness Act also suggest it benefits big business at the expense of small online retailers. Remember I mentioned that $1 million exemption if a business sells less than $1 million online? They are not subject to this bill. That is to give small businesses a chance to grow into big businesses—and we do hope they do pass that $1 million threshold. In fact a $2 million threshold would be fine with me.

But the exemption already protects small businesses. Last year a Small Business Administration study determined that the small seller exemption included in the Marketplace Fairness Act would exempt 99.96 percent of all sellers from the bill's requirements. So it is just the big ones that fall into this bill.

Opponents of marketplace fairness suggest it creates a massive new tax requirement. The truth is the bill that passed the Senate with an overwhelming bipartisan vote of more than two-thirds of the Senate last year does not create any new taxes.

Consumers already owe the sales and use taxes on the goods they purchase if they reside in a State that has a sales tax—whether those purchases are made over the phone, by mail or by the Internet. Unfortunately, as I mentioned, most consumers are unaware that they are required to pay the tax when the retailer does not collect it at the time of the purchase.

Marketplace fairness provides States the authority to reduce the burden of self-reporting from consumers and allow States to enforce the existing State and local sales and use tax laws, and it eliminates the competitive disadvantage for the small retailers in the State. It is an advantage that is currently enjoyed by the remote retailers at the expense of those small businesses.

Additionally, the Marketplace Fairness Act does not tax Internet use. I repeat that it does not tax Internet use. It doesn't even tax Internet services. For many years I have worked with all the interested parties to find a mutually agreeable legislative package to enact this bill.

This Congress, I've worked with Senator DURBIN, Senator ALEXANDER, who as I mentioned inserted the States rights approach to this issue that reduced the bill from about 35 pages down to about 9 pages, and Senator HEITKAMP, who has been involved in the court case as all of these e-fairness challenges have progressed.

When the Supreme Court heard this challenge and realized there are some other things coming along that could greatly distress States if they don't take some action because of what the courts could do, I worked together with the three colleagues I mentioned and 26 of our Senate colleagues to produce a bipartisan bill that helps sellers, States, and local governments to simplify sales and use tax collection and administration.

We are working with our House supporters, including House of Representative Members STEVE WOMACK, JACKIE SPEIER, PETER WELCH, and JOHN CONYERS, and have found common ground on this important issue that is supported by more than 200 groups. I publicly commend all of my Senate and House colleagues in taking a leadership role in working on this important policy issue.

I strongly encourage my colleagues to support the goals of States rights and a level playing field for all businesses—making sure the revenue that is owed particularly for small towns makes it to the small towns—by pushing for the enactment of the Marketplace Fairness Act this year.

I yield the floor for my colleague, Senator ALEXANDER, who has done an outstanding job on this subject.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Senator ENZI has been a leading proponent of the Marketplace Fairness Act. I congratulate him for his persistence in recognizing its importance.

I will make three points in support of what he said: No. 1, why conservatives support it; No. 2, why it is easy to do; that is, to comply with it; and No. 3 is to ask the basic question, which is: Do you trust Washington or do you trust your Governor and your State legislature to decide what your State taxes ought to be? Do you trust Washington or do you trust people closer to home?

I will begin with why conservatives support it. If I were to ask the question, what do the following people have in common, and the following people would be Al Cardenas, the most recent chairman of the American Conservative Union; the late William F. Buckley; Art Laffer, who is President Reagan's favorite economist; Governor Mike Pence, the conservative Governor of Indiana; Governor Gary Herbert; Governor Robert Bentley; former Governor Mitch Daniels; and former Governor Jeb Bush, you might say: What do they have in common?

Well, they are Republicans; that is right. They are conservatives; that is true. But the other thing we could say is they all support the Marketplace Fairness Act or the principles that underlie it.

Why is that? Because the Marketplace Fairness Act is a 12-page bill about two words, which are States' rights. If I am the Governor of Tennessee—which I once was—and I am sitting down there thinking: Well, we have a State sales tax in Tennessee such as almost every State has, and the way we collect it is this—let's say I am in my home town of Marysville, TN, and I want to buy a television set. I can go downtown to buy it from one of my local stores. They collect the State sales tax, which in our State, including State and local taxes, is nearly 10 percent. They send it to the State.

If I go online or into a catalog and order the same television set, the seller does not collect it. This bill is about allowing the State of Tennessee to decide whether it wants to require the out-of-state sellers to do the same thing that instate sellers do, whether it wants to prefer some distant seller over the local man and woman on Main Street, the mom-and-pop stores. That is the decision.

Whatever decision they would make, the question is this. Do you think we should be deciding that for Tennessee? Our Governor doesn't think so, our Lieutenant Governor doesn't think so, our legislature doesn't think so. They don't trust Washington to make the decision. They trust themselves to make that decision.

Ohio doesn't think so. Ohio has already taken a look at this subject and said: We would prefer to collect our sales tax from everybody who owes it. Rather than have everybody in Ohio fill out a form every time they go online to order from a catalog, Ohio wants to require the out-of-State sellers do the same thing in-State sellers do, and that is to collect the tax when they sell it. Ohio has said if they do that, they will lower taxes.

Ohio has already passed a law and says if Congress passes the Marketplace Fairness Act taxes in Ohio will go down.

Madam President, I ask unanimous consent to have printed in the RECORD following my remarks a list of conservatives and Republican Governors who support e-fairness and why they do so.

The other point is how complicated is this for somebody who might sell online? Well, as Senator ENZI said, it exempts 99 percent of all out-of-state

sellers. So if you are selling on eBay today and you are worried about this bill, the chances are 99 out of 100 it is not you this bill affects because it has a $1 million exemption.

But even if it did affect you, how hard would it be to comply with the requirements. It must not be too hard because you could also go on eBay, I am assured, and you can purchase software from eBay that costs $15 or $20 and it will do the work for you. In other words, if you are selling something online and you are selling it to Maryville, TN, they will put the zip code in and tell you the tax. You can collect it and remit it to the State government. It is about as easy as what I do every morning.

I go to my computer, I type in ''Google,'' put my zip code in, and I put ''weather.'' I want to know it is 24 degrees in Washington, DC, this morning. It tells me in an instant.

If you are selling online—unless you are selling more than $1 million in out of state sales it doesn't affect you at all. If you need some help to figure that out, you can get software that figures out the tax for you.

But remember, all we are asking—we are not even saying that we think if you sell online or if you sell by catalog that you ought to be made to collect the tax when you sell. We are just saying we think States should make the decision about their own tax policy which is consistent with the 10th Amendment to our Constitution.

That leads me to my last point. The real issue here is two words. You can make a lot of good conservative reasons why this bill attracted half the support of Republicans and passed with 69 votes when it was considered by the Senate, and why it has so much support from Governors and mayors of all political persuasions across the country. But the bottom line is all we proposed to do is to let States make decisions about their own tax policy.

The Supreme Court more than 20 years ago said it was too complicated to require businesses to collect, but they invited Congress to create a way that was simple enough to do that. Twenty years has gone by, software is already available, the Internet is advanced, and so today it is very easy to do.

There is no reason in the world for Senators to say: You know, I just flew from Nashville today. It took me an hour. That makes me a lot smarter than the Governor of Tennessee, so I am going to decide for Tennessee whether it can collect all the taxes that are already owed. I am going to say I am going to let the Governor of Tennessee make that decision. If I were the Governor of Tennessee, I would collect it, and I might lower the taxes for everybody. I don't think it is fair to say to shopkeepers in Maryville, TN, that you have to collect the tax and send it to the State, but to say to some seller in Illinois or some catalog seller in North Dakota that you don't have to collect the tax, because that means our local businesses are being dealt with in an unfair way.

I also don't think Tennesseans appreciate what will happen if we don't act, because do you know what is going to happen? The Governor is going to collect the sales tax. How is he going to do it? Well, he is going to have to start auditing everybody.

If you buy online—which everybody almost does today; just think of the Christmas season coming up—you would have to write down every single thing you bought. You would have to put the tax down, and you would have to send it in—that is the law. That is a very difficult thing to do and most people don't do it.

So the easy way to do this and the right way to do this is for Congress to pass the Marketplace Fairness Act, which is a 12-page bill about two words—States rights—and say to Tennessee, Wisconsin or Wyoming, of course you should make your own decision about how to collect your taxes. Let them decide, as Ohio decided. They will collect the State sales tax which is already owed from everybody who owes it. The collectors of the tax will be anyone who sells into Ohio or Tennessee or Wisconsin or Wyoming.

That is the fair thing to do. That is the right thing to do. That is what respects our constitutional federalism and the 10th Amendment to the Constitution. It shows that we in Washington, DC, aren't so arrogant to think that we should make those state tax decisions.

I conclude by saying I just had the pleasure of going through a reelection campaign. A lot of Members, about one-third of the body, were in an election this year. I was trying to remember this morning if one single person came up to me in the past 2 years and said: I just wish you would give Washington more control over how Tennessee collects its taxes.

I don't think one single person said that to me. But I will guarantee that about every other person said to me: I wish you would stop Washington from telling us to do things or decide things that we should be deciding for ourselves.

That is what this bill is about. This bill empowers every State to make its own decision about how to collect its taxes—to do what Ohio did, to do what other Governors have said. We are going to collect it from everybody who already owes it and, when we do, we are going to lower everyone's taxes. That would be a very happy result.

We have 2 or 3 weeks left in the session. This Senate has fully considered this. The bill is in the House of Representatives. I very much hope that the Speaker and the Members of the House will decide that it is time to pass the Marketplace Fairness Act and recognize the principle of States rights in the spirit of the 10th Amendment of our Constitution.

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

CONSERVATIVES & REPUBLICAN GOVERNORS SUPPORT E-FAIRNESS

William F. Buckley, Editor At Large, National Review: ''The mattress maker in Connecticut is willing to compete with the company in Massachusetts, but does not like it if out-of-state businesses are, in practical terms, subsidized; that's what the non-tax amounts to. Local concerns are complaining about traffic in mattresses and books and records and computer equipment which, ordered through the Internet, come in, so to speak, duty free.'' (William F. Buckley, ''Get That Internet Tax Right,'' National Review Online, 10/19/01)

Arthur B. Laffer, Wall Street Journal: ''In-state retailers collect sales taxes at the time of purchase. When residents purchase from retailers out of state (including over the Internet) they are supposed to report these purchases and pay the sales taxes owed—which are typically referred to as a ''use tax.'' As you can imagine, few people do. The result is to narrow a state's sales-tax base. It also leads to several inefficiencies that, on net, diminish potential job and economic growth. Exempting Internet purchases from the sales tax naturally encourages consumers to buy goods over the Web; worse, the exemption incentivizes consumers to use in-state retailers as a showroom before they do so. This increases in-state retailers' overall costs and reduces their overall productivity.'' (Arthur B. Laffer, ''Tax Internet Sales, Stimulate Growth,'' The Wall Street Journal, 4/17/13)

Al Cardenas, former Chairman of the American Conservative Union (ACU): ''When it comes to sales tax, it is time to address the area where prejudice is most egregious—our policy towards Internet sales. At issue is the federal government exempting some Internet transactions from sales taxes while requiring the remittance of sales taxes for identical sales made at brick and mortar locations. It is an outdated set of policies in today's super information age, when families every day make decisions to purchase goods and services online or in person. Moreover, it's unfair, punitive to some small businesses and corporations and a boon for others.'' (Al Cardenas, ''The Chief Threat To American Competitiveness: Our Tax Code,'' National Review Online, 11/8/11)

Charles Krauthammer: ''The real issue here is the fairness argument—that if you're an old fashioned store, you have to have your customers and you pay the sales tax and online you don't. Which, I mean, you're already at a disadvantage if you're an old fashioned store: you have to have, you have to cover rent, you have to cover insurance and all that. So I think you want to have something that will level the playing field. You can do it one of two ways. You abolish all sales taxes for real stores and nobody pays. Or you get the Internet people to pay the sales tax as well. I think the second one is the only way to do it, obviously.'' (''Friday Lightning Round: Internet sales tax bill,'' Fox News Special Report with Bret Baier, 4/26/13)

Wisconsin Governor Scott Walker: ''Since taking office, it has been my priority, and the priority of a number of members of the legislature, to provide tax relief to middle class families, and to foster an environment that promotes job creation. I want to make clear, should federal Marketplace legislation become law, my intention would be for any resulting additional revenue be used to provide individual income tax relief for Wisconsin's taxpayers.'' (Letter to Wisconsin Congressional Delegation, 5/15/2013)

New Jersey Governor Chris Christie: Governor Chris Christie: ''I just want to make clear that I have been working on this issue in my role on the executive committee of the National Governors Association because it is an important issue to all the nation's governors. And I too—along with governors like Governor Daniels and others—urge the federal government and the Congress in particular to get behind Senator Lamar Alexander's legislation to allow states to be able to make these choices for themselves. And I think Senator Alexander's legislation would be a great step forward in that regard. It would give states options to decide how they want to deal with this and not have to any longer deal with the federal prohibition on dealing with it. So, it would allow us to do it in a much more uniform and broader way. So, I'm with Governor Daniels on this and other Republican governors—Governor Snyder of Michigan and others who feel strongly about it. And we've been working on it at the National Governors Association and I know we will continue to and hope to get some type of resolution to it by the end of this year.'' (Press Conference, Governor Chris Christie, 5/31/12)

Utah Governor Gary Herbert: ''On March 24, 2012, Utah Governor Gary Herbert signed into law an affiliate nexus bill that will require certain remote sellers to collect and remit Utah sales tax, effective July 1, 2012. An out-of-state seller will be considered to have nexus in Utah if the seller holds a substantial ownership interest in, or is owned in whole or in substantial part, by a related seller, and the seller sells the same or a substantially similar line of products as the related seller and does so under the same or a substantially similar business name, or the place of business of the related seller or an in-state employee of the related seller is used to advertise, promote, or facilitate sales by the seller to the purchaser.'' (''Utah Enacts Affiliate Nexus Bill,'' Sales Tax Institute, 3/24/12)

Tennessee Governor Bill Haslam: ''The National Governors Association applauds your efforts to level the playing field between Main Street retailers and online sellers by introducing S. 1832, the 'Marketplace Fairness Act.' This common sense approach will allow states to collect the taxes they are owed, help businesses comply with different state laws, and provide fair competition between retailers that will benefit consumers.'' (National Governors Association Letter To Sens. Durbin, Enzi, Tim Johnson And Alexander Endorsing S. 1832, The Marketplace Fairness Act, 11/28/11)

Indiana Governor Mike Pence: ''I don't think Congress should be in the business of picking winners and losers. Inaction by Congress today results in a system today that does pick winners and losers.'' (House Judiciary Committee, Hearing On ''Constitutional Limitations On States' Authority To Collect Sales Taxes In E-Commerce,'' 11/30/11)

Michigan Governor Rick Snyder: 'Technology currently exists to quickly and effectively calculate taxes due on sales and can be easily be integrated into online retailers' operations,' wrote Snyder, a onetime venture capitalist and former executive at the computer company Gateway. 'It is time for Congress to grant states the authority to enforce sales tax and use laws on all retailers doing business in their state.' (Bernie Becker, ''Michigan Governor Joins Online Sales Tax Chorus,'' The Hill, 5/11/12)

Alabama Governor Robert Bentley: ''Alabama's Republican governor has urged lawmakers from his state to support online sales tax legislation, adding to the growing roster of GOP officials who are on board with the idea. Gov. Robert Bentley told Alabama's two senators and seven House members the online sales tax bills would improve the state's fiscal situation, and stressed that the legislation would not create a new tax. 'The bills will give Alabama the authority to collect sales taxes—as we currently do from local brick-and-mortar retailers—that are already owed from online retailers,' Bentley wrote in a letter dated April 19. 'Allowing us to effectively close this sales tax loophole would help both our state's finances and our state's small businesses.''' (Bernie Becker, ''Alabama Governor Gets Behind Online Sales Tax Push,'' The Hill, 4/25/12)

South Dakota Governor Dennis Daugaard: ''On March 11, South Dakota enacted S.B. 146, sales tax legislation that requires out-of-state retailers that sell to in-state residents to notify their customers of their personal use tax obligation. Under the law, online sellers are required to provide clear notice to consumers during the checkout process that a South Dakota use tax is due.'' (Rosemary Hawkins, ''Sales Tax Bills Pass In Arkansas And South Dakota,'' American Booksellers Association, 3/3/11)

Maine Governor Paul LePage: ''Last week, Gov. Paul LePage, R–Maine, wrote his state's two U.S. senators, Republicans Susan Collins and Olympia Snowe, to urge them to back legislation introduced by Sens. Mike Enzi, R–Wyo., Dick Durbin, D–Ill., and Lamar Alexander, R–Tenn., that would close a loophole left by a 1992 Supreme Court decision. The high court ruled that states can't require retailers such as catalog and now online retailers to collect sales taxes from customers in states where those companies have no physical presence. 'There's no denying that passing the bill would give thousands of small Maine businesses a real boost,' LePage wrote. 'Through no fault of their own, federal policy now gives some out-of-state corporations an unfair advantage over other Maine retailers.''' (Juliana Gruenwald, ''Tea Party Governor Is Backing Net Sales Tax Bill,'' National Journal, 3/20/12)

Nevada Governor Brian Sandoval: '''The only way to completely resolve this issue is for Congress to enact legislation that, within a simplified nationwide framework, grants states the right to require collection by all sellers,' Sandoval said in a statement.'' (Ed Vogel, ''Gov. Sandoval Reaches Sales Tax Deal With Amazon,'' Las Vegas Review-Journal, 4/24/12)

Idaho Governor C.L. ''Butch'' Otter: ''Gov. C.L. 'Butch' Otter backs taxing Internet sales to level the playing field between virtual businesses and brick-and-mortar establishments on Idaho's Main Street. Otter made the remarks to Idaho chamber of commerce leaders meeting in Boise on Monday.'' (''Idaho Governor Supports Internet Sales Tax,'' The Associated Press, 1/30/12)

South Carolina Governor Nikki Haley: '''And I will tell you regardless of what happens with Amazon, we want them. I have told them we want you to do business in this state, but we want you to do it on a level playing field. They got free property, they got tax incentives, they got plenty of things. Don't ask us to give you sales tax relief when we're not giving it to the book store down the street or we're not giving it to the other stores on the other side of town, it's just not a level playing field.''' (Press Conference, Governor Nikki Haley, 4/28/11)

Iowa Governor Terry Branstad Supports Federal E-Fairness Legislation: ''Gov. Terry Branstad of Iowa this week became the latest in a string of top Republican state officials to back federal legislation giving states more freedom to collect online sales taxes. Branstad's letter of support, obtained exclusively by The Hill, comes not long after another prominent Republican governor, Chris Christie of New Jersey, also urged Congress to get moving on sales tax legislation . . . In a letter sent Thursday, Branstad encouraged his home-state senators to support a solution that he said would close a longstanding loophole. 'I understand that the coalition supporting this legislation is now very broad which gives me hope that, under your leadership, this legislation can be passed yet this year,' Branstad wrote to Sens. Chuck Grassley (R) and Tom Harkin (D). 'The Internet is now a robust, mature and dynamic marketplace that does not warrant special protections,' he added. 'The application of sales taxes only to 'brick-and-mortar' retailers, many of which are small businesses, puts those very entities at a competitive disadvantage.''' (Bernie Becker & Kevin Bogardus, ''GOP Governors Bolster Sales Tax Push,'' The Hill, 6/10/12)

Former Indiana Governor Mitch Daniels: ''[S]ales taxes that [states] impose ought to be paid, and paid by everybody equally and collected by everybody in the retail business . . . We're not talking about an additional or new tax here—we're talking about the collection of a tax that's existed a long time.'' (Jeremy Hobson, ''Indiana Makes A Deal With Amazon On Sales Taxes,'' Marketplace Business, 1/12/12)

Former Mississippi Governor Haley Barbour: ''. . .[E]-commerce has grown, and there is simply no longer a compelling reason for government to continue giving online retailers special treatment over small businesses who reside on the Main Streets across Mississippi and the country. The time to level the playing field is now . . .'' (Letter To Sens. Enzi And Alexander Endorsing S. 1832, The Marketplace Fairness Act, 11/29/11)

Former Florida Governor Jeb Bush: ''It seems to me there has to be a way to tax sales done online in the same way that sales are taxed in brick and mortar establishments. My guess is that there would be hundreds of millions of dollars that then could be used to reduce taxes to fulfill campaign promises.'' (Letter To Florida Governor Rick Scott, 1/2/11)

Mr. ALEXANDER. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I know the block of time for the majority leader starts at 2 o'clock, but I wanted to say while Senator ENZI and the senior Senator from Tennessee are on the floor how much I appreciate and admire their advocacy for marketplace fairness.

It is so unfair. I go home to Nevada and I see in those little strip malls ''For Lease.'' One reason they are for lease and they are not operating is because people who can go online don't want to pay the taxes that support the people of the State of Nevada.

It is so wrong, what is going on, and I can't imagine why we can't move this legislation forward. This has taken years and years. It is so unfair.

Many businesses have gone bankrupt, out of business as a result of not having a level playing field. It is very unfortunate we are having problems getting this done.

I do not understand the House—why they feel the way they do. I don't understand it, but they do, and I think it is unfair.

I don't think we are getting the support we should from retail people. They have to talk to their Members when we go home and talk to Senators. Of course, there are people in town who make a lot of money representing these

shopping centers and retail merchants. They get paid a lot of money to represent them in Congress. I think they are not doing a very good job if they can't convince Members of the Senate and the House that this legislation should have passed a long time ago.

Madam President, the hour of 2 o'clock is almost here. Please explain to me and the people who are watching what happens at 2 o'clock.

The PRESIDING OFFICER. Under the previous order, the time until 3 p.m. will be under the control of the majority.

The majority leader.

IMMIGRATION REFORM

Mr. REID. Madam President, today marks the 510th day as so well represented on the poster the Senator from California had on display. That is how long it has been since we passed an immigration reform bill—comprehensive immigration reform. The House of Representatives simply has refused to address this issue. They have refused to address the fact that we have a broken immigration system that needs to be fixed. All the Speaker would have to do is bring this up for a vote and it would pass. The bill that passed here 510 days ago would pass the House overwhelmingly. But he refuses to bring it up.

In this bill we passed 73 weeks ago, we were able to pass comprehensive immigration reform because Senate Democrats and Republicans recognized that our immigration laws are failing the American people. We sent that same bipartisan bill to the House 17 months ago. For the last 17 months, the House Republicans, led by a small, vocal, really radical group, has forced the Speaker, I assume, not to do anything. They have neglected to tackle the real issues affecting our immigration system.

We have talked about 510 days, we have talked about 73 weeks, and we have talked about 17 months. That is enough time for them to consider the bill the Senate considered and passed in just a few weeks, but they still refuse to do anything, even as families across the country have been ripped apart.

I have been present at meetings, meetings—I remember one of the last at the White House—where the Republican leaders of the House and Senate have said: Give us some time, give us some time. We have given them time—510 days, to be exact. And they are always saying: Let's do something. Well, something is not enough, they need to do comprehensive immigration reform, and they refuse to do that.

