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Senate

The Senate met at 10 a.m. and was called to order by the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts.

PRAYER

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

Let us pray.

Eternal God, how great You are. You are clothed with majesty and glory, riding on the wings of the wind. From the rising of the Sun to its setting, we lift our hearts in gratitude for You have done marvelously.

Lord, continue to sustain our Senators with Your constant love and faithfulness, answering them when they call to You in prayer. Help them to make every effort to do Your will on Earth, giving You their doubts and fears as they trust You to order their steps. May they realize that weakness provides an opportunity for Your strength to be revealed.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 29, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Republican leader or his designee will move to proceed to S.J. Res. 26, which is a joint resolution of disapproval regarding the debt ceiling. The time until 12:30 will be equally divided and controlled.

The Senate will recess from 12:30 to 2:15 p.m. for our weekly business meetings of each caucus.

At 2:15 Senators should expect two rollcall votes, first on the motion to proceed to S.J. Res. 26 and, second, a cloture vote on the nomination of Richard F. Griffin, Jr., to be general counsel of the National Labor Relations Board for a term for 4 years.

MEASURE PLACED ON THE CALENDAR—S. 1592

Mr. REID. Mr. President, I am told S. 1592 is at the desk and due for a second reading.

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

The legislative clerk read as follows:

A bill (S. 1592) to provide for a delay of the individual mandate under the Patient Protection and Affordable Care Act until the American Health Benefit Exchanges are functioning properly.

Mr. REID. Mr. President, I object to any further proceedings with respect to this legislation at the present time.

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

NOMINATIONS

Mr. REID. Mr. President, today the Senate will proceed to consider the motion to proceed to a resolution of disapproval filed by the Republican leader, which would cause the country to default on its debts for the first time in its history. The Democrats will oppose this motion and vote to preserve the full faith and credit of our great country. I remind my Republican friends that every Democrat and 27 Republicans in the Senate, as well as 285 Members of the House of Representatives, already voted to do the right thing and pay the Nation's debts.

I look forward to quickly dispensing with this Republican resolution, which would risk America's economic security, as well as a global depression. This vote will take place this afternoon, after our weekly business meetings.

I want to spend a little bit of time talking about nominations. Directly after the vote on the default legislation, we will have the vote to break a filibuster of President Obama's nomination of Richard Griffin to serve as general counsel of the National Labor Relations Board.

There have already been 67 of President Obama's nominations filibustered. Let's just vote on these nominations. I cannot imagine why it would be a good thing for this country, or the Senate, to not allow us to go forward on the nomination. If you don't like him, vote against him, but don't stop the debate from going forward.

If cloture is invoked, there will be up to 8 hours of debate under the new rules we have established in the Senate. We will have 4 hours and the minority will have 4 hours. So I think that would be appropriate.

Few Americans are aware of the job that the National Labor Relations

Board does. It looks out for the rights of millions of U.S. workers every day—Democratic workers, Republican workers, independents, tea party workers—regardless of whether they are in a union.

Mr. Griffin has extensive experience in employment law. He is highly respected by his fellow labor lawyers on both the union and the business sides. As general counsel for the NLRB, he will safeguard fair compensation and working conditions for all American workers.

This week the Senate will also vote on a number of other crucial executive nominations, some of which have been stalled for more than a year. The Senate will consider the nomination of Katherine Archuleta to serve as Director of the Office of Personnel Management. That is an extremely important position. She started her career in public service as an elementary school teacher. She will be the agency's first Hispanic director. Her desire to serve is earnest. This is what she said:

> You do it [as a public service] because you have a deep passion for public good, for civic engagement.

She has worked in both the Transportation and Energy Departments under President Clinton. She served as chief of staff to Labor Secretary Hilda Solis for 3 years. She is eminently qualified. Yet Ms. Archuleta is the first OPM Director to be filibustered in the entire history of this agency.

This week the Senate will also consider the stalled nomination of Alan Estevez to be Principal Deputy Under Secretary of Defense. This man's nomination has been stalled for 402 days. He will be responsible for a $170 billion logistics budget—$170 billion. That is a year. This budget supports our men and women in uniform as well as millions of machines that take them where they want to go. He specialized in military logistics for more than 10 years. It is unfortunate that Republicans will hold up confirmation of such a crucial Defense Department nomination.

I am told most of it is that it is held up for an unrelated matter, dealing with some other issue. It is just wrong. If you do not like this guy, stand and say why you don't like him and vote against him. Don't stop us from moving forward on the nomination.

Most of the opposition to this man, who has been held up for 200 days, is, I am told, by the senior Senator from Texas.

The junior Senator from Texas has placed a hold on another nomination, a man by the name of Tom Wheeler to be Democratic member of the Federal Communications Commission, FCC, a very important agency. In addition to writing two books, Mr. Wheeler has founded several technological companies—important companies. He cofound the largest online targeted news service and helped develop the U.S. Government's telecommunications policy.

President Obama nominated Tom Wheeler as well as Republican Michael O'Rielly to fill two vacant seats on the FCC; so what is stopping us from filling these vacancies with a bipartisan pair of nominees? Listen to this. The Senator from Texas has stalled the nomination because he opposes legislation proposed by Democrats in Congress that would require shadowy groups that spend millions on political advertising to disclose their donors.

This next one is really a doozy: the U.S. Secretary of the Treasury. It is an extremely important job. This man is qualified. He has run the Office of Management and Budget. He has been the President's Chief of Staff. He is now Secretary of the Treasury. What a fine, fine man—Jack Lew. Jack Lew, even though he is the Secretary of the Treasury of this great country, cannot go to meetings that other finance ministers from around the world can go to. Why? Because Republicans are holding up his nominations to all these important bank boards, finance boards, the International Monetary Fund. He is supposed to be there. He cannot go.

He is a talented and dedicated public servant. He has already been approved by the Senate, confirmed by the Senate. Every Treasury Secretary serves as the U.S. representative on the international bank boards and offers input on America's position on global financial matters. That is his job. He cannot do that because of what I have just said. It is an embarrassment that we have not acted more swiftly to confirm him in this role. To think that we have to file cloture on this. Yet the junior Senator from Kentucky has subjected this nomination to partisan wrangling—and others have joined with him, I assume—as he threatens to do with the nomination of Janet Yellen to serve as the Chairman of the Federal Reserve.

The Presiding Officer and others who serve in this body and have served in the House of Representatives have served with a fine public servant by the name of MEL WATT. I got to know MEL WATT when he was chairman of the Congressional Black Caucus. He would come over and visit with me every month or so—a fine man. He has represented North Carolina's 12th Congressional District since 1993, and as senior Member of the House Financial Services Committee he understands the mistakes that led to the housing crisis.

He also has proposed legislation to crack down on the worst abuses in mortgage lending and helped to pass the Dodd-Frank bill to prevent predatory lending. By any measure Congressman WATT is qualified to help struggling homeowners recover from the worst downturn in generations. My Republican colleagues should give him the up-or-down vote he deserves, not filibuster him.

I know some Republicans do not like Dodd-Frank. Obviously, they didn't mind the abuses that took place that led to the crashing of Wall Street. But he should not be punished for that.

At a time when America faces difficult economic times at home and various threats abroad, it is crucial the Senate confirm these talented and dedicated individuals to serve in the executive branch of government. Let us vote on these nominations. These normally easily confirmable positions should not have a filibuster. Not long ago I can remember Republicans who, in this body, were concerned because they could not get the votes they wanted on their nominees for President Bush. They spread on this record, clearly, that it is a right of the President to choose the players on his team. We should return to that custom, remove partisanship from the confirmation process and ensure highly qualified nominees receive the fair and speedy confirmation they deserve.

RECOGNITION OF THE MINORITY LEADER

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

OBAMACARE

Mr. MCCONNELL. Mr. President, I think at this point Senators from both parties can agree that healthcare.gov is a rolling disaster. Every day seems to bring more near-comic calamities. We hear about visitors being told things like their wife is really their daughter or that they have multiple spouses or that they are unable to apply ''due to current incarceration.''

Unsurprisingly, just 12 percent of Americans think the rollout has gone well. That is less than the 14 percent of Americans who believe in Bigfoot. Those who have succeeded in actually enrolling in a plan are vastly outnumbered by those who have lost their plan. The real tragedy is that many who have succeeded are finding out the product is actually worse than the Web site.

The only thing the Web site seems to be good at right now is creating punchlines for late-night comedians. It is almost as though Americans are being forced to live through a real-life ''Saturday Night Live'' sketch. If you caught last week's opener, it is getting harder to tell the ObamaCare headlines from the ObamaCare punchlines these days.

Paper applications, 800 numbers, applying by fax—ObamaCare appears to be leading us boldly into the 1980s. Remember, before this thing launched, the administration swore up and down that ObamaCare was ready to go. Democratic leaders in Congress told Americans that the law's implementation was fabulous and that ObamaCare was wonderful. The President reassured everyone it was working the way it was supposed to, and of course Washington Democrats bragged about their fancy new Web site, the Web site that cost taxpayers—$100 million? $200 million? $300 million? No one is quite sure. That is just one of the unanswered questions we hope they will clarify soon.

To be fair, the President likes to say that ObamaCare is about more than just a Web site. He is absolutely right, and that is why fixing a Web site will not solve the larger problem. The larger problem is ObamaCare itself. The larger problem is what the few people who actually have signed up for coverage have discovered about this law. The larger problem is how ObamaCare is hurting people out there.

It is about college graduates and middle-class families getting hit with massive premium increases they cannot afford. It is about workers seeing their hours cut and their paychecks shrink because of this law. It is about millions of Americans who will lose their current health coverage because of ObamaCare, despite the President's promises.

According to news reports, the Obama administration knew for at least 3 years that millions of Americans would not be able to keep their health care coverage. The President's press secretary basically admitted yesterday that Americans would lose coverage too. Remember, this is the same President who said:

If you like your health care plan, you'll be able to keep your health care plan, period . . . No one will take it away, no matter what.

This is just one of the many reasons Americans feel betrayed. One woman who was quoted in the Los Angeles Times put it this way:

All we have been hearing for the last 3 years is if you like your policy, you can keep it . . . [well] I'm infuriated because I was lied to.

Here is how one North Carolinian put it to NBC News:

Everybody's worried about whether the website works or not, but that's fixable. That's just the tip of the iceberg. This stuff isn't fixable.

That was after he lost a $228-a-month plan and was faced with a choice of taking a comparable plan for $1,208 or the best option he could find on the exchanges, one for $948 a month.

After looking at all of that, he said: ''I'm sitting here looking at this, thinking we ought to pay the fine and get insurance when we're sick.''

Americans up and down the country are beginning to experience the cost of ObamaCare firsthand, and they are realizing they are the ones stuck with the bill. It is not fair, it is not right, and Republicans are going to keep fighting to get our constituents relief from this partisan law.

Of course, the most logical course would be to stop this train wreck and start over, but Washington Democrats still appear more interested in protecting the President's namesake and legacy than protecting their constituents from this law. I hope that will change because we cannot move forward without Democrats.

We have seen some signs that at least some Democrats are coming around slowly—slowly—much more slowly than we would like. I am happy to engage in discussions to see where we might find common ground. Hopefully, we will eventually get to the increasingly obvious endgame: Repeal, followed by true bipartisan health care reform. It may be universally accepted that healthcare.gov is a disaster, but as the President reminds us, that disaster does not exist in a vacuum. The failure of the ObamaCare Web site is emblematic of the larger failure of ObamaCare itself and of the kind of problems we can expect if Washington Democrats continue their stubborn defense of this partisan law.

FISCAL RESPONSIBILITY

Politicians regularly come to Washington promising fiscal responsibility, but too often they can't agree to cut spending when it counts, and that is why the Budget Control Act is such a big deal. Since Congress passed the BCA with overwhelming bipartisan majorities in 2011, Washington has actually reduced the level of government spending for 2 years running. That is the first time this has happened since the Korean war.

The BCA savings are such a big deal, in fact, that the President campaigned on it endlessly in 2012. He bragged about the bipartisan cuts in Colorado and in Iowa. He trumpeted the reductions from coast to coast, telling audiences from California to Baltimore that he ''signed $2 trillion of spending cuts into law.''

As our Democratic friends like to say these days, elections matter, and the President explicitly staked his reelection on the back of these bipartisan spending cuts.

Look at the exit polls from November. A majority of Americans said the government was doing too much. About two-thirds said raising taxes to cut the deficit was a nonstarter. Compared to ObamaCare, which more voters said they wanted to repeal, these levels of support are striking.

If our friends on the other side want to keep trying to claim an electoral mandate for retaining ObamaCare—contradicted by the facts as that might be—using their own logic, we would then have to call the mandate for reducing the size of government a supermandate. That is why their new plan to undo the cuts the President campaigned on and increase the debt is so outrageous.

We hear that the senior Senator from New York will soon announce a proposal to give the President permanent power to borrow more; in other words, he wants to extend the debt ceiling permanently by going around Congress. Let me repeat that. The so-called Schumer-Obama plan is a plan to permanently hand the President a credit card without spending limits and without lifting a finger to address the national debt. It is truly outrageous, especially when we consider that our debt is now $17 trillion, which makes us look a lot like a European country. We have to get our debt under control before we move any further down the road to Greece or Spain, and time is not on our side.

I hear the Senator from New York is going to try and sell his proposal as a ''McConnell'' plan. I appreciate the attempt at a PR gimmick, but there are two huge differences between the Schumer-Obama plan and what I have proposed in the past.

First, Schumer-Obama would raise the debt ceiling permanently. I reject that idea entirely. Second, unlike Schumer-Obama, I believe that increases in the debt ceiling should be accompanied by reforms. That is what we did in 2011 when Congress raised the debt ceiling in return for enacting $2 trillion in bipartisan spending control—the spending control the President endlessly campaigned on last year. That is the real ''McConnell'' plan.

If the Senator from New York is interested in working with me to enact another $2 trillion in bipartisan cuts, then let's get down to brass tacks. The American people would love to see us working in a bipartisan way to actually help them. If he insists on pushing the Schumer-Obama plan, he is not going to find any dance partners on this side of the aisle. Handing the President a permanent blank check, increasing the size of government, and trying to overturn the most significant bipartisan accomplishment of the Obama years is a nonstarter.

Our debt is a serious problem. I know Kentuckians think so. Similar to Americans all across the country, they understand it is completely unsustainable over the long run, and they understand it is standing in the way of jobs and economic growth today.

Let's shelve the gimmicks and the blank checks and get to work on bipartisan plans to get spending under control. That is what our constituents expect.

DISAPPROVAL OF THE PRESIDENT'S EXERCISE OF AUTHORITY TO SUSPEND THE DEBT LIMIT—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S.J. Res. 26.

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

The legislative clerk read as follows:

Motion to proceed to Calendar No. 223, S.J. Res. 26, a joint resolution relating to the disapproval of the President's exercise of authority to suspend the debt limit, as submitted under section 1002(b) of the Continuing Appropriations Act, 2014 on October 17, 2013.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved. Under the previous order, the time until 12:30 p.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from Utah.

Mr. HATCH. Mr. President, before I make my remarks, I understand the distinguished Senator from Tennessee has been waiting to make some remarks himself. I ask unanimous consent that he go first, and then if Senator BAUCUS is here, he goes second, and I go third, but if Senator BAUCUS is not here, I will go second.

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

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Utah. If that suits his convenience, I appreciate that courtesy very much. I will not take more than 8 or 10 minutes.

The President should ask the Secretary of Health and Human Services, Kathleen Sebelius, to resign her position because of the disastrous rollout of ObamaCare.

Taxpayers have spent $400 million to create exchanges that—after 3½ years—still don't work. As a result, the White House had to announce last night that the key enforcement mechanism to their individual mandate—a $95 fine that increases every year—will be waived until the end of March of next year. That may be fine for those currently without insurance, but for the millions being forced into the exchanges and losing their current insurance, there is no relief, just higher prices, a likely lapse in insurance coverage, a broken Web site, and broken promises.

We already know of 1.5 million Americans who are losing their policies because starting January 1, many insurance policies they now have will not be legal under ObamaCare, and because the exchange will not be working, they will not be able to choose another policy. This chart gives an example of what is going on. Just in three States—California, Florida, and New Jersey—there are 1.4 million insurance policies that will not be valid after January 1 because they are not legal under ObamaCare.

Compare that number, 1.4 million, to the number of Americans in those three States who have reportedly applied or enrolled on the Web site for insurance, 7 or 8 percent of all the people who will lose their current policy have applied for a different policy through the exchange. That is what is going on with families across this country as people worry about health care.