So in light of the fact that families are being ripped apart—and there is no question they are. The first time I saw this, where I really felt it in my heart, Bill Richardson, with whom I served in the House—he was Secretary of Energy and Ambassador to the United Nations—he came to Las Vegas, and he said: Let's go out to the Rafael Rivera Center. It was, at the time, a new place, named after the first non-Indian to see the Las Vegas valley—Rafael Rivera. I have a painting in my office that reflects that. So we went to that center, and I can remember so clearly these mostly women crying over the fact that their husbands had lost their jobs, they were being deported, and they had little American boys and girls there with them. These were boys and girls who had been born in the United States. I thought, gee, that is terrible. I mean the suffering and the sadness. I have never forgotten that, and that is one of the main reasons I have worked so hard on immigration reform.

In light of the Republicans' inaction, and our action and our advocacy of this issue, it seems to me what the President said at his State of the Union Address is really applicable here. Here is what he said: If the Republicans continue to do nothing, I am going to be forced as the President of the United States to do something by Executive order. And I am glad. I am glad he is going, in the next couple of days for sure, to use his constitutionally established authority to fix as much of our broken immigration system as is possible. He told everybody he was going to do it in his State of the Union and he has waited and waited and nothing has happened.

Some Republicans are threatening to shut down the government. They have done it once before, so I guess we should take their threat seriously. They want to shut down the government because of what the President said he is going to do and what he is going to do. But this isn't about the Republicans and President Obama, this is about where the Republicans stand with the immigrant community.

My father-in-law, my wife's dad, was an immigrant. He was born in Russia. He came to the United States to escape the oppression in Russia. So this whole issue is about how Republicans stand with the immigrant community.

The immigrant community is what has made this country what it is. Those who will come forward under this Executive action the President is going to take are, with rare exception, hard-working immigrant dads and moms who are supporting their families. They came to America for the same reasons early immigrants came to America, just like my father-in-law, Earl Gould, did. By the way, he changed his name when he came to the United States. He came here as Israel Goldfarb, and he changed his name, as many immigrants have done.

As my father-in-law did, the people who are going to come here under this Executive order can build a better life for themselves and their families. They have deep ties in America. They work hard. As I have indicated, they have spouses and children. Under our broken immigration system, there is no line for these people to get into, no process for them to sign up for, and no way to remedy this situation. They are in limbo. They are in the shadows. They are in darkness.

President Obama, fortunately, is going to do something to give them just that, a line to come forward, a line that he recognizes must be done to get the system started.

We can't give these people their green cards and put them on the path to citizenship immediately. Only Congress can and must finish the job in overhauling and rewriting these laws. I want to be clear that Executive action is important, but it is not a substitute for legislation, and the Speaker should understand that.

Yes, we passed a bill. The President will be happy to sign such a bill. But because Republicans have refused to legislate, President Obama is taking what steps he can to keep these families together and enforce the laws. The President is acting within his legal authority to use his Executive power to improve the immigration system.

Did he just dream this up one night meeting with his staff? Did someone suddenly come to him and say, I have a great idea. Why don't we try to do something different? He is going to do something that has been tried 39 times since Dwight Eisenhower was President. Virtually every President since Eisenhower was President has done Executive actions as relates to immigration.

I would also say to my Republican friends who are always talking about, boy, we have to do something important financially for the good of this country, why not pass this bill? It would benefit our country to the tune of $1 trillion.

I strongly support the steps the President is going to take. I support him, and I hope he does it as soon as possible, because his Executive action will help keep families together and focus law enforcement resources on real criminals.

We have waited a long time for House Republicans. Since they won't act, the President will, and he should act.

The PRESIDING OFFICER (Mr. COONS). The Senator from New York.

Mr. SCHUMER. Mr. President, I rise today to remind my colleagues that it has been over 500 days since the Senate passed a strong bipartisan bill to fix our broken immigration system.

There is a lot of hand-wringing going on on the other side of the aisle about the President taking Executive action, as he has now announced he intends to do. Republicans are saying that anything and everything is on the table to stop the President from taking Executive action. Well, if the bounds are anything and everything, I have a suggestion. Pass our bill. It is a very simple suggestion.

If the House votes on our bipartisan bill, the discussion about Executive action would be made moot. It is the other body of Congress that has led us to the point where we are today. The only reason the administration has to take Executive action is because the

House has failed to address our broken immigration system. I think everyone on our side agrees it would be far preferable to pass the bipartisan bill that passed the Senate 68 to 32 than any Executive action.

Let me say a few things. The bill is a bipartisan bill with support from every corner of the political map—business, labor, evangelicals, Catholics—and it has been sitting on the shelf gathering dust for 500 days. So it is the absolute height of hypocrisy for House leadership to say that now Congress should be in the driver's seat on immigration reform when they refused to take the wheel.

And let me say this, Mr. President. I don't think anyone has any faith that if they were given another 3 months or 6 months or 9 months that they would come to any kind of real bill. They can't. They have the tea party. Such a high percentage of their primary voters strongly argue against doing a bill. In fact, many of those tea party types are saying shut down the government.

The dithering and dawdling on the House side is particularly perplexing because our bill would achieve so many goals the Republicans claim are part of their agenda. It would secure the border, create jobs, add economic growth, and cut the deficit.

The bipartisan bill that passed the Senate provides more than $40 billion to secure our border. This would mean more than doubling the Border Patrol presence on our Southwest border, completing the border fence, setting up much more surveillance technology—sensors, drones, many of which are so good they can detect—these are the drones that surveil, not shoot—they can detect the difference when a deer or a person crosses the border. They are not on the border now.

Yes, the border needs help. Blocking our bill, not passing our bill, keeps the status quo, which nobody likes. Passing our bill solves the problem. With a Republican amendment authored by the Senator from Tennessee, Senator CORKER, and the Senator from North Dakota, Senator HOEVEN, that tightens up the border tougher than it has ever been.

The bipartisan bill also strengthens interior enforcement of our immigration laws. So many of my colleagues on the other side of the aisle keep saying E-Verify, E-Verify, E-Verify. Well, it is in the bill to crack down on unscrupulous employers requiring an entry-exit tracking system at our airports and seaports to catch people who overstay their visas, and reforming and clarifying the list of violent crimes that make an immigrant deportable so law enforcement officials have the tools they need to keep us safe.

For America to remain competitive, we must have a legal immigration system that works. Right now we have it backwards. We turn away people who would create jobs. Our bipartisan bill will change all that for farm workers, tech firms, entrepreneurs, and so many more, while leveling the playing field for American workers. Because of internal enforcement, when someone crosses the border and doesn't have a real job available and has no family connection, they can't stay. They won't get a job.

Many of our labor friends are for this bill. The construction trades, which probably suffer more from illegal immigration than any other, are strongly for our bill. The bill clears the employment and visa backlogs so American businesses can have access to the workers they need and their families will be united, decreases family wait times at our bridges and ports of entry. It is great for the tourism industry, making it easier for foreign travelers to spend their dollars here instead of somewhere else and, finally, a tough but fair pathway to citizenship.

The other side says it is amnesty. They are listening to Rush Limbaugh—amnesty, amnesty, amnesty. Amnesty means you get away with it without paying a price. Here is the price someone has to pay if they cross the border illegally: No. 1, they have to pay all their back taxes; No. 2, they have to keep working; No. 3, they have to admit wrongdoing; No. 4, they have to pay a fine; No. 5, they have to learn English; No. 6, they have to go to the back of the line, which is what our colleagues on the other side of the aisle have always asked for.

This system was set up by none other than MARCO RUBIO in our Gang of 8, and it says: If somebody crossed the border illegally in 2008, but someone else has waited patiently at the Embassy since 2007, the 2007 person gets to come into this country before the 2008 person.

Because of all this, here is what the bill does:

First, it would grow the economy by 3.3 percent over the next 10 years and 5.5 percent over 20. No Republican tax cut, no Democratic spending program would have that effect—and without any cost to the deficit. In fact, at the same time we are growing our economy with this proposal—this is CBO, not CHUCK SCHUMER—we reduce the deficit by $150 billion in the next 10 years and $900 billion over the next 20 years. So $1 trillion in savings, as we benefit America.

The bill has unprecedented support: the U.S. Chamber of Commerce, the guardian of business interests; the AFL–CIO, the protector of American workers; the faith community, evangelicals, Protestants, Mormons. The liberal and conservative religious sectors in America are for our bill, America's farmers, growers, and American farmworkers, law enforcement, the immigrant rights community.

So the historic coalition came together because again this bill strengthens our borders and national security, provides an enormous boost for the American economy, fairly and conclusively addresses the status of people here illegally, and prevents future waves of illegal immigrants.

When we got this bill passed we were almost certain the House would pass it. It is a conservative bill, and try and try and try as they might, they couldn't. So now we are up to the last hours of this Congress and there is one more chance. Just put the bill on the floor, Speaker BOEHNER. You don't have to twist a single arm. It has the votes to pass. It will do America so much good.

I love America. I want to see us stay No. 1 in every way and economically above all. This bill will do it more than anything else we could do.

I would say to my colleagues, don't be afraid of the Tea Party. They are afraid of the word ''amnesty,'' even though the bill is not amnesty at all as I mentioned. But Rush Limbaugh says ''amnesty'' incessantly, and I know my Republican colleagues—I am a political guy in some ways—they are afraid primary voters that skew far right believe it is amnesty. The Tea Party may be a sliver of the American public, but they are a huge percentage of primary voters in too many Republican districts and that is what they are afraid of. Talk about courage. Talk about loving the country. Talk about doing the right thing. We have to pass the bill.

The real Republican Party position on immigration is pretend to be pro-immigration reform rhetorically but never allow immigration reform to come to a vote. That is the bad news.

The good news is there is still time to fix it. So I urge my colleagues, avoid this conundrum, avoid your dilemma that you will create. Pass the bill, and we will not even have to debate Executive action.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have come to the floor to talk about one of the most important issues facing our Nation as we have been hearing for the past 15 minutes; that is, our longstanding, desperate need to finally fix our Nation's broken immigration system.

Too often in the debate about immigration it is difficult for some people to understand that the millions of undocumented families in our country are already an important part of our communities. Immigrants work hard and they pay their taxes, they send their children to American schools, and they make up a critical part of the fabric of our society. They are Americans in all but name.

So when we talk about immigration reform, we are not talking about some vague philosophical issue. This is an issue that impacts families, it impacts our businesses, it impacts our national security, and it impacts what we stand for as Americans.

It is not a new issue either. It is something we have been debating and arguing about for more than a decade, but it is something we have never been able to tackle, and that is not for the lack of trying.

As everyone here remembers, more than 500 days ago now the Senate did something remarkable. Members from different backgrounds and different States and different parties came together to reach an agreement, and in the Senate we passed a real bipartisan coalition of 68 Republicans and Democrats, a comprehensive immigration reform bill that would finally start to fix our broken immigration system.

As we heard from the Senator from New York, it would improve our security, provide businesses with the certainty they need, and provide a real path to citizenship for the millions of undocumented immigrants who are forced to live in the shadows.

Not only was this bill a step toward fixing our broken immigration system, it was good for our economy. The Congressional Budget Office estimated that the Senate bill would reduce the deficit by nearly $1 trillion over the next two decades.

So we sent the bill to the House of Representatives knowing the path forward there might not be easy, but we heard from Members of the House on both sides of the aisle that they also knew immigration reform had to happen this Congress.

Back then, in June of 2013, we knew we had time on our side. Speaker BOEHNER had a full year and a half to do one simple thing, bring the bipartisan Senate bill up for a vote. We knew then what we still know today; that if the Speaker brought that bill up for a vote, it would pass with bipartisan support and become law.

But instead of doing that, the Speaker sided with the Tea Party and refused to move our country forward. He has made it very clear that the House will refuse to act this Congress and ignore the historic opportunity we have.

For years and years millions of immigrant families who have played by the rules—paid their taxes, raised their children in the United States—have waited and waited for action. They have organized, they have hoped and they have prayed and they have trusted the system would eventually work. The system has failed. So now it is time to act.

President Obama has made it clear that because the House refuses to act—because the House refuses to act—he will take administrative action before the end of the year to improve our immigration system, and I support his decision to do that.

The President's authority to take action is well established. In fact, every President since Eisenhower, including Presidents Reagan and George H.W. Bush, has used his authority to improve the administration of our immigration system and to focus enforcement resources on serious criminals rather than on hard-working immigrants with deep roots in our communities.

When the President does act, I have encouraged him to do several things: expand the already successful implementation of deferred action for DREAMers to include people with strong ties to the United States who have not committed serious crimes; to change implementation of our laws to make immigration and border enforcement humane, nondiscriminatory, and respectful of due process; and, finally, I have asked the President to improve the legal immigration system to keep immigrant families together, to protect our workers, and to provide employers—from agricultural producers to high-tech firms—certainty in a system that has often left them without answers.

But I also want to be very clear that administrative action is not a long-term solution. Plain and simple, the only way for us to permanently and effectively fix our broken immigration laws is through comprehensive immigration reform legislation. Administrative action is a bandaid, but it is better than nothing, and nothing is what the House Republicans are offering.

So I also wish to say it has been deeply disappointing to hear that some of my Republican colleagues are now threatening to shut down the government just to keep families from getting some initial relief from the pain our broken immigration system is causing. That is the latest example of extreme Republicans creating uncertainty and threatening to hurt our economy if they don't get their way, and it is the exact opposite of the approach Congress needs to take going forward.

We all know what happens when Tea Party Republicans go down this road. We saw it just last year when we had a 16-day government shutdown that brought the day-to-day workings of the government and businesses across the country to a screeching halt. That shutdown, we all know, was bad for our economy. It hit workers' paychecks, it made families across our country question whether their elected officials could get anything done at all. It was all because of a failed Tea Party political effort to repeal the Affordable Care Act for the umpteenth time.

Look. Even children understand that flipping the table over doesn't help win the game. It just means someone has to pick up the mess they just made. When it comes to Tea Party political tactics, we have seen more than enough of that in this Congress.

As we all remember, the budget deal I reached with Chairman RYAN wasn't perfect—I know Chairman RYAN would say the same thing—but it was an important step away from brinkmanship and toward bipartisanship on the budget.

In the next week Republican leaders are going to have an important choice to make. They can choose bipartisanship and continue to push the Tea Party aside and work with Democrats on issues such as the budget and fixing our broken immigration system or they can go back to Tea Party-style governing by crisis, which hurts families and communities and our economy and will make it much more difficult to put in place the lasting comprehensive immigration reform we need.

I urge them to take the bipartisan path. I am ready and willing to work with them if they do, and I know my Democratic colleagues are as well. I know our country will be stronger for it now and for decades to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague from Washington for her strong statement. It makes so much sense.

We have this poster here, ''510 Days.'' That is how long ago the Senate passed the bipartisan immigration bill that Senator MURRAY talked about and Senator SCHUMER talked about. That is 17 months; 510 days is 17 months.

So here is the deal. The Republicans in the House refuse to take up the Senate bill, which strengthens the border while giving a pathway of legality to hard-working immigrants here who are undocumented.

It is pretty simple but comprehensive—common sense. Here is the thing: They will not take up the bill. So then we say: What is your idea? Where is your bill? They don't have one.

So then President Obama, knowing we have 11 million undocumented immigrants living in America, realizes he can't let this matter go on. He has waited 100 days, 200 days, 300 days, 400 days, 500 days. The country has waited for 17 months.

So the President is going to do what Presidents are supposed to do, which is look at a problem that is hurting the country and do his best to fix it. The President has said to the House he would be thrilled to sign the bipartisan immigration bill the Senate passed. Take it up and pass it.

Oh, no. Do you know what their answer is? To verbally threaten the President and, frankly, the American people by such comments as—this is one that I heard the Republican leader MITCH MCCONNELL say: If he does this, if he takes this action, if he takes action on immigration, it would be like waving a red flag in front of a bull.

No, it wouldn't be. It would be a President who understands that action is needed. Guess what. Eleven other Presidents, Republican and Democrat, have taken Executive action on immigration. I never in all my years ever heard one Republican take to task any of those other Presidents, and I will give you the list of who they are: Presidents Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, George Bush, Sr., Bill Clinton, George W. Bush, and President Obama used his authority for the DREAMers.

The charts are being held up to show you how many actions have been taken. We have these two charts here that show a lot of Executive actions by Presidents on immigration.

What is wrong with my Republican friends? Do they not know history or

are they just blindly attacking this President because they are annoyed that he got reelected?

Step up to the plate, smell the roses, look at the reality. The reality is all these other Presidents have taken action. Look what the immigration council says, the American Immigration Council said:

Past Republican presidents have not been shy to use the White House's power to retool immigration policy. In fact, Obama could learn a lot from Presidents Ronald Reagan's and George H.W. Bush's Executive actions to preserve the unity of immigrant families and move past congressional refusal to enact immigration reform.

So, Earth to the Republicans: You refuse to take up the bipartisan Senate bill which strengthens our border while giving a legal path to citizenship or legality to our undocumented, making sure that those who commit crimes are deported. We look at what is happening in our ag community and fix that. They won't do it.

So they are stamping their foot and saying what President Obama wants to do is unconstitutional. Excuse me, unconstitutional? Presidents Reagan, Bush, Clinton, Eisenhower—I read the list. They never said that before. They never said that before. Carter, Kennedy, Johnson, Nixon, Ford, Clinton, Bush, Sr., Reagan, George W., and Obama. Now they say to the President—and I don't have the exact quote. We heard a comment from the Republican leader. What they are basically saying to the President is, If you do your job, we are going to be mad. And what the President has said to them is, Please do your job. If you do your job, I won't have to take Executive action. I would prefer to have this in legislation. And as Senator MURRAY has said, that is the preferable road. But they either won't do it or they don't want to do it or they want another confrontation with the President.

I think it was JOHN BOEHNER, the Republican Speaker, who said if the President takes this Executive action, which as I have shown you many other Presidents have done, he will ''poison the well.'' He is telling the President that if the President does his job—my words—as 11 Presidents have done, it will ''poison the well.''

And what are they going to do about it? Who knows. Are they going to try to impeach the President or sue the President? I guess they have to impeach 10 others.

And by the way, I wrote the President a letter and asked him to take Executive action. In my view, it is absolutely necessary, because if you follow the law, 11 million people could be deported—our neighbors, our friends, families would be split up.

I thought Republicans were the party of family values. Family values—I have been lectured on family values. Somehow if one supports a woman's right to choose and to get health care, it is not following family values, but one can break up families and have parents and children separated, and that, I guess, doesn't fall under the definition.

It has been 17 months since we passed our bill and either they are too lazy to take it up or they don't want to take it up. They would rather threaten this President. I just have to tell them, we have a Congress, we have a court system, and we have a President. We don't have President McConnell, we don't have President Boehner, we don't have President Reid, we don't have President Boxer. We have President Obama, and he has to do his job. If you don't like it, that is fine. Lord knows I have served with five Presidents. I didn't agree with them half the time, but I didn't threaten to shut down the government or impeach them or sue them.

Now here is the deal: Why can't they find time to take up our bill? They have voted 50 times to repeal the Affordable Care Act—50 times—but they cannot find time to debate or pass a bill to reform our Nation's immigration laws.

I served in the House for 10 years. The rules in the House are easy. It is nothing like the Senate where you need unanimous consent to do anything, to even open up the Senate. In the House, if the majority, who are now the Republicans, wants to introduce a bill, all they have to do is introduce a bill.

They won't do it. It has been 17 months. Then the President says, oh, my God, we have got an issue here. Everyone agrees we have 11 million undocumented immigrants here. We have issues at the border. We have issues at detention facilities. We have issues in the ag industry. We have issues of families being torn apart. The President is going to do what he can do, just as 10 other Presidents have done previously. So what does he get in response from our Republican friends? Nothing that would allay our concerns. They don't say, Mr. President, we understand your frustration. Don't worry, we will get a bill done. It may not be the same as the Senate. We have other ideas. They do nothing. They are do-nothing and they want our President to be do-nothing when it comes to immigration.

Frankly, if our President did not take action, it would be a terrible mistake. I have already established that he is within his constitutional rights. He would be joining 10 other Presidents who, by the way, acted on 40 occasions over the last 60 years. So here is a group of Republicans threatening to impeach the President, sue the President, shut down the government over something that 11 Presidents have done over the past 60 years on 40 occasions. I never ever, ever heard one Republican or Democrat threaten to shut down the government when a President took action over immigration.

The Republicans won't act. So what do they think is going to happen, status quo? The status quo doesn't work. It is not working at the border. It is not working for our families. It is not working at the workplace. It is not working in our communities.

I was in the House when President Reagan signed into law a major immigration bill legalizing 3 million immigrants in 1986, and then the Congress didn't do the next step. They didn't take the next step. So he took Executive action to stop deportations that would interfere with family reunification. President Reagan—I didn't hear one Republican threaten to impeach the President, sue the President, take action, shut down the government, make life miserable for the American people. No. But they are doing it now.

In 1990, President George Herbert Walker Bush directed his Attorney General to halt deportations of an estimated 190,000 Salvadorans who were fleeing the civil war there, and he used his power to halt the deportation of up to 1.5 million spouses and children. I did not hear one Republican—not one—threaten to sue the President, threaten to take him to court, threaten to impeach him, threaten to shut down the government and make life miserable for the American people.

President Bush's family fairness policy Executive action was sweeping. It affected more than 40 percent of the undocumented population in the United States at the time. He thought big—George Bush, Sr.—he thought big, and this President should think big.

I will tell you why. If you ask economic experts what are the best measures we can do for our economy, they are clear about it. They say one measure we should implement is to raise the minimum wage. We Democrats are trying to do that and we will never give up trying to do that. Reforming immigration is another measure that is one of the best ways to stimulate our economy and create jobs, and it is all laid out in a USC study which shows that immigration reform with a path to citizenship would inject $8 billion into my State's economy—my State of California—each year—$8 billion each year. Nationwide it would increase our gross domestic product by $1.5 trillion over 10 years, increase wages for workers, and lead to between 750,000 to 900,000 new jobs. That is almost a million new jobs created, according to the Center for American Progress.

So help me out here, Republicans. What is your problem? You never complained when Republican Presidents took Executive action to fix a broken immigration system. You say you are for jobs and the economy and business, and if you look at the support for immigration reform, it runs right through our society from the Chambers of Commerce to labor and everybody in between. And if we don't act, the dire situation of undocumented immigrants will only get worse. Families will continue to be torn apart. People will continue to live in the shadows. The reason our economy will be thriving once people get out of the shadows is they are not afraid to come out. They are not afraid to buy a house. They are not afraid to spend money. They are not afraid to start new businesses. They

are not afraid to hire workers. It is a no-brainer. This is one of the most important things we can do for our economy, for jobs, for prosperity, for our communities.

In closing, because I see my friend from Connecticut is here, and I want to yield the floor, there are two priorities that are at stake: a healthy economy—and I have laid that out—and family values. The American people, including the people of California, support bold and compassionate action on immigration reform. We have already established that the President has the legal authority to act just as other Presidents of both parties have in the past.

I say to the President today, as I have said to him in writing, if you act you will have my strong support and you will have the support of so many people across this country. You will keep our families together, you will strengthen our economy, and you will make our country stronger.

I say to the House again, while you are still here in Washington, if you don't want the President to fill the void for your lack of action, then take up and pass the Senate immigration bill. Get to work. If you don't like that bill, then make another bill, but take care of this problem because if you continue to be a do-nothing House when it comes to immigration, I can assure you this President will not follow your lead and be a do-nothing President when it comes to immigration. That would be terribly wrong. It would be wrong not only for our immigrant community but for every single one of us.