These are policies in the individual market. There are 19 million Americans in the individual market. We also heard on NBC News over the last couple of days that the Obama administration knew that 47 to 60 percent of the policies in the individual market would not be legally offered under ObamaCare. Yet they still said to people: ''If you like your insurance, you can keep it.''

At some point there has to be accountability. Expecting this Secretary to be able to fix what she has not been able to fix during the last 3½ years is unrealistic. It is throwing good money after bad. It is time for her to resign and for someone else to take charge. No private sector chief executive would escape accountability after such a poor performance. The principle of accountability is not and should not be foreign to the public sector.

Admiral Hyman Rickover, father of the nuclear navy, told his submarine captains they were not only accountable for their ships, they were also accountable for the nuclear reactors on their ships. If anything went wrong with the reactor, their career in the Navy was over, the Admiral said. As a result of that dose of accountability, since the 1950s, there has never been a death as a result of a problem with a nuclear naval submarine reactor.

Americans deserve that kind of accountability in the implementation of the new health care law. Instead, the Secretary appears not even to have told the President about known problems with the ObamaCare Web site in the months and days leading up to the launch. Despite repeated requests, she has refused to tell Congress or the public the reasons the ObamaCare Web site continues to fail, while insisting on more time and an undisclosed amount of money to fix it.

Before the Internet, RCA knew how many records Elvis was selling every day, Ford knew how many cars they were selling every day, and McDonald's could tell us how many hamburgers they were selling each day. Yet, here we are in the advanced stages of the Internet age and, under Secretary Sebelius's leadership, the Obama administration will not tell us how many Americans have tried to sign up for ObamaCare, or how many have actually signed up, or what level of insurance they have purchased, or in what ZIP Code they live. Not only will they not tell us, they have done their best to keep us from finding out.

With WikiLeaks and Edward Snowden spilling our beans every day, what is happening on the ObamaCare exchanges is the best kept secret left in Washington, DC. The National Security Agency could learn some lessons from Secretary Sebelius.

Later today I will ask unanimous consent to approve a six-page bill I introduced yesterday to require the administration to answer these questions every week. Secretary Sebelius is not responsible for enacting ObamaCare, but she has been responsible for 3½ years for implementing it. Now many Americans have only a few weeks to purchase new insurance or be without health insurance. To expect the Secretary to correct in a few weeks what she has not been able to do in 3½ years is unrealistic.

It is time for the President to ask the Secretary of Health and Human Services to resign.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, during the debt limit impasse in 2006, then-Senator Obama stated:

> The fact that we are here today to debate raising America's debt limit is a sign of leadership failure. Leadership means the buck stops here. Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership, and Americans deserve better.

That was former Senator Barack Obama.

At that time our gross debt was $8.3 trillion. It is now well above twice that, currently standing at $17.1 trillion, which is over 100 percent of the size of our economy.

During that same 2006 debt limit debate, then-Senator BIDEN said:

> My vote against the debt limit increase cannot change the fact that we have incurred this debt already and will no doubt incur more. It is a statement that I refuse to be associated with the policies that brought us to this point.

That was then-Senator BIDEN. Things have certainly changed since 2006.

Now President Obama and Vice President JOE BIDEN preside over an administration which tells us that raising the debt limit is merely a matter of paying our bills and is a reflection of decisions made in Congress. Yet while it is ostensibly true that the Congress has the power to raise the debt limit, it is not true that Congress makes spending decisions unilaterally, with no role being played by the executive branch. No amount of spending can be enacted without the President signing it into law.

In addition, the President submits a budget every year. The White House also issues policy statements and veto threats on spending bills on a more or less frequent basis. And, of course, every administration works with Congress to enact its domestic agenda which inherently includes setting priorities on Federal spending. So, in short, the commonly repeated notion that questions surrounding spending and the debt limit are Congress's and Congress's alone to answer is simply an attempt by this administration to avoid accountability on these issues.

Ultimately, regardless of what President Obama and those in his administration are saying now, both Congress and the executive branch are to blame for our current predicament.

The President has exercised his authority to suspend the debt limit under the Continuing Appropriations Act of 2014, which he signed into law on October 17. On October 16, public debt subject to the limit was around $16.7 trillion. On October 17—the very next day—public debt subject to the limit was over $17 trillion. In one day, Treasury increased the debt subject to the limit by over $328 billion. Let me repeat that. The debt increased by over $328 billion in a single day. That brings the increase in total public debt under this administration to more than $6.4 trillion, an amount that is, by all accounts, unprecedented.

Echoing earlier sentiments of then-Senator BIDEN, I refuse to be associated with the policies that brought us to this point.

The debt limit debate provides us with an opportunity to reexamine our Nation's fiscal course and take steps to correct it. Sadly, we have a President who appears unwilling to have that conversation. Instead, he apparently wants to press forward, full steam ahead, on our already unsustainable course, saddling future generations with unheard-of debts and broken entitlement promises in the process. Unfortunately, as the Congressional Budget Office has made clear, over the course of President Obama's administration, the Federal Government has recorded the largest budget deficits relative to the size of the economy since 1946, causing our debt to soar, as we all know. Federal debt as a percent of the economy's annual output is higher than at any point in U.S. history, except for a brief period around World War II.

CBO makes three other points equally clear. No. 1, our debt path is unsustainable, threatening our economy and putting us at risk of a fiscal crisis. No. 2, the root of our fiscal problem is Federal spending, not a lack of revenue. No. 3, the main source of our spending problem is our unsustainable entitlement programs. That being the case, any serious talk about raising the debt limit must include a real, concrete discussion about entitlement reform.

As every credible analyst tells us, we need to face the fiscal facts and enact serious structural reforms to our entitlement programs. So far, President Obama has been unwilling to even engage in this discussion. These days, every fiscal discussion with the White House begins and ends with demands for additional tax hikes to fuel even more spending. I guarantee it will be spending, not paying down the national debt or paying down what we owe; it will be to spend more.

Of course, the President will occasionally resurrect offers he has made in past failed fiscal negotiations to include small entitlement changes, including, for example, movement to a different price index for certain cost-of-living adjustments, but at the same time the President and his administration have made clear that even those small entitlement changes will only be on the table if tax hikes are delivered first. That is the President's precondition for even entertaining tax reform or entitlement reform, even on the heels of a more than $630 billion tax hike at the beginning of this year and another $1 trillion in revenue delivered courtesy of ObamaCare.

Entitlement reform is not an option, it is a necessity.

Structural reforms to our health care entitlements should not hinge on another tax-and-spend operation. And structural reforms to Social Security should not be held hostage to another tax hike.

Earlier this year I personally presented to the President, in detail and in writing—again, I emphasize I personally gave him this—five reform proposals relating to Medicare and Medicaid that have received bipartisan support—Democratic and Republican support—in the past. I asked him to consider the proposals and have since asked members of his administration to likewise give the proposals consideration.

By the way, when we had our supper at the White House in the family dining room, I brought it up again. By the way, I brought it up with the Secretary of the Treasury over and over. I did not wait until an impending debt limit debate. Rather, I put my proposals forward in a good-faith effort to begin timely discussions. Unfortunately, thus far, I have not received even the slightest response, while the clock on Medicare and Medicaid keeps ticking, and both of them are running more and more deficits as we speak. By the way, the five points were bipartisan. They were bipartisan measures that both Democrats and Republicans supported.

The situation with Social Security isn't much better. The trustees of the trust funds embedded in the Social Security system, including top administration officials such as the Treasury Secretary, have, in no uncertain terms, urged Congress to act quickly on reforming the retirement and the disability insurance programs to move them toward sustainability. Quite simply, it would be folly to approve of yet another debt limit increase without also working to address these programs, which are the main drivers of our debts and deficits.

Therefore, I disapprove of the President's exercise of an authority to suspend the debt limit, and I urge all of my colleagues to similarly disapprove.

The recent debt limit impasse and the impasse of 2011 also provided a good deal of information about lack of accountability of the Treasury Department and of our regulatory agencies.

I currently serve as the ranking member on the Senate Finance Committee which has oversight responsibility toward the Treasury Department. To fulfill those responsibilities, I have been asking questions of Treasury about debt and cash management procedures, and I have repeatedly been stonewalled by the Treasury Department. I don't know that I have ever seen this happen before in either Republican or Democratic administrations.

For example, when we have approached the debt limit, I have asked questions about how much cash our Nation has in the till, only to find that Treasury won't tell me and that they prefer the Congress rely on estimates from think tanks and Wall Street firms.

Furthermore, during the most recent debt limit impasses, administration officials were busy frightening seniors, our troops, and financial market participants about whether they would be paid in the event the Treasury were to run out of cash. Officials also identified threats of massive financial instability stemming from a breach of the debt limit and of potential disruption from a downgrade of the rating on U.S. Government securities.

So, naturally, I asked Treasury and, in fact, every voting member of the Financial Stability Oversight Council, or FSOC, to provide Congress and the American people information regarding the plans they had in place to respond to such catastrophes. Out of close to 20 letters I sent to FSOC members, I received only 3 responses. Apparently, the FSOC, which was empowered by the so-called Dodd-Frank Act to monitor and respond to merging threats to financial stability, does not identify or share response plans with respect to any threat that could emerge as a result of government policies.

That being the case, I believe we should strip FSOC of any notional oversight of financial stability and call it what it really is: another unrestrained regulatory agency created only to enact additional regulations.

After the fact, we have found that Treasury and some financial regulators had plans for how to respond to a debt limit breach or a ratings downgrade. Yet none of these plans were shared with Congress.

Put simply, if we are going to empower a Federal regulatory body such as the FSOC to develop contingency plans to respond to threats to financial stability, then that body should be required to share those plans with the American people. Sadly, thus far that has not been the case.

Another thing I have learned from our recent debt limit impasses is that we need to take a closer look at the Treasury Department's use of so-called extraordinary measures, which have become all too ordinary. These ''extraordinary measures'' are merely ways for the Treasury Department to temporarily delay facing a debt limit increase by issuing shadow debt. For example, Treasury can simply declare a debt issuance suspension period and stop issuing debt that it normally would issue while instead effectively telling the lender: Don't worry, I will pay you back later with interest. I believe the authority to use these types of extraordinary measures needs to be reexamined.

As you can see, Mr. President, there are a number of problems that need to be confronted with regard to our Nation's ever-growing debt. As I said, we need to work together to address our Nation's unsustainable entitlement programs; otherwise, any effort to rein in our debts and deficits will amount to little more than tinkering around the edges.

In addition, we need to improve information sharing between Congress and the executive branch on issues relating to our debt. The Treasury Department and our financial regulators

have a lot to do with maintaining the depth, liquidity, and efficiency of the market for Treasury securities, and Congress has a duty to exercise oversight over these functions. Unfortunately, the administration, far more often than not, opts to keep Congress in the dark on these issues. And, the Treasury and financial regulators choose to keep their plans secret. This has to stop.

By using his authority to suspend the debt limit through February 7, 2014, President Obama has opted not to confront any of these serious issues. Instead, he is leading us even further down a path that we already know is unsustainable. That being the case, I plan to vote in favor of the resolution of disapproval of this debt limit suspension, and I urge my colleagues to do the same.

Having said all this, we are in a really big mess on ObamaCare—or if you want to call it the ''Affordable Care Act'' that nobody believes is affordable at all. They know it is going to lead us right into even more unsustainability than we have right now. I suspect that over time our brilliant people in the IT world, the information technology world, many of whom I know personally, will find some way to resolve what really has been a horrible, horrible situation with the broken introduction of the ObamaCare website. We all know it is horrible, and I hope they can resolve that. I think it is going to be hard because it is such a mess. I hope Mr. Zients is successful in his efforts to try to cure the broken system, but that does not cure the faults or problems with ObamaCare as a whole.

What about the 30-hour rule? A lot of people, a lot of businesses, especially small businesses today, are making sure their employees do not work more than 30 hours because if they do, it triggers their having to pay what appear to many to be outrageous health care costs. That is just one thing, and that is not going to be easily resolved because the bill is such a stupid bill. It was stupid to begin with. We knew it would not work to begin with. We made the case that it would not work, and frankly we are here in this really ridiculous posture where we have been stymied because of an ineptly implemented introduction of a flawed law, and there is certainly some incompetency here. I hope they can resolve that, but that still does not resolve the 30-hour rule, which is very important.

How about the 50-employee rule? A lot of businesses that would have expanded, small businesses that would have grown, that would have tested the market and really gotten going, do not want to employ more than 49 people and trigger a massive sudden cost to their businesses.

These are problems that basically are unsolvable under the bill, and they may be even larger problems than those we have with regard to the website problems I have been mentioning.

ObamaCare is full of cliffs: to implicit tax rates; to hours of work; to numbers of employees. And those cliffs have led and will lead to more economic damage.

That is just the beginning. I could speak for hours about what is wrong with this lousy Act called ObamaCare. I wish some of my colleagues on the other side would start saying what they actually know. They know it is a lousy Act. They know it is something that is not going to work. And if it does—if they continue to maintain that it has to work—it is going to be a massive cost to society, with less effective health care than we have ever had before.

It is not just these technical problems that we have to solve; it is the economic problems that arise from ObamaCare. And I know what is going to happen. Within the next year or two, our friends on the other side—or should I say the White House in particular—President Obama is going to throw his hands in the air and say: It is not working. We have to go to a single-payer system, meaning socialized medicine. Anybody who believes that is the way to go—it sounds easy, but anybody who believes that is the way to go has not looked at socialized medicine around the world. They can point to some instances where it has worked for a short time, but over time it results in less health care, higher costs, and stultification of what really could be a great health care system.

I want to solve these problems in health care, but I believe they ought to be solved on a bipartisan basis and not just a partisan basis, which is where we are with regard to ObamaCare—or should I say the ''Affordable Care Act.''

There are a number of people in this body and in the other body who, like me, have worked in health care areas and on health care issues ever since they have been in the Congress who would be willing to sit down and get this resolved. But I have to say there was no real consultation, there was no real effort to work in a bipartisan way, as far as I could see, even at the lower levels in Congress, in developing the partisan product called ObamaCare. It was just they were going to pass this and that is the way it will be. Now they are stuck with it—should I say they are not really the ones who are stuck with it; it is the American people and the American taxpayers who are stuck with it. We have to, sooner or later, get together to resolve this problem without going to socialized medicine.

I have talked to a number of doctors, health care providers, who are going to get out of the profession. They do not want to be governed by this type of governance. Frankly, you are going to find that if we go to socialized medicine, doctors are not going to work more than 6 or 8 hours a day, where today they will work as long as it takes to serve people who need their help. We are going to find a real dearth of doctors. We are going to find a real dearth of the ability to provide the health care people need. We are going to start doing what that payment advisory board really is set up for, and that is rationing. Once that starts, the American people are going to rebel.

It is going to happen sooner or later if we do not get our friends on the other side to at least work with us on finding some resolution. I have to say that we are working on our side to come up with a resolution, and I hope I can interest our colleagues on the other side. I admit that we can do a lot better than we are doing around here. We can do it in a much better bipartisan way than we are doing it. I think some people get a joy out of creating battles around here when we should get a joy out of resolving problems.

I yield to the distinguished Senator from South Dakota.

The PRESIDING OFFICER (Mr. SCHATZ). The Senator from South Dakota.

Mr. THUNE. Mr. President, I thank my colleague from Utah and appreciate his very eloquent remarks. He has been a great leader on health care issues for a lot of years around here and was a fierce opponent of ObamaCare when it passed and laid out very compelling arguments at the time about why we should not adopt this law. Unfortunately, for the people of this country, many of the predictions he made are coming out to be true. I appreciate the leadership he provides for us as a member of the Finance Committee and his continued advocacy for policies that are good for consumers in this country when it comes to the issue of health care.

This Friday marks a full month since healthcare.gov went live. This is the Web site that, in conjunction with the new health care law, was promised as a solution to all of the problems in the delivery and cost of health care in this country.

To be frank, I do not think anybody on either side of the political aisle would deny this fact: These past 29 days have been nothing short of a disaster. The administration will not disclose how many Americans were actually able to enroll in plans. They are not forthcoming when it comes to disclosing exactly what the problem is with the Web site, other than calling the problems glitches. Well, glitches refer to temporary problems that are easily remedied. The problems with the health care law cannot merely be called glitches. The problems go deeper than technical problems on a Web site which, by the way, cost $400 million to develop.

As the President said last week, ObamaCare '' . . . is not just a website. It's much more.'' Well, that is true. It is much more. It is a fundamentally flawed piece of legislation that is resulting in real-life consequences for middle-class Americans.

My colleagues and I, the Senator from Utah and others, have been speaking about the broken promises of this

legislation since it came to the floor of the Senate almost 4 years ago. We know this law will not work as promised. Unfortunately, thousands of Americans are realizing it too as they face higher costs and canceled insurance plans.

Many Americans are experiencing sticker shock when it comes to their health care costs. Middle-class Americans already struggling to make ends meet are now facing steep premium increases in the ObamaCare exchanges.

Last month, Avik Roy of Forbes reported on a recent study that said:

ObamaCare will increase insurance rates for younger men by an average of 97 to 99% and for younger women by an average of 55 to 62%.

In my home State of South Dakota, that is more than just a statistic; that is a grim reality facing thousands of young men and women.

By comparing a typical low-cost plan for a healthy 30-year-old person in my State of South Dakota this year with a bronze plan that they would be able to get in South Dakota's health care exchange next year, the premium increases are nothing short of staggering. Younger women are going to face a 223-percent premium increase and younger men are going to face a 393-percent premium increase when you compare data from HHS with data from GAO about premiums in South Dakota in January of this year. That is more than a $1,500 annual increase for women and a $2,000 increase in health care premiums each year for 30-year-old men in my State of South Dakota.

But it is not just South Dakota. It is not confined to South Dakota alone, and people in my State are not alone in their experience of sticker shock. Look at what is happening in the State of Nebraska where premium increases are 143 percent or in Georgia where premium increases are 198 percent. Money that could be used to pay off student loans, save for a home, or start a family is now going to be used to pay for ObamaCare.

According to a new analysis by Avalere Health, Americans could face steep cost-sharing requirements—such as copayments, co-insurance, and deductibles—layered on top of their monthly premiums.

It is clear that health care costs are going up—they are not going down—particularly for younger Americans.

Additionally, President Obama promised that health care premiums would go down by an average of $2,500 per family. Well, if you look at what family premiums have done, they have actually jumped by more than $2,500 since ObamaCare became law.

While costs continue to increase despite the President's promises to the contrary, household income has fallen by over $3,700 since President Obama first took office. No IT specialist can fix the problem of increased health care costs due to ObamaCare. The only fix is to repeal this law and to start over.

In addition to higher costs, families are discovering other grim news. For example, they cannot keep the plan they like, despite the fact that the President promised they would be able to. Over and over the President told Americans they would be able to keep the insurance they have.

Well, millions are now facing health insurance cancellation notices due to ObamaCare. That number is expected to increase up to nearly 10 million by the end of this year. In fact, just this morning, CBS News published a story. The headline read, ''More than 2 million people getting booted from existing health insurance plans.'' These are Americans who had coverage they liked and now cannot continue to purchase.

Finally, after dozens of media reports of Americans who are losing plans they like, the White House spokesman said, it is true that some Americans will not be able to keep the health care plan that they like under ObamaCare. Well, you do not have to tell people in this country, as Deborah from Westchester, CA, said in an article last week in the Los Angeles Times:

All we've been hearing the last three years is if you like your policy you can keep it . . . I'm infuriated because I was lied to.

CareFirst BlueCross BlueShield is being forced to cancel plans that cover 76,000 individuals in Virginia, Maryland, and Washington, DC, due to changes made by President Obama's health care law. That represents more than 40 percent of the 177,000 individuals covered by CareFirst in those States.

President Obama said on July 21, 2009: If you like your current plan, you will be able to keep it. Let me repeat that. He said: If you like your plan, you will be able to keep it. That is from 2009.

But he also went on to say, ''I won't sign a bill that somehow would make it tougher for people to keep their health insurance.'' That is from another conference he had with bloggers back in 2009. It is abundantly clear that this is not a simple misstatement or a glitch in the law, it is another broken promise that reveals serious underlying problems with the core principles of this law.

No IT specialist can fix the problem of canceled plans due to ObamaCare. The only fix is to repeal this law and to start over. The President promised the people could keep a health care plan they liked. But an NBC News article published yesterday shows that the administration knew as early as 2010 that this was not going to be the case.

NBC is reporting that 50 to 70 percent of the 14 million consumers who buy their insurance individually—in the individual marketplace—can expect to receive a cancellation letter or the equivalent over the next year, because their existing policies do not meet the standards mandated by the new health care law. One expert predicts that number could reach as high as 80 percent. All say that many of those forced to buy pricier new policies will experience ''sticker shock.'' You do not have to look any further than George Schwab, a 62-year-old man from North Carolina who said he was ''perfectly happy'' with the plan from Blue Cross Blue Shield, the plan he currently had, which also insured his wife for a $228 monthly premium. But this past September he was surprised to receive a letter saying his policy was no longer available. The comparable plan the insurance company offered him carried a $1,208 monthly premium and a $5,500 deductible. The best option he has found on the exchange so far offered a 415-percent jump in premiums, to $948 a month.

The deductible is less—

He said.

But the plan doesn't meet my needs. Its unaffordable. I am sitting here looking at this, thinking we ought to just pay the fine and just get insurance when we're sick.

That is what Schwab said.

Everybody's worried about whether the website works or not, but that's fixable. That's just tip of the iceberg. This stuff isn't fixable.

That is from Mr. Schwab of North Carolina. That is just one of many stories out there about how this law is affecting average Americans, so much so that now even Democrats have come out criticizing parts of the health care law. Most recently there were 10 Senate Democrats who asked the administration to delay the deadline to sign up for ObamaCare before the tax on the individual mandate kicks in.

While I agree that Americans should not be expected to pay a fine for not having a product they cannot even access, delaying implementation does not solve the underlying problem that this bill is simply bad policy. It was a partisan bill. It was rushed through without adequate forethought in the implementation problems and the serious adverse effect it would have on Americans' daily lives.

Giving people more time to try to navigate a broken Web site with glitches is not going to fix this underlying fundamental flaw in this law. A majority of Americans, 56 percent, believe the Web site glitches are part of a broader problem with the health care law. ObamaCare is more than a Web site. Its real-life consequences squarely hit middle-class Americans.

Americans are facing sticker shock discovering they are being dropped from an insurance plan they like. As one woman said: I was all for ObamaCare until I found out I was paying for it. That too was a story that the LA Times ran over the weekend. ObamaCare is not ready for prime time. The President has got a new healthcare.gov czar, Jeffery Zients, who has been tasked with coming in and trying to fix the Web site by the end of November. But a fix to the Web site by the end of November does not rectify the underlying problems with this law. The problems with this law

are more than just problems with a Web site. We need to continue to work to repeal the onerous parts of this law and replace it with solutions that actually lower the cost of health care and give Americans continued access to a doctor they choose at a cost they can afford.

Republicans here at the time when this law was being debated and passed in the Senate several years ago and subsequent to that time have consistently put forward solutions to the health care challenges that we face in this country that do not entail having government take over literally one-sixth of the American economy. As we can see from the rollout, the government does not do complicated things very well.

This is a disaster at the rollout, but it is a train wreck in terms of substance and what it is going to do and the harm it will cost middle-class Americans. There are so many better solutions. We should allow people to buy insurance across State lines, create interstate competition, allow market forces to drive insurance costs down, allow people and businesses to join groups so they can get the benefit of group purchasing power, do away with the issue of defensive medicine by getting rid of a lot of the junk lawsuits that are clogging up our legal system in this country, allowing people to have a tax credit where they can buy their own insurance and use their judgment and allow for transparency when it comes to pricing and outcomes so that the market in the competition that exists out there works in a way that makes insurance rates come down for everybody and improves the quality of health care in this country.

There are so many good ideas out there that do not involve a government takeover of health care and the results we have seen that has caused. So I hope that not only will the American people who I think are quickly coming to the conclusion that this is a bad law, it is a flawed policy to start with, but Members of Congress here in Washington, DC, Members of the Senate will also come to that conclusion and will decide it is time to not only delay this but to repeal it and start over.

We need a do-over. The American people need a do-over. We need an opportunity to put policies in place that actually put downward pressure on insurance rates in this country, rather than increasing them, which is what we have seen with ObamaCare, dramatic increases for many people across this country, loss of coverage that people like. They were told by the President repeatedly, over and over the President went out there and said: If you like the insurance you have, you can keep it. We now know that is not true. We know that the administration knew that was not true.

So it is time we acknowledge we need a do-over. The American people need a do-over. We need health care policies in this country that drive down costs for people, for families, middle-class Americans, that improve the quality of health care delivery in this country, and that do not create costly harm to the economy.

We hear over and over that the mandates and the requirements and the costs associated with ObamaCare are making it more difficult and more expensive to create jobs in this country. We are seeing an economic growth rate that is sluggish, in the 1-percent to 2-percent range. We are seeing the lowest labor participation rate literally in the last 35 years, since Jimmy Carter was the President of the United States, chronically high unemployment, lower take-home pay, an economy that is suffering from too much cost and too many policies that actually make it more difficult and more expensive to create jobs.

We need to be looking at health care policies that improve coverage, lower costs, and make it less difficult and less costly to create jobs in this economy so we can get Americans back to work, we get our economy growing and expanding at a more robust rate and improve the standard of living and the quality of life for people all across this country.

This policy, the ObamaCare health care policy, was ill-fated, was misguided from the beginning. Now we are seeing the effects and the results of that. Hopefully, politicians in Washington, DC, on both sides of the aisle will come to the correct conclusion; that is, it is time to start over and do this the right way.

I yield the floor.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SUPERSTORM SANDY

Mr. CARPER. As many of us recall, on October 29, 2012, Superstorm Sandy made landfall in my part of the United States. Its impacts up and down the east coast were devastating and heartbreaking. New York, New Jersey, and parts of New England were hit particularly hard. In Delaware we did not experience the level of devastation that was inflicted on our neighbors to the north and to the east, but our State did receive significant damage. In total there were over 200 deaths attributed to Superstorm Sandy. Today we remember the lives lost and those forever impacted by this storm.

As I traveled through Delaware during and after the storm, I saw some of the massive impacts of that storm firsthand, but I saw something else as well. I saw people from all walks of life pulling together, helping one another, and taking care of their neighbors. The impacts of that superstorm are still fresh in my mind today as we continue to rebuild in Delaware, New Jersey, in New York, and in other places up the East Coast.

But not only are the impacts of the superstorm still fresh in my mind, something else is as well, and that is this: the extraordinary efforts of ordinary people who left the comfort of their own homes in Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut and in other States as well to help people they had never met and will probably never see again. They did so not because they were paid to do it, not because someone told them to do it, but because they wanted to do it.

This morning I met a handful of Delawareans who were called to action by the Red Cross to volunteer in the shelters and communities in Delaware and New Jersey and New York. Those volunteers included Charlotte and Richard Duffy, Joe Miller, and Glenn Sholley, who are joining us today in the Senate, and we welcome them. In the days and weeks following Sandy, they stopped their lives to help others, and for that we are truly grateful. I thank you all for your extraordinary service.

As our rebuilding efforts continue, I am so thankful for the first responders, for the volunteers, and for the Good Samaritans who pulled together not only in Delaware but in our States to the north to ensure the safety and health of our neighbors.

A few minutes ago I told the folks who gathered in my office for some light refreshments before we came over here—the same group that is joining us here today—that last night I had heard a speech from Paul Begala, who our Presiding Officer will remember was a key member of President Clinton's team during his Presidency. He was on television a million times and widely known for his wit. We saw another side of Paul Begala last night. We saw his wit as well, but we also heard from him a recounting or retelling of the story of the Old Testament and of the question that was asked in the Bible. He asked the audience: Who asked the first question? Nobody knew. He said, actually, the first question was asked by Abel, who had slain his brother Cain. The Heavenly Father, of course, knew what had happened. He tracked down Abel and said: Where's Cain? And Cain said: Am I my brother's keeper? Am I my brother's keeper?

That story is retold in the Bible in a number of places as the Golden Rule, to look out and help other people the way we would like to be helped, treat other people the way we would want to be treated. Not only does that show up in the Old and New Testaments, including in the parable of the Good Samaritan, but it shows up in the sacred scriptures whether you happen to be Jewish, Christian, Muslim, Buddhist or Hindu. It shows up in the scriptures of virtually every major religion on Earth—the idea that we have an obligation to

help our neighbors, whoever they may be.

In the parable in the New Testament, Jesus is asked by some of the Pharisees: Who is my neighbor? And that is when he tells the story of the Good Samaritan, who ultimately was helped not by someone from his community, not by a clergyman who walked by, but he was helped by somebody from another part of that country who didn't care at all for the fellow who was beaten and left for dead.

The financial costs of Superstorm Sandy were also severe and estimated to be in not just the hundreds of millions of dollars but billions of dollars. It will take years to recover from devastation such as this. As my colleagues and I know, it is important we get that recovery right.

I want to take a look at a few pictures of Seaside Heights, NJ, before Sandy and after. Before I turn to the photographs on my left here, I would just say to the Presiding Officer that a lot of people who might be watching this across the country on C–SPAN may wonder where Seaside Heights, NJ, is. I wondered that myself, and I am from Delaware, less than 100 miles away. A lot of people have heard of Asbury Park, where Bruce Springsteen is from. Asbury Park is just a little bit north of Seaside Heights, NJ. About 50 miles south of Seaside Heights is a place called Atlantic City that a lot of us have heard of.

This is a shot taken in May of 2009 in Seaside Heights, NJ. This is a before shot. This is a little more than 3 years before the hurricane. There are a couple of buildings here where we have these yellow arrows. They are there for a purpose—so that when we look at the after shot we can figure out what happened to those structures. Here is a red arrow on this building.

This is about 3½ years later when Sandy came a-calling. Here we go. These buildings aren't in the same place. They do not look the same. What looked to have been a pier along through here is gone. There used to be roads through here and now there are what appear to be sandy trails. Virtually every house here is badly damaged, many of them absolutely totally destroyed.

We have another shot here, same town, Seaside Heights. This is obviously the beach, the boardwalk, and this is an amusement park. A lot of people went there over the years, for decades, and had a great time with their families. They had a roller coaster here. There were a lot of rides here. I must admit I like rides. My wife says: Are you ever going to grow up? I say: I hope not, because this stuff is still fun to me. But here is the roller coaster. Again, this is taken in late May 2009. There is the roller coaster.

Let's see what it looks like after Hurricane Sandy. Here is the roller coaster. Here is the roller coaster. It is in the ocean. And here is what is left of the pier and of the amusement park.

The power of that storm is demonstrated graphically by these photos, which I said earlier destroyed not just this amusement park, the beaches and the homes in this community, but wreaked havoc throughout the mid-Atlantic and northeastern seaboard and took the lives of over 200 people.

In the aftermath of Hurricane Katrina, we saw many problems during the recovery phase that held communities back and created great suffering, and not only great suffering, also a lot of anger in terms of the inadequate response, the untimely response, the inept response. Money was not always well spent, the efforts were not well coordinated, and the recovery moved slowly as a result.

Thanks in part to the Post-Katrina Emergency Management Reform Act of 2006, which was shepherded through the Homeland Security and Governmental Affairs Committee and through Congress by Senators SUSAN COLLINS and Joe Lieberman, many of the problems we saw during Katrina's recovery efforts have been fixed, and we have seen a great deal of improvement in the emergency response efforts as a result.

I have a friend who, when you ask him ''How are you doing?'' he always says, ''Compared to what?'' So when speaking of how are we doing with respect to the recovery after Superstorm Sandy, I say: Well, compared to what? Compared to Katrina, we are doing great. Can we do better? You bet we can. We have learned a lot, and 7 years later you can tell we have learned not all our lessons but certainly a number of them.

That act that was passed about a half dozen years ago required FEMA to bolster their regional offices in order to build strong relationships with State, local, and tribal governments. As an old recovering Governor—and the Presiding Officer is a recovering Lieutenant Governor—we know the Federal Government can't do everything, particularly in responding to emergencies. It is the relationships with the State and the local folks, in some cases with tribal units, with the emergency responders, with the National Guard, and all of the above, that is critical. Those strong relationships not only improve the ability of the Federal Government to respond to disasters, but they also enhance FEMA's capability to support State, local, and tribal governments as they rebuild.

That law also required FEMA to coordinate with other Federal departments to write a national disaster recovery strategy. This eventually lead to the National Disaster Recovery Framework, which has helped to organize and coordinate recovery efforts to Hurricane Sandy.

A key question we need to ask, however, after a storm such as this, is whether it was an aberration or a harbinger of things to come. I would like to think it was an aberration. There is a good chance it was not. Just a few short years ago, hurricanes hitting the areas along the northeastern half of the East Coast were relatively uncommon. Hurricane Sandy is actually the third major hurricane to threaten or strike the northeastern coast of our country in the last 3 years. Fortunately, we are almost through this hurricane season—knock on wood—without a major storm hitting our coast. Unfortunately, the Northeast, mid-Atlantic, and other vulnerable areas are expected to see more frequent and larger storms such as Sandy in the future.