Mr. President, I ask unanimous consent to have two articles printed in the RECORD, along with an article in the National Journal that details the number of times Presidents have used their authority to act on immigration.

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

[From huffingtonpost.com, Nov. 15, 2014]

REAGAN, BUSH ALSO ACTED WITHOUT CONGRESS TO SHIELD IMMIGRANTS FROM DEPORTATION

(By Andrew Taylor)

WASHINGTON (AP).—Two presidents have acted unilaterally on immigration—and both were Republican. Ronald Reagan and his successor George H.W. Bush extended amnesty to family members who were not covered by the last major overhaul of immigration law in 1986.

Neither faced the political uproar widely anticipated if and when President Barack Obama uses his executive authority to protect millions of immigrants from deportation.

Reagan's and Bush's actions were conducted in the wake of a sweeping, bipartisan immigration overhaul and at a time when ''amnesty'' was not a dirty word. Their actions were less controversial because there was a consensus in Washington that the 1986 law needed a few fixes and Congress was poised to act on them. Obama is acting as the country—and Washington—are bitterly divided over a broken immigration system and what to do about 11 million people living in the U.S. illegally.

Obama wants to extend protection from deportation to millions of immigrant parents and spouses of U.S. citizens and permanent residents, and expand his 2-year-old program that shields immigrants brought illegally to this country as children.

A tea party-influenced GOP is poised to erupt, if and when Obama follows through on his promise.

''The audacity of this president to think he can completely destroy the rule of law with the stroke of a pen is unfathomable to me,'' said GOP Rep. Steve King of Iowa, an outspoken opponent of relaxing U.S. immigration law. ''It is unconstitutional, it is cynical, and it violates the will of the American people.''

Some Republicans have even raised the possibility of impeachment.

Here's a timeline of then and now:

1986. Congress and Reagan enacted a sweeping overhaul that gave legal status to up to 3 million immigrants without authorization to be in the country, if they had come to the U.S. before 1982. Spouses and children who could not meet that test did not qualify, which incited protests that the new law was breaking up families.

1987. Early efforts in Congress to amend the law to cover family members failed. Reagan's Immigration and Naturalization Service commissioner announced that minor children of parents granted amnesty by the law would get protection from deportation. Spouses and children of couples in which one parent qualified for amnesty but the other did not remained subject to deportation, leading to efforts to amend the 1986 law.

1989. By a sweeping 81–17 vote, the Senate in July voted to prohibit deportations of family members of immigrants covered by the 1986 law. The House failed to act.

1990. In February, President George H.W. Bush, acting through the Immigration and Naturalization Service, established a ''family fairness'' in which family members living with a legalizing immigrant and who were in the U.S. before passage of the 1986 law were granted protection from deportation and authorized to seek employment. The administration estimated up to 1.5 million people would be covered by the policy. Congress in October passed a broader immigration law that made the protections permanent.

2012. In July, the Obama administration announces a new policy curbing deportations for certain immigrants brought illegally to the country as kids. The policy, Deferred Action for Childhood Arrivals (DACA), applies to people younger than 30 who were brought to the U.S. before they turned 16 and meet other criteria such as graduating high school. It has now granted two-year deportation reprieves and work permits to nearly 600,000 people.

2013–2014 (Congress). After months of work, the Senate in June 2013 passes, 68–32, a huge immigration overhaul bill that includes a path to citizenship for immigrants who meet strict criteria. The House fails to act. In a televised interview with Telemundo, Obama says expanding the DACA program to cover the parents of children allowed to remain in the country under the program ''would be ignoring the law in a way that I think would be very difficult to defend legally. So that's not an option.''

2014 Frustrated by Congress' inability to act on immigration, Obama announces in June that he'll use executive powers to address other elements of the flawed immigration system. Like Bush, Obama is expected to extend deportation protections to families of U.S. citizens or permanent residents. Obama's anticipated action would not award legal status, but it would offer temporary protection from deportation to up to 5 million people, as well as the possibility of obtaining a work permit. He delayed action until after Election Day. On Monday, Democratic leaders sent a letter to Obama saying they strongly support his plans to take executive action on immigration.

[From the hill.com, Oct. 2, 2014]

WHEN REAGAN AND GHW BUSH TOOK BOLD EXECUTIVE ACTION ON IMMIGRATION

(By Mark Noferi)

Congressional Republicans are outraged that President Obama may take executive action on immigration reform after the midterm elections—perhaps by deferring deportations and providing work authorization to millions of unauthorized immigrants with strong family ties to the United States. However, past Republican presidents have not been shy to use the White House's power to retool immigration policy. In fact, Obama could learn a lot from presidents Ronald Reagan's and George H. W. Bush's executive actions to preserve the unity of immigrant families, and move past Congressional refusal to enact immigration reform.

The story begins on November 6, 1986, when Reagan signed the last comprehensive legalization bill to pass Congress. The Immigration Reform and Control Act (IRCA) gave up to 3 million unauthorized immigrants a path to legalization if they had been ''continuously'' present in the U.S. since January 1, 1982. But the new law excluded their spouses and children who didn't qualify. As the Senate Judiciary Committee stated at the time, ''the families of legalized aliens . . . will be required to ''wait in line'.

Immediately, these split-eligibility families became the most polarizing national immigration issue. U.S. Catholic bishops criticized the government's ''separation of families,'' especially given Reagan's other pro-family stances. In early 1987, members of Congress introduced legislation to legalize family members, but without success.

Shortly after Congress' failure, Immigration and Naturalization Service (INS) commissioner Alan Nelson announced he was ''exercising the Attorney General's discretion'' to assure that children would ''be covered'' by legalization. The administration granted a blanket deferral of deportation (logistically similar to today's Deferred Action for Childhood Arrivals program) for children under 18 who were living in a two-parent household with both parents legalizing, or with a single parent who was legalizing.

Lawmakers and advocates, however, urged Reagan to go further. Spouses and some children who had one parent able to legalize but not the other remained unprotected. A California immigrants' rights group called this ''contrary to the American tradition of keeping families together.'' And as Rep. Howard Berman (D-Calif.) told the INS, ''If you have the discretion to protect children, why not a family?''

In July 1989, the Senate moved to protect a bigger group—all spouses and children of those who legalized under IRCA. The Senate passed legislation 81–17 that prohibited the administration from deporting family members of immigrants in the process of legalizing and directed officials to grant them work authorization. The House failed to act on the Senate's bill.

George Bush Sr. then responded in February 1990 by administratively implementing the Senate bill's provisions himself. As Bush's INS Commissioner, Gene McNary, stated: ''It is vital that we enforce the law against illegal entry. However, we can enforce the law humanely. To split families encourages further violations of the law as they reunite.'' Under Bush's ''family fairness'' policy, applicants had to meet certain criteria, and reapply to the INS every year for extensions.

The Bush administration anticipated its family fairness program could help enormous numbers of immigrants—up to 1.5 million family members, which amounted to over 40 percent of the 3.5 million unauthorized immigrants in the U.S. at the time.

After the Bush administration moved, the House followed. In March 1990, 33 House members introduced legislation with similar provisions to stay deportation of family members. In October, Congress then passed a combined Immigration Act of 1990, with a permanent ''Family Unity'' provision. The Act broadened Bush's family fairness policy to include children under 21 and increased family immigration visas, ultimately providing more families a path to citizenship.

If voters thought Bush overstepped his authority, the midterm elections didn't show it. In 1990, the Republicans lost a scant nine House seats and one Senate seat (out of 33 up for election)—far lower than average midterm losses by a president's party. Bush then signed the Act in November, hailing it as continuing ''support for the family as the essential unit of society'' and ''our tradition of family reunification.'' (Bush did issue a signing statement reserving the ''authority of the executive branch to exercise prosecutorial discretion in suitable immigration cases.'')

The success of the Reagan-Bush family fairness policy serves as a strikingly similar historical precedent for Obama. Bush Sr. ''went big'' to treat families fairly—deferring deportations for over 40 percent of unauthorized immigrants. Reportedly, Obama's actions could be similarly broad and help up to 5 million immigrants—over 40 percent of today's unauthorized population. Bush Sr.'s actions gave immigrants a safe haven and spurred the House to act without negative impacts in the subsequent midterms. And the Reagan-Bush fairness policy deferred deportations to protect families, compared to previous uses of presidential authority to protect war refugees or immigrants stranded by a foreign policy crisis.

We don't know what executive action Obama will take. But we can say with certainty that presidents Ronald Reagan and George H. W. Bush led the way.

CRITICS SAY EXECUTIVE ACTION ON IMMIGRATION WOULD BE UNPRECEDENTED. THEY FORGET THEIR HISTORY

PRESIDENTS HAVE ALMOST ALWAYS ACTED FIRST TO PERMIT IMMIGRATION OR PREVENT DEPORTATION—WITH CONGRESS RATIFYING THOSE ACTIONS LATER ON.

(By Charles Kamasaki)

The president's announcement that he would soon take executive action to ''to do what he could'' to fix a broken immigration system in the absence of legislation has prompted critics to assert that this would be unprecedented unless first authorized by Congress. In fact, the record demonstrates the opposite. For at least the last 70 years, presidents have routinely acted first to permit the entry of people outside normal channels or to protect large numbers of people from deportation, with legislation ratifying the executive action coming later.

During World War II, the Roosevelt administration negotiated a temporary worker arrangement with the Mexican government, later known as the Bracero program, an action Congress ratified a year later. When the authorization expired in 1947, the Truman administration continued the program until it was reauthorized in 1951. Before it ended in 1964, millions of workers entered the United States under the auspices of the Bracero program, hundreds of thousands under executive—not legislative—authority. The program was rightly criticized for numerous labor and human-rights violations, but few questioned the executive authority it operated under.

After the war ended, President Truman used his executive authority to permit 250,000 people from Europe to enter or stay in the U.S. outside normal immigration channels. It was only three years after this exercise of discretion that Congress passed the Displaced Persons Act, permitting some 400,000 additional entries.

In April 1975, at the end of the Vietnam War, President Ford used parole authority to authorize the evacuation of 200,000 South Vietnamese to this country; it was not until a month later that the Indochina Migration and Refugee Act of 1975 was enacted, providing resettlement funding for 130,000 of those parolees. Full legislative authorization to resettle those fleeing Indochina did not come until 1980, when Congress passed the Refugee Act, resulting in permanent resettlement of 1.4 million Indochinese in the U.S.. Although most entered as bona fide refugees, hundreds of thousands were paroled into the country when statutorily authorized numbers proved inadequate.

But these broad exercises of discretion were limited to refugees fleeing wars a long time ago, right? Wrong. Presidents have exercised their discretion more than 20 times since the mid-1970s to permit people already in the U.S. from being deported. Some sought to avoid return to a Soviet bloc country. Iranians in the 1980s sought protection from the regime that overthrew the shah and occupied the American Embassy there. Afghans in the U.S. in the 1980s and 1990s were protected first from the Soviet puppet state and later from the Taliban. Others would have been returned to face civil war or natural disasters abroad. Not until 2003, several decades after the practice of country-specific relief from deportation was first deployed, did Congress codify the practice known as ''temporary protected status.''

The record also shows that Congress made many executive orders of temporary relief permanent, often years after the fact. As Fidel Castro took power in Cuba in 1959, more than 900,000 Cubans fled to the United States, the vast majority paroled into the country by Presidents Eisenhower, Kennedy, and Johnson. Not until 1966, some seven years after the influx began, was the Cuban Adjustment Act passed.

In 1980, 130,000 Mariel Cubans and nearly 40,000 Haitians arrived in South Florida. Most, but not all, of the Cubans were paroled into the U.S. by President Carter. Haitians initially were protected from deportation by litigation challenging the denials of their asylum claims; most of these Haitians, and some Cubans whose entry had been challenged, eventually received discretionary ''Cuban-Haitian entrant status'' in the Reagan administration. Six years later, the Immigration Reform and Control Act of 1986 provided lawful permanent resident status for Cuban-Haitian entrants.

In 1987, Reagan administration Attorney General Edwin Meese directed the Immigration and Naturalization Service not to deport an estimated 200,000 Nicaraguans in the United States without authorization, including those whose asylum claims had been denied. In 1990, President George H.W. Bush instructed his attorney general to provide ''deferred enforced departure'' status to an estimated 190,000 Salvadorans fleeing civil war. In 1997, a decade after Meese's initial action, Congress passed legislation permitting these groups' adjustment to permanent residence.

In 1989, the Bush administration provided DED status to 80,000 Chinese students in the U.S. who feared returning to the strife that eventually led to the Tiananmen Square massacre and later issued an executive order extending their status. Congress then passed the Chinese Student Protection Act in 1992, three years following the initial executive action, making the students eligible for green cards.

OK, but major exercises of prosecutorial discretion have been used only for foreign policy reasons, right? Wrong again. Executive actions have been used by every modern administration on more than a dozen occasions to further purely domestic policy objectives. After domestic emergencies—the San Francisco earthquake, the 9/11 attack, Hurricanes Katrina and Ike, and others—immigration officials relaxed enforcement efforts to advance public health and safety. Beginning with President Carter in 1980, every administration has instructed immigration officials to reduce enforcement efforts during the census.

Other exercises of discretion went beyond specific emergencies or events. In 1977, Carter administration Attorney General Griffin Bell suspended deportation of about 250,000 people unfairly denied visas by a quirk in the allocation process. It was not until nearly a decade later, via IRCA in 1986, that all of these cases were resolved.

In 1990, INS Commissioner Gene McNary issued a ''Family Fairness'' policy deferring the deportation of 1.5 million immediate family members of people receiving legalization under IRCA, building on a more-limited exercise of discretion in 1987 by Edwin Meese. Three years after Meese's original executive action, Congress codified the action in the Immigration Act of 1990.

In 1997, President Clinton provided DED status to some 40,000 Haitians previously paroled into the U.S. At the end of the 105th Congress a year later, legislation passed allowing these Haitians to permanently adjust their status.

The record is clear: Presidents of both parties have used discretionary powers on multiple occasions to protect various groups from deportation for an enormously wide variety of reasons. Except for temporary conditions, Congress acted later—often years later—to ratify the president's decisions.

Looking back now, would we reverse any of these executive actions? Should we have returned Eastern Europeans to behind the Iron Curtain, Cambodians to the killing fields, Ethiopians to a brutal civil war, Iranians to the arms of the ayatollah, or Chinese students to face the tanks in Tiananmen Square? Would we be better off without the Cubans and Haitians who revitalized South Florida over the past 40 years? Were we wrong to prevent the separation of 1.5 million people from family members getting right with the law under IRCA's legalization?

Many of these actions were controversial when first announced. But Congress later affirmed virtually all of them—without explicitly reversing any of them—suggesting that eventually they were widely accepted. Decades from now, people looking back on President Obama's imminent announcement of broad-scale executive action will see that he prevented the separation of families, began fixing a badly broken immigration system, and improved wages, housing, and education for those receiving legal status, thus immeasurably enriching the economy. They'll likely see that Congress later ratified his actions, as happened so often before.

And, they'll wonder: what was all the fuss about?

Mrs. BOXER. I say to my colleagues who have come to the floor this afternoon and are still to come to the floor, thank you.

Republicans have threatened to close down this government. They are having a temper tantrum and refuse to act

on immigration and want to paralyze the Presidency.

It is time to get behind this President. It is time to get behind the American people. It is time to take a stand for this economy and for family values.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am grateful for the strong and eloquent words that were said by my colleague Senator BOXER. I am grateful to so many of my colleagues on this side of the aisle for supporting the President as he considers Executive action that would essentially enforce the law on immigration more rationally and effectively, which is what prosecutorial discretion means.

As a former U.S. attorney as well as the State attorney general in my own State for 20 years, I know about prosecutorial discretion. I know that in exercising his discretion, the President is aware that there is simply no way every undocumented person in the United States of America can be deported tomorrow, let alone this year—probably ever.

There are 11.5 million undocumented people who live in the shadows, and the question is, How do we use the resources of the Federal Government most rationally and effectively to serve the public interest and uphold the rule of law?

The question is, essentially, How should law enforcement use its resources? That question arises every day in the United States when there is a Federal or State prosecution. It arises every day on our borders when the agents of our Federal administrative law enforcement apparatus make decisions about law enforcement. As I have learned from my experience in law enforcement, it best serves citizens when it uses those resources efficiently, effectively, and humanely in a concerted effort to address a direct threat to public safety. Law enforcement has a job to do, and it can't do everything all the time everywhere.

Decisions are necessary in the real world in practical circumstances to preserve public order and protect public safety, and that is what the President is doing by issuing an Executive order which, in effect, directs Federal resources to deport undocumented immigrants who represent a threat to this country by virtue of their criminal activity or criminal background or other circumstances that justify that rational and selective approach to law enforcement.

This approach is hardly novel, and it is highly unoriginal. In fact, President Obama's authority to direct how Federal immigration resources will be marshaled in the service of protecting public safety is very much in the tradition and history of this office. Every President since Dwight Eisenhower, whether Democratic or Republican, has done exactly what President Obama is doing in this Executive order.

In 1990 President George H.W. Bush took Executive action to defer removal and grant work permits to roughly 1.5 million undocumented individuals—nearly half the undocumented population at the time. Think about that for a moment. Out of 3 million people, President Bush decided that 1.5 million of them should, in effect, not be prosecuted. He set law enforcement priorities. That was his job, and that is President Obama's job.

Many of us—and I am very much in this camp—would prefer to address this situation through legislation. I worked hard, along with the distinguished chairman of the Judiciary Committee and Members on both sides of the aisle of the Judiciary Committee and of this body, to approve legislation. It was resolved and written up after several days of detailed and painstaking markup. I was told that is the way legislation used to be routinely done in this body—Members trading ideas, exchanging views and perspectives, drilling down on facts, and arriving at a bipartisan solution that eventually was approved by 68 Members of this body from both sides of the aisle. That is a matter of history.

My hope was and still is that we have legislation along the lines of what was approved by the Senate. That legislation was far from perfect. In my view, it was way short of the ideal immigration reform I would favor, but the good cannot be the enemy of the perfect and the perfect cannot be the enemy of the good. What we need now is a practical approach to this problem through legislation. The House refused to take up the Senate bill. It didn't even consider it and never voted on it.

The President has a responsibility, and his job is to take actions that are within his legal authority to address a system that is broken and takes a toll on human lives that is intolerable. It threatens to divide families, to put people out of work—not just undocumented immigrants out of work but citizens of this country because they work for businesses that are owned and operated by those immigrants who might be deported. I have seen that firsthand in Connecticut, and I know it is true around the country.

This measure is not only good for human lives, it is good for our economy. It is essential to make sure our immigration system—a broken, failed system—is at least prepared in the short term while we work toward legislation that is absolutely necessary to comprehensively revise and reform that system.

Every day that the Federal Government fails to act on immigration reform, people in this country are forced to live in fear and the anxiety and apprehension that children suffer when they are afraid they will lose their parents and siblings. Connecticut citizens live in fear of losing their neighbors and their employers, their congregates in church, and members of their immediate and extended families. Millions of immigrants who have lived in this country for years—5 or 10 years or longer—and are working hard, paying taxes, abiding by the law, and contributing and giving back to their communities are forced to live in fear that they will have to leave everything they have worked so hard to build and everything that means so much to them—their families, their homes, and the country they have come to love. They appreciate the freedoms of this country and the opportunities it offers in ways we routinely take for granted. For them, this country is a beacon of hope and opportunity which they appreciate so deeply and fervently that they are willing to lay down their lives for it and, in fact, sometimes do as members of our armed services.

The lack of action on immigration reform hurts everyone. When businesses employ workers under the table, our economy and our Nation are deprived of their taxes. They are often ducking regulations and taxes, which in turn drives down wages for every working American.

Immigrants should be able to come out of the shadows not just for their sake but for the Nation's sake. They are a resource that can be used so much more fully to the benefit of our Nation. When they come out of the shadows, they should be forced to undergo background checks, obtain work permits and proof that they are abiding by the law. That is necessary to show they are not a threat to public safety.

When immigrants live in fear, law enforcement can't know who lives in the communities they police. Immigrants who live in fear are simply not going to be as willing to report individuals living near them and represent a real threat to public safety because they feel uncomfortable reporting crimes and cooperating with authority when they feel they may then be the object of enforcement. Getting more people who are already living in this country into the system will allow law enforcement to go after the truly bad actors—serious criminals, serious national security threats, and people who seriously should not be in this country.

As the American people wait for legislative action and wait for the House to act on the Senate bill and perhaps wait on the Senate to act again, President Obama has both the authority and the moral responsibility to institute these reforms. These reforms are crucial. He has the authority under law to exercise his discretion. He has the moral responsibility to fix this broken system as long and as well as he can using that responsibility.

I am encouraged to hear that the President intends to focus his authority on serious criminals, not law-abiding individuals. At a minimum, my hope is that he will ease the minds of children and put to rest the anxiety children feel when they fear they may lose their parents. Whether they are DREAMers or U.S. citizens, they should be spared that apprehension and

anxiety that interferes with everything they do in school or work.

My hope is that he will exercise that authority on behalf of the parents of those children—U.S. citizens, permanent residents, and DREAMers.

My hope is that he will ease some of the arbitrary restrictions that prevent the DOCA program from achieving its full purpose—restrictions like the cutoff age.

As he acts to exercise his prosecutorial discretion with respect to deportation, he should also consider his administration's policies with respect to detention. As I wrote to the President earlier this year, along with my colleague and friend Chairman LEAHY, I believe the administration's decision to dramatically expand the detention of whole families, many of whom have shown a credible fear of being returned to dangerous situations in their home countries, is counterproductive and harmful. Migrants must be given an adequate opportunity to show they have a valid claim as refugees.

The policy of indiscriminately holding families in enormous, privately run facilities leads to inhumane living conditions. Violence against women and children and simply inefficient use of resources are more the rule than the exception. Warehousing young children in complexes that are little more than jails is deeply incompatible with our national values and it serves none of the goals of an effective immigration system.

Tomorrow marks the 25th anniversary of the U.N. Convention on the Rights of the Child. Faith leaders and community members from around the country will be doing vigils and telling the stories of children and mothers who are spending this holiday season behind bars. Yes, in the greatest country in the history of the world, children and their moms will be spending Thanksgiving behind bars.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BLUMENTHAL. I ask unanimous consent for 1 additional minute.

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

Mr. BLUMENTHAL. These families are not flight risks and they are not dangerous. We owe it to them to do better. I am proud of standing with my colleagues on calling on the President to keep families together, target resources effectively, and run an immigration system that reflects America's values and builds a stronger future.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

EXECUTIVE SESSION

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

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on the motion to invoke cloture on the Pepper nomination.

The Senator from Connecticut.

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

The PRESIDING OFFICER. Is there objection?

Without objection, all time is yielded back.

CLOTURE MOTION

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

The 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 Pamela Pepper, of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin.

Harry Reid, Patrick J. Leahy, Robert Menendez, Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Amy Klobuchar, Kirsten E. Gillibrand, Christopher Murphy, Brian Schatz, Richard J. Durbin, Richard Blumenthal, Tom Harkin, Angus S. King, Jr., Tom Udall, Mazie K. Hirono, Sheldon Whitehouse.