Earlier this year, the Government Accountability Office, affectionately known as GAO, added a new area to its recently updated High Risk List—the impact of climate change on the Federal Government and on our country. GAO explained that, among other things, climate change ''could threaten coastal areas with rising sea levels, alter agricultural productivity, and increase the intensity and frequency of severe weather events.''

The GAO also argued the Federal Government is not prepared to deal with the impacts of climate change. I might add State governments and local governments as well are not prepared to deal with the impacts of climate change. They recommended we take a strategic look at them and start to prepare accordingly.

The costs associated with responding to and recovering from a hurricane such as Sandy, both in human and financial costs, are so severe we simply cannot afford to face this devastation over and over again.

It might have been Einstein who defined the definition of sanity as doing the same thing over and over and expecting a different result. We can't do the same thing over and over. It is a different world in which we live, and we have to respond to those changes.

Fortunately, we have seen States take promising steps toward addressing some of the issues GAO has identified. In particular, the States of New York and New Jersey have begun to plan to mitigate against future disasters. We know all too well that an ounce of prevention is worth a pound of cure.

In fact, a few years ago the National Institute of Building Sciences issued a report that concluded that for every $1 we spend on various mitigation measures we can save $4 in response and recovery costs. For $1 of investment we end up saving $4. Through mitigation, then, we can get better results—save money and, most importantly, we can save lives.

We must ensure that sound and effective mitigation policies are thoroughly incorporated into this recovery effort. This is especially important as climate change drives the sea level to rise and increases the severity and frequency of coastal storms. By working together, we can rebuild and become stronger by better protecting ourselves from future storms. But in doing so, we can't ignore what I and many experts believe may be the underlying cause of storms such as Hurricane Sandy. It is not

enough to just address the symptom—that is the storm, the wind, the sea level rise, the surge—we need to address the underlying cause or causes.

As we recover from Sandy and put in place the protections, we need to reduce the impact of the next big one. We would make a mistake if we didn't think about what we need to do to address not just the symptoms of climate change but the underlying cause itself.

We have been joined on the floor by my colleague Senator MENENDEZ from New Jersey. Through the Presiding Officer, let me just say to my colleague, we have some folks here today from Delaware who ended up, as I said earlier, in New Jersey, and I think in New York. Our State was hit, but nothing like the Senator's State. These folks, serving in the spirit of the Good Samaritan, with the encouragement and actually the organizational skills of the Red Cross, came to his State, across the Delaware River, in order to lend a hand to people they didn't know, had never met, and will probably never see again.

Someday the tables will be turned, someday it will be our State, someday it will be Delmarva that is reeling from the impact of such a storm. We know when that happens, the Senator will be there for us as well.

I am pleased to yield the floor for my friend from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, let me start by thanking my distinguished colleague, the senior Senator from Delaware, for his remarks, and the people of Delaware who came to New Jersey to help us. That is the essence of why we call this great country the United States of America. In moments of challenge and adversity we come together. We appreciate the Delawareans who came to help us. We hope we never have to repay the kindness, but if perchance it comes, we will.

I come to the floor on this anniversary of Superstorm Sandy a year ago. We all remember what has now become an iconic photo. It is hard to believe that it has been 1 year since Sandy, but it has. For a year, under difficult and trying circumstances, New Jerseyans have pulled together, worked together, and helped each other to recover. I rise today in praise of their tenacity, their resilience, their spirit of community, and remembering all of the hard work of the many first responders, Federal, State, and local officials, community leaders, and volunteers who helped in those recovery efforts.

Just yesterday I was with Secretary Donovan in New Jersey to announce another $1.4 billion in community development grant disaster relief funding. This is $1.4 billion in flexible-use funding that comes in addition to the $1.8 billion we have already received from the hard-fought $60 billion disaster relief package we secured a year ago. We secured that funding after a long debate over whether we as a nation and the Congress were prepared to provide disaster relief to the people of my State and others who suffered devastating losses. Standing with me in that effort were many in this Chamber, and one who is no longer with us, our late colleague and friend Senator Frank Lautenberg. He and I worked against many who did not want to provide New Jersey the disaster relief we needed. We were in the midst of a debt ceiling debate, a fiscal cliff at the end after a congressional session, and even after Sandy relief had passed the Senate with bipartisan support, the House Republican leadership chose not to immediately bring the relief package to a vote, unnecessarily delaying our recovery from Sandy by 6 weeks.

There were those in Congress who believe that even in times of disaster and crisis we are on our own. I don't believe that. I believe we are all in this together and in times of crisis we come together as a community.

That is why when the State of New Jersey submitted its application last March to use $1.83 billion in Federal Sandy relief to help thousands of homeowners and small businesses rebuild, the Obama administration, through HUD Secretary Donovan, approved the application in April, the following month.

We have come a long way since October 29th when Sandy made landfall in southern New Jersey. One hundred and fifty-nine people lost their lives, 8.5 million customers lost power, more than 650,000 homes were damaged and 40,000 in our State were severely damaged or destroyed.

Here is a perfect example of how far we have come. You can see here the damage Sandy brought on this home one year ago today. And, as you can see in this second photo, today it is well on its way to being fully restored. But we have a long way yet to go in every community to fully recover from the extent of the damage and to make families and businesses whole again.

A year ago, this headline ran in the Record: ''Business losses mount; Some choosing to close rather than rebuild.'' Hundreds of thousands of businesses were forced to close, causing an estimated $65 billion in economic loss and resulting in emergency declarations or disasters in 13 States up and down the East Coast.

In a matter of minutes, people had lost loved ones, they lost their homes, their property, and their livelihoods, but they stood strong and began to rebuild. Beyond the headlines of this story, we see the Jersey spirit that came through in person after person. Despite the uphill climb, New Jersey rebuilt one home at a time, one business at a time, one community at a time. That's what makes us Jersey Strong.

For 10 days, millions along the East Coast lived without power, without phones, seniors were stranded on the upper floors of buildings where elevators were out, and the loss of power led to fuel shortages and long gas lines. You can see in this photograph of the PATH Train Terminal in Hoboken, the extent of damage to our transportation infrastructure.

It was a wake-up call to what could happen again in the future and the investment we need to make in our infrastructure to avoid future damage from future storms.

The Sandy Recovery package we passed last year included $13 billion in critical funding I sought to help restore our transit and highway systems from what they looked like then, as you can see in this photograph.

The Port Authority was able to repair the PATH station at Hoboken and harden electrical equipment to prevent future damage. NJDOT was able to elevate roads that were washed away by Sandy.

At the end of the day, the legislation included necessary policy reforms that helped streamline recovery efforts and improve FEMA's Public Assistance Programs, allowing us to rebuild what was in place before the storm and build it stronger and better than before.

Since then, almost $400 million in FEMA grants have been approved to help individuals and families recover. That is over $341 million for housing assistance and more than $54 million for additional needs.

Homeowners, renters, and business owners have received over $764 million in SBA disaster loans and $314 million in FEMA Public Assistance grants to help local communities and local nonprofits that serve the public and provided relief.

National Flood Insurance Program payments to New Jersey have amounted to $3.5 billion to help people rebuild and get their lives back on track. In New Jersey alone, more than 261,000 people contacted FEMA for help and information and over 126,000 homes have been inspected.

While these numbers show the progress we have made, the reality is that for thousands of people in New Jersey, recovery is a round-the-clock, 24–7 effort.

Many New Jersey families have been hit with the ''triple whammy,'' having been flooded by Sandy, then facing repair and mitigation costs and then facing astronomical increases in flood insurance costs built into a flood reform bill that was passed before Sandy hit.

Even as we slowly recover from the worst natural disaster in our State's history, a manmade disaster is looming in the distance, jeopardizing our recovery.

The combination of updated flood maps and the phaseout of premium subsidies for the National Flood Insurance Program threatens to force victims out of their homes and destroy entire communities.

Many homeowners will be forced to pay premiums that are several times higher than the current rate they pay. Those who cannot afford the higher premiums will be forced to either sell

or be priced out of their home—probably at a fire-sale price. This in turn will drive down property values and local revenues at the worst possible time.

I have heard from countless New Jerseyans, many who have come to me in tears, who are facing this predicament. These are hardworking middle class families, who played by the rules, purchased flood insurance, and are now being priced out of their home.

In order to stop this manmade disaster from doing even more damage, I am leaving the floor in a few minutes and going to introduce bipartisan legislation to take a time-out and assess the impact these premium hikes will have on homeowners and the flood insurance program as a whole.

The Homeowners Flood Insurance Affordability Act, which we will be announcing in a few minutes, would delay flood insurance premium increases imposed in the Biggert-Waters legislation for most primary residences until FEMA completes an affordability study that I had offered, and proposes a regulatory framework to address the issues found in the study.

This will give current homeowners some breathing room before their flood insurance premiums go up. For prospective homebuyers, the certainty that they will not see their rate dramatically increase simply because they purchased a home is critically important to maintaining property values.

At the end of the day, we look back at the year since the storm struck and remember those who lost their lives and those who came together to help their neighbors rebuild. We remember the efforts of first responders and government and community leaders pulling together.

It is often said that ''the hardest steel must go through the hottest fire,'' and Sandy tested what we were made of.

When we look at this photograph of twisted metal that once was a rollercoaster, we associate it with the destruction of Sandy, but we also associate it with how far we have come and what we have learned. We learned that it is not enough to live in a community, we have to be part of it. We have to remember that citizenship comes with responsibility not just to ourselves, but to each other.

In the face of Sandy—in the aftermath, the tragedy, and the loss—we pulled together as a community. We worked together, helped each other rebuild lives, businesses, homes, our beaches and boardwalks—and, in doing so, we strengthened New Jersey's sense of pride and a belief that we are, in fact, all in this together. It is that spirit, that unity, that has made New Jersey stronger and better than before.

Let me conclude by saying that recovery from any disaster depends on our continuing cooperation within our communities at every level of government. The business of government is people—their lives, their hopes, their dreams of a better life for themselves and their families.

In New Jersey, we proved that—at every level of government—with various agencies working together—we all came together. There can be no tolerance of partisan division when it comes to the future of my State or any State's efforts to help families rebuild from a disaster like Sandy. The storm was extraordinary, but what makes me extraordinarily proud is that New Jerseyans rose to the challenge as they always do.

There is much work left to do. We have learned that recovery from a disaster is not a one-size-fits-all endeavor. Full recovery from Sandy will take more than a village.

But at the end of the day the biggest reason New Jersey has made the progress that it has, and why our State will come back better and stronger than before, is because of the people who live there. It hasn't been easy. But I have never been more proud to represent the people of New Jersey than I have during this last year since Sandy struck.

I have seen the best of who we are and what we can do when we pull together, each of us working for the recovery of all of us. Looking back at the last year, I would say we are all New Jersey proud as well as New Jersey strong.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

FAREWELL TO THE SENATE

Mr. CHIESA. Mr. President, nearly 5 months ago I had the high honor to stand in this historic Chamber, surrounded by my family, and be sworn in as a Member of the Senate. My service as a Senator will soon draw to a close, so I wish to take this opportunity to share with my colleagues a few thoughts before I leave.

I want to begin by thanking Governor Christie for providing me with this incredible opportunity. Our professional relationship, and our friendship, began more than 20 years ago as young lawyers working together in a New Jersey law firm. We had our entire careers ahead of us. If someone had suggested that one day Chris Christie would have been Governor, I would not have been surprised. I would, however, have dismissed out of hand any suggestion that I might someday be the New Jersey attorney general, let alone a Member of the Senate.

To have served here representing the people of New Jersey has to rank as the greatest honor of my professional life. I will always be grateful to Governor Christie for the confidence he has shown in me by appointing me, and I will always be thankful for the wonderful opportunities he has given me, time and again, to serve in public life.

I also thank my colleagues in the Senate from both sides of the aisle who have gone out of their way to make me feel welcome, to help me navigate the sometimes confusing rules and traditions of the Senate, and for assisting me in making the most of my time here.

One thing I did know for certain when I arrived here in June was that I wanted to use my time as effectively as possible. To the extent I have, I have so many of my colleagues to thank. The senior Senator from New Jersey, who will have to break in another new Senator from our State, has been a supportive colleague. I truly appreciate his willingness to assist me in my time in the Senate. I thank the Senator.

The Republican leader has gone above and beyond to give me the opportunity to work and make a difference during my tenure here, and I thank him very much.

I also thank the senior Senator from Delaware and the junior Senator from Oklahoma for agreeing to my request to hold a hearing on human trafficking in the Homeland Security and Government Affairs Committee. Eliminating human trafficking or, more directly, abolishing modern-day slavery has been a priority for me throughout my career in public service. The chairman and ranking member of the committee could not have been more helpful in my efforts to raise awareness of this evil crime, a crime that robs people of their innocence and dignity, taking a terrible toll on our victims and society as a whole.

The junior Senators from New Hampshire and North Dakota, both former attorneys general themselves, stood alongside me in this effort. When I first spoke with them about my desire to hold a hearing, they immediately agreed to work with me to make it work as productively as possible. I am grateful to them for partnering with me and I know they will continue to make this issue a top priority.

I also thank the senior Senator from Arizona for attending and contributing to the hearing on a day when no votes were scheduled and for his strong commitment for righting this terrible wrong. These are important and forceful voices for the victims of human trafficking, and I appreciate their support of my efforts.

I want all of my colleagues to know I will continue to work to abolish this scourge on our Nation and on the entire human family. I hope they will feel free to call on me if I can ever be helpful to them in their efforts, just as I may call on them from time to time.

So many of my colleagues have made this a wonderful experience, and I am proud to call all of them my friends.

I know I looked pretty lost on more than one occasion here, but I always had someone pointing me in the right direction. I am particularly grateful to my good friends from Utah, Wyoming, Tennessee, Ohio, and Illinois, who have repeatedly helped me over the past 5 months both by listening and also providing good advice.

As every Senator knows, the work we do here would not be possible without the work of the people who serve on

our staffs. I have been incredibly fortunate to have an outstanding group of people on my Senate staff—a group that jumped right in with me on very short notice and a group I am so proud to have worked with. They were fully aware that their tenure, like mine, would be short. They interrupted and, in many cases, disrupted their lives to serve with me.

My chief of staff Donna Mullins did an amazing job assembling a talented and dedicated group of professionals to serve both here in Washington and back in New Jersey. Their willingness to do so reflects their commitment to the people of New Jersey, the Senate, and to our Nation. Some of them I have worked with for years, others only for a few short months. All of them have earned my everlasting respect and friendship.

I want to acknowledge each of them by name: Donna Mullins, John Lutz, Tomi-Anne Nolino, Nick DiRocco, Jeannette Larkins, Chip Sinders, Ken Lundberg, Bob Bostock, Ryan Berger, Krista Powers, Tyler Yingling, Marissa Watkins, Michael Rebuck, Chris Mindnich, Taylor Holgate, Nicole Dube, Jamie Rhoades, Michael Pock, and Shante Palmer. They reflect the best of public service, and I will always be thankful to them and the work we have done together.

Of course, the greatest thanks goes to my family. My wife Jenny and our children Al and Hannah have always given me their unconditional love and support. I could not have done this without them. I am lucky to have them.

I was born and raised in New Jersey. It is not just my home State, it is my home in every sense of the word. The honor of representing the people of my State—my friends, my neighbors—is almost beyond description. After all, there could be no greater calling for any citizen than to have the opportunity to represent the people of your State in the highest councils of government. Although the past 5 months have passed very quickly, my deep sense of gratitude for the opportunity to serve will stay with me for the rest of my life.

My experience as a Member of this body has confirmed what I already thought was true—every Member of the Senate is a dedicated public servant. Every Senator is deeply committed to the work they do. Every Senator is here because he or she wants to contribute to the centuries-old work of forming a more perfect union. We do not always agree on how this is best accomplished, but vigorous, respectful debate is critical in a government such as ours.

There is so much talent, so much commitment, and so much love of country here. I urge my colleagues to advance their efforts to find common ground in pursuit of their common purpose, to continue to advance the success of the country we love and secure the blessings of liberty for the people we serve.

Soon there will be a new Senator-elect from New Jersey who will stand where I stood just a few months ago to be sworn in. When he takes his place in this body, he will be joining a long list of dedicated public servants who have served New Jersey—stretching back to the very first Congress. I urge him to continue to work as hard for the people of our State as he did while serving as the mayor of New Jersey's largest city. I know he will always put the people of New Jersey first.

New Jersey's new Senator will have a very long list of priorities waiting for him when he arrives in Washington—all of them important. There is one area that will require his immediate and ongoing focus, and that is New Jersey's continued effort to recover and rebuild from the devastation of Superstorm Sandy, which struck my State a year ago today. Working together New Jerseyans have made incredible progress in coming back from what the storm delivered, but our work continues.