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

The question is, Is it the sense of the Senate that debate on the nomination of Pamela Pepper, of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

The yeas and nays resulted—yeas 58, nays 39, as follows:

[Rollcall Vote No. 283 Ex.]

YEAS—58

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

NAYS—39

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

NOT VOTING—3

Hagan	Landrieu	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 39.

The motion is agreed to.

NOMINATION OF PAMELA PEPPER TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Pamela Pepper, of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin.

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

The Senator from New York.

Mr. SCHUMER. I yield back all time.

The PRESIDING OFFICER. Is there objection?

Without objection, all time is yielded back.

CLOTURE MOTION

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

The 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 Brenda K. Sannes, of New York, to be United States District Judge for the Northern District of New York.

Harry Reid, Patrick J. Leahy, Robert Menendez, Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Amy Klobuchar, Kirsten E. Gillibrand, Christopher Murphy, Brian Schatz, Richard J. Durbin, Richard Blumenthal, Tom Harkin, Angus S. King, Jr., Tom Udall, Mazie K. Hirono, Sheldon Whitehouse.

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 Brenda K. Sannes, of New York, to be United States District Judge for the Northern District of New York, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

The yeas and nays resulted—yeas 55, nays 42, as follows:

[Rollcall Vote No. 284 Ex.]

YEAS—55

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

NAYS—42

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

NOT VOTING—3

Hagan	Landrieu	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 42.

The motion is agreed to.

NOMINATION OF BRENDA K. SANNES TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Brenda K. Sannes, of New York, to be United States District Judge for the Northern District of New York.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to the vote on the motion to invoke cloture on the nomination of Madeline Cox Arleo.

Mr. MENENDEZ. I yield back all time.

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

CLOTURE MOTION

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Madeline Cox Arleo, of New Jersey, to be United States District Judge for the District of New Jersey.

Harry Reid, Patrick J. Leahy, Robert Menendez, Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Amy Klobuchar, Kirsten E. Gillibrand, Christopher Murphy, Brian Schatz, Richard J. Durbin, Richard Blumenthal, Tom Harkin, Angus S. King, Jr., Tom Udall, Mazie K. Hirono, Sheldon Whitehouse.

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 Madeline Cox Arleo, of New Jersey, to be United States District Judge for the District of New Jersey, 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 North Carolina (Mrs. HAGAN) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

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

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

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

[Rollcall Vote No. 285 Ex.]

AYES—56

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

NAYS—40

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

NOT VOTING—4

Chambliss	Landrieu
Hagan	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 40.

The motion is agreed to.

NOMINATION OF MADELINE COX ARLEO TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Madeline Cox Arleo, of New Jersey, to be United States District Judge for the District of New Jersey.

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

Who yields time?

The senior Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I rise to speak about this nomination. This is the nomination of Wendy Beetlestone to be U.S. district court judge for the Eastern District of Pennsylvania. She has great qualifications. She is a graduate of the University of Pennsylvania Law School, an honors graduate in her undergraduate institution. She has worked now for 19 years at the law firm of Hangley Aronchick Segal Pudlin & Schiller, has 19 years of experience in litigation in a wide variety of matters. She worked in education law and has broad experience there. She worked as a journalist as well before she was a lawyer and, during her time working in Philadelphia as a lawyer, as a great advocate for people who don't have a voice and also someone who brings a wide experience to the Federal bench.

I am honored to be working with Senator TOOMEY on this nomination, working together to get these nominations through, and I am so grateful for the work of the Judiciary Committee and especially Chairman LEAHY moving these nominations through.

I yield to my colleague from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. TOOMEY. Mr. President, I wish to say briefly that I thank Senator CASEY for the terrific cooperative working relationship he and I have. When Wendy Beetlestone is confirmed, that will make the 11th Federal judge who has been confirmed as a result of the work we have done together.

Wendy is an outstanding candidate, and I think she will make a great Federal judge. I urge my colleagues to support her nomination.

I yield the floor.

CLOTURE MOTION

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

The 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 Wendy Beetlestone, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Harry Reid, Patrick J. Leahy, Robert Menendez, Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Amy Klobuchar, Kirsten E. Gillibrand, Christopher Murphy, Brian Schatz, Richard J. Durbin, Richard Blumenthal, Tom Harkin, Angus S. King, Jr., Tom Udall, Mazie K. Hirono, Sheldon Whitehouse.

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 Wendy Beetlestone, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania, 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 North Carolina (Mrs. HAGAN) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

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

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

The yeas and nays resulted—yeas 58, nays 38, as follows:

[Rollcall Vote No. 286 Ex.]

YEAS—58

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

NAYS—38

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

NOT VOTING—4

Chambliss	Landrieu
Hagan	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 38.

The motion is agreed to.

NOMINATION OF WENDY BEETLESTONE TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Wendy Beetlestone, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. The Senate will come to order.

The majority leader is recognized.

Mr. REID. Mr. President, we will have one more vote. As soon as that is turned in, we will go to recess subject to the call of the Chair for a briefing which everyone should go to, and we will come back and do some wrap-up. This is the last vote.

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 Bolden nomination.

Who yields time?

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

The PRESIDING OFFICER. Without objection, all time has been yielded back.

CLOTURE MOTION

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

The 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 Victor Allen Bolden, of Connecticut, to be United States District Judge for the District of Connecticut.

Harry Reid, Patrick J. Leahy, Robert Menendez, Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Amy Klobuchar, Kirsten E. Gillibrand, Christopher Murphy, Brian Schatz, Richard J. Durbin, Richard Blumenthal, Tom Harkin, Angus S. King, Jr., Tom Udall, Mazie K. Hirono, Sheldon Whitehouse.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum under rule XXII has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Victor Allen Bolden, of Connecticut, to be United States District Judge for the District of Connecticut, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

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

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 287 Ex.]

YEAS—51

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

NAYS—44

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

NOT VOTING—5

Chambliss	Landrieu	Vitter
Hagan	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 44.

The motion is agreed to.

NOMINATION OF VICTOR ALLEN BOLDEN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Victor Allen Bolden, of Connecticut, to be United States District Judge for the District of Connecticut.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Thereupon, the Senate, at 4:46 p.m., recessed subject to the call of the Chair and reassembled at 6:31 p.m. when called to order by the Presiding Officer (Mr. BLUMENTHAL).

Mr. REID. Mr. President, what is the business before the body?

NOMINATION OF JON M. HOLLADAY TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE

NOMINATION OF MAUREEN ELIZABETH CORMACK, 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 BOSNIA AND HERZEGOVINA

NOMINATION OF ALLAN P. MUSTARD, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TURKMENISTAN

NOMINATION OF EARL ROBERT MILLER, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA

NOMINATION OF JUDITH BETH CEFKIN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FIJI, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI, THE REPUBLIC OF NAURU, THE KINGDOM OF TONGA, AND TUVALU

NOMINATION OF ROBERT T. YAMATE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF THE COMOROS

NOMINATION OF MICHELE JEANNE SISON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS

NOMINATION OF MICHELE JEANNE SISON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HER TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS

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

The legislative clerk read the nominations of Jon M. Holladay, of Virginia, to be Chief Financial Officer, Department of Agriculture; Maureen Elizabeth Cormack, 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 Bosnia and Herzegovina; Allan P. Mustard, of Washington, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkmenistan; Earl Robert Miller, of Michigan, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana; Judith Beth Cefkin, of Colorado, a Career Member of the Senior Foreign Services, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati, the Republic of Nauru, the Kingdom of Tonga, and Tuvalu; Robert T. Yamate, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Madagascar, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of the Comoros; Michele Jeanne Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Deputy Representative of the United States of America in the Security Council of the United Nations; and Michele Jeanne Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Deputy Representative of the United States of America to the United Nations.

VOTE ON HOLLADAY NOMINATION

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

Mr. REID. I yield back the time, with the Chair's permission.

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

The question is, Will the Senate advise and consent to the nomination of Jon M. Holladay, of Virginia, to be Chief Financial Officer, Department of Agriculture?

The nomination was confirmed.

VOTE ON CORMACK NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Maureen Elizabeth Cormack, 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 Bosnia and Herzegovina?

The nomination was confirmed.

VOTE ON MUSTARD NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Allan P. Mustard, of Washington, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkmenistan?

The nomination was confirmed.

VOTE ON MILLER NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Earl Robert Miller, of Michigan, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana?

The nomination was confirmed.

VOTE ON CEFKIN NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Judith Beth Cefkin, of Colorado, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the

United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati, the Republic of Nauru, the Kingdom of Tonga, and Tuvalu?

The nomination was confirmed.

VOTE ON YAMATE NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Robert T. Yamate, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Madagascar, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of the Comoros?

The nomination was confirmed.

VOTE ON SISON NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Michele Jeanne Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Deputy Representative of the United States of America in the Security Council of the United Nations?

The nomination was confirmed.

VOTE ON SISON NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Michele Jeanne Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Deputy Representative of the United States of America to the United Nations?

The nomination was confirmed.

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

LEGISLATION SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

Mr. REID. I express my appreciation to the Senator from Iowa for joining me.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that following the vote on confirmation of Executive Calendar No. 1034, the Senate consider Calendar Nos. 955, 1054, 639, 641, 999, 998, 1028, 953, 696, 540, and 962; that there be 2 minutes of 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; and that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. REID. For the information of all Senators, we expect these votes to be such that we can confirm them by voice vote.

MORNING BUSINESS

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

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

TRIBUTE TO BILL SCHWERI

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a friend of mine and a great friend to the Bluegrass State and the University of Kentucky, Mr. Bill Schweri. Bill recently retired from the University of Kentucky after dedicating over 40 years to working at the university, the last two decades of which were spent as the director of Federal relations.

It has been Bill's job to serve as a liaison between the university and its faculty and the executive and legislative branches of State and Federal Government. I am a proud graduate of UK's College of Law, and Bill has represented my alma mater exceedingly well over the years.

Bill has been a staunch advocate for new research initiatives at the university in fields as varied as agriculture, biotechnology, clean coal technology, energy, engineering, and transportation. He has helped transform UK into one of the most prominent economic drivers in the State.

He has been instrumental in bringing about such UK achievements as the Marty Driesler Cancer Project, the expansion of a teaching space in the College of Nursing, the creation of a bioinformatics core in the university's medical center, and Fedtrak, a project with the Transportation Security Administration to track sensitive material shipments.

Bill also played a key role in UK's Markey Cancer Center being awarded a National Cancer Institute designation. With NCI designation, UK is better positioned to recruit researchers, receive grants, and to develop new breakthrough treatments to lead the fight against cancer. This means that fewer Kentuckians will have to travel out of State to find the most advanced care and clinical trials, and instead will be able to find it within the Commonwealth, which is critical as Kentucky suffers from the highest combined cancer mortality rate in the country.

Bill has worked actively to help maintain congressional support for student financial aid, which is so important to many Kentucky students. He has worked tirelessly to ensure his school's visibility here in Washington, DC and to fight for legislation that is important to UK. And he is fiercely loyal to the University of Kentucky.

Bill is not just an employee of UK, he's also an alumnus. Bill earned his bachelor's degree in anthropology from the University of Kentucky in 1969 and his master's degree, also in anthropology, from UK in 1978.

In his youth he served in the Peace Corps in Guatemala, and he also served as the past president of the Society of Research Administrators, International from 1997 to 1998. Bill previously served as UK's director of sponsored program development in the 1980s and '90s before becoming the director of Federal relations in July of 1994.

Bill has been a leader in the Science Coalition, a nonprofit, nonpartisan organization of more than 50 of the Nation's leading research universities dedicated to sustaining the Federal Government's investment in scientific research. He has also been actively involved in the Council on Governmental Affairs of the Association of Public and Land Grant Universities.

Bill is well known and highly respected among his colleagues in Federal relations at other research universities, just as he is throughout the Commonwealth of Kentucky. I wish to personally thank Bill for his service to the University of Kentucky and to our State. Although his retirement is well earned, he will certainly be missed, by me, by my staff, and by the many people across Kentucky who have benefited from his efforts. I ask my U.S. Senate colleagues to join me in bidding a fond farewell to Mr. Bill Schweri.

LETTERS IN RELATION TO RESIGNATION

Mr. COBURN. Mr. President, I ask unanimous consent to have printed in the RECORD letters related to my resignation as a Member of the U.S. Senate.

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

U.S. SENATE,
November 12, 2014.

Hon. JOSEPH R. BIDEN,
President of the U.S. Senate.

DEAR VICE PRESIDENT BIDEN, please find the attached document officially notifying Oklahoma Governor Mary Fallin of my intent to resign my Senate seat on January 3, 2015. I further note that my resignation will be effective at 11:59 AM on that date.

Thank you for your service to our nation.

Sincerely,

TOM A. COBURN, M.D.

U.S. SENATE,
January 17, 2014.

Governor MARY FALLIN,
Oklahoma City, OK.

DEAR GOVERNOR FALLIN, serving as Oklahoma's senator has been, and continues to be, one of the great privileges and blessings of my life. But, after much prayer and consideration, I have decided that I will leave the Senate before the end of my term.

I am therefore resigning my Senate seat effective January 3, 2015. I am giving you substantial advance notice with the hope that you will be able to schedule a special election concurrent with the existing election schedule and not impose any undue burden on Oklahoma taxpayers.

Thank you for your service to our great state.

Sincerely,

TOM A. COBURN, M.D.

REMEMBERING PHILIP CRANE

Mr. KIRK. Mr. President, Illinois lost its longest-serving Member of the House of Representatives and this country lost one of the great leaders of the conservative movement last week when Philip Crane passed away at the age of 84.

For 35 years Phil Crane represented Chicago's northwest suburbs, a region I know well. He was first elected to Congress in 1969, winning a special election, and ultimately became the longest-serving House Republican when he was finally defeated in 2004. While I served with Congressman Phil Crane in the House of only 4 years, our districts were adjacent to each other and together we fought for many issues important to suburban Chicago and Illinois.

Before conservative principles were fashionable, Phil was leading the way for conservatism, working for Barry Goldwater in 1964 in Illinois. When some said Phil's politics of small government and low taxes were backward looking, he responded with gusto, arguing in support of free markets and trade, prudent economics policies, a strong national defense, and traditional values.

Phil was courageous and had foresight. In 1976 he was the first sitting Congressman to publicly support Reagan in his effort to defeat President Gerald Ford. He also founded the Republican Study Committee, which still exists today in the House of Representatives. He also was deeply involved in the early days of two of the most influential conservative think tanks, the Heritage Foundation and the American Conservative Union.

In 1980 Phil took a run for President, ultimately falling to Ronald Reagan. As a young House staffer, I noted that numerous Congressmen respected Phil for his early advocacy of conservative principles and his ties to the early days of the modern conservative movement. If you want to get a feel of Phil, then read his 1976 book ''The Sum of Good Government.''

Phil Crane fought tirelessly as a senior member of the House Ways and Means Committee for his conservative principles, including for lower taxes and increasing trade. One of his greatest legislative achievements was the North American Free Trade Agreement, which created the world's largest free trade zone, linking up billions of dollars annually.

With the passing of Phil Crane, Illinois and Washington have lost one of its greats. Thank you, Phil Crane, for your service to the State of Illinois and to our country.

CONGRATULATING JOHN COX

Mr. BARRASSO. Mr. President, I wish to recognize and congratulate John Cox the Director of the Wyoming Department of Transportation. On November 24, 2014, Director Cox will be elected as president of the American Association of State Highway and Transportation Officials, AASHTO. John is currently serving as the association's vice-president and has worked his way to the top through various positions in AASHTO.

Since 2005, he has continually served Wyoming as the WYDOT director. The respect for John is deep and widespread. He was appointed by Democrat Governor Dave Freudenthal and reappointed by our current Republican Governor Matt Mead.

John Cox is not your traditional State Department of Transportation director. Director Cox has a 28-year background in law enforcement. As a young patrolman, John patrolled thousands of miles on the rural roads of Wyoming. Director Cox's law enforcement background provided him with a unique perspective on the needs of rural States like Wyoming. John understands rural transportation. He also understands that our transportation system must be whole. I believe his experience and leadership will be key to the success of AASHTO and its members over the next year.

Director Cox and I have worked closely together for over a decade. When I was in the Wyoming Legislature, I chaired the Senate Transportation and Military Affairs Committee. In the Wyoming Legislature, we worked to improve our State's highways. In the U.S. Senate, we worked on the 2012 highway reauthorization bill. In 2014, Director Cox and I focused on improving the current law by cutting Washington redtape and providing flexibility and equity for rural States like Wyoming.

I look forward to continuing to work with Director Cox as all of America can now benefit from his leadership.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN R. BALLENTINE

● Mr. BOOZMAN. Mr. President, I wish to honor John R. Ballentine, who will retire as the Alma City Mayor after more than two decades of public service to the citizens of Arkansas in this elected position.

As Alma City Mayor, John was a constant advocate for services, programs and improvements for Alma residents. After leading the city out of debt, John oversaw the construction and financing of the city's first waterpark. In 2000, John opened the Alma Aquatic Center, which has become a centerpiece of the city bringing in more than 50,000 people annually. What started as an idea dreamed up while baling hay became a significant contributor to the City of Alma's economy.

John fought hard to enhance existing public facilities and finance the new construction of amenities including area parks, a $4 million water treatment plant, an annual Independence Day fireworks show, and the annual Alma flying disk golf tournament which brings in over 100 participants every November.

John's passion for public service extends beyond his most recent position as Alma's longest standing mayor since 1872. In addition, John served on the Alma City Council for 4 years, as a member of the Crawford County Quorum Court for 10 years, and in the U.S. Army Reserves for 21 years.

I congratulate John for his commitment to public service. We are all grateful for his years of service and leadership to Alma, Crawford County and Arkansas. John is truly a public servant. I wish him continued success in his future endeavors.●

CONGRATULATING THE STAMFORD JEWISH COMMUNITY CENTER

● Mr. MURPHY. Mr. President, I would like to take this opportunity to congratulate the Stamford Jewish Community Center for being the 2014 S.T.R.I.V.E., Sports Teach Respect Initiative Values and Excellence, Organization of the Year. Each year the National Council of Youth Sports, NCYS, recognizes five finalist organizations that most meet the ''kids first'' approach, evidenced by their implementation of best practices and policies that protect kids and promote safety. Those five finalist organizations are then put on the NCYS website for voting by the public. The award, sponsored by AIG, is presented to organizations that exhibit heartfelt passion and show a committed spirit to helping kids succeed in sports, while maintaining a commitment to safety procedures.

Since opening its doors in 1916, the Stamford JCC has become a valuable community resource, especially well-known for its continuum of safe, supportive, and inclusive health and fitness programs for children and youth

of all abilities, backgrounds, and financial circumstances. This year, more than 1,500 kids, ages 3 to 16, have taken part in their ''kids-first'' recreational activities, created to promote such attributes as teamwork, community engagement, and sportsmanship.

NCYS is the largest known organization in America representing the youth sports industry, and this award is an important recognition that the Stamford JCC is excelling at helping kids in our community. Comprised of the who's who in the youth sports industry, NCYS was founded in 1979, and its membership represents more than 200 organizations/corporations serving 60,000,000 registered participants in organized youth sports programs. Its members include organizations such as the American Association of Cheerleading Coaches and Administrators—Cheer Safe, American Legion Baseball, American Youth Soccer Organization, Jewish Community Centers Association of North America, YMCA of America, Pop Warner, Special Olympics North America, and the U.S. Tennis Association.

Again, I commend the Stamford JCC for this wonderful achievement, and the great work they are doing in the city of Stamford.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:40 a.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:

S. 885. An act to designate the facility of the United States Postal Service located at 35 Park Street in Danville, Vermont, as the ''Thaddeus Stevens Post Office''.

S. 1093. An act to designate the facility of the United States Postal Service located at 130 Caldwell Drive in Hazlehurst, Mississippi, as the ''First Lieutenant Alvin Chester Cockrell, Jr. Post Office Building''.

S. 1499. An act to designate the facility of the United States Postal Service located at 278 Main Street in Chadron, Nebraska, as the ''Sergeant Cory Mracek Memorial Post Office''.

S. 1512. An act to designate the facility of the United States Postal Service located at 1335 Jefferson Road in Rochester, New York, as the ''Specialist Theodore Matthew Glende Post Office''.

S. 2141. An act to amend the Federal Food, Drug, and Cosmetic Act to provide an alternative process for review of safety and effectiveness of nonprescription sunscreen active ingredients and for other purposes.

S. 2539. An act to amend the Public Health Service Act to reauthorize certain programs relating to traumatic brain injury and to trauma research.

S. 2583. An act to promote the non-exclusive use of electronic labeling for devices licensed by the Federal Communications Commission.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY)

At 1:44 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 bill, in which it requests the concurrence of the Senate:

H.R. 1422. An act to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to provide for Scientific Advisory Board member qualifications, public participation, and for other purposes.

MEASURES REFERRED

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

H.R. 1422. An act to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to provide for Scientific Advisory Board member qualifications, public participation, and for other purposes; to the Committee on Environment and Public Works.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, November 19, 2014, she had presented to the President of the United States the following enrolled bills:

S. 885. An act to designate the facility of the United States Postal Service located at 35 Park Street in Danville, Vermont, as the ''Thaddeus Stevens Post Office''.

S. 1093. An act to designate the facility of the United States Postal Service located at 130 Caldwell Drive in Hazlehurst, Mississippi, as the ''First Lieutenant Alvin Chester Cockrell, Jr. Post Office Building''.

S. 1499. An act to designate the facility of the United States Postal Service located at 278 Main Street in Chadron, Nebraska, as the ''Sergeant Cory Mracek Memorial Post Office''.

S. 1512. An act to designate the facility of the United States Postal Service located at 1335 Jefferson Road in Rochester, New York, as the ''Specialist Theodore Matthew Glende Post Office''.

S. 2141. An act to amend the Federal Food, Drug, and Cosmetic Act to provide an alternative process for review of safety and effectiveness of nonprescription sunscreen active ingredients and for other purposes.

S. 2539. An act to amend the Public Health Service Act to reauthorize certain programs relating to traumatic brain injury and to trauma research.

S. 2583. An act to promote the non-exclusive use of electronic labeling for devices licensed by the Federal Communications Commission.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7782. A communication from the Board Chair and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General and the Semiannual Management Report on the Status of Audits for the period from April 1, 2014 through September 30, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–7783. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to Internal Affairs Investigations for the period of January 2014 through June 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–7784. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–441, ''Business Improvement Districts Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7785. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–424, ''Fiscal Year 2015 Budget Support Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7786. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–437, ''Voter Registration Access and Modernization Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7787. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–442, ''Extension of Time to Dispose of the Strand Theater Temporary Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7788. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–443, ''Medical Marijuana Expansion Temporary Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7789. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–440, ''Special Election Reform Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7790. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–439, ''Critical Infrastructure Freedom of Information Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7791. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–438, ''Workers' Compensation Statute of Limitations Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7792. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–425, ''Small and Certified Business Enterprise Development and Assistance Waiver Certification Temporary

Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7793. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–423, ''Sustainable Solid Waste Management Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7794. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on Council Resolution 20–624, ''Transfer of Jurisdiction of a Portion of Reservation 497 (Square 3712, Lots 101–104) Approval Resolution 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7795. A communication from the Director, Policy and Planning Analysis, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Health Benefits Program Modification of Eligibility to Certain Employees on Temporary Appointments and Certain Employees on Seasonal and Intermittent Schedules'' (RIN3206–AM86) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–7796. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''2013 Annual Report of the National Institute of Justice''; to the Committee on the Judiciary.

EC–7797. A communication from the Acting Chief of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections Based on Public Law 104–262'' (RIN2900–AO93) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Veterans' Affairs.

EC–7798. A communication from the Acting Chief of the Regulation Policy, Tracking, and Control Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Designee for Patient Personal Property'' (RIN2900–AO41) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Veterans' Affairs.

EC–7799. A communication from the Acting Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Expanded Access to Non-VA Care through the Veterans Choice Program'' (RIN2900–AO24) received during adjournment of the Senate in the Office of the President of the Senate on November 4, 2014; to the Committee on Veterans' Affairs.

EC–7800. A communication from the Acting Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Exempting Mental Health Peer Support Services from Copayments'' (RIN2900–AP11) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Veterans' Affairs.

EC–7801. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting, legislative proposals relative to the ''National Defense Authorization Act for Fiscal Year 2015''; to the Committee on Armed Services.

EC–7802. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a semiannual report entitled, ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–7803. A communication from the Admiral, Naval Reactors, transmitting, pursuant to law, reports relative to the Naval Nuclear Propulsion Program's reports on environmental monitoring and radioactive waste disposal, radiation exposure, and occupational safety and health; to the Committee on Armed Services.

EC–7804. A communication from the Assistant Secretary of Defense (Homeland Defense and Global Security), transmitting, pursuant to law, a report relative to a consolidated budget justification display that includes all programs and activities of the Department of Defense combating terrorism program; to the Committee on Armed Services.

EC–7805. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act; to the Committee on Appropriations.

EC–7806. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Fiscal Year 2013 Superfund Five-Year Review Report to Congress''; to the Committee on Environment and Public Works.

EC–7807. A communication from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Excess Spoil, Coal Mine Waste, Diversions, and Buffer Zones for Perennial and Intermittent Streams'' ((RIN1029–AC69) (Docket ID OSM–2012–0010)) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Energy and Natural Resources.

EC–7808. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Fiscal Year 2013 Methane Hydrate Program''; to the Committee on Energy and Natural Resources.

EC–7809. A communication from the Chief of Staff, U.S. Agency for International Development (USAID), transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General, U.S. Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Foreign Relations.

EC–7810. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's annual report for calendar year 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7811. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) Spearmint Oil for the 2014–2015 Marketing Year'' (Docket No. AMS–FV–13–0087; FV14–985–1A IR) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7812. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order; Late Payment and Interest Charges on Past Due Assessments'' (Docket No. AMS–FV–12–0023) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7813. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Basis in All Cash D Reorganizations'' ((RIN1545–BJ21) (TD 9702)) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Finance.

EC–7814. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Earnings and Profits in Tax-Free Transfers from One Corporation to Another; Acquiring Corporation for Purposes of Section 381'' ((RIN1545–BK73 and RIN1545–BL80) (TD 9700)) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Finance.

EC–7815. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2015 Limitations Adjusted As Provided in Section 415(d), etc.'' (Notice 2014–70) received during adjournment of the Senate in the Office of the President of the Senate on September 19, 2014; to the Committee on Finance.

EC–7816. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the position of Member, IRS Oversight Board, received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Finance.

EC–7817. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Yemen that was originally declared in Executive Order 13611 on May 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7818. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7819. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Central African Republic that was declared in Executive Order 13667 of May 12, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–7820. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Clarifications and Corrections to the Export Administration Regulations (EAR): Control of Spacecraft Systems and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML)'' (RIN0694–AF87) received in the Office of the President of the Senate on November 13, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–7821. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant

to law, the report of a rule entitled ''Venezuela: Implementation of Certain Military End Uses and End Users License Requirements under the Export Administration Regulations'' (RIN0694–AG31) received in the Office of the President of the Senate on November 13, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–7822. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, four (4) reports relative to vacancies in the Department of the Treasury, received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–7823. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2014–0002)) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–7824. A communication from the Special Inspector General for the Troubled Asset Relief Program, transmitting, pursuant to law, the October 2014 Quarterly Report to Congress of the Special Inspector General for the Troubled Asset Relief Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–7825. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Excepted Benefits'' (RIN1210–AB60) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–7826. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Excepted Benefits'' ((RIN0938–AS16) (CMS–9946-F)) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–7827. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Targeted Grants to Increase the Well-Being of, and to Improve the Permanency Outcomes for, Children Affected by Methamphetamine or Other Substance Abuse: Fourth Annual Report to Congress''; to the Committee on Health, Education, Labor, and Pensions.

EC–7828. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the Department of Defense Agency Financial Report (AFR) for fiscal year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–7829. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's fiscal year 2013 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act; to the Committee on Homeland Security and Governmental Affairs.

EC–7830. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''Veterans' Employment Redress Laws in the Federal Civil Service''; to the Committee on Homeland Security and Governmental Affairs.

EC–7831. A communication from the Acting District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Outcomes of the Temporary Assistance to Needy Families Employment Program''; to the Committee on Homeland Security and Governmental Affairs.

EC–7832. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–451, ''Rent Control Hardship Petition Limitation Temporary Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7833. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–453, ''Tenant Opportunity to Purchase Temporary Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7834. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–452, ''Georgia Avenue Great Streets Neighborhood Retail Priority Area Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7835. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–458, ''Protecting Pregnant Workers Fairness Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7836. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled ''U.S. Office of Personnel Management (OPM) Annual Privacy Activity Report to Congress for Fiscal Year 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–7837. A communication from the Director, Retirement Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees' Retirement System; Present Value Conversion Factors for Spouses of Deceased Separated Employees'' (RIN3206–AM99) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–7838. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the Department of Defense Agency Financial Report (AFR) for fiscal year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–7839. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, the Agency Financial Report for Fiscal Year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–7840. A communication from the Acting Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Disaster Assistance; Fire Management Assistance Grant (FMAG) Program—Deadline Extensions and Administrative Correction'' ((RIN1660–AA78) (44 CFR Parts 204 and 206) (Docket No. FEMA–2013–0004)) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–7841. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a report relative to ten audit reports issued during fiscal year 2014 relative to the Agency and the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

EC–7842. A communication from the Acting District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Audit of the Anacostia River Clean Up Protection Fund''; to the Committee on Homeland Security and Governmental Affairs.

EC–7843. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–7844. A communication from the Director of the Regulations, Legislation, and Interpretation Division, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Establishing a Minimum Wage for Contractors'' (RIN1235–AA10) received in the Office of the President of the Senate on November 13, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–7845. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Annual Report on the Use of Special Immigrant Status for Citizens or Nationals of Afghanistan or Iraq: Combined Fiscal Years 2012 and 2013''; to the Committee on the Judiciary.

EC–7846. A communication from the Director of Congressional Activities (Intelligence), Office of the Under Secretary of Defense, transmitting, pursuant to law, a report of a delay in submission of a report relative to data mining; to the Committee on the Judiciary.

EC–7847. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''2013 Annual Report of the National Institute of Justice''; to the Committee on the Judiciary.

EC–7848. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes to Continued Prosecution Application Practice'' (RIN0651–AC92) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on the Judiciary.

EC–7849. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes to Permit Delayed Submission of Certain Requirements for Prioritized Examination'' (RIN0651–AC93) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on the Judiciary.

EC–7850. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Training, Qualification, and Oversight for Safety-Related Railroad Employees'' (RIN2130–AC06) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7851. A communication from the General Attorney, Office of the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Final Rule: Safety Standard for Magnet Sets'' (CPSC Docket No. CPSC–2012–0050) received during adjournment of the Senate in the Office of the President of the

Senate on November 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7852. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Environmental Impact and Related Procedures—Programmatic Agreements and Additional Categorical Exclusions'' (RIN2125–AF59) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7853. A communication from the Paralegal Specialist, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Emergency Relief Program'' (RIN2132–AB13) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7854. A communication from the Paralegal Specialist, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Environmental Impact and Related Procedures—Programmatic Agreements and Additional Categorical Exclusions'' (RIN2132–AB14) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7855. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Eagle Peak Mendocino County Viticultural Area and Realignments of the Mendocino and Redwood Valley Viticultural Areas'' (RIN1513–AB96) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7856. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Adelaida District, Creston District, El Pomar District, Paso Robles Estrella District, Paso Robles Geneseo District, Paso Robles Highlands District, Paso Robles Willow Creek District, San Juan Creek, San Miguel District, Santa Margarita Ranch, and Templeton Gap District Viticultural Areas'' (RIN1513–AB68) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7857. A communication from the Chief of the Mobility Division, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters'' ((WT Docket No. 10–4) (FCC 14–138)) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7858. A communication from the Chief of the Policy Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Reform of Rules and Policies on Foreign Carrier Entry Into the U.S. Telecommunications Market'' (FCC 14–48) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7859. A communication from the Attorney-Advisor, Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7860. A communication from the Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Administration's decision to enter into a contract with a private security screening company to provide screening services at Orlando Sanford International Airport (SFB); to the Committee on Commerce, Science, and Transportation.

EC–7861. A communication from the Associate Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Special Access for Price Cap Local Exchange Carriers; AT and T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services'' ((WC Docket No. 05–25) (DA 14–1327)) received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7862. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies; Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting; 2012 Biennial Review of Telecommunications Regulations'' ((WT Docket No. 13–238; WT Docket No. 11–59; WT Docket No. 13–32) (FCC 14–153)) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7863. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pearsall, Texas)'' ((MB Docket No. 13–23) (DA 13–1603)) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7864. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Altamont, Oregon); Station KYSF(FM), (Bonanza, Oregon)'' ((MB Docket No. 11–167) (DA 13–2003)) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7865. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations. (Mount Vernon, Illinois)'' ((MB Docket No. 14–139) (DA 14–1579)) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7866. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations. (Rome, Georgia)'' ((MB Docket No. 14–141) (DA 14–1577)) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7867. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations. (Kansas City, Missouri)'' ((MB Docket No. 14–140) (DA 14–1578)) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7868. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Centerville, Texas); Station KKEE, Centerville, Texas'' ((MB Docket No. 14–56) (DA 14–1360)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7869. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Toquerville, Utah); New FM Station, Peach Springs, Arizona'' ((MB Docket No. 14–54) (DA 14–1361)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7870. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to recommendations of the Advisory Committee on Aviation Consumer Protection; to the Committee on Commerce, Science, and Transportation.

EC–7871. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''National Plan of Integrated Airport Systems (NPIAS) 2015–2019''; to the Committee on Commerce, Science, and Transportation.

EC–7872. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery'' (RIN0648–BE26) received during adjournment of the Senate in the Office of the President of the Senate on October 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7873. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Several Groundfish Species in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD535) received during adjournment of the Senate in the Office of the President of the Senate on October 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7874. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Surfclam and Ocean Quahog Fisheries; 2015 Fishing Quotas for Atlantic Surfclams and Ocean Quahogs; and Suspension of Minimum Atlantic Surfclam Limit'' (RIN0648–XD515) received during adjournment of the Senate in the Office of the President of the Senate on October 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7875. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD542) received during adjournment of the Senate in the Office of the President of the Senate on October 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7876. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Bluefish Fishery; Quota Transfer'' (RIN0648–XD511) received during adjournment of the Senate in the Office of the President of the Senate on October 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7877. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Extension of Temporary Rule that Established Separate Annual Catch Limits and Accountability Measures for Blueline Tilefish in the South Atlantic Region'' (RIN0648–BD87) received during adjournment of the Senate in the Office of the President of the Senate on October 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7878. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Regulatory Amendment 21'' (RIN0648–BD91) received during adjournment of the Senate in the Office of the President of the Senate on October 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7879. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Tilefish Fishery; 2015–2017 Specifications'' (RIN0648–BE37) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7880. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD544) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7881. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands'' (RIN0648–XD496) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7882. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD577) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7883. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Extension of the 2014 Gulf of Mexico Recreational Red Grouper Season'' (RIN0648–XD479) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7884. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction'' (RIN0648–X100714b) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7885. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2014–2015 Accountability Measure and Closure for Gulf King Mackerel in the Florida West Coast Northern Subzone'' (RIN0648–XD586) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7886. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Snapper-Grouper Fishery of the South Atlantic; 2014 Recreational Accountability Measure and Closure for the South Atlantic Porgy Complex'' (RIN0648–XD495) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7887. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone off Alaska; Reallocation of Halibut Prohibited Species Catch Allowances in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD565) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7888. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2014–2015 Accountability Measure and Closure for Gulf King Mackerel in Western Zone'' (RIN0648–XD559) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7889. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; 2014 Bigeye Tuna Longline Fishery Closure in the Eastern Pacific Ocean'' (RIN0648–XD504) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7890. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Trawl Catcher Vessels in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XD566) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7891. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2014 Accountability Measures and Closure for Commercial Wrasses in the U.S. Caribbean Off Puerto Rico'' (RIN0648–XD549) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7892. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch, Northern Rockfish, and Dusky Rockfish in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XD545) received during adjournment of the Senate in the Office of the President of the Senate on October 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7893. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules; Miscellaneous Amendments (4); Amendment No. 516'' (RIN2120–AA63) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7894. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (113); Amdt. No. 3608'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7895. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (42); Amdt. No. 3607'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on November

14, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7896. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (81); Amdt. No. 3609'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7897. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (48); Amdt. No. 3610'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on November 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC–7898. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone off Alaska; 'Other Rockfish' in the Aleutian Island Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD537) received in the Office of the President of the Senate on November 12, 2014; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 2917. A bill to expand the program of priority review to encourage treatments for tropical diseases.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

*Therese W. McMillan, of California, to be Federal Transit Administrator.

*Lourdes Maria Castro Ramirez, of California, to be an Assistant Secretary of Housing and Urban Development.

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

*Mary Lucille Jordan, of Maryland, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2020.

*Adri Davin Jayaratne, of Michigan, to be an Assistant Secretary of Labor.

*P. David Lopez, of Arizona, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years.

*Michael Young, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2020.

*Charlotte A. Burrows, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2019.

*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.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. WHITEHOUSE (for himself and Mr. SCHATZ):

S. 2940. A bill to provide for carbon dioxide and other greenhouse gas emission fees; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. PORTMAN):

S. 2941. A bill to combat human trafficking; to the Committee on the Judiciary.

By Mr. MARKEY (for himself and Mr. PORTMAN):

S. 2942. A bill to establish a Hospital Fund for the treatment of individuals with Ebola or other specified infectious diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO (for himself, Ms. MURKOWSKI, Mr. INHOFE, Mr. VITTER, and Mr. WHITEHOUSE):

S. 2943. A bill to amend Public Law 110–299 to extend the time period during which permits are not required for certain discharges incidental to the normal operation of vessels; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 2944. A bill 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; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 2945. A bill to repeal section 910 of the Violence Against Women Reauthorization Act of 2013; to the Committee on Indian Affairs.

By Mr. DURBIN (for himself, Mr. CORKER, Mr. COONS, and Mr. FLAKE):

S. 2946. A bill to provide improved water, sanitation, and hygiene programs for high priority developing countries, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ISAKSON:

S. Res. 583. A resolution designating November 30, 2014, as ''Drive Safer Sunday''; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 584. A resolution commending Jerald D. Linnell on his service to the United States Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 526

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions, and for other purposes.

S. 539

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 539, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 1011

At the request of Mr. JOHANNS, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Tennessee (Mr. CORKER), the Senator from Indiana (Mr. COATS), the Senator from Nevada (Mr. HELLER), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Minnesota (Mr. FRANKEN), the Senator from Montana (Mr. TESTER) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1011, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 1040

At the request of Mr. PORTMAN, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Minnesota (Mr. FRANKEN), the Senator from Arizona (Mr. FLAKE), the Senator from Virginia (Mr. WARNER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1040, a bill to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy.

S. 1406

At the request of Ms. AYOTTE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1406, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 1695

At the request of Ms. CANTWELL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1695, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 2115

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2115, a bill to provide for the establishment of a fund to provide for an expanded and sustained national investment in biomedical research.

S. 2159

At the request of Mr. GRAHAM, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 2159, a bill to restore long-standing United States policy that the Wire Act prohibits all forms of Internet gambling, and for other purposes.

S. 2689

At the request of Mrs. SHAHEEN, the name of the Senator from New York

(Mr. SCHUMER) 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. 2746

At the request of Ms. AYOTTE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2746, a bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life.

S. 2762

At the request of Mr. FRANKEN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2762, a bill to prevent future propane shortages, and for other purposes.

S. 2828

At the request of Mr. CORKER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2828, a bill to impose sanctions with respect to the Russian Federation, to provide additional assistance to Ukraine, and for other purposes.

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2828, supra.

S. 2917

At the request of Mr. HARKIN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Virginia (Mr. WARNER), the Senator from New York (Mrs. GILLIBRAND), the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. HEINRICH) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 2917, a bill to expand the program of priority review to encourage treatments for tropical diseases.

S. 2930

At the request of Mr. MCCAIN, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Nevada (Mr. HELLER) and the Senator from Kansas (Mr. MORAN) were added as cosponsors 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. RES. 570

At the request of Mr. MANCHIN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. Res. 570, a resolution designating October 17, 2014, as ''National Alternative Fuel Vehicle Day''.

S. RES. 578

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 578, a resolution supporting the role of the United States in ensuring children in the world's poorest countries have access to vaccines and immunization through Gavi, the Vaccine Alliance.

S. RES. 580

At the request of Mr. INHOFE, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. Res. 580, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WHITEHOUSE (for himself and Mr. SCHATZ):

S. 2940. A bill to provide for carbon dioxide and other greenhouse gas emission fees; to the Committee on Finance.

Mr. WHITEHOUSE. Mr. President, I am here now for the, I guess, 80th time in my weekly series of speeches about carbon pollution to ask the Senate and Congress to wake up to the growing threat from climate change, and today I am also announcing the introduction of the American Opportunity Carbon Fee Act.

Carbon dioxide from burning fossil fuels is changing the atmosphere and the oceans. We see it everywhere. We see it in storm-damaged homes and flooded cities. We see it in drought-stricken farms and raging wildfires. We see it in fish disappearing from warming and acidifying waters. We see it in shifting habitats and migrating contagions.

All of these things we see carry costs—real economic dollars-and-cents costs—to homeowners, to business owners, and to taxpayers. That cost is described as the social cost of carbon. It is the damage that people and communities suffer from carbon pollution and climate change. None of those costs from carbon pollution are factored into the price of the coal or the oil or the natural gas that releases this carbon. The fossil fuel companies that sell and burn those products have taken those costs and offloaded them onto society—onto the rest of us.

That is not fair. If you rake your lawn, you don't get to dump all the leaves over your neighbor's fence and leave him or her the problem of cleaning up your leaves. If you are located on a river, you don't get to dump your garbage in the river and leave it to the downstream property owners to clean up your mess. Yet the big carbon polluters transfer the costs—all those costs of climate change—onto everyone else—all the rest of us.

The U.S. Government has done some estimating about what that social cost of carbon pollution is and their estimate is that it is around $40 per ton of carbon dioxide emitted, and that that amount rises over time as carbon pollution creates more and more harm and havoc. So a climbing $40 per ton is the cost, but the current effective price on carbon pollution is zero.

By making their carbon pollution free, we subsidize fossil fuel companies to the tune of hundreds of billions of dollars annually. By making their carbon pollution free, we actually rig the game, giving polluters an unfair advantage over newer and cleaner technologies. It is a racket. It is a form of cheating. And corporate polluters love it because it gives them advantage, and they fight tooth and nail to protect it in this body. But it is wrong.

As University of Chicago economics professor Michael Greenstone recently explained, this concept—that offloading social costs is wrong and that there should be a proper price on carbon—is very widely accepted. Here is what he said:

> The media always reports that there's near consensus among scientists about the fact that human activity impacts climate change. What does not receive as much attention is that there's even greater consensus among economists, starting from Milton Friedman and moving into the most left-wing economists that you could find, that the obvious correct public policy solution to this is to put a price on carbon. It's not controversial.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, an article from The Economist magazine.

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

Mr. WHITEHOUSE. The economics editor of The Economist magazine—which is certainly no hotbed of left wing sentiment—Ryan Avent, has posted a comment on climate policy and his question is: ''Do economists all favour a carbon tax?'' He says:

> The economic solution is to tax the externality—

That is the offloaded cost.

> —so that the social cost of carbon is reflected in the individual consumer's decision. The carbon tax is an elegant solution to a complicated problem.

So today I am introducing this bill to put a price on carbon emissions. It is simple. It will require the polluters to pay a per-ton fee for their pollution and all of the revenue generated by those payments will go back to the American people.

I want to thank Senator BRIAN SCHATZ of Hawaii for cosponsoring this measure. He has been a great colleague on environmental issues and on our discussion regarding climate change. The bill that we introduce today establishes an economy-wide fee on carbon

dioxide and other greenhouse gas emissions, tracking that social cost of carbon, starting at $42 per ton and going up by 2 percent per year, plus inflation.

We know how much carbon dioxide each unit of coal, oil, and natural gas produces, so we assess the fee on fossil fuel producers, processors, and importers. That makes it simple to administer. The whole bill is only 29 pages long.

For other varieties of greenhouse gases and nonfossil fuel sources of CO_2, we assess our fees only on the very largest emitters—those emitting more than 25,000 tons a year. This is the same universe of companies that we already require to monitor and report on their carbon emissions.

A significant greenhouse gas concern is the methane that escapes throughout production and distribution. To address this, we require annual reports on methane leakage and direct the Treasury Secretary to adjust the fees on fossil fuels to account for that leakage. This fee will promote innovation and help further reduce carbon emissions.

Fossil fuel companies that capture and sequester or use carbon dioxide or innovate new ways to encapsulate it in materials or products will get credits to offset the carbon fee.

We also take care to ensure that American manufacturers are not put at a competitive disadvantage globally. Imports from nations that don't price emissions will face a tariff that the Treasury Secretary is authorized to impose at the border. Likewise, the Secretary is authorized to rebate American producers on their exports.

I would note one thing. Since regulation is usually a response to market failure, a well-designed carbon fee would also properly open a conversation about which and, indeed, whether carbon regulations are still needed. A carbon fee by itself is much more efficient and predictable than complex regulations, and I am open to that conversation.

That is it. It is that simple. Make the polluters pay the full costs of their products; end the cheating; level the playing field for other forms of energy, such as wind and solar, to compete fairly; keep the fee mechanism simple; and maintain a border adjustment that keeps American goods competitive. Twenty-nine pages.

On the flip side, the carbon fee will generate significant new Federal revenue. The technicians are still working on the official revenue estimate for the bill, but it should be at least $1.5 trillion and perhaps more than $2 trillion over the 10-year budget periods we work with in Congress and on the Budget Committee.

Whatever the exact number is, all of it should be returned to the American people. So the bill establishes an American opportunity trust fund to hold the revenue and return it to the American people. This could include through tax cuts, through student loan debt relief, through increased Social Security benefits for seniors, through transition assistance to workers in fossil fuel industries, or even just a direct dividend back to the American family. I am looking forward to deciding with my colleagues on both sides of the aisle what is the best way to return this revenue, but I do believe every dollar should go back to the American people in some form. To use economic jargon, this should be revenue neutral.

This is one example to consider, just a hypothetical: What could we do? We could cut the corporate tax rate in America from 35 percent to 30 percent. That has been a bipartisan goal for a long time. It was part of Romney's Presidential campaign. We could accomplish it with this measure.