For those who have suffered so much loss, a year seems like an eternity. They must know that until all the damage done by the storm is undone, and until all the work needed to protect our State and its people and their property from future storms like this is completed, we will not rest.

As I prepare to make the transition back to private life, I do so with a deep sense of gratitude to all of those who made my service in the Senate possible, and an even deeper sense of humility for having been given this opportunity.

This has been, for me, a remarkable 5 months. I know I will in the years ahead look back on this time with gratitude and appreciation for the privilege of having served the people of New Jersey and the Senate of the United States of America.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, while Senator CHIESA is still on the floor, I want to take a moment to say to him how much we have enjoyed getting to know him, work with him, and come away with a wonderful—not just a first impression but a lasting impression. Governor Christie did the State of New Jersey well by appointing Senator CHIESA to serve as the interim Senator.

We had a similar experience with losing an elected Senator when JOE BIDEN was elected as Vice President and to the Senate at the same time. He had to choose between being the Senator from Delaware or Vice President. I don't know if he ever regrets it, but he made the choice to be our Vice President, as we know. The Governor of our State appointed Ted Kaufman to serve as the interim Senator for 2 years, and he was subsequently succeeded by CHRIS COONS when Chris was elected a couple of years ago.

We have a tradition of folks who are appointed as interim Senators who turn out to do an extraordinary job. Sometimes I wonder—with tongue in cheek—if maybe that is not a better approach, in some cases, for populating this place with men and women from across the country.

The Senator from New Jersey has been here for 5 tumultuous months, and he has seen the good, the bad, and the ugly—in some cases the very ugly. If we had more people who would bring Senator CHIESA's values and commitment to comity—not comedy with a ''d,'' but comity with a ''t''—communicating, and his willingness to compromise, not on principles but on policy, this would be a better place and a better country.

As the chairman of the Homeland Security and Government Affairs Committee, I say on behalf of TOM COBURN, ranking Republican—and on behalf of those of us who have the privilege to serve on that committee—what a privilege it has been for the Senator from New Jersey to be one of our members.

We are joined on the floor by Senator BARRASSO, and it has been my privilege to serve on the Environment and Public Works Committee with him. As Senator BARRASSO knows, JEFF CHIESA came early and stayed late. He asked great questions and brought forth good issues—including the issue of human trafficking, which has reminded us in extraordinary ways of the terrible situation that is faced by millions of women and children in this country and around the world. That is a gift the Senator from New Jersey has brought to this body, and I think ultimately to our country.

Senator CHIESA is going to leave us now and sail off into the sunrise, and we look forward to having our paths cross many times in the future—maybe even in Delaware on a summer vacation. My friend can bring his wife Jenny and his two kids. He is always welcomed in the first State.

Good luck, God bless, and Godspeed. I thank my friend for serving our country and his State so well.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I wish to add in a bipartisan way my thanks to Senator CHIESA for his service and add to the kind words the Senator from Delaware has spoken of our friend and our colleague.

In Wyoming we talk about the code of the West, and there are 10 parts to that code, but No. 1 is live each day with courage; and No. 2 is take pride in your work. Members on both sides of the aisle have seen that sort of code lived day by day by the Senator from New Jersey who has joined us.

I join my colleague from Delaware in thanking our friend from New Jersey. I say that with great admiration, great appreciation, and deep respect for his time in the Senate, and I know we are going to continue to hear great things from him in the future.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for such time as I may consume.

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

Mr. BAUCUS. Mr. President, Franklin Delano Roosevelt said:

> Our capacity is limited only by our ability to work together. What is needed is the will.

I have just returned from a week at home in Montana traveling from Fort Benton to Billings to Bozeman. I visited with constituents from all across our State. At each one of my meetings, the conversation would touch on the first snow of the season or football and the Bobcats or the Grizzlies. Those are, in this case, football teams. But inevitably every conversation turned to the challenges we face in Washington and the standoff we just had over the country's borrowing limit and funding the government.

People have lost faith in our ability to serve them. They are worried about what the dysfunction means for the future of our country.

For more than 2 weeks, Congress was stuck in a stalemate, unable to agree on a course for our Nation. The political standoff shook America's confidence and threatened the global economy. Thankfully, compromise was able to overcome conflict. Cooler heads finally prevailed. But our Nation didn't emerge from the fight unscathed.

The 16-day government shutdown took a $24 billion bite out of the U.S. economy, according to Standard & Poor's. The rating agency now projects the U.S. economy will only grow at 2.4 percent in the fourth quarter as opposed to the already slow 3 percent predicted prior to the shutdown. That is a staggering self-inflicted wound, and defaulting would have been even worse.

Thankfully, that didn't happen. Leader REID and Minority Leader MCCONNELL were able to find the will and come together to provide a path that averted default. Their bipartisan legislation, passed on October 16, pulled us back from the brink. It created a conference committee to negotiate a budget compromise and it gave the President the power to suspend the debt limit until early February. It also gave Senators an opportunity to object and overturn the suspension using what is called a resolution of disapproval. That is what we are considering today.

I strongly urge my colleagues to reject this resolution. For the good of our economy, it cannot pass. Passing this resolution would plunge this Nation back into the same economic crisis we were facing just a few weeks ago. With economic confidence still suffering from the shutdown, another debt ceiling crisis could drive the Nation—and the world—back into recession. We cannot let that happen. It is time to be responsible leaders. Congress needs to stop governing from one self-created crisis to another.

Tomorrow, the budget conference committee will begin discussions on a plan to resolve the fiscal challenges before us. The conference will be led by Chairman MURRAY and Chairman RYAN. They are smart, hardworking and solutions oriented and I am confident they can craft a compromise.

I began my remarks with a quote from President Roosevelt and I will close with another. Roosevelt once said:

> The great test for us in our time is whether all the groups of our people are willing to work together for continuing progress.

Today, we face our test. Can we work together for continuing progress?

I strongly urge Members of the Senate to reject the resolution before us. It is a step backward, a return to shutdowns and showdowns. Enough is enough. Instead, we must find the will to work together for progress, for the good of our economy and the good of our country.

Thank you. I yield the floor.

● Mr. INHOFE. Mr. President, earlier this month, I expressed my opposition to S. 1569, which allowed our debt limit to increase through February 7, 2014. Today, the Senate considers S.J. Res. 26, which would reject the suspension in the debt limit and immediately halt any new debt issuances by the United States. I support this resolution.

My position remains unchanged from earlier this month. Our national debt is topping $17 trillion and has nearly doubled since the beginning of the Obama administration. If we allow the Nation to continue on its current path, it will only lead to economic destruction. Allowing the debt to continue increasing without any commonsense solutions to rein in the federal government would be irresponsible and reckless.

The recent increase in the debt limit is President Obama's sixth since coming to office. In that time, no significant action has been taken to reduce the long term trajectory of the debt. If we continue to do nothing to rein in spending, the national debt will skyrocket to $25 trillion in the next decade. Even the President agrees with these numbers. We cannot allow this to happen, which is why I support the resolution prohibiting a continued suspension of the debt limit.●

RECESS

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

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

DISAPPROVING OF THE PRESIDENT'S EXERCISE OF AUTHORITY TO SUSPEND THE DEBT LIMIT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to the motion to proceed to S.J. Res. 26.

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—45

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

NAYS—54

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

NOT VOTING—1

Inhofe

The motion was rejected.

EXECUTIVE SESSION

NOMINATION OF RICHARD F. GRIFFIN, JR., TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD

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

The assistant legislative clerk read the nomination of Richard F. Griffin, Jr., of the District of Columbia, to be General Counsel of the National Labor Relations Board.

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

Who yields time? The Senator from Iowa.

Mr. HARKIN. Madam President, we are getting ready to vote to end debate.

This is a cloture vote on the nomination of Richard Griffin to serve as general counsel of the National Labor Relations Board. As I stated yesterday, this is an important role for making sure the NLRB can do its job.

This summer, as we know, we voted to fill the Board with the requisite number of Republicans and Democrats on the Board. I thought that was a good vote. This is the one left over; that is, the general counsel position. Mr. Griffin is very well qualified. He has been thoroughly vetted.

I have received absolutely not one objection to his qualifications or his background. He has had 30 years' experience as a labor lawyer and he deserves strong bipartisan support. I urge my colleagues to vote for cloture so we can get to the vote later today.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I am not going to vote to confirm Mr. Griffin because I think his nomination to be general counsel to the Board does not do anything to keep it from moving toward advocacy instead of being an umpire. But I do think it is time to close the debate and have an up-or-down vote. I am going to vote yes on cloture.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Richard F. Griffin, Jr., of the District of Columbia, to be General Counsel of the National Labor Relations Board.

Harry Reid, Brian Schatz, Barbara Boxer, Carl Levin, Bill Nelson, Jeff Merkley, Robert P. Casey, Jr., Debbie Stabenow, Mark R. Warner, Tammy Baldwin, Jeanne Shaheen, Kirsten E. Gillibrand, Mark Udall, Tom Udall, Michael F. Bennet, Amy Klobuchar, Elizabeth Warren, Ron Wyden.

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 Richard F. Griffin, Jr., of the District of Columbia to be General Counsel of the National Labor Relations Board 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. CORNYN. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

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

The yeas and nays resulted—yeas 62, nays 37, as follows:

[Rollcall Vote No. 221 Ex.]

YEAS—62

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

NAYS—37

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

NOT VOTING—1

Inhofe

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Pursuant to Senate Resolution 15 of the 113th Congress, there will now be 8 hours of debate on the nomination equally divided in the usual form.

The Republican whip.

Mr. CORNYN. Mr. President, in the aftermath of the battle over the continuing resolution and the debt ceiling, I am sure I am not alone in hearing from my constituents they are hoping that Democrats and Republicans can now work together on some of the most important and chronic problems that challenge our country. But instead of doing that, my friends across the aisle have taken this opportunity to engage in what can only be described as a power grab that will result in even more polarization and partisan acrimony here in Washington.

What I am talking about specifically is the effort of the President and Democratic leadership to pack the District of Columbia Court of Appeals. For those who may not follow the Federal court system, America has 13 different Federal appellate courts, but the DC court stands out as the most powerful in the country. Some have called it the second most important court in the Nation because it has jurisdiction over a variety of regulatory and constitutional matters. Whether it relates to Dodd-Frank in financial services, to ObamaCare and its implementation, or to national security matters, all of those types of cases get heard in the DC Circuit Court. No other appellate court in the Nation wields such vast influence over hot-button issues, ranging, as I said, from health care to the Environmental Protection Agency and its activities, which I know are as important to the Presiding Officer as they are to me, as well as gun rights and the war on terrorism.

President Obama argues the DC Circuit Court needs three more judges in order to get its work done, but the facts simply don't bear that out. That is not true. For example, between 2005 and 2013, the DC Circuit's total number of written decisions per active judge actually went down by 27 percent. The number of appeals filed with the court fell by 18 percent. So instead of having more work to do, it has less work to do than it did in 2005.

As one commentator has observed: The DC Circuit already has the lowest caseload in the Nation and, if anything, trends show their workload is decreasing—decreasing, going down—not up.

Indeed, one DC Circuit Court judge recently told the senior Senator from Iowa that if any more judges were added now, there wouldn't be enough work to go around. So one might wonder why then the President and Senator REID would want to pack the DC Circuit Court with three additional judges if there is not enough work to go around today.

Let me also note the DC Circuit Court has a unique record in that it actually took 4 months off between May and September of this year. That is hardly the record of a court that has too much work to do and simply can't get it done.

Meanwhile, there are courts across our country, both appellate courts and district courts, that are overburdened. Some of these courts are labeled as judicial emergencies because they simply have such a heavy caseload they can't get the work done. Why wouldn't we want to allocate more judicial resources, more help, to those courts that need the help rather than to pack the DC Circuit Court with judges it simply doesn't need?

Don't just take my word for it. Prominent Democratic leaders have actually made no secret of what is happening here. One might wonder what the rationale is, if there is not enough work to do. Why would Senator REID and other Democratic leaders want to add new judges to a court that doesn't have enough work to do? Well, back in March, the senior Senator from New York, Senator SCHUMER, said the following of the DC circuit judges:

Here's what they have done in the last year: They have overturned the EPA's ability to regulate existing coal plants . . . They have rendered the SEC impotent by saying that the SEC can't pass rulings unless they do what is called a cost-benefit analysis . . . They have ruled that recess appointments couldn't be taken into account.

Senator SCHUMER also said:

We will fill up the DC circuit one way or another.

Well, I disagree with Senator SCHUMER's characterization on some of these cases, but it is true the DC Circuit Court has a unique role in American jurisprudence in deciding some

very important cases for the entire country. There are administrative agencies that are part of the executive branch, and when they make decisions—whether it relates to financial services, the Environmental Protection Agency, Health and Human Services, or any administrative agency—those decisions typically get decided and reviewed by the DC Circuit Court of Appeals.

More recently, the majority leader put it this way when he said:

> We're focusing very intently on the DC Circuit. We need at least one more. There's three vacancies. We need at least one more and that will switch the majority.

So this isn't about the efficient administration of impartial justice. This is about stacking the court by changing the majority. That was a quote from the majority leader of the Senate. So there is no mystery about what is going on here. The majority leader and his allies are attempting to pack the court with judges who will rubberstamp their big-government agenda.

The majority leader is also threatening to use the nuclear option again unless Senate Republicans simply snap to attention and salute smartly. Well, that is not going to happen. In simple terms, Democrats are prepared to violate the Senate's own rules to help flip the DC circuit in favor of the Obama administration's aggressive administrative overreach. If these tactics succeed, the Senate will be weakened as an institution and the Nation's second highest court will be transformed into a far-left ideological body.

But I will remind my colleagues that what goes around comes around in the Senate. When Republicans control the Senate and we have a Republican in the White House, I warn my colleagues the same rules they put into effect with the nuclear option will be used to their disadvantage then. We shouldn't do it. We shouldn't go there.

But it is clear what the motivation is. Again, this is not about the efficient administration of impartial justice. This is about getting your way and getting a rubberstamp on the actions of regulatory overreach that are far too common here in Washington, DC.

It is true the DC Circuit Court has ruled against the Obama administration and its regulatory agencies, but it is also true they have affirmed many of the most important and far-reaching decisions of the Obama administration's regulatory agencies. One example where it ruled against the administration is in 2011, when it struck down the ''proxy access'' rule of the Securities and Exchange Commission by declaring the agency failed to conduct a cost-benefit analysis required by law before adopting the regulation.

I don't know about anyone else, but I wish the government would do more cost-benefit analyses, not less, and so I am glad the DC Circuit Court struck down that rule because of the failure of the Securities and Exchange Commission to conduct a cost-benefit analysis.

In another example last year, the court vacated the cross-State air pollution rule of the Environmental Protection Agency, noting it would ''impose massive emissions reduction requirements'' on certain States ''without regard to the limits set by the statutory text.''

In other words, they acted beyond their congressional authorization. This was also an example, in Texas—Texas got swept into this cross-State air pollution rule without even an opportunity to be heard and to offer competing analyses of the models the Environmental Protection Agency used. No matter how committed we all are to clean air, we should not sanction an administrative agency run amok, doing what is not authorized by the statutory text.

The DC Circuit has also rejected as unconstitutional a pair of appointments the President made to the National Labor Relations Board. Talk about overreach. This is where the President tried to trump the confirmation powers of the U.S. Senate in the Constitution—the power of advice and consent, it is called—by making unconstitutional so-called recess appointments. The DC Circuit called him on it and held that it was unconstitutional.

More recently, the court held that the President's Nuclear Regulatory Commission was simply flouting the law. Do we not want a court to call the President when administrative agencies are simply flouting the law if we are a nation of laws? In this case, they flouted the law by delaying a decision on whether to use Yucca Mountain as a nuclear waste repository.

These were all commonsense decisions, and you can probably tell from my comments that I think they were well grounded in the law and the facts and I agree with the decision. In that case, they all went against the Obama administration's preferred position, but it is true that the DC Circuit has also ruled in favor of the administration's position in a number of cases. Again, here is an EPA decision. Since 2012, Jeremy Jacobs reports, the Agency has won 60 percent of the cases that have been reviewed by the DC Circuit Court of Appeals. In 60 percent of the lawsuits where the Environmental Protection Agency has been taken to court for exceeding its authority, 60 percent of the time the EPA position has prevailed. That is a better performance than the EPA had at the circuit during George W. Bush's administration. In particular, the EPA has scored landmark victories related to greenhouse gas regulations, ethanol-blended gasoline, and mountaintop-removal coal mining. But beyond energy and environmental issues, the DC Circuit Court has upheld President Obama's Executive order regarding embryonic stem cell research on two separate occasions, in 2011 and 2012.

Again, these are not my preferred outcomes, but I think they demonstrate that the DC Circuit Court has learned to strike a balance and certainly is not pro-administration or anti-administration. It epitomizes what a court should be, which is an impartial administrator of justice. Again, this same court upheld the Affordable Care Act in 2011, ruling that the individual health insurance mandate was constitutional under the commerce clause. We know what happened when it got to the U.S. Supreme Court. They had a different view.

It demonstrates the kind of judicial restraint that the current DC court, balanced as it is with four nominees by a Republican President and four nominees by a Democratic President—how it has administered evenhanded justice, which would be destroyed if the President is successful and if Senator REID is successful in packing this court with three more of their liberal allies. As I said, this court is currently split right down the middle. Four of the active judges were appointed by a Republican President and four were appointed by a Democratic President. Yet it is clear that the DC Circuit Court is in the crosshairs of the majority leader and his Democratic allies, including the President, because they want to tilt the court in their direction—a more liberal, bigger government direction, one that is more deferential to administrative agencies, such as the Environmental Protection Agency and other agencies that refuse to take into account a cost-benefit analysis, which we ought to have more of, not less.

The truth is that there is an answer to this standoff in terms of the court-packing President Obama and Senator REID are attempting. There actually is a way to reallocate these unneeded seats from the DC Circuit Court of Appeals to other courts that actually need the judges, unlike this court that has the lightest caseload of any circuit court in the Nation.

Senator GRASSLEY, the senior Senator from Iowa, has offered a reasonable compromise which would allow several of President Obama's appellate nominees to be approved for district courts or courts of appeals where they are actually needed. In other words, President Obama would still get to pick them; he would just have to pick them for courts where they would actually have enough work to do and where they are needed.

Again, based on current caseloads, the DC Circuit Court does not need new judges, but other appellate courts really do. I would think that during a time when judgeships are constrained after the Budget Control Act, when discretionary spending is down, and when the courts need more resources allocated, we would want to allocate the resources to courts and to jurisdictions where they are actually needed, not to places where they are not needed.

For all these reasons and more, I hope Members of both parties will agree that the reasonable way to do it would be to pass the Grassley bill, the Grassley compromise to reallocate

these judges to the places where they are really needed and to prevent the stacking of this court and this reckless power grab.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

SUPERSTORM SANDY

Mr. BLUMENTHAL. Mr. President, I rise today in recognition of the 1-year anniversary of Superstorm Sandy's landfall in the Northeast and the destruction it brought on a ruinous path through Connecticut, New York, New Jersey, and Rhode Island. I will be joined today on the floor—and I ask unanimous consent that we be permitted to engage in a colloquy—by my colleague from New York, Senator SCHUMER, and from Rhode Island, Senator WHITEHOUSE, if there is no objection.

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

Mr. BLUMENTHAL. Mr. President, I can scarcely capture in words the awesome, monstrous power of this storm as it hit the Northeast as I traveled there. I was near the coastline of Connecticut, traveling some of the roads in the midst of this storm as it ripped through my State, tearing apart communities along the coast, destroying homes and businesses, displacing families, and forever altering the shoreline itself. Anybody who questions the power of nature at its most destructive should have seen this storm as it unfolded and the damage it left in its wake—in fact, in Connecticut, $770 million in damages.

What I remember from touring Connecticut is not only the size and magnitude of the destruction but also the resilience and strength of Connecticut's people as they struggled through the pain and anguish of coping with this devastation, wondering how they would ever rebuild. In fact, they have rebuilt with the courage and relentless strength and fortitude that have so marked the character of Connecticut and New England and New York as they rallied around one another and exhibited that sense of optimism and hope. It was as important as any material resources that were brought to bear. They rallied around each other with gratitude and with hope because they had each other, and they have succeeded in clearing the debris, reconstructing, rebuilding in a way that is inspiring.

I only wish Congress's response was as effective and courageous as that of the citizens of Connecticut that I viewed in the storm's aftermath. The Senate was slow to act, but it was before the House in passing the $60 billion recovery package for the Northeast. The effort was stalled in the House, quite bluntly, with bipartisan politics of the worst kind and trivial obstruction.

There are lessons to be learned. No. 1 is that partisanship and politics should have no role in our response to disasters, whether in Oklahoma or Colorado or Louisiana or the Northeast. We are all in this effort together when disaster strikes. We should rally around each other as the people of Connecticut rallied.

Our response has to be quicker, smarter, stronger than it was in this institution. We owe it to ourselves as well as to the people who suffered the financial and emotional loss. For many of them, there were physical injuries as a result of this natural disaster.

Those two lessons are reinforced by a third, which is that these superstorms have become a new normal. We can no longer regard the once-in-a-century storm as once every hundred years. They are coming once every year because climate disruption is increasing their frequency and force in a way that is awesome and alarming and astonishing. So another lesson is that there has to be preparation to prevent damage and to mitigate the effects of these storms when they strike, and the investments—and they are investments—have to be smart and strong, with means such as storm barriers, breakers, better shoreline resilience.

Eventually, the Federal Government provided aid, and Connecticut has put to good use the $200 million that was distributed through the National Flood Insurance Program to homeowners and business owners. Cities and towns around my State have used $42 million in FEMA assistance, and more than $10 million has gone toward health services and facilities. As our Governor announced yesterday, an additional $65 million has been granted to the State to supplement the initial $72 million from the Department of Housing and Urban Development in the form of community development block grants for disaster relief. These new Federal dollars are critical to the effort of rebuilding, and I will continue to fight not only for additional funds but also against the bureaucratic logjams and redtape that have prevented so many from receiving more timely aid.

This aid has come too slowly, it has been too small, and it has been behind the efforts—in time and strength—of the people of Connecticut. I will continue to fight for increased aid, including from the $100 million that was announced yesterday and today—today's announcement of the U.S. Department of Interior of $100 million in the coastline resiliency project. I will support all qualified applicants from Connecticut securing some of this competitive funding. We will fight for a fair allocation of this money to benefit the important work Connecticut is doing to strengthen our coastline so that we can prevent and reduce the effects of these storms in the future.

I had the privilege to travel the State as a leader of a listening tour for the Hurricane Sandy Rebuilding Task Force this past May, just over the half-year mark from the time Sandy hit.

The progress made with this help from the Federal Government, combined with the good will, drive, and sense of responsibility toward one another—exemplified by the people of Connecticut—has been remarkable. We must resolve to do better at the Federal level, and I hope that not only the storm itself but the shortcomings of the relief effort will be a teaching moment for the Nation.

The evidence is irrefutable that climate disruption is impacting our oceans and atmosphere and leading to an increasing number of severe weather storm events across the country that we cannot control. We will see more of such monstrous storms here and in other parts of the country.

I thank my colleagues, Senator WHITEHOUSE and Senator SCHUMER, who have been strong and steadfast leaders in this effort to recognize the effects of climate disruption and prepare for them.

Connecticut is in the process of upgrading our infrastructure to strengthen our resiliency among the most vulnerable communities. We are investing in microgrids, often powered by hydrogen fuel cells manufactured in our State, to provide backup power for hospitals and senior communities in towns such as Preston and Franklin, which I visited in the aftermath of the storm.

In Milford, residents are using HUD funding to elevate their homes so they can guard against these storm surges. Other coastal towns are employing green infrastructure with marsh grass to slow surging waters during storms.

In Stamford, CT, my hometown, the city is using Federal aid to upgrade a 17-foot hurricane barrier by replacing manual pumps to ensure against damage to the city's communities in future storms. I visited the shoreline of Stamford, as I did up and down the coast of Connecticut, and I have since, to see how Connecticut is learning these lessons so we can reduce dollar costs as well as human costs. The improvements taking place across Connecticut speak volumes to our strength of will and mind and the determined character of our people in Connecticut.

I express appreciation to colleagues, such as Senators SCHUMER and WHITEHOUSE and others in this body, who helped us in a time of need. They came forth to provide encouragement and support. They assured the people of Connecticut that they are not alone.

No one in the United States—whether it is in the Presiding Officer's State of West Virginia or in the western most part of Hawaii—should be alone after being struck by a natural disaster. We need to rally together.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Before I join the colloquy with Senators BLUMENTHAL and SCHUMER, I have two bits of housekeeping.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that at 5 p.m. today all postcloture time on the Griffin nomination be yielded back, and

the Senate proceed to vote without intervening action or debate; 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; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, this is my 48th trip to the floor to remind Congress that it is time to wake up to the threat of climate change.

I am joined by Senators BLUMENTHAL and SCHUMER because 1 year ago today Hurricane Sandy struck our States with frightening force. Now, a year later, communities across the Northeast have dug out and are rebuilding, but Sandy left a permanent mark on our coasts and on our consciousness.

To be sure, we cannot say that this devastating storm was specifically caused by climate change. However, Sandy showed the many ways we are vulnerable to the undeniable effects of climate change, such as rising sea levels and warming oceans—effects that can in turn load the dice for more damaging storms.

As evening fell on October 29, 2012, a storm surge from the largest Atlantic hurricane ever recorded swept against Rhode Island's shores about 5 feet above mean sea level. A few hours later, waters peaked around New York City—about 9 feet above mean sea level. A harrowing night followed for victims of Hurricane Sandy. It was a night that took more than 150 lives and caused $65 billion in physical damage and economic loss.

Hurricane Sandy, or Superstorm Sandy as many remember it, hit 24 States with direct effects. Floodwaters invaded homes and swept out roads. High winds knocked out power to 8.5 million homes and businesses, cutting a swath of darkness that could be seen from space. An entire New York neighborhood was gutted by fires that emergency personnel could not reach through the storm.

Sandy flooded nearly the entire coastline with beaches and dunes driven down by the waves and wind. Displaced sand and stone covered roads like here on Atlantic Avenue in Misqaumicut, RI. Houses were swept off their foundations in Rhode Island's southern coast communities like Matunuck, shown in this photo. Here we see Governor Lincoln Chafee, a former Member of this body, surveying the damage to these homes.

President Obama granted Governor Chafee's request for a Federal disaster declaration covering four of Rhode Island's five counties. More than 130,000 Rhode Islanders lost power. Eight cities and towns implemented evacuation actions. Nearly one-third of all Rhode Islanders were directly affected one way or another. In a close-knit State such as ours, nearly everyone was touched by Sandy.

Rhode Islanders are resilient and we are recovering. Over $30 million has been paid out to Rhode Islanders for more than 1,000 Federal flood insurance claims. FEMA has approved more than 260 projects for reimbursement. Over $12 million has been put to repairing our State's parks, wildlife refuges, and historic sites. Individuals and families received more than $423,000 in grants to meet their immediate basic needs for housing and other essential disaster-related expenses.

The Federal Government will always play a central role for communities such as ours, picking up after a disaster like Sandy. So it would make sense for the Federal Government to learn from these events and be smart as we plan for future risks.

The Government Accountability Office recently reported on the risks to U.S. infrastructure posed by climate change. Roads, bridges, and water systems are designed to operate for 50 to 100 years. Well, 50 to 100 years from now, our climate and our coastline will be very different. Sandy threw at Rhode Island's shores Atlantic seas that had risen almost 10 inches since the 1930s, against a shoreline that had already retreated more than 100 feet in some locations. As climate change progresses, more and more infrastructure will be exposed to more and more risk.

Earlier this year GAO added to its High Risk List the United States financial exposure to climate change. GAO, our congressional watchdog, now warns that it is fiscally irresponsible to ignore the signs of climate change. The President's Hurricane Sandy Rebuilding Task Force, and his Climate Action Plan, both call for adaptation to this risk from climate change—particularly for better coastal resiliency and preparedness.

Here is an example of doing it right. When hurricane Katrina hit the I–10 Twin Span Bridge that crosses Lake Pontchartrain near New Orleans, it twisted and toppled the bridge's 255-ton concrete bridge spans off their piers and into the lake. The bridge was rebuilt by using Federal Highway Administration funding, but they built it stronger, better engineered, and in some sections they built it more than 20 feet higher.

It makes sense to make sure that our agencies repair American infrastructure to the commonsense standard that it is ready for future risks. Rebuilding to the specs that failed is not common sense. Being deliberately stupid in order to deny climate change is a losing proposition.

Congress can do something smart right now. We could pass the Water Resources and Development Act with the resiliency and restoration provisions that were in the Senate-passed bipartisan bill. Congress could support the President's Climate Action Plan, using our wise Earth's natural protections for our coastal infrastructure.

Of course, even robust climate adaptation won't let us off the hook in some places. New England can build levees and dams to hold the waters back, but the vast low areas of southeastern Florida are porous limestone. Even if you built a giant dike, the water would just seep in through the underlying limestone.

A study last year found that 3 feet of sea level rise, which is what we presently expect, will hit more than 1.5 million Floridians, and nearly 900,000 Florida homes—almost double the effect on any other State in the Nation. So Florida should want to prevent as much climate as possible, and that means cutting carbon pollution.

Ultimately, for the open market to work, we need to include the full cost of carbon pollution in the price of fossil fuels. Anything less is a subsidy to polluters. What Florida should want is for Congress to enact a carbon pollution fee to correct the market, and then return that fee to American families.

Ultimately, inaction is irresponsible, and Americans get it. Eighty-two percent of Americans believe we should start preparing now for rising sea levels and severe storms from climate change.

Young Americans, in particular, see through the phony climate denial message. Three-quarters of independent young voters and more than half of Republican young voters would describe climate deniers as ''ignorant,'' ''out of touch,'' or ''crazy.'' Let me repeat that. The majority of Republican voters under 35 would describe climate deniers as ''crazy,'' ''ignorant,'' or ''out of touch.'' Continuing the climate denial strategy is not a winning proposition for our friends on the other side. Even their own young voters see through it.

Congress should wake up to the alarms that are ringing in nature and to the voices of the American people. One of the loudest alarm gongs was Hurricane Sandy. Voltaire said: ''Men argue, nature acts.'' Well, nature acted, driving epic winds and seas against our shores, and she will continue to act if we continue to tip her careful balances with reckless carbon pollution and shameless subsidies to the big polluters.

We need to wake up as a Congress and take responsible action to protect our homes and communities. We need to remember Sandy and learn her lessons.

I yield the floor for my distinguished colleague from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague, the Senator from Rhode Island, for calling Senator BLUMENTHAL and me and others together and for taking action on climate change. There has been no one in this body who has done more to sound the alarm about climate change.

I have enjoyed his regular ''time to wake up'' speeches. I guess this is number 49—excuse me, 48. One of them was

so good I read it twice. He has been relentless on this issue in a positive, articulate, and superb way.

There could not be a better day to talk about climate change than today because we are at the 1-year anniversary of Superstorm Sandy. Senators WHITEHOUSE and BLUMENTHAL and I remember it vividly. We each visited our communities on the days afterwards and saw the terrible blow that Sandy delivered to New York and the whole east coast. It created such damage and upheaval to communities and lives. Sandy was a horrible event, but the one silver lining in this large awful cloud is that people take climate change more seriously. I think most Americans agreed that climate change is real, but there was not a sense of urgency about climate change pre-Sandy. People said, well, it is happening 25 years from now or 50 years from now. Unlike Senator WHITEHOUSE, who has a sense of passion and a sense of urgency daily and immediately about this, most people said we can let things wait.

Unfortunately, despite the efforts of the Senator from Rhode Island and others, our bodies are not doing enough on climate change. But when Sandy occurred, a sea change occurred. Americans understood—those of us in the Northeast probably more than anybody else—that we cannot afford to wait. It took 10 years to get the American people to accept the fact that climate change is real. It took one storm to get them to understand that we had to move immediately.

Sandy was awful. In the days after the storm, I toured places such as the Rockaways and Long Beach, Staten Island, Lindenhurst. Whole neighborhoods were leveled and thousands of New Yorkers were homeless. To see an elderly gentleman, Mr. Romano, sitting in front of his lot in Great South Bay in Lindenhurst, his house totally destroyed, sitting in one of his few possessions left, a little lawn chair, was devastating. I asked Mr. Romano: Are you going to move?

He said: Look at the view.

Two days after Sandy, the skies were peaceful, the Sun was beautiful, and it was reflected off of Great South Bay. He said: Every year I have had 364 good days and 1 bad day. I am not moving.

That story can be repeated, but the devastation was real. To drive down the streets in the Rockaways or the streets of Long Beach or of Staten Island, the South Shore of Staten Island, and see house after house with piles in front of the houses of not just furniture, although that was a problem—we all have our favorite chair, a favorite place to sit. But people's lives were out there: heirlooms that had been in the family for generations, pictures and albums gone, like that.