We would have enough money left to go to the payroll tax and for every worker rebate the first $500 they paid in payroll tax. So every American worker who paid more than $500 in payroll tax would get a $500 check to spend on whatever they wanted. The first tax reduction at the corporate level uses about $600 billion to offset. This uses about $700 billion to offset.

Third, we could add to that a boost to the EITC—the earned income tax credit—which supports many American families at the very low end of the economic spectrum. We could do that by literally hundreds of dollars a year for millions of lower income families. Again, there has been bipartisan support for expanding the earned income tax credit.

Three important goals, all reducing taxes or adding to a tax credit—all should have strong bipartisan support.

The American Opportunity Carbon Fee Act has revenue that could make our companies more competitive, could give every single worker a tax rebate, and could boost benefits for struggling low-income families.

Last month the Des Moines Register ran a column titled ''`Carbon tax' would help Iowa, planet.'' The column said this:

> The United States could take the lead by acting on its own, watch its economy grow, and let the rest of the world catch up.
>
> In the process, the United States would gain mastery of the sustainable-energy technology that will drive economic growth in the future.

I ask unanimous consent that the article be printed in the RECORD at the end of my statement.

George W. Bush's Treasury Secretary Hank Paulson gave the same message earlier this year, saying:

> A tax on carbon emissions will unleash a wave of innovation to develop technologies, lower the costs of clean energy and create jobs as we and other nations develop new energy products and infrastructure.

Emphasizing that, coincidentally, is an article in today's New York Times headed ''A Carbon Tax Could Bolster Green Energy.'' As we all know, green energy jobs are exploding in this country, and we need more of them.

Treasury Secretary Paulson continued:

> Republicans must not shrink from this issue. Risk management is a conservative principle.

Secretary Paulson is not alone. Conservative figures such as George Shultz, who was Secretary of State under President Reagan, emphatically support a carbon fee as the best way to address carbon pollution.

Art Laffer, one of the architects of President Reagan's economic plan, had this to say about a carbon tax and related payroll tax cut:

> I think that would be very good for the economy and as an adjunct, it would reduce also carbon emissions into the environment.

I ask unanimous consent that a 2013 New York Times op-ed be printed in the RECORD at the conclusion of my remarks.

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

Mr. WHITEHOUSE. In this New York Times op-ed, Bill Ruckelshaus, Christine Todd Whitman, Lee Thomas, and William Reilly wrote:

> A market-based approach, like a carbon tax, would be the best path to reducing greenhouse-gas emissions.

I know the big carbon polluters want this issue ignored. I know that. They want to squeeze one more quarter, one more year of public subsidy for their product from the rest of us. From their point of view, lunch is good when someone else is picking up the tab. But notwithstanding the power of the big carbon polluters, I still believe this is a problem we can solve.

Not long ago this would have been a bipartisan bill. Not long ago leading voices on the Republican side agreed with Democrats that the dangers of climate change were real. Not long ago leading Republican voices agreed that carbon emissions were the culprit. And it was not long ago that leading Republican voices agreed that Congress had a responsibility to act. One Republican Senator won his party's nomination for President on a solid climate change platform. Other Republican colleagues in the Senate introduced, cosponsored, or voted for meaningful climate legislation in the past. Some of the proposals were market-based, revenue-neutral solutions aligned with Republican free market values, just like my bill today.

The junior Senator from Arizona—a Republican—was an original cosponsor of a carbon fee bill when he served in the House of Representatives. That proposal, introduced with former Republican Congressman Bob Inglis, would have placed a $15-per-ton fee on carbon pollution in 2010, more than $20 in 2015, and $100 in 2040. At the time, our colleague from Arizona had this to say:

> If there's one economic axiom, it's that if you want less of something, you tax it. Clearly, it's in our interest to move away from carbon.

We simply need conscientious Republicans and Democrats to work together in good faith on a platform of fact and common sense. We know this can be done because it is being done.

At the end of a speech about the American Revolution, the historian David McCullough was asked by someone in the audience why it was that our Founding Fathers had the courage to pledge their lives, their fortunes, and their sacred honor to the cause of independence when signing the Declaration was signing their own death warrant. He had a very simple answer. He said: It was a courageous time.

Well, clearly in courageous times Americans have done far more than simply stand up to polluters to serve the interests of this great Republic. It only takes courage to make this a courageous time too.

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

[From The Register, Oct. 4, 2014]

'CARBON TAX' WOULD HELP IOWA, PLANET

(By Richard Doak)

Six years ago, the Canadian province of British Columbia decided to go it alone in fighting climate change. It imposed a tax on fossil fuels—coal gasoline, diesel fuel, propane and natural gas.

By most accounts, the ''carbon tax'' has been a success. It made fossil fuels more expensive, so British Columbians began to conserve them and use them more efficiently. Revenue from the carbon tax allows other taxes to be reduced, so the province enjoys the lowest personal income tax rates in Canada and some of the lowest corporate taxes in the developed world.

Contrary to fears, the carbon tax did not cause the economy of the province to collapse. Economic growth is slightly better than in the rest of Canada, and the forward-looking energy policy gives British Columbia a reputation as a world leader in green entrepreneurship.

Why can't Iowa be like that?

Indeed, Iowa should be like that, and circumstances might be right for Iowa to become the first American state to employ a full-fledged carbon tax.

Iowa and other states already have partial carbon taxes. We pay them at the pump when we buy gasoline or diesel fuel.

In Iowa, all gasoline and diesel fuel tax revenue is earmarked for highway construction, maintenance and administration. Paying the gas tax is how motorists pay for the bridges and highways.

After the November election, when candidates are no longer afraid to talk about taxes, a consensus will probably develop to raise Iowa's motor fuel taxes. The current gasoline tax of 21 cents per gallon (19 cents for ethanol blend) and diesel tax of 22.5 cents bring in about $450 million but leave the state an estimated $215 million short of what's needed for highways every year.

Closing that gap would require raising motor fuel taxes by about 10 cents per gallon.

Instead, why not abolish motor fuel taxes and replace them with a carbon tax?

A carbon tax would apply to all fossil fuels, not just gasoline and diesel fuel. The tax on each fuel would be based on its carbon content. Carbon-dense coal would be taxed more heavily than relatively carbon-light natural gas.

The carbon tax on gasoline and diesel fuel could be calibrated to bring in about the same amount of revenue as the existing motor fuel tax. Additional revenue to close the highway-funding gap could come from the carbon tax paid on coal and natural gas used to generate electricity. This would be a way for electric car owners to begin paying their share of highway maintenance.

Electric cars contribute less for highway maintenance than gasoline- or diesel-burning vehicles. (Electric cars don't pay gasoline tax, but they do pay license fees and use taxes.) In the future, if electric vehicles become ubiquitous, it will be essential to have some source of highway money beyond the gasoline tax. Having a carbon tax would put Iowa ahead of the game of paying for roads in an electric-car future.

Additional revenue from a carbon tax, beyond that needed for roads, could be used to lower other taxes, as in British Columbia. Since the biggest burden of a carbon tax would fall on low-income people, reductions or credits for low-income people should be the first priority. Lowering for abolishing the corporation tax, as an incentive for businesses to locate in Iowa, might be the second choice.

The idea of a carbon tax is to use market forces to reduce the amount of carbon dioxide spewed into the atmosphere when fossil fuels are burned. Economists use the term carbon pricing. When the price of something goes up, people use less of it. A carbon tax is intended to raise the price of fossil fuels enough to discourage consumption as well as to create an incentive to find alternatives.

As leader in biofuels and wind turbines, Iowa should be for anything that incentivizes the switch to alternatives.

Perhaps Iowans should even be cheering for a carbon tax to be imposed nationally, because, among the states, Iowa may be one of the best positioned to benefit from it.

Of course, a national carbon tax is off the table as long as Congress is full of climate-change deniers who are beholden to the fossil-fuel industries. But, outside of Congress, the carbon tax and other carbon-dioxide-reducing strategies appear to be gaining credibility.

A number of major corporations, banks and institutions have begun to question the conventional thinking that the economy would suffer if carbon dioxide emissions were curbed. Most recently, the Global Commission on the Economy and Climate, a group of heavyweight international leaders and economists, issued a report showing that reducing carbon emissions would cost the economy very little and might actually stimulate economic growth. Other research published by the International Monetary Fund suggests that carbon taxes, rather than being a drag on an economy, can be a benefit.

It also appears that cutting carbon emissions can help a country's economy even if other countries don't go along. British Columbia has shown that a state can go it alone without other states.

Nationally, the United States is waiting around for some big international agreement that will require all countries to reduce their emissions in unison. That shouldn't be necessary. The United States could take the lead by acting on its own, watch its economy grow, and let the rest of the world catch up.

In the process, the United States would gain mastery of the sustainable-energy technology that will drive economic growth in the future.

Sadly, the odds of the president and Congress acting that boldly on climate change are roughly nil. But maybe the little state of Iowa, out here in the heart of America, could nudge the nation in the right direction by setting an example on its own.

[From the New York Times, August 1, 2013]

A REPUBLICAN CASE FOR CLIMATE ACTION

(By William D. Ruckelshaus, Lee M. Thomas, William K. Reilly and Christine Todd Whitman)

Each of us took turns over the past 43 years running the Environmental Protection Agency. We served Republican presidents, but we have a message that transcends political affiliation: the United States must move now on substantive steps to curb climate change, at home and internationally.

There is no longer any credible scientific debate about the basic facts: our world continues to warm, with the last decade the hottest in modern records, and the deep ocean warming faster than the earth's atmosphere. Sea level is rising. Arctic Sea ice is melting years faster than projected.

The costs of inaction are undeniable. The lines of scientific evidence grow only stronger and more numerous. And the window of time remaining to act is growing smaller: delay could mean that warming becomes ''locked in.''

A market-based approach, like a carbon tax, would be the best path to reducing greenhouse-gas emissions, but that is unachievable in the current political gridlock in Washington. Dealing with this political reality, President Obama's June climate action plan lays out achievable actions that would deliver real progress. He will use his executive powers to require reductions in the amount of carbon dioxide emitted by the nation's power plants and spur increased investment in clean energy technology, which is inarguably the path we must follow to ensure a strong economy along with a livable climate.

The president also plans to use his regulatory power to limit the powerful warming chemicals known as hydrofluorocarbons and encourage the United States to join with other nations to amend the Montreal Protocol to phase out these chemicals. The landmark international treaty, which took effect in 1989, already has been hugely successful in solving the ozone problem.

Rather than argue against his proposals, our leaders in Congress should endorse them and start the overdue debate about what bigger steps are needed and how to achieve them—domestically and internationally.

As administrators of the E.P.A. under Presidents Richard M. Nixon, Ronald Reagan, George Bush and George W. Bush, we held fast to common-sense conservative principles—protecting the health of the American people, working with the best technology available and trusting in the innovation of American business and in the market to find the best solutions for the least cost.

That approach helped us tackle major environmental challenges to our nation and the world: the pollution of our rivers, dramatized when the Cuyahoga River in Cleveland caught fire in 1969; the hole in the ozone layer; and the devastation wrought by acid rain.

The solutions we supported worked, although more must be done. Our rivers no longer burn, and their health continues to improve. The United States led the world when nations came together to phase out ozone-depleting chemicals. Acid rain diminishes each year, thanks to a pioneering, market-based emissions-trading system adopted under the first President Bush in 1990. And despite critics' warnings, our economy has continued to grow.

Climate change puts all our progress and our successes at risk. If we could articulate one framework for successful governance, perhaps it should be this: When confronted by a problem, deal with it. Look at the facts,

cut through the extraneous, devise a workable solution and get it done.

We can have both a strong economy and a livable climate. All parties know that we need both. The rest of the discussion is either detail, which we can resolve, or purposeful delay, which we should not tolerate.

Mr. Obama's plan is just a start. More will be required. But we must continue efforts to reduce the climate-altering pollutants that threaten our planet. The only uncertainty about our warming world is how bad the changes will get, and how soon. What is most clear is that there is no time to waste.

[From the Economist, Sept. 19, 2011]

DO ECONOMISTS ALL FAVOUR A CARBON TAX?

(By R.A. Washington)

Last week, a Twitter conversation broke out among a few economists concerning whether any serious economists opposed a carbon tax. No, concluded the tweeters, but Tyler Cowen *begged to differ*. Mr. Cowen writes that he personally favours a carbon tax but can imagine a number of principled reasons other economists might not.

Why would we expect economists to support a carbon tax? Its very close to the economic ideal. Global warming is a phenomenon associated with emissions of greenhouse gases over and above natural cycles—largely those resulting from the burning of carbon fuels humans have dug up out of the ground. We expect normal economic activity to maximise social good because each individual balances costs and benefits when making economic decisions. Carbon emissions represent a negative externality. When an individual takes an economic action with some fossil-fuel energy content—whether running a petrol-powered lawnmower, turning on a light, or buying a bunch of grapes—that person balances their personal benefits against the costs of the action. The cost to them of the climate change resulting from the carbon content of that decisions, however, is effectively zero and is rationally ignored. The decision to ignore carbon content, when aggregated over the whole of humanity, generates huge carbon dioxide emissions and rising global temperatures.

The economic solution is to tax the externality so that the social cost of carbon is reflected in the individual consumers decision. The carbon tax is an elegant solution to a complicated problem, which allows the everyday business of consumer decision making to do the work of emission reduction. It's by no means the only economically sensible policy response to the threat of climate change, but it is the one we'd expect economists to embrace.

Mr. Cowen argues for caution on this point for several reasons. A carbon tax will be less effective if it's not universally applied, potentially leading to carbon leakage to countries with looser environmental rules. He worries that where carbon fees have been applied innovation has not been quick to respond. He fears that good substitutes for carbon fuels don't exist, especially in the transport sector, and worries that higher fuel prices might harm the economy. He suggests that a ''green-energy subsidies first'' policy might make more sense, and he talks about distributional and rent-seeking costs of the policy.

I think the weakness of these arguments is telling, and it's not surprising that Mr. Cowen continues to support a carbon tax. What if a carbon price doesn't immediately drive emission reductions? Then the tax will be an effective revenue raiser, much more efficient than a tax on income. Either way you win. The worry about carbon leakage is a real one, but this dynamic also implies that each new country that prices carbon increases the benefit of existing carbon-price policies in other countries.

Substitution in the transport sector is somewhat problematic, but a viable carbon price would not have much effect on petrol costs at the outset. A carbon tax of $30 per tonne of CO2 would only increase petrol costs by about 9 cents per gallon. This is dwarfed by moves in the market price of petrol. The vulnerability of the American economy to oil shocks argues for an increased tax on petrol, but that's a different policy debate. Mr. Cowen seems to ignore the fact that oil is just one small part of the American economy's fossil-fuel use.

A carbon tax would attract rent-seeking, but arguably less than alternative policies, like subsidies or a cap-and-trade system. Importantly, money spent on adaptation or post hoc climate-disaster relief is *also* subject to rent-seeking and corruption issues. Given that many poor countries with weak institutions are likely to feel the brunt of the impact of global warming first and are likely to be poor spenders of the aid money that will invariably flow, a carbon tax looks like one of the policy solutions best suited to the minimisation of these ills.

Mr. Cowen doesn't mention what I see as one of the most important roles of a carbon tax: as a check on other ill-advised programmes. A carbon tax would have quickly made the net dirtiness of corn-based ethanol obvious (by helping to offset subsidies and making corn-based ethanol more expensive). It would be more difficult to roll out and sustain such misguided programmes with a carbon tax, and the ones that went ahead anyway would do less damage. A carbon tax is also the easiest way to capture whatever low-hanging emission-reduction fruit is out there. Right now, consumers are generally indifferent between similarly-priced goods with wildly different carbon profiles. A carbon tax encourages consumers to realise the easy carbon gains available from switching to good low-carbon substitutes wherever they exist.

The biggest problem with a carbon tax is that America's government seems unable to deliver one. Attitudes may change, however, and near-uniform economist support for the policy (probably) doesn't hurt its odds of eventual passage.

[From the New York Times, Nov. 18, 2014]

A CARBON TAX COULD BOLSTER GREEN ENERGY

(By Eduardo Porter)

ECONOMIC SCENE

A couple of years ago, the smart money was on wind. In 2012, 13 gigawatts worth of wind-powered electricity generation capacity was installed in the United States, enough to meet the needs of roughly three million homes. That was some 40 percent of all the capacity added to the nation's power grid that year, up from seven gigawatts added in 2011 and just over five in 2010.

But then a federal subsidy ended. Only one gigawatt worth of wind power capacity was installed in 2013. In the first half of 2014, additions totaled 0.835 gigawatts. Facing a Congress controlled by Republicans with little interest in renewable energy, wind power's future suddenly appears much more uncertain.

''Wind is competitive in more and more markets,'' said Letha Tawney at the World Resources Institute. ''But any time there is uncertainty about the production tax credit, it all stops.''

Wobbles on the road to a low-carbon future are hardly unique to the United States. In its latest Energy Technology Perspectives report, the International Energy Agency noted that the deployment of photovoltaic solar- and wind-powered electricity was meeting goals established to help prevent temperatures from rising more than 2 degrees Celsius (3.6 degrees Fahrenheit) above the average in the preindustrial era, the limit agreed to by the world's leaders to avoid truly disruptive climatic upheaval.

In the same report, however, the organization noted that other technologies—bioenergy, geothermal and offshore wind—were lagging. And it pointed out that worldwide investment in renewable power was slowing, falling to $211 billion in 2013, 22 percent less than in 2011.

These wobbles underscore both the good news and the bad news about the world's halting progress toward reducing the greenhouse gas emissions that are capturing heat in the atmosphere and changing the world's climate.

The good news is that humanity is developing promising technologies that could put civilization on a low carbon path that might prevent climate disruption.

These technologies allowed the Environmental Protection Agency to pass new rules aimed at achieving a 30 percent reduction in carbon dioxide emissions from American power plants by 2030, compared with 2005.

They allowed President Obama last week to promise that the United States would curb total greenhouse gas emissions by 26 to 28 percent from 2005 levels by 2025—a big step that, White House officials say, can be achieved without further action from Congress. And they allowed China to commit to start cutting emissions after 2030.

The bad news is that civilization is mostly not yet on such a low carbon path. While promising technologies to get there have been developed, it is unclear whether nations will muster the political will and mobilize the needed investments to deploy them.

New energy technologies have become decidedly more competitive. The United States' Energy Information Administration projects that the levelized cost of onshore wind energy coming on stream in 2019—a measure that includes everything from capital costs to operational outlays—could be as little as $71 per megawatt-hour measured in 2012 dollars, even without subsidies. This is $16 less than the lower cost projection four years ago for wind energy coming online in 2015.

Similarly, projections for the levelized cost of energy from photovoltaic solar cells have tumbled by more than 40 percent, much faster than the cost projections of energy from coal or natural gas.

Challenges remain to relying on intermittent energy sources like the sun or the wind for power. Still, experts believe that hitching solar and wind plants to gas-fired generators, and using new load management technologies to align demand for power with the variable supply, offer a promising path for aggressively reducing the amount of carbon the power industry pumps into the atmosphere, which accounts for nearly 40 percent of the nation's total carbon dioxide emissions.

And new Energy Information Administration projections to 2040 show prices for renewables falling even lower. By then, electricity from photovoltaic solar plants could be generated for as little as $86.50 per megawatt-hour, without subsidies. In some areas wind-based plants could produce it for as little as $63.40.

Nuclear energy is also becoming more competitive. Without any subsidies, new-generation nuclear power coming on stream in 2040 could cost as little as $80 per megawatt-hour, all costs considered. This is only marginally more expensive than electricity produced with coal or natural gas, even without the added cost of capturing the carbon dioxide.

And there are much more optimistic cost assessments out there than the Energy Information Administration's.

But for all the optimism generated by cheaper renewable fuels, they do not, on their own, put the world on the low-carbon path necessary to keep climate change in check.

Progress is faltering on several fronts. The precipitous fall in the prices of photovoltaic cells from 2008 to 2012 pretty much stopped in 2013, after rapid consolidation of the industry.

The International Energy Agency now projects that installed global nuclear capacity in 2025 will fall 5 percent, to 24 percent below what will be needed to stay on the safe side of climate change. And carbon capture technologies, which will be essential if the world is to keep consuming any form of fossil fuel, remain hampered by high costs, meager investment and scant political commitment.

''The unrelenting rise in coal use without deployment of carbon capture and storage is fundamentally incompatible with climate change objectives,'' noted the International Energy Agency in its Technology Perspectives report.

Despite the falling costs of renewable energy in the United States, the Energy Information Administration's baseline assumptions project that in 2040 only 16.5 percent of electricity generation will come from renewable energy sources, up from some 13 percent today. More than two-thirds will come from coal and gas. Without some carbon capture and storage technology, drastic climate change is almost certainly unavoidable.

What is necessary to get us on a safer path?

White House officials trust that the administration has the tools, including fuel economy and appliance efficiency standards, the Environmental Protection Agency's new limits on power plant emissions and regulations to limit other greenhouse gases.

Yet the Energy Information Administration's projections suggest how hard the task will be. Though they were developed before the Environmental Protection Agency issued its new rules, they included hypothetical outlines that could mimic some of its effects. In one, coal power plants were decommissioned more quickly; in another, subsidies to renewable energy were kept until 2040. In another, the price of renewables fell faster than expected. None of them did much to move the carbon dial.

There is one tool available to trim carbon emissions on a relevant scale: a carbon tax. That solution, however, remains off the table.

If a carbon tax were to be imposed next year, starting at $25 and rising by 5 percent a year, the Energy Information Administration estimates, carbon dioxide emissions from American power plants would fall to only 419 million tons by 2040, about one-fifth of where they are today. Total carbon dioxide emissions from energy in the United States would fall to 3.6 billion tons—1.8 billion tons less than today. By providing a monetary incentive, economists say, such a tax would offer by far the most effective way to encourage business and individuals to reduce their use of fossil fuels and invest in alternatives.

Is this enough? No. This proposal still leaves the United States short of the 80 percent cut in greenhouse gas emissions that the White House is aiming for and that experts consider necessary by 2050 to prevent climatic havoc. But at least it's in the same order of magnitude.

Most important, perhaps, the Energy Information Administration's estimates make clear that the real constraint lies not in our ability to develop the necessary technologies but in our political will to deploy them.

By Mrs. FEINSTEIN (for herself and Mr. PORTMAN):

S. 2941. A bill to combat human trafficking; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce, along with Senator PORTMAN, the Combat Human Trafficking Act of 2014.

Human trafficking is estimated to be a $32 billion criminal enterprise, making it the second largest criminal industry in the world, behind the drug trade. Many steps need to be taken to combat this problem. But we cannot escape this simple truth: without demand for the services performed by trafficking victims, the problem would not exist.

The bill we are introducing today would reduce the demand for human trafficking, particularly the commercial sexual exploitation of children, by holding buyers accountable and making it easier for law enforcement to investigate and prosecute all persons who participate in sex trafficking.

Sex trafficking is not a victimless crime. In the United States, the average age that a person is first trafficked is between 12 and 14. Many of these children continue to be exploited into adulthood. A study of women and girls involved in street prostitution in my hometown of San Francisco found that 82 percent had been physically assaulted, 83 percent were threatened with a weapon, and 68 percent were raped. The overwhelming majority of sex trafficking victims are American citizens—83 percent by one estimate from the Department of Justice.