This is an example of one of the places hurt the worst: Breezy Point, a hardy community of cops, firefighters, teachers, EMT workers; the heart of New York City's middle class. They are the very same people—many did from Breezy Point—who rushed the towers on 9/11, and some lost their lives. They were the people who were devastated here. A fire erupted, 120 houses—it looked like Dresden after the bombings in World War II—and all that was left was this religious shrine. I will never forget that scene and having the local firefighters showing me what had happened.

Of course, our local infrastructure was terribly damaged as well. Here we have the R train, which Secretary Fox and I just announced is going to be up and ready in 1 year. The tunnel had millions of gallons of water—brackish water, salty water—that not only ruined the infrastructure of the tunnels, but the signals that depended on electric functioning—gone. These scenes are repeated over and over.

What Sandy did is make climate change real to New Yorkers in a horrible way. The same is now happening across the country. So what Sandy did was not alert us to the fact that climate change exists but alerted us that it was a call to action. While climate scientists try to avoid blaming any single weather event on climate change, we know that a warming planet can load the dice for more frequent and extreme storms. As sure as we all are sitting here, there will be other storms, unfortunately, and God forbid but in all likelihood, of Sandy's devastation that will affect different parts of the country. As I and others have said in the days after Sandy, we have had far too many events over the past 3 years in New York, including Irene, Lee, and then Sandy, to think we can ignore the impact of a warming planet and the impact that is having on our communities.

Even if one denies the scientific reality of climate change, there is little dispute over the stark challenge facing our country. The weather is more dangerous than ever and threatens our economy. According to recent polling, Americans now support taking action on climate change to protect our children and grandchildren.

So we need to do two things at once. We need to decrease our reliance on fossil fuels to slow down the warming of the planet, and we have to start investing in real climate adaptation projects in the most vulnerable parts of the country.

My colleague from Rhode Island talked about the devastation in Florida. He is right. The Florida delegation should be up in arms. I know some of our colleagues—they tend to be on this side of the aisle—are, but we hear silence from the other side of the aisle on climate change. In just a generation, a good percentage of Florida will be out of commission. Miami, one of the largest cities in the country, is virtually unprotected when it comes to climate change.

So we have to do both of these things. One year after Sandy, I am pleased we have made some progress.

First, the Hurricane Sandy relief law we passed earlier this year provided an injection of billions of dollars into mitigation for the east coast. When we rebuild this subway line, the signals are going to be higher up so if, God forbid, there is another flood, they will not be out of commission. At the entrances to the various tunnels—hundreds of thousands of people take these every week—there will be gates or a certain kind of airbag that can instantaneously prevent the tunnel from being flooded. We are elevating homes and building new floodwalls and dunes to prevent damage from the next Sandy.

So one thing we are doing is mitigation. Those of us—Senator WHITEHOUSE, Senator BLUMENTHAL, and others from New Jersey and Maryland and Pennsylvania and Delaware and New York and Connecticut, Massachusetts and Rhode Island delegations made sure in this legislation there is ample money for mitigation, so that if or when, God forbid, another storm such as Sandy occurs, we will be better protected.

Second, the President took a bold and important step in releasing his climate action plan, a critical blueprint for reducing carbon pollution. The plan also lays out a framework for implementing new mitigation plans for Federal, State, and local governments by tying Federal funding to new standards on climate adaptation. We now know a simple economic truth from many years of investing in mitigation projects: They save money. According to research, for every $1 we invest in mitigation, we save $4 down the road because of what will be protected and taxpayers will not have to shell out the same dollars again and again and again.

So it doesn't matter what side of the climate change debate one is on when it comes to investing in mitigation. Being promitigation makes good fiscal sense for the Federal Government.

A recent study found that Federal taxpayers spent $136 billion on disaster relief in just the 3 years of 2011, 2012, and 2013—$400 per household. The only way we can shrink this burden for the American people over time is to make critical mitigation investments at the same time we fight climate change by cutting carbon pollution.

I wish to specifically mention one piece of legislation which my colleague from Rhode Island also mentioned. He is on the EPW Committee and he has championed it with many of our colleagues. WRDA, the bipartisan Water Resources Development Act, got 83 votes in the Senate and will be a real boost for investment in climate adaptation.

In this bill, there is a new program called WIFIA. The very successful TIFIA Program which, for instance, without the local taxpayers spending a nickel, will bring our subway system all the way over to the far west side. I look forward to opening it with the mayor soon. Modeled on that program is WIFIA. It helps local governments

invest in mitigation projects by providing low-interest loans and a new banking design to attract private investment into these projects.

There are also new authorities that will allow the Army Corps to expedite and prioritize hurricane protection studies and project recommendations. I thank my colleagues, led by Senator BOXER, of the EPW Committee for working with us to draft some of this language.

These new policies are very important for New York and the States affected by Sandy. I urge our colleagues in the House to work with us to include these items in the WRDA conference.

We need to use the tragedy of Sandy to learn how to make our cities and towns stronger for the next storm. We know it is coming. We have to work at the local level in terms of mitigation. We have to work at the macro level to reduce the amount of carbon that has poured into our atmosphere that will just devastate the planet if we continue to sit on our hands.

I will close my remarks by borrowing a simple refrain from my friend from Rhode Island. As his poster says, it is time to wake up. Superstorm Sandy was New York's wake-up call. Let's honor the thousands of victims of that event by investing in our future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, before I depart the floor, and while Senator SCHUMER and Senator BLUMENTHAL are still here, I wish to add a point that is a personal observation of mine as a Senator; that is, first the Senator from New York is widely and properly regarded as one of the more formidable presences in the Senate. Having witnessed the difficulties that Senator BLUMENTHAL discussed at getting the Sandy disaster relief out and done, I will say we learned Senator SCHUMER has an even higher gear when it comes to the urgent needs of his home State and of his coast. When his New York City lies battered and drowned by storm, the work that he did to make sure a reluctant House passed this relief for us was an exercise in legislative craftsmanship and personal vigor that many of us will long remember.

Of course, I have seen Senator BLUMENTHAL fighting for his people in Connecticut, both after Hurricane Sandy and, of course, after the terrible tragedy that Connecticut experienced when a crazed gunman went into an elementary school and began to murder its children. So Senator BLUMENTHAL, in responding to those cares, concerns, and crises of his home State of Connecticut, has been truly exemplary. It has been a privilege for me as a Senator to see these two Senators in action in their causes I just mentioned.

Mr. SCHUMER. Mr. President, will the Senator yield?

Mr. WHITEHOUSE. I yield the floor.

Mr. SCHUMER. I am sure Senator BLUMENTHAL joins me. I wish to say to my dear friend from Rhode Island—and he truly is a dear friend—that his generosity of word and spirit is only equaled by his intelligence, his diligence, and his foresightedness, not only on this issue but on so many other issues on which we are working. In fact, we are going to make a call in a few minutes—he and I and a few of our colleagues and I think Senator BLUMENTHAL as well—to talk about another of his issues. He is just such an intelligent thinker, and he is thinking ahead of the curve on climate change. But delivery system reform in health care is another issue on which the Senator from Rhode Island has taken leadership.

So I thank him for his kind words and just say ''right back at you, baby.''

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank both of my colleagues. I am not sure I can match their eloquence in describing their gifts and their contributions on this issue and so many others, but I hope they and others will join me in meeting with the present Sandy task force in seeking to remedy or correct perhaps some of the logjams and redtape and deficiencies in process that led the people of our States to wait for so long before they saw relief in practical terms.

I thank them for their eloquence today and for their truly formidable contribution on the issue of climate change and global warming and to thank them also for the very powerful contributions they have made on the response to Superstorm Sandy that affected so many people in Connecticut.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

BUDGET CONFERENCE

Mr. PORTMAN. Mr. President, I rise to talk about an opportunity—actually something good that this body could do for the American people and for our economy and for the taxpayers. Tomorrow, the Senate budget conference that was established as part of this recent agreement that was made over reopening the government and extending the debt limit will meet. This will be the first public meeting of the group. We have had some other meetings, including the one I just had with some of the Members of that group, but this is the first opportunity for us to meet as House Members and Senate Members, Republicans and Democrats, in this budget conference, and it could not come soon enough.

The opportunity we have with this group is that in the wake of what happened at the beginning of this month—which was, again, a government shutdown and then a debt limit debate and then pushing right up against the debt limit—the opportunity we have now is to finally deal with this issue of government shutdowns and to deal with the underlying problem of overspending that forces us to extend the debt limit time and time again.

So let's start with government shutdowns.

The agreement opened the government for 3 months. That is right. In January, we once again come to this cliff where the government shuts down unless we act. So Merry Christmas and Happy New Year everybody. In January we hit this again.

It does not have to be that way. Earlier this year I introduced, with Senator TESTER from Montana, bipartisan legislation that would have prevented the last shutdown and would prevent all shutdowns in the future. It is called, appropriately, the End Government Shutdowns Act. It is pretty simple, and it addresses several critical issues we saw firsthand during this last shutdown.

It would end the chaos we saw on Federal services and citizens who depend on them. It would give government agencies the predictability they need to plan their budgets based on these appropriations levels. It would add certainty to the economy, and more certainty in the economy is certainly needed right now as we try to bring back the jobs. It would also take away the pressure for these haphazard, last-minute budget deals, which inevitably have stuck in them little provisions that nobody finds out about because they are all done at the last minute to avoid a government shutdown.

Here is how this would work: When we do not have spending bills agreed to by the time the fiscal year comes to an end—and that would be October 1—then the spending continues just as it was the previous year. So it is the same level of spending, except that automatically it would begin to reduce spending after 120 days and 90 days. So Congress would have 120 days to come together and figure out a budget. That is the carrot. The stick is that after 120 days the spending would be ratcheted down 1 percent and then again every 90 days another 1 percent.

I think it has become painfully obvious that Congress needs encouragement to get its work done, and this certainly would be encouragement. By the same token, we would not have these government shutdowns. That gradual decline in spending, by the way, would treat all spending equally. So all discretionary spending would be treated the same way—no exceptions for liberal spending priorities or conservative spending priorities. It would be the same for everybody. Both sides of Congress would feel the pain, and both sides then might be more willing to actually get the work done.

Is this the ideal solution to end government shutdowns? No, it is not. The ideal solution is that Congress actually does its work, which is our constitutional duty—the power of the purse—and that is to sit down and have these appropriations bills pass. That requires oversight of the agencies and departments which are badly in need of it. It then requires prioritizing spending in

12 different areas. That is how it should work. This legislation, the End Government Shutdowns Act, would actually encourage that to work, again, because it would establish this situation where, instead of doing a last-minute deal where you can kind of throw in these provisions that Appropriations Committee members might want, you actually have to go through the process; otherwise, it just continues the spending from the previous year and then ratchets it down over time.

Sadly, Congress has shown it is pretty much incapable of doing appropriations bills without some sort of pressure. The Congress has not completed all regular appropriations bills by the October 1 deadline since 1997. Here in the Senate, actually, over the past 4 years, during the current administration, the Obama administration, and under Democratic control here for the last 4 years, we have passed all of one appropriations bill on time. So that is 1 out of 48 that has been done on time. It was a MILCON bill in about 2011, as I recall.

Congress does better with a deadline. Again, we see this with the debt limit and with what we just went through these last few weeks. We can do better. This legislation would keep the impetus for Congress to act without including the threat of another costly and destructive shutdown. I think it is a good idea. It is one that is already bipartisan. It should be adopted by both sides. We had a vote on it earlier this year. It got nearly half of this Chamber. I hope others will take a look at it. I think particularly with what we have just gone through, it is something our constituents would think would make a lot of sense. I hope it gets the support it deserves in this body.

Of course, in addition to dealing with government shutdowns in this budget conference that we are meeting on this week, we also have a chance to address the debt limit—which is going to come up soon also because February 7 is the date that was chosen there. Now some say, well, the Treasury Department can use extraordinary measures to shift that beyond February 7. I suppose they could. But instead, why not deal with the underlying problem—why we need to extend the debt limit—which is the overspending.

It is as though you have maxed out on the credit card. It is a lot like that. We can spend only at a certain level in Congress, and then we have to have statutory authority to go beyond that limit. When you max out on the credit card, you do not just go to the bank and say: I would like to extend it. You have to deal with the underlying problem; otherwise, you cannot keep your credit card and you cannot keep your credit.

So dealing with the debt limit is the other part that I think gives us an opportunity. Over the past 2 weeks I know the administration has said repeatedly: Even though we would not negotiate on the debt ceiling before, even though the President refused to talk to Congress about it—which was unprecedented, by the way; no President in history has ever said that—but he said over the last couple weeks: If you all extend the debt limit and if you reopen government, then I will talk. So now is the time to talk, and the President should talk. I have worked for two Presidents: President Bush 41 and President Bush 43. They did talk to Congress about debt limits. Why? Because it is a tough vote, because our constituents get it, because it is akin to maxing out on the credit card and they want to know we are not just going to extend it again without doing something about the underlying problem. So this budget conference gives us the opportunity to do that, and I hope the administration will engage with us.

It has been 4 years since we have had a budget conference. Think about that. The debt has gone up $5.9 trillion since we had the last budget conference around here. Almost $6 trillion later we are sitting down again, and things are only going to get worse if we do not do something to deal with the underlying problem.

The two-thirds of the budget that is on autopilot—the mandatory spending—obviously is where not just the biggest part of the budget is but the fastest growing part of the budget. It includes vital programs to our seniors, for those in poverty—Medicaid, Medicare, Social Security—vital but unsustainable. These programs cannot be sustained in their current form. By the way, that is not me saying it. That comes from data from the nonpartisan Congressional Budget Office. The President himself has talked about this. By the way, the Congressional Budget Office says that Social Security and health care entitlements alone are 100 percent of the long-term increase in deficits. Revenues are starting to pick up. The discretionary spending is now being capped. The issue is this part that is on autopilot. By the way, it is 66 percent of spending now. It is 77 percent of spending in 10 years. The health care entitlements alone are going to increase 100 percent over the next 10 years based on what the Congressional Budget Office has told us.

I have heard rumblings in the press that this upcoming budget conference is just going to kick the can further down the road; in other words, we are not going to deal with the issue. We are going to say let's just extend the debt limit a little bit further and push off the issue.

I think it is time for the can to kick back. If the can kicks back, that means we will actually tackle some of these tough problems. After all, that is why the American people hired us. That is why they sent us here. If we are not going to do it now, I do not know when we are going to do it. I think divided government is actually an opportunity to do it.

It is time for leadership in the Senate and the House, and certainly from the President. It is time to come to the table. As I said earlier, the President has indicated he now is willing to do it. Do so in good faith and try to put our country on a stable fiscal path. If we do nothing, by the way, if we allow these annual deficits to continue, they will more than quadruple. Annual deficits will more than quadruple to $3.4 trillion within three decades. That is based on the Congressional Budget Office.

We already have a debt that is about $140,000 per household in America. We are talking about annual deficits quadrupling. If we let mandatory spending reach that point where it becomes 100 percent of the deficit—which is what they project—if we allow our national debt to reach two and a half times the entire size of our economy—it is about the size of our economy now, and it would go up to two and a half times the size of our economy—it will be the next generation that will pay, and pay dearly, and our legacy will be one of bankruptcy, skyrocketing interest rates, skyrocketing unemployment rates, and the collapse of these vital programs we talked about earlier: Medicaid, Medicare, and Social Security.

Again, this is not ideology; this is math. It is fact, and it is fact that has been reiterated by the Congressional Budget Office, the trustees of Social Security, the trustees of Medicare, their trust funds time and time again.

This is our opportunity to begin to do something about it—at least take the first steps—both in terms of ending government shutdowns, as I talked about, but also dealing with this underlying problem that everybody acknowledges and that has to be dealt with if we are not going to have for future generations these issues of bankruptcy, higher interest rates, lower value of the dollar, higher unemployment.

The single greatest act of bipartisanship in this Congress over the past few decades has been overpromising and overspending. We created this mess together, and we can only get out of it working together. I have suggested where we can start: $600 billion in the President's own budget. In his own budget he has $600 billion-plus in savings on mandatory spending over the next decade. But whatever we do, I think we can call agree that we are tired of the gridlock, we are tired of the stalemates, we are tired of getting nothing done.

It is time to make some progress, and this is an opportunity to do it. These past few weeks have been trying. They have been tough on the American people, as they have looked at us and said: Wow. Are these guys going to figure it out? And we just kicked the can down the road. But we also set up this process and this structure. Let's take advantage of it. Let's use this opportunity to do something important for the future of our country and for the good of the people we represent. Let's seize it.

I yield back my time.

The PRESIDING OFFICER. The Senator from Delaware.

DEFICIT REDUCTION

Mr. CARPER. Mr. President, I say to the Presiding Officer, former Governor MANCHIN, I wish to follow on the comments we just heard from Senator PORTMAN, who, as he said, served in two administrations—in one of them as OMB Director, in the other as Trade Representative. Before that he had a distinguished career in the House of Representatives. He is someone I am fortunate to serve with on the Finance Committee. I have a lot of respect for his intellect and for his intellectual honesty.