I am encouraged that Federal, State, and local law enforcement agencies are taking steps to combat human trafficking. Between January and June of this year, the Federal Bureau of Investigation recovered 168 trafficking victims and arrested 281 sex traffickers in ''Operation Cross Country.''

I commend these efforts, but more needs to be done to target the perpetrators who are fueling demand for trafficking crimes—the buyers of sex acts from trafficking victims. Many buyers of sex are ''hobbyists'' who purchase sex repeatedly. Because buyers are rarely arrested, much less prosecuted, the demand for commercial sex continues unabated.

Without buyers, sex trafficking would cease to exist. As Luis CdeBaca, the U.S. Ambassador-at-Large for the Office to Monitor and Combat Trafficking in Persons, noted, ''[n]o girl or woman would be a victim of sex trafficking if there were no profits to be made from their exploitation.''

The Combat Human Trafficking Act of 2014 would address this problem, by incentivizing federal and state law enforcement officers to target buyers and providing new authorities to prosecute all who engage in the crime of sex trafficking.

First, the bill would clarify that buyers of sex acts from trafficking victims can be prosecuted under the federal commercial sex trafficking statute. This provision would codify the Eighth Circuit's decision in United States v. Jungers, which held that this statute encompasses buyers, in addition to sellers. Despite this favorable ruling, there is no guarantee that other courts will follow this precedent.

Second, the bill would hold buyers and sellers of child sex acts accountable for their actions, even if they claim they were unaware of the age of a minor victim. At times, it can be difficult for a prosecutor to prove that a buyer was aware of the victim's age. Successful cases can require the child victim to testify to this fact, subjecting the victim to re-traumatization. The bill would draw a clear line: if you purchase sex from an underage child, you can be prosecuted. Period.

Third, the bill would grant judges greater flexibility to impose an appropriate term of supervised release on sex traffickers. Current law contains an anomaly: a person convicted of violating the commercial sex trafficking statute or attempting to violate the statute may be subject to a longer term of supervised release than a person who is convicted of conspiring to violate the statute. Conspiring to traffic underage children is as serious as attempting to commit this crime and should be punished the same.

Fourth, the bill would require the Bureau of Justice Statistics to prepare annual reports on the number of arrests, prosecutions, and convictions of sex traffickers and buyers of sex from trafficked victims in the state court system. Very little data is available on the prosecutions made under anti-trafficking laws. This provision would provide additional data and encourage state and local governments to increase enforcement against sellers and buyers of sex from trafficked victims.

Fifth, the Combat Human Trafficking Act would ensure that training programs for federal and state law enforcement officers include components on effective methods to target and prosecute the buyers of sex acts from trafficked victims. This would equip prosecutors with the tools they need to target buyers, encouraging prosecution of these perpetrators.

Sixth, the bill would authorize federal and state officials to seek a wiretap to investigate and prosecute any human trafficking-related offense. Under current law, a federal law enforcement officer may seek a wiretap in an investigation under the commercial sex trafficking statute, but not under a number of other statutes that address human trafficking-related offenses, such as forced labor and involuntary servitude. Similarly, a state law enforcement officer may seek a wiretap to investigate a kidnapping offense, but not an offense for human trafficking, child sexual exploitation,

or child pornography production. Our bill would fix those omissions.

Finally, this legislation would strengthen the rights of crime victims. The bill would amend the Crime Victims' Rights Act to provide victims with the right to be informed in a timely manner of any plea agreement or deferred prosecution agreement. The exclusion of victims in these early stages of a criminal case profoundly impairs victims' rights because, by the nature of these events, there often is no later proceeding in which victims can exercise their rights.

The bill would also ensure that crime victims have access to appellate review when their rights are denied in the lower court. Regrettably, five appellate courts have mis-applied the Crime Victims' Rights Act by imposing an especially high standard for reviewing appeals by victims, requiring them to show ''clear and indisputable error''. Four other circuits have applied the correct standard: the ordinary appellate standard of legal error or abuse of discretion. This bill resolves the issue, setting a uniform standard for victims in all circuits by codifying the more victim-protecting rule, that the appellate court ''shall apply ordinary standards of appellate review.''

I am pleased that this bill has the support of numerous law enforcement and anti-trafficking organizations: the Federal Law Enforcement Officers Association, Shared Hope International, ECPAT-USA, Coalition Against Trafficking in Women, CATW, Human Rights Project for Girls, Survivors for Solutions, Sanctuary For Families, World Hope International, Prostitution Research & Education, MISSSEY, and Breaking Free. These groups are on the forefront in the fight against sex trafficking, and I am proud to have their support.

I urge my colleagues to join me and Senator PORTMAN in supporting this bill.

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

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

S. 2941

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Combat Human Trafficking Act of 2014''.

SEC. 2. REDUCING DEMAND FOR SEX TRAFFICKING; LOWER MENS REA FOR SEX TRAFFICKING OF UNDERAGE VICTIMS.

(a) CLARIFICATION OF RANGE OF CONDUCT PUNISHED AS SEX TRAFFICKING.—Section 1591 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''or maintains'' and inserting ''maintains, patronizes, or solicits'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''or obtained'' and inserting ''obtained, patronized, or solicited''; and

(B) in paragraph (2), by striking ''or obtained'' and inserting ''obtained, patronized, or solicited''; and

(3) by striking subsection (c) and inserting the following:

''(c) In a prosecution under subsection (a)(1), the Government need not prove that the defendant knew, or recklessly disregarded the fact, that the person recruited, enticed, harbored, transported, provided, obtained, maintained, patronized, or solicited had not attained the age of 18 years.''.

(b) DEFINITION AMENDED.—Section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(10)) is amended by striking ''or obtaining'' and inserting ''obtaining, patronizing, or soliciting''.

(c) MINIMUM PERIOD OF SUPERVISED RELEASE FOR CONSPIRACY TO COMMIT COMMERCIAL CHILD SEX TRAFFICKING.—Section 3583(k) of title 18, United States Code, is amended by inserting ''1594(c),'' after ''1591,''.

SEC. 3. BUREAU OF JUSTICE STATISTICS REPORT ON STATE ENFORCEMENT OF SEX TRAFFICKING PROHIBITIONS.

(a) DEFINITIONS.—In this section—

(1) the terms ''commercial sex act'', ''severe forms of trafficking in persons'', ''State'', and ''Task Force'' have the meanings given those terms in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102);

(2) the term ''covered offense'' means the provision, obtaining, patronizing, or soliciting of a commercial sex act involving a person subject to severe forms of trafficking in persons; and

(3) the term ''State law enforcement officer'' means any officer, agent, or employee of a State authorized by law or by a State government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(b) REPORT.—The Director of the Bureau of Justice Statistics shall—

(1) prepare an annual report on—

(A) the rates of—

(i) arrest of individuals by State law enforcement officers for a covered offense;

(ii) prosecution (including specific charges) of individuals in State court systems for a covered offense; and

(iii) conviction of individuals in State court systems for a covered offense; and

(B) sentences imposed on individuals convicted in State court systems for a covered offense; and

(2) submit the annual report prepared under paragraph (1) to—

(A) the Committee on the Judiciary of the House of Representatives;

(B) the Committee on the Judiciary of the Senate;

(C) the Task Force;

(D) the Senior Policy Operating Group established under section 105(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(g)); and

(E) the Attorney General.

SEC. 4. DEPARTMENT OF JUSTICE TRAINING AND POLICY.

(a) DEFINITIONS.—In this section—

(1) the terms ''commercial sex act'', ''severe forms of trafficking in persons'', and ''State'' have the meanings given those terms in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102);

(2) the term ''Federal law enforcement officer'' has the meaning given the term in section 115 of title 18, United States Code;

(3) the term ''local law enforcement officer'' means any officer, agent, or employee of a unit of local government authorized by law or by a local government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law; and

(4) the term ''State law enforcement officer'' means any officer, agent, or employee of a State authorized by law or by a State government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(b) TRAINING.—The Attorney General shall ensure that each anti-human trafficking program operated by the Department of Justice, including each anti-human trafficking training program for Federal, State, or local law enforcement officers, includes technical training on effective methods for investigating and prosecuting individuals who obtain, patronize, or solicit a commercial sex act involving a person subject to severe forms of trafficking in persons.

(c) POLICY FOR FEDERAL LAW ENFORCEMENT OFFICERS.—The Attorney General shall ensure that Federal law enforcement officers are engaged in activities, programs, or operations involving the detection, investigation, and prosecution of individuals described in subsection (b).

SEC. 5. WIRETAP AUTHORITY FOR HUMAN TRAFFICKING VIOLATIONS.

Section 2516 of title 18, United States Code, is amended—

(1) in paragraph (1)(c)—

(A) by inserting before ''section 1591'' the following: ''section 1581 (peonage), section 1584 (involuntary servitude), section 1589 (forced labor), section 1590 (trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),''; and

(B) by inserting before ''section 1751'' the following: ''section 1592 (unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor),''; and

(2) in paragraph (2), by inserting ''human trafficking, child sexual exploitation, child pornography production,'' after ''kidnapping,''.

SEC. 6. STRENGTHENING CRIME VICTIMS' RIGHTS.

(a) NOTIFICATION OF PLEA AGREEMENT OR OTHER AGREEMENT.—Section 3771(a) of title 18, United States Code, is amended by adding at the end the following:

''(9) The right to be informed in a timely manner of any plea agreement or deferred prosecution agreement.''.

(b) APPELLATE REVIEW OF PETITIONS RELATING TO CRIME VICTIMS' RIGHTS.—

(1) IN GENERAL.—Section 3771(d)(3) of title 18, United States Code, is amended by inserting after the fifth sentence the following: ''In deciding such application, the court of appeals shall apply ordinary standards of appellate review.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply with respect to any petition for a writ of mandamus filed under section 3771(d)(3) of title 18, United States Code, that is pending on the date of enactment of this Act.

By Mr. DURBIN (for himself, Mr. CORKER, Mr. COONS, and Mr. FLAKE):

S. 2946. A bill to provide improved water, sanitation, and hygiene programs for high priority developing countries, and for other purposes; to the Committee on Foreign Relations.

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

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

S. 2946

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Senator Paul Simon Water for the World Act of 2014''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) water and sanitation are critically important resources that impact many other aspects of human life;

(2) the United States should be a global leader in helping provide sustainable access to clean water and sanitation for the world's most vulnerable populations; and

(3) the ''USAID Water and Development Strategy, 2013–2018'', which was released by the United States Agency for International Development in May 2013—

(A) improves USAID's capacity to provide sustainable water, sanitation, and hygiene assistance;

(B) advances implementation of portions of the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121; 119 Stat. 2533), and

(C) should inform the Global Water Strategy required under section 136(j) of the Foreign Assistance Act of 1961, as added by section 6 of this Act.

SEC. 3. CLARIFICATION OF ASSISTANCE TO PROVIDE SAFE WATER AND SANITATION TO INCLUDE HYGIENE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating section 135 (22 U.S.C. 2152h), as added by section 5(a) of the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121; 22 U.S.C. 2152h note), as section 136; and

(2) in section 136, as redesignated—

(A) in the section heading, by striking '**AND SANITATION**'' and inserting ''**, SANITATION, AND HYGIENE**''; and

(B) in subsection (b), by striking ''and sanitation'' and inserting '', sanitation, and hygiene''.

SEC. 4. IMPROVING COORDINATION AND OVERSIGHT OF SAFE WATER, SANITATION AND HYGIENE PROJECTS AND ACTIVITIES.

Section 136 of the Foreign Assistance Act of 1961, as redesignated and amended by this Act, is further amended by adding at the end the following:

''(e) COORDINATION AND OVERSIGHT.—

''(1) USAID GLOBAL WATER COORDINATOR.—

''(A) DESIGNATION.—The Administrator of the United States Agency for International Development (referred to in this paragraph as 'USAID') or the Administrator's designee, who shall be a current USAID employee serving in a career or non-career position in the Senior Executive Service or at the level of a Deputy Assistant Administrator or higher, shall serve concurrently as the USAID Global Water Coordinator (referred to in this subsection as the 'Coordinator').

''(B) SPECIFIC DUTIES.—The Coordinator shall—

''(i) provide direction and guidance to, coordinate, and oversee the projects and programs of USAID authorized under this section;

''(ii) lead the implementation and revision, not less frequently than once every 5 years, of USAID's portion of the Global Water Strategy required under subsection (j);

''(iii) seek—

''(I) to expand the capacity of USAID, subject to the availability of appropriations, including through the designation of a lead subject matter expert selected from among USAID staff in each high priority country designated pursuant to subsection (h);

''(II) to implement such programs and activities;

''(III) to take advantage of economies of scale; and

''(IV) to conduct more efficient and effective projects and programs;

''(iv) coordinate with the Department of State and USAID staff in each high priority country designated pursuant to subsection (h) to ensure that USAID activities and projects, USAID program planning and budgeting documents, and USAID country development strategies reflect and seek to implement—

''(I) the safe water, sanitation, and hygiene objectives established in the strategy required under subsection (j), including objectives relating to the management of water resources; and

''(II) international best practices relating to—

''(aa) increasing access to safe water and sanitation;

''(bb) conducting hygiene-related activities; and

''(cc) ensuring appropriate management of water resources; and

''(v) develop appropriate benchmarks, measurable goals, performance metrics, and monitoring and evaluation plans for USAID projects and programs authorized under this section.

''(2) DEPARTMENT OF STATE SPECIAL COORDINATOR FOR WATER RESOURCES.—

''(A) DESIGNATION.—The Secretary of State or the Secretary's designee, who shall be a current employee of the Department of State serving in a career or non-career position in the Senior Executive Service or at the level of a Deputy Assistant Secretary or higher, shall serve concurrently as the Department of State Special Advisor for Water Resources (referred to in this paragraph as the 'Special Advisor').

''(B) SPECIFIC DUTIES.—The Special Advisor shall—

''(i) provide direction and guidance to, coordinate, and oversee the projects and programs of the Department of State authorized under this section;

''(ii) lead the implementation and revision, not less than every 5 years, of the Department of State's portion of the Global Water Strategy required under subsection (j);

''(iii) prioritize and coordinate the Department of State's international engagement on the allocation, distribution, and access to global fresh water resources and policies related to such matters;

''(iv) coordinate with United States Agency for International Development and Department of State staff in each high priority country designated pursuant to subsection (h) to ensure that United States diplomatic efforts related to safe water, sanitation, and hygiene, including efforts related to management of water resources and watersheds and the resolution of intra- and trans-boundary conflicts over water resources, are consistent with United States national interests; and

''(v) represent the views of the United States Government on the allocation, distribution, and access to global fresh water resources and policies related to such matters in key international fora, including key diplomatic, development-related, and scientific organizations.

''(3) ADDITIONAL NATURE OF DUTIES AND RESTRICTION ON ADDITIONAL OR SUPPLEMENTAL COMPENSATION.—The responsibilities and specific duties of the Administrator of the United States Agency for International Development (or the Administrator's designee) and the Secretary of State (or the Secretary's designee) under paragraph (2) or (3), respectively, shall be in addition to any other responsibilities or specific duties assigned to such individuals. Such individuals shall receive no additional or supplemental compensation as a result of carrying out such responsibilities and specific duties under such paragraphs.''.

SEC. 5. PROMOTING THE MAXIMUM IMPACT AND LONG-TERM SUSTAINABILITY OF USAID SAFE WATER, SANITATION, AND HYGIENE-RELATED PROJECTS AND PROGRAMS.

Section 136 of the Foreign Assistance Act of 1961, as redesignated and amended by this Act, is further amended by adding at the end the following:

''(f) PRIORITIES AND CRITERIA FOR MAXIMUM IMPACT AND LONG TERM SUSTAINABILITY.—The Administrator of the United States Agency for International Development shall ensure that the Agency for International Development's projects and programs authorized under this section are designed to achieve maximum impact and long-term sustainability by—

''(1) prioritizing countries on the basis of the following clearly defined criteria and indicators, to the extent sufficient data are available—

''(A) the proportion of the population using an unimproved drinking water source;

''(B) the total population using an unimproved drinking water source;

''(C) the proportion of the population without piped water access;

''(D) the proportion of the population using shared or other unimproved sanitation facilities;

''(E) the total population using shared or other unimproved sanitation facilities;

''(F) the proportion of the population practicing open defecation;

''(G) the total number of children younger than 5 years of age who died from diarrheal disease;

''(H) the proportion of all deaths of children younger than 5 years of age resulting from diarrheal disease;

''(I) the national government's capacity, capability, and commitment to work with the United States to improve access to safe water, sanitation, and hygiene, including—

''(i) the government's capacity and commitment to developing the indigenous capacity to provide safe water and sanitation without the assistance of outside donors; and

''(ii) the degree to which such government—

''(I) identifies such efforts as a priority; and

''(II) allocates resources to such efforts;

''(J) the availability of opportunities to leverage existing public, private, or other donor investments in the water, sanitation, and hygiene sectors, including investments in the management of water resources; and

''(K) the likelihood of making significant improvements on a per capita basis on the health and educational opportunities available to women as a result of increased access to safe water, sanitation, and hygiene, including access to appropriate facilities at primary and secondary educational institutions seeking to ensure that communities benefitting from such projects and activities develop the indigenous capacity to provide safe water and sanitation without the assistance of outside donors;

''(2) prioritizing and measuring, including through rigorous monitoring and evaluating mechanisms, the extent to which such project or program—

''(A) furthers significant improvements in—

''(i) the criteria set forth in subparagraphs (A) through (H) of paragraph (1);

''(ii) the health and educational opportunities available to women as a result of increased access to safe water, sanitation, and hygiene, including access to appropriate facilities at primary and secondary educational institutions; and

''(iii) the indigenous capacity of the host nation or community to provide safe water and sanitation without the assistance of outside donors;

''(B) is designed, as part of the provision of safe water and sanitation to the local community—

''(i) to be financially independent over the long term, focusing on local ownership and sustainability;

''(ii) to be undertaken in conjunction with relevant public institutions or private enterprises;

''(iii) to identify and empower local individuals or institutions to be responsible for the effective management and maintenance of such project or program; and

''(iv) to provide safe water or expertise or capacity building to those identified parties or institutions for the purposes of developing a plan and clear responsibilities for the effective management and maintenance of such project or program;

''(C) leverages existing public, private, or other donor investments in the water, sanitation, and hygiene sectors, including investments in the management of water resources;

''(D) avoids duplication of efforts with other United States Government agencies or departments or those of other nations or nongovernmental organizations;

''(E) coordinates such efforts with the efforts of other United States Government agencies or departments or those of other nations or nongovernmental organizations directed at assisting refugees and other displaced individuals; and

''(F) involves consultation with appropriate stakeholders, including communities directly affected by the lack of access to clean water, sanitation or hygiene, and other appropriate nongovernmental organizations;

''(3) seeking to further the 'USAID Water and Development Strategy, 2013–2018' through 2018; and

''(4) seeking to further the strategy required under subsection (j) after 2018.

''(g) USE OF IMPROVED DATA COLLECTION AND REVIEW OF NEW STANDARDIZED INDICATORS.—

''(1) IN GENERAL.—The Administrator of the United States Agency for International Development is authorized to use improved data collection—

''(A) to meet the health-based prioritization criteria established pursuant to subsection (f)(1); and

''(B) to review new standardized indicators in evaluating progress towards meeting such criteria.

''(2) CONSULTATION AND NOTICE.—The Administrator shall—

''(A) regularly consult with the appropriate congressional committees; and

''(B) notify such committees not later 30 days before using improved data collection and review of new standardized indicators under paragraph (1) for the purposes of carrying out this section.

''(h) DESIGNATION OF HIGH PRIORITY COUNTRIES.—

''(1) INITIAL DESIGNATION.—Not later than October 1, 2015, the President shall—

''(A) designate, on the basis of the criteria set forth in subsection (f)(1) and in furtherance of the 'USAID Water and Development Strategy, 2013–2018', not fewer than 10 countries as high priority countries to be the primary recipients of United States Government assistance authorized under this section during fiscal year 2016; and

''(B) notify the appropriate congressional committees of such designations.

''(2) ANNUAL DESIGNATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the President shall annually make new designations pursuant to the criteria set forth in paragraph (1).

''(B) DESIGNATIONS AFTER FISCAL YEAR 2018.—Beginning with fiscal year 2019, designations under paragraph (1) shall be made—

''(i) based upon the criteria set forth in subsection (f)(1); and

''(ii) in furtherance of the strategy required under subsection (j).

''(i) TARGETING OF PROJECTS AND PROGRAMS TO AREAS OF GREATEST NEED.—

''(1) IN GENERAL.—Not later than 15 days before the obligation of any funds for water, sanitation, or hygiene projects or programs pursuant to this section in countries that are not ranked in the top 50 countries based upon the WASH Needs Index, the Administrator of the United States Agency for International Development shall notify the appropriate congressional committees of the planned obligation of such funds.

''(2) DEFINED TERM.—In this subsection and in subsection (j), the term 'WASH Needs Index' means the needs index for water, sanitation, or hygiene projects or programs authorized under this section that has been developed using the criteria and indicators described in subparagraphs (A) through (H) of subsection (f)(1).''.

SEC. 6. UNITED STATES STRATEGY TO INCREASE APPROPRIATE LONG-TERM SUSTAINABILITY AND ACCESS TO SAFE WATER, SANITATION, AND HYGIENE.

(a) IN GENERAL.—Section 136 of the Foreign Assistance Act of 1961, as redesignated and amended by this Act, is further amended by adding at the end the following:

''(j) GLOBAL WATER STRATEGY.—

''(1) IN GENERAL.—Not later than October 1, 2017, and every 5 years thereafter, the President, acting through the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other Federal departments and agencies, as appropriate, shall submit a single government-wide Global Water Strategy to the appropriate congressional committees that provides a detailed description of how the United States intends—

''(A) to increase access to safe water, sanitation, and hygiene in high priority countries designated pursuant to subsection (h), including a summary of the WASH Needs Index and the specific weighting of data and other assumptions used to develop and rank countries on the WASH Needs Index;

''(B) to improve the management of water resources and watersheds in such countries; and

''(C) to work to prevent and resolve, to the greatest degree possible, both intra- and trans-boundary conflicts over water resources in such countries.

''(2) AGENCY SPECIFIC PLANS.—The Global Water Strategy shall include an agency-specific plan—

''(A) from the United States Agency for International Development that describes specifically how the Agency for International Development will—

''(i) carry out the duties and responsibilities assigned to the Global Water Coordinator under subsection (e)(1);

''(ii) ensure that the Agency for International Development's projects and programs authorized under this section are designed to achieve maximum impact and long-term sustainability, including by implementing the requirements described in subsection (f); and

''(iii) increase access to safe water, sanitation, and hygiene in high priority countries designated pursuant to subsection (h);

''(B) from the Department of State that describes specifically how the Department of State will—

''(i) carry out the duties and responsibilities assigned to the Special Coordinator for Water Resources under subsection (e)(2); and

''(ii) ensure that the Department's activities authorized under this section are designed—

''(I) to improve management of water resources and watersheds in countries designated pursuant to subsection (h); and

''(II) to prevent and resolve, to the greatest degree possible, both intra- and trans-boundary conflicts over water resources in such countries; and

''(C) from other Federal departments and agencies, as appropriate, that describes the contributions of the departments and agencies to implementing the Global Water Strategy.

''(3) INDIVIDUALIZED PLANS FOR HIGH PRIORITY COUNTRIES.—For each high priority country designated pursuant to subsection (h), the Administrator of the United States Agency for International Development shall—

''(A) develop a costed, evidence-based, and results-oriented plan that—

''(i) seeks to achieve the purposes of this section; and

''(ii) meets the requirements under subsection (f); and

''(B) include such plan in an appendix to the Global Water Strategy required under paragraph (1).

''(4) FIRST TIME ACCESS REPORTING REQUIREMENT.—The Global Water Strategy shall specifically describe the target percentage of funding for each fiscal year covered by such strategy to be directed toward projects aimed at providing first-time access to safe water and sanitation.

''(5) PERFORMANCE INDICATORS.—The Global Water Strategy shall include specific and measurable goals, benchmarks, performance metrics, timetables, and monitoring and evaluation plans required to be developed by the Administrator of the United States Agency for International Development pursuant to subsection (e)(1)(B)(v).

''(6) CONSULTATION AND BEST PRACTICES.—The Global Water Strategy shall—

''(A) be developed in consultation with the heads of other appropriate Federal departments and agencies; and

''(B) incorporate best practices from the international development community.

''(k) DEFINITION.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Foreign Relations of the Senate;

''(2) the Committee on Appropriations of the Senate;

''(3) the Committee on Foreign Affairs of the House of Representatives; and

''(4) the Committee on Appropriations of the House of Representatives.''.

(b) DEPARTMENT OF STATE AGENCY SPECIFIC PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit an agency-specific plan to the appropriate congressional committees (as defined in section 136(k) of the Foreign Assistance Act of 1961, as added by subsection (a)) that meets the requirements of section 136(j)(2)(B) of such Act, as added by subsection (a).

(c) CONFORMING AMENDMENT.—Section 6 of the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121; 22 U.S.C. 2152h note) is repealed.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 583—DESIGNATING NOVEMBER 30, 2014, AS ''DRIVE SAFER SUNDAY''

Mr. ISAKSON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 583

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas every individual traveling on the roads and highways needs to drive in a safer manner to reduce deaths and injuries that result from motor vehicle accidents;

Whereas according to the National Highway Traffic Safety Administration, wearing a seat belt saves as many as 15,000 lives each year; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to focus on safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely on the Sunday after Thanksgiving, and to publicize the importance of the day through use of the Citizens Band Radio Service and at truck stops across the United States;

(C) clergies to remind their congregations to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safely, particularly on the Sunday after Thanksgiving;

(E) motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

(F) all people of the United States to understand the life-saving importance of wearing a seat belt and to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 30, 2014, as ''Drive Safer Sunday''.

SENATE RESOLUTION 584—COMMENDING JERALD D. LINNELL ON HIS SERVICE TO THE UNITED STATES SENATE

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 584

Whereas Jerry Linnell, a native of Minnesota, graduated from the court reporting program of the Minnesota School of Business in Minneapolis;

Whereas Jerry Linnell, joined the Official Reporters of Debate of the United States Senate in 1982 and became Chief Reporter in 1999 supervising a staff of reporters and transcribers and producing the Senate's portion of the Congressional Record with remarkable accuracy;

Whereas Jerry Linnell has earned the respect and affection of the Senators, their staffs and all of his colleagues for his professionalism, dedication and good humor;

Whereas Jerry Linnell now retires from the Senate after 32 years to spend more time with his wife Jane, his four children and five grandchildren: Now, therefore, be it

Resolved, That the Senate expresses its appreciation to Jerry Linnell and commends him for his lengthy, faithful and outstanding service to the Senate.

Resolved, That the Secretary of the Senate shall transmit a copy of this resolution to Jerald D. Linnell.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3949. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3949. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

Subtitle I—Uniform Code of Military Justice Reform

SEC. 591. SHORT TITLE.

This subtitle may be cited as the ''Military Justice Improvement Act of 2014''.

SEC. 592. 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) A conspiracy to commit an offense specified in subparagraph (A) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(C) A solicitation to commit an offense specified in subparagraph (A) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(D) An attempt to commit an offense specified in subparagraphs (A) through (C) 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. 593. 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 593(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 592(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. 594. 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 592 and 593 (and the amendments made by section 593) using personnel, funds, and resources otherwise authorized by law.

(b) NO AUTHORIZATION OF ADDITIONAL PERSONNEL OR RESOURCES.—Sections 592 and 593 (and the amendments made by section 593) shall not be construed as authorizations for personnel, personnel billets, or funds for the discharge of the requirements in such sections.

SEC. 595. 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 592 through 594 of the Military Justice Improvement Act of 2014, and the amendments made by such sections.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 19, 2014, at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 19, 2014, at 2:00 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on November 19, 2014, at 10 a.m. in room SD–430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 19, 2014, at 10 a.m. to conduct a hearing entitled ''Preparedness and Response to Public Health Threats: How Prepared Are We?''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 19, 2014, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m. to conduct a hearing entitled ''Protecting our Children's Mental Health: Preventing and Addressing Childhood Trauma in Indian Country.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on November 19, 2014, at 10:30 a.m. in room SR–418 of the Russell Senate Office Building.

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

SPECIAL COMMITTEE ON AGING

Mr. DURBIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on November 19, 2014, in room SD–562 of the Dirksen Senate Office Building at 2:15 p.m. to conduct a hearing entitled ''Private Industry's Role in Stemming the Tide of Phone Scams.''

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

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Mary Futcher, a detailee on my staff from the Department of Justice, be granted the privilege of the floor for the remainder of this session of Congress.

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

COMMENDING JERALD D. LINNELL ON HIS SERVICE TO THE UNITED STATES SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 584, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 584) commending Jerald D. Linnell on his service to the United States Senate.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 584) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, NOVEMBER 20, 2014

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, November 20, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

PROGRAM

Mr. REID. For the information of Senators, there will be up to five rollcall votes at 2 p.m. on confirmation of the Pepper, Sannes, Arleo, Beetlestone, and Bolden district judicial nominations.

I would ask of my friend, the Senator from Iowa, how long he is going to speak.

Mr. GRASSLEY. I will speak for 20 to 25 minutes.

Mr. REID. For up to 30 minutes.

ORDER FOR ADJOURNMENT

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator GRASSLEY.

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

The Senator from Iowa.

EXECUTIVE ORDERS

Mr. GRASSLEY. Mr. President, in his State of the Union Address last January, President Obama announced what he called a year of action. Armed with pen and phone, he promised to take action where Congress wouldn't. At the time, I warned that these threats were a gathering danger to the separation of powers established in our Constitution.

The President is now threatening to implement a mass amnesty from our immigration laws by Executive fiat. He plans to act without the support of Congress or the American people. In fact, he has conveniently waited until after the recent elections to do so in order to avoid being punished at the ballot box. This Executive order will be the culmination of his self-proclaimed year of action.

The President may think of this Executive action as a political victory in a year filled with so many failures and defeats for him and his party, but history will surely view it as a serious blow to the systems of checks and balances established by the Framers. In reality, this was a year in which the President's abuse of Executive power came into clear focus.

Today I would like to review President Obama's pattern of unconstitutional Executive action this year. I would like to explain why the mass amnesty he has been threatening is merely the latest in a long list of abuses of his Executive authority. And I would like to offer a few thoughts about what the Senate can do about these kinds of abuses.

After the President's State of the Union Address, I wrote to the Attorney General on January 31. I wrote that I was ''gravely concerned that the system of checks and balances enshrined in the Constitution [was] threatened by the President's determination to take unilateral action.'' In short, I made clear that ''while the President has a pen and phone, we have a Constitution that places limits on his use of them to issue Executive Orders.'' Indeed, my concern about the President's threat to take action on his own was ''heightened by the administration's record of failing to discharge his constitutional duties to 'take Care that the Laws be faithfully executed.' ''

By then, President Obama had already failed to execute the laws in many areas. For example, the administration was rewriting ObamaCare's deadlines at will and was making little effort to enforce the Controlled Substances Act in some States. These abuses rang like alarm bells—alarm bells in the night—even before the so-called year of action began.

Indeed, in December of 2013 a liberal law professor testified before the House Judiciary Committee that ''despite the fact that I once voted for President Obama, personal admiration is no substitute for the constitutional principles at stake in this controversy.''

The professor went on:

When a President claims the inherent power of both legislation and enforcement, he becomes a virtual government unto himself. He is not simply posing a danger to the constitutional system; he becomes the very danger that the Constitution was designed to avoid.

Against this backdrop, I asked the President to defend the legal basis for the actions he was threatening. In my letter I asked the Attorney General to direct the Justice Department's Office of Legal Counsel to publicly disclose its opinions concerning the lawfulness of the Executive orders proposed by the President. That is what the Office of Legal Counsel does—it reviews all Executive orders to determine whether they are constitutional and lawful. Many of its opinions have been made public in the past. I hoped this transparency would allow Congress and then the American people to better understand the alleged legal basis for these orders and challenge them, if necessary.

Providing Congress and the American people with the legal opinions supporting his unilateral actions seemed like a reasonable request of a President who had claimed to support ''an unprecedented level of openness'' and transparency in government. But February passed, March as well, April came and went, winter turned into spring, and summer was around the corner. Finally, on May 20 I received a response from the Justice Department. In summary, the Department told me no, they wouldn't disclose these opinions to the public. However, the Department assured me that if I had questions about particular Office of Legal Counsel advice documents, it would assist me in understanding them—in their words—to the fullest extent possible. In short, the administration stonewalled legitimate questions from Congress, as it often does, and stymied this Congress from carrying out its constitutional responsibility of oversight.

As it turned out, within a few weeks I and many others in Congress had very serious questions about a specific Executive action and its effect on our national security, and we had questions about the advice provided by the Office of Legal Counsel. The American people had the same questions as well.

In early June the President decided to release five Taliban detainees held at Guantanamo Bay in exchange for SGT Bowe Bergdahl, a U.S. soldier who had been captured in 2009. The detainees were reportedly senior-level Taliban commanders. Some had direct links to Al Qaeda, and all were reportedly determined to be a high risk to the United States and were recommended for continued detention. Nonetheless, President Obama decided to free these prisoners from Guantanamo.

There was one problem, however: The National Defense Authorization Act required the administration to notify Congress 30 days before any detainee could be transferred from Guantanamo. Under this statute, the notification was required to include lots of detailed information about the basis for the transfer—why it was in our national security interests and any actions taken to prevent detainees from returning to the battlefield. In fact, none of this information was provided to the Congress before these detainees were released, as the very law requires. And perhaps not coincidentally, this was information that Members of Congress and the American people were very interested in learning. There were and still are serious questions about whether releasing these detainees from Guantanamo was a good idea.

So the President decided to act alone, without regard to Congress's role in our system of checks and balances and directly contrary to a law the President had recently signed.

Then the administration began changing its story about why it broke the law. First, they said it was Sergeant Bergdahl's health that required his release—his release without notifying Congress. Then they said it was operational security surrounding the release itself. Then they said it was the nature of the negotiations with the Taliban.

But there was one point administration officials were clear about—the Department of Justice had provided legal advice that justified transferring these detainees from Guantanamo without informing Congress as the law required. This was difficult to square with the limited powers of the Executive established in the Constitution.

In Youngstown Sheet & Tube Company v. Sawyer, otherwise known as the steel seizure case, the Supreme Court set a clear precedent establishing what a President can and cannot do. In that case the Supreme Court held that President Truman's Executive order seizing steel mills to avoid a strike during the Korean war was unconstitutional. In doing so, the Court emphasized that the Executive isn't above the law as written by Congress.

> The Founders of this Nation entrusted the lawmaking powers to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand.

Moreover, Justice Jackson emphasized that point here:

> When the President takes measures incompatible with the expressed or implied will of Congress, the authority of the President is at its lowest [ebb].

Just as the Supreme Court held that President Truman had unlawfully seized the steel mills, President Obama's release of the Taliban detainees without a required notification effectively rewrote the law contrary to the will of Congress.

In short, there didn't seem to be a lawful basis for what the President had done. In fact, it seemed plainly illegal.

So I took the Department up on its offer. In a letter to the Attorney General dated June 5, I requested that he direct the Office of Legal Counsel to make public ''its opinions, analyses, and conclusions concerning the lawfulness'' of the transfer without compliance with the statute that required congressional notification. I went on to say:

> It is obviously too late for Congress to express its concerns about these transfers in time to prevent them. However, this measure of transparency will at least allow the American people to better understand the Administration's purported basis for ignoring the legal requirement that Congress be notified in advance, and shed additional light on this controversial decision.

It is now 6 months later, and the Attorney General hasn't given me the courtesy of a response to my letter. We still don't know how the Department justified the release of these detainees. We don't know the legal basis or the underlying facts that were relied upon. That should not be acceptable to anyone, but sadly it has become commonplace with the Obama administration.

It turns out that to this Justice Department, assisting me ''to the fullest extent possible'' is actually indistinguishable from ignoring my request completely.

Shortly thereafter, in August, the Government Accountability Office concluded that the administration acted illegally when it released these senior-level Taliban commanders from Guantanamo without notifying Congress, as the law recently signed by the President demanded.

Let's be clear. That wasn't a Member of Congress reaching that conclusion. It wasn't a political operative or a talking head on television. It was an independent, nonpartisan government agency. So the GAO effectively said: President Obama, you broke the law.

So perhaps it makes sense that the Department of Justice couldn't respond to my letter. Maybe even the very smart lawyers in the Office of Legal Counsel couldn't come up with a justification for what happened that could pass the laugh test.

But that wasn't the only rebuke the President suffered this year after trampling on Congress's role under the Constitution. The Supreme Court was forced to rein in President Obama as well in a dispute over his powers to make recess appointments.

Article II, section 2 of the Constitution provides for only two ways in which Presidents may appoint certain officers. First, it provides that the President nominates and, with the advice and consent of the Senate, appoints various officers. Second, it permits the President to make temporary appointments when a vacancy in one of those offices happens when the Senate is in recess.

Back in 2012, President Obama made four appointments to various executive branch positions. They were purportedly based on the recess appointments clause. But he took this action even though they weren't made, in the words of the Constitution, ''during the recess of the Senate'' because the Senate was still in session.

No President in history had ever tried to make recess appointments when the Senate said it was in session, but this President once again decided to go around Congress.

In June of this year, the Supreme Court struck down these appointments as unconstitutional. It wasn't a split decision. It wasn't 5 to 4 along party lines. It was unanimous. Every Justice agreed—those appointed by both Republicans and Democrats. That included two Justices appointed by President Obama himself. It was the Supreme Court's biggest rebuke to any President since 1974, when it ordered President Nixon to produce the Watergate tapes.

This was a case where the Office of Legal Counsel's opinion didn't pass the laugh test again. So the Supreme Court unanimously said: President Obama, you broke the law.

So this purported year of action has brought into focus a President with little respect for the roles of the coequal branches of government, unwilling to explain the legal basis for his actions, and rebuked by the courts and independent agencies for overstepping his bounds—quite out of character with somebody who proudly says he is a professor of constitutional law.

Now, again, the President is threatening to act unilaterally on immigration. If we thought this year's events so far would have given the President pause about his ''go it alone'' approach, apparently we would be wrong.

Of course one of the reasons I oppose mass amnesty is because it is bad policy. Immigration reform should begin with securing our borders. Border security is among the most basic responsibilities of any country and somewhat the definition of what sovereignty is all about.

But this administration hasn't done that. To the contrary, according to recent news reports it has freed alleged kidnappers, rapists, and murderers into communities in the United States rather than deport them. It has sacrificed public safety in order to provide relief for people who are here illegally.

But the President's unilateral action on immigration isn't just bad policy, it is contrary to the rule of law. It is unconstitutional for the executive branch to nullify or even unilaterally rewrite the immigration laws that the people of the United States through their elected representatives have chosen to enact.

We have been hearing about the possibility of an Executive action on immigration for many months. It will apparently involve steps to allow millions of people illegally present in the United States to live, work, and collect benefits here.

The Democratic leadership wants to compare what is being threatened here to the Executive actions of past Presidents on immigration, but the actions of Presidents Reagan and Bush were merely tying up loose ends, carrying out a law Congress at that time had just passed. They established policies that were later put in the statute in 1990. President Obama is threatening to act directly against the wishes of Congress and on a far greater scope and scale. That is why I and 21 other Senators wrote to the President on April 24 to express our grave concerns about the lawfulness of what was reportedly under consideration, and apparently our warnings were not heeded.

Now, if the President acts after repeated calls by congressional leaders not to do so, it will severely damage his relationship with the new Congress elected by the American people.

But the core issue is this: Under our Constitution, the Congress makes the law. Under article II, section 3, the President is charged with taking care that these laws are faithfully executed. But if President Obama effectively legalizes people who are here unlawfully, no one will be able to reasonably argue that he is faithfully executing our laws. Once again, that doesn't pass the laugh test.

So, like the Government Accountability Office and the Supreme Court earlier this year, I say: President Obama, if you take this Executive action on immigration, you will be breaking the law, and even more than that, you will be violating the Constitution.

And the President knows this. Just a few years ago he conceded:

> This notion that somehow I can just change the laws unilaterally is just not true. The fact of the matter is there are laws on the books that I have to enforce. And I think there's been a great disservice done to the cause of getting . . . comprehensive [immigration] legislation passed by perpetrating the notion that somehow, by myself, I can go and do these things. It's just not true. We live in a democracy. We have to pass bills through the legislature, and then I can sign it.

That is the end of a quote of the President that speaks to exactly what the responsibilities of a President happen to be and how they should be viewed and how he ought to be acting now. The President was right then, even if he doesn't want to live by his own words now. There are no shortcuts to following the Constitution.

Now what we are likely to hear from the administration is that this Executive action is simply a lawful exercise of enforcement discretion. It is not. It is simply not an exercise of enforcement discretion. Lawful enforcement discretion is exercised on an individual case-by-case basis. So whether enforcement action takes place is informed by a careful evaluation of the facts in a particular case as each case presents itself. Lawful enforcement discretion isn't selecting entire categories of individuals and telling them that going forward the law won't be applied to them. That is what President Obama is threatening to do.

This shouldn't only concern constitutional scholars and lawyers. It is no exaggeration to say that the freedom of the American people is at stake. That is what the Framers believed. Listen to Federalist Paper 51. James Madison wrote that ''separate and distinct exercise of different powers of government'' is ''essential to the preservation of liberty.''

Moreover, in the Steel Seizure case I quoted, Justice Frankfurter warned that ''the accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority.''

President Obama's actions this year wreak of unchecked disregard for the restrictions of his authority. In his remarks after the recent elections, President Obama repeatedly emphasized that his Executive actions would be lawful, but, as this year has shown, he has repeatedly acted illegally even though the Department of Justice evidently had assured him otherwise. The Office of Legal Counsel doesn't appear to be providing independent legal advice to the President; it is simply rubberstamping whatever he wants to do. So it is cold comfort for the President to assure us that anything he will do is legal.

Let's go back to the bedrock principles of our country's Founders. The Framers of the Constitution knew an abusive Executive when they saw one. They sent the Declaration of Independence to a King who had ignored and abused their legislatures and laws. The Framers would also have recognized the specific kinds of Executive abuses as reflected in President Obama's mass amnesty. They would have referred to them as the royal suspending and dispensing powers. But George III didn't even try to abuse colonists with these powers. Why? Because Parliament had denied them to the King 100 years before the American Revolution.

You see, the Kings of England had traditionally asserted the power to suspend the operation of certain laws or to grant dispensations prospectively excusing particular individuals from compliance. But as deference to the King's authorities eroded, these powers became more controversial.

As part of the Glorious Revolution in the late 17th century, these royal powers were terminated. The first two articles in the English Bill of Rights of 1689 made it illegal for the King to exercise the ''pretended power of suspending the laws and dispensing with the laws.'' This happened a century before our own Constitutional Convention. So when the Framers met in Philadelphia, these were abuses long since remedied in England. Instead, the Framers charged the President with the constitutional duty to take care that the laws are faithfully executed.

With his talk now of mass amnesty, President Obama is threatening to abandon his constitutional duty. He is threatening to reassert royal powers that even the Framers thought were long abolished. He is threatening to take our country backward a century before the American Revolution.

When talking about immigration policy, the President has acknowledged that he isn't a King, so common sense tells me he shouldn't act like one.

During the President's remaining 2 years in office, how should the Senate respond to his illegal Executive action on immigration or any other Executive abuses? In some cases we can use the power of the purse to defund them. In other cases we may use our congressional oversight tools to expose them. In still other cases, we may be able to pass legislation to do away with them completely. These tools have been available to the Senate since President Obama was elected. It should come as no surprise that the Democrats in the majority didn't use them to confront his abuses of power. So in the 114th Congress, we Republicans intend to use that.

The best course of action for the President is this: Learn from President Clinton. He lost control of the Congress 2 years after he became President. He decided to show leadership and work with the Congress of the United States. Great things happened with a Republican Congress and a Democratic President. We had welfare reform. We had 40 percent of the people leave the welfare rolls. We had tax reform. We had budgets that were balanced and paid down $568 billion on the national debt. There are things we can do together very early.

The President wants patent trolling and corporate tax reform. There are a lot of things we can work on together.

I have been led to believe that the President is very much a free trade person, and I believe he is. We could pass trade promotion authority. We could work together with the President in the early months of next year and we could gain credibility. Under his leadership, we could reform an immigration system that needs reform. But, no, I think the President is going to take another route and retard the cooperation that is potentially available to him just as it was when President Clinton was President.

I hope the President will rethink what he wants to do and show the same leadership that President Clinton did so we can get off to a very good start next year.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. HEINRICH). Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:11 p.m., adjourned until Thursday, November 20, 2014, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

MARK R. ROSEKIND, OF CALIFORNIA, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, VICE DAVID L. STRICKLAND, RESIGNED.

ELECTION ASSISTANCE COMMISSION

MATTHEW STUART BUTLER, OF OHIO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2015, VICE ROSEMARY E. RODRIGUEZ, TERM EXPIRED.

IN THE AIR FORCE

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

To be brigadier general

COL. JAMES J. BURKS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. SCOTT H. SWIFT

IN THE ARMY

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

To be lieutenant colonel

JAY E. CLASING

CONFIRMATIONS

Executive nominations confirmed by the Senate November 19, 2014:

DEPARTMENT OF AGRICULTURE

JON M. HOLLADAY, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE.

DEPARTMENT OF STATE

MAUREEN ELIZABETH CORMACK, 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 BOSNIA AND HERZEGOVINA.

ALLAN P. MUSTARD, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TURKMENISTAN.

MICHELE JEANNE SISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

MICHELE JEANNE SISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HER TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

EARL ROBERT MILLER, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

JUDITH BETH CEFKIN, OF COLORADO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FIJI, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI, THE REPUBLIC OF NAURU, THE KINGDOM OF TONGA, AND TUVALU.

ROBERT T. YAMATE, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF THE COMOROS.

WITHDRAWAL

Executive message transmitted by the President to the Senate on November 19, 2014 withdrawing from further Senate consideration the following nomination:

MYRNA PEREZ, OF TEXAS, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2015, VICE ROSEMARY E. RODRIQUEZ, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 6, 2014.