Before I talk about the real reason I came to the floor, I feel compelled to say something. As former Governors, the Presiding Officer and I have made tough decisions on spending, we have made tough decisions on revenues, and they are not always well received by people. They are not always well received by people in our own party.

I like to say there are three or four things we need to do on this issue to make sure our deficits continue to head in the right direction. I do not worship at the altar of a balanced budget every single year. But what I do believe is that when the economy is strengthened and growing stronger, we ought to be having the deficit heading down, and when we are in a war or when we are in an economic doldrum, then I think it is appropriate to, in some cases, deficit spend.

Four things we need to do if we are serious about deficit reduction: No. 1, we need, in the President's words, entitlement reform that saves money, saves these programs for our children and our grandchildren, and does not savage old people or poor people. That is No. 1.

No. 2, we need, in my view, tax reform that brings down the top corporate rates—something more closely aligned with every other developed nation in the world. At the same time we are doing that, we need to generate some revenues for deficit reduction to match what we are doing on the spending side.

If you think about it, the Senator from Ohio knows and the Senator from West Virginia knows about tax expenditures: Tax breaks, tax credits, tax deductions, tax loopholes, tax gaps, add up over the next 10 years anywhere from $12 trillion to $15 trillion. We are going to spend more money out of the Treasury for tax expenditures than we are going to spend on all of our appropriations bills combined. If we could somehow capture 5 percent of $12 trillion over the next 10 years for deficit reduction, that is $600 billion. If we can match that in a Bowles-Simpson number, such as $2 of deficit reduction on the expenditure side and $1 on the revenue side, we could do about another $2 trillion on deficit reduction on top of what we have already done. Is that a grand compromise that I want and I think the Senator from Ohio wants, I know the Senator from West Virginia wants?

It is not a grand compromise, but I would call it a baby grand. A baby grand is certainly better than kicking that can down the road. The last time we kicked the can down the road at the beginning of this year, I remember saying on this floor: We kicked a rather large can down the road not very far. I am tired of doing that. I do not want us to do that.

We have maybe our last best chance here in this budget conference in order to do the kinds of things I talked about. Democrats do not want to give on entitlements. I am willing to do that. But I am only willing to do that if Republicans will give on tax reform that generates some revenues.

I mentioned there are three things to do. The third thing is to look in every nook and cranny of the Federal Government—everything we do. The Senator from Ohio is a member of the Homeland Security and Government Affairs Committee. He knows that we focus—we have large, broad investigative powers, oversight powers, authority over the whole Federal Government. There are all kinds of ways to save money, all kinds of ways to save money in this government of ours, just as there are all kinds in big corporations, big businesses. What we need to do is, in everything we do, look at that and say: How do we get a better result for less money in everything we do?

I do not know if my friends from Ohio and West Virginia hear this from their constituents, but I hear from Delaware constituents and folks outside of my State these words: I do not mind paying more taxes, I just do not want you to waste my money or I do not want to pay more taxes, but if I do, I do not want you to waste my money. I do not want to waste your money or mine.

The fourth thing we need to do to be serious about moving the economy and getting out of this kind of rut we are in right now is to be able to make sure we have some money around that we can invest in the things we know will strengthen our economy. Foremost among those is a strong workforce, capable workforce. The second thing is infrastructure, broadly defined, not just transportation: roads, highways, bridges; not just ports, not just airports, not just railroads, but broadband, all kinds of infrastructure-related items.

The third thing is R&D, research and development that will lead to technologies that can be commercialized, turned into products, goods, and services we can sell all over the world.

The fourth thing we need to do is to do an even better job—and Senator PORTMAN was the leader as our trade ambassador. He knows what it is all about in terms of knocking down trade barriers. But while we do entitlement reform, we do tax reform, while we look in every nook and cranny of the Federal Government, investing in the three areas I mentioned, we have got to make sure when we develop these new products and services that we can sell them around the world without impediment, we can knock down trade barriers. The Senator has done a lot of work in that regard as well.

As the Senator leaves the floor, I will say there are many things for us to work on. I hope we will.

ARCHULETA NOMINATION

That is not why I came to the floor, but I thank the Senator for letting me join in that colloquy with the Senator from Ohio. The reason I came to the floor is to say a word on behalf of the President's nominee to be our next Director of the Office of Personnel Management. We have not had a confirmed OPM Director for the last half year. If you look across the Federal Government, the executive branch of the Federal Government, it reminds me a lot of what I call Swiss cheese, executive branch Swiss cheese.

We start with the Department of Homeland Security. We do not have a confirmed Secretary. We have one nominated, just nominated, just starting to go through the vetting process in the Senate. We have not had one for a month. The Deputy Secretary of Homeland Security—we do not have a confirmed Deputy Secretary. We have had ''acting'' for a number of weeks now, months. While the people who are in the acting capacity are very good people, very able people, it is not the same as having a confirmed Secretary of Homeland Security or confirmed Deputy Secretary.

There are any number of other positions in Homeland Security. As chair of Homeland Security and Government Affairs Committee, I probably focus more on that than on the OMB, Office of Management and Budget, trying to make sure that Sylvia Burwell from Hinton, WV—the Presiding Officer knows her well. As a guy who grew up in West Virginia a little bit, born there, spent some time in Hinton, I have a huge respect for her. We worked very hard to get her management team, her senior leadership team confirmed. They are confirmed. She has a great team. We need to make sure that in our other departments we have from the top to way down the ranks strong people in confirmed positions.

OPM, Office of Personnel Management. The President nominated a woman I had never heard of earlier this year. He nominated a woman named Katherine Archuleta. Katherine Archuleta—I never met her, never heard of her. The first thing I learned about her is she has been the political director in the President's reelection campaign. She must have done a pretty good job if the results were to be examined. Maybe some people are troubled by that. If we stopped there, that does not define who she is or what she has done.

If somebody looked at my resume while I have been a Senator, if they think that is all I have ever done in my

life, they would be wrong. I have been privileged to be Governor of my State, leader, and, as the Presiding Officer has, chairman of the National Governors Association, one of the great privileges of my life. I was privileged to be a Congressman for a little bit, treasurer of my State, and before that a naval flight officer for 20 some years, retired Navy captain. That is who I am. That is not all of who I am, but that is a better resume. If people say all I have ever done is my current job or my last job, they would say: Well, he is not very well rounded.

I want us to take a minute and say—I am going to date myself on this, but a guy named Paul Harvey used to do the news. He used to say page 1, and then he would say page 2. I am going to go to page 2. Page 2 is a little resume of some other things she has done with her life. I want to quote one of our old colleagues, Ken Salazar, who has known her for decades and hear what he has to say about her. She was born and raised in Colorado, I think has spent almost more than half of her life there. She has been, from time to time, among other things, chief of staff at the U.S. Department of Labor. She did that for several years. She also served as senior advisor on policy and initiatives for the city and county of Denver, CO. There are more people who live in the city and county around Denver than live in a lot of States, including my own. She has done that job.

Before that, a number of years ago, she had a number of roles in the office of mayor of Denver, for almost a decade, including deputy chief of staff. In a city that size, again as big or bigger than a number of States, that is a lot of responsibility.

She has been a senior policy advisor at the U.S. Department of Energy.

She has also served at the U.S. Department of Transportation, first as deputy chief of staff, and then later as chief of staff.

She has been a professor at the University of Denver. She has done all kinds of things. But she is a whole lot more than what people see and say: Well, I know what her last job was. She has done a whole lot before that. I think that helps prepare her for this job.

There has been a bunch of people who have been nominated to serve as Office of Personnel Management Director since I guess the 1970s. I think this is the first time we have ever had a situation where the President's nominee—I do not care what party, Democrat or Republican—where the OPM nominee has required cloture or even a rollcall vote since the agency was created in 1978. That is 35 years ago.

I want to quote Ken Salazar, one of my dearest friends, who was a Senator, went on to become Secretary of the Interior, who has known Katherine Archuleta for 25, 30 years, really all of her adult life. Here is what Ken Salazar says about Katherine Archuleta. He says she is a ''terrific'' human being. He goes on to say she ''helped create modern Denver'' as we know it as deputy chief of staff through Mayor Pena. She led economic development efforts throughout the city. She was instrumental in the creation of the new Denver International Airport. Ken went on to say she was ''a star of the Clinton team in the U.S. Department of Transportation.'' Star.

I say to my friends and colleagues, we have to get past this situation—I do not care if it is a Democrat President or Republican President—where we leave these gaping holes in leadership in confirmed positions. It is not good for our country; it is not good for these departments; it is not good for morale; it is not good for efficiency. We are interested in getting work done.

You can disable the government by shutting it down or you can disable the government and make it less effective, less efficient, by making sure we do not have key people in the top leadership positions. It makes a difference if people are confirmed as secretaries, deputy secretaries, and these other positions.

As the agency responsible for managing our Federal workforce, OPM's mission is critical to ensuring that our government runs efficiently. Unfortunately, vacancies at the top levels of leadership have limited OPM's ability to fulfill its mandate. They have backlogs in terms of the processing they are supposed to be doing in job applications and others, people applying for pensions. They need to be addressed.

In Katherine Archuleta's hearing before a subcommittee chaired by Senator TESTER, one of the things she made clear is that she would make that her priority, going after the backlog, which I would say God bless her if she is confirmed. I hope she will be.

But at any given moment, we are lacking critical leadership in any number of positions in just about every agency. It undermines the effectiveness of our government. While Congress and the administration have taken some steps to address this problem, the fact remains we still have more work to do to ensure we have got the talented people in place to make these critical decisions.

This week, we consider the President's nomination of Katherine Archuleta to be the next Director of OPM, Office of Personnel Management. I have talked a little bit about her background. One of the other people who knows her pretty well, another Senator from Colorado, is Senator UDALL. She was actually introduced at her confirmation hearings along with MICHAEL BENNET. Here is what Senator UDALL said about Katrina Archuleta. He said, ''Throughout her career, Katherine has demonstrated her ability to lead, to motivate and to work constructively with a diverse range of people and personalities.''

Her story is a story of firsts. Although neither of her parents completed high school, they worked tirelessly to create better opportunities for their children. Throughout her career, she served as an example for women and Latinos and would be the first Latina Director of OPM.

The President nominated her to this critical position back in May. We held a hearing to consider her nomination—Senator JON TESTER held it. We voted her out of committee shortly thereafter. At her confirmation hearing, Ms. Archuleta committed to quickly taking steps to identify some of OPM's challenges, such as continuing to implement the multistate plan under the Affordable Care Act, reducing the retirement claims backlog to ensure retirees receive their full pension benefits without serious delays, which many retirees see today.

As to the recruiting and retaining the next generation of Federal employees, I think we have a nominee who is qualified. We have a nominee who has been vetted. We have a nominee who is ready to go to work. It is our responsibility to give her a swift vote, a thoughtful vote, but a swift vote here on the Senate floor, I hope this week, so she can go to work, take the reins at OPM, and begin directing this critical agency with oversight from us.

When the Presiding Officer was Governor of his State of West Virginia, when I was privileged to be Governor of my State, the tradition in Delaware is the Governor would nominate the people to serve on his or her cabinet. The tradition in our State was to nominate division directors under the cabinet secretaries. The tradition in my State is that the legislature, the senate to which the nominees were sent, would hold hearings, and would vote up or down without delay on those nominations. I think in the 8 years I was privileged to serve as Governor of my State, every one of them was confirmed. I do not think I ever lost a nomination for a cabinet secretary or for division director. That is the way we do business in Delaware. That is the way we ought to do business here.

If you have a nominee who is qualified, who has good integrity, is going to work hard, surround themselves with good people and has a track record he or she can be proud of, that nominee deserves a vote. Let's give this nominee a vote and let's give her a chance to go to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

SUPERSTORM SANDY

Mrs. GILLIBRAND. Today it has been exactly 1 year since Superstorm Sandy hit my home State of New York and the surrounding region. Today is a very solemn day where we pause to ponder the unimaginable loss of 61 precious lives and the great collective pain as countless other lives were shattered. Over 300,000 homes were damaged or destroyed and businesses lay in rubble. Over 250,000 businesses were affected, many of which are still unable to open their doors.

There is something else to remember today. In the days and weeks that followed Superstorm Sandy, we also saw the absolute best of New York. We know New Yorkers are a resilient bunch. We get knocked down, but we get right back up.

As I traveled all across New York City, I saw neighbors coming together, going door to door to help the homebound, donating resources, volunteering their time, clearing debris. In the Rockaways I saw hundreds of residents create an impromptu bustling plaza of hot food, clothing, and anything people might need.

I remember talking to one small business owner in Staten Island whose restaurant was nearly split in two by a boat from a nearby marina, and he simply said to me: ''We will rebuild this better than it was before,'' before agreeing to have dinner together this time next year in that very spot where that boat was resting. He said yes, and we had lunch at his restaurant only a few months ago. It was amazing.

In Westchester, a small business owner gave me a hug, and she vowed she would rebuild. She said defiantly, ''This is our community.''

On Long Island, I walked the streets of Lindenhurst, Massapequa, and visited Long Beach and Fire Island. While the devastation I saw was awful, I have never met more resilient and compassionate people. I witnessed homeowners struggling to pick up their own pieces and to get it out of the way to help neighbors, sharing food, sharing water supplies, giving each other rides to the stores, sharing generators, and clearing each others' debris.

While the road to recovery is very long and very hard, New Yorkers will rebuild. They will rebuild stronger, but we all have to do our part. Too many communities are still recovering and rebuilding. Some families are actually still homeless, living in trailers or confined to the second floor of their homes and still waiting for additional assistance. Too many homeowners have not yet received the funding to repair their homes and their businesses. Too often, those who are struggling to rebuild have been caught in redtape.

Throughout the past year, I have pushed to change some of the Federal policies that have stood in the way of recovery. We have had some successes. We were successful at pushing FEMA to extend critical deadlines for Sandy survivors to document their losses, so that those who have had trouble getting back into their homes are not prevented from filing flood insurance claims.

We were able to get the Department of Housing and Urban Development to relax regulations that would have prevented substantially damaged homes from accessing critical recovery funds. We received assurances from the Army Corps of Engineers that they will fund critical shore protection projects at full Federal expense, ensuring that these projects can move forward quickly without having to wait for our communities to find the matching funds out of very tough and local struggling budgets that are already stretched too thin.

That is not enough. For all of our successes, we are still facing so many challenges. There is still far too much redtape getting in between families and recovery. My office hears every single day from homeowners and families who are struggling just to move forward.

Many of us are working on a bipartisan bill to postpone the potentially disastrous flood insurance rate increases coming into effect as a result of the Biggert-Waters flood insurance reform law. I urge my colleagues in the Senate to pass this bipartisan bill that was introduced by Senator MENENDEZ and Senator ISAKSON that would delay the premium increases set to go into effect until after FEMA has completed a study and provided Congress with a plan to make the rates more affordable. Our families working so hard to rebuild, frankly, deserve nothing less.

Some homeowners, even as they do rebuild, have started seeing their rates increase. This would cause so many of our constituents to be forced out of their homes and communities that they love, that they have lived in their whole lives. This is why the Menendez-Isakson bill is so critical and why I strongly urge my colleagues on both sides of the aisle to support this commonsense legislation.

As we focus on providing communities with all of the resources they need to rebuild from Sandy, the Federal Government is partnering with States, local governments, the private sector, and academia to develop solutions that will protect us from the next disaster. We know that for every dollar spent to make our homes, businesses, and infrastructure more resilient, $4 is saved in potential recovery costs down the road.

Earlier this year Senator WICKER and I introduced the STRONG Act, which stands for Strengthening the Resiliency of Our Nation on the Ground. This bipartisan bill seeks to build on the progress that has been made locally by requiring the Federal Government to develop a national resiliency strategy, assess where there are gaps and opportunities for improvements. It also creates a new information portal for both the public and private sectors to share information about how to strengthen our communities and protect against future extreme weather threats.

We have come a long way in the past year, but I am very sad to say we have so much more work to be done. Our communities are working as hard as ever to recover, but we have to work equally as hard toward rebuilding and being better prepared for the next storm.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

OBAMACARE

Mr. BARRASSO. Later this week we will hit the 1-month anniversary of the launch of President Obama's health insurance exchanges. My question is, what have we learned the past 4 weeks? We know the rollout of the exchanges and the healthcare.gov Web site, Americans would agree, has been disastrous.

Last week the Associated Press ran a headline about what people in my home State of Wyoming had experienced. It said: ''National health insurance site sputters in Wyoming.''

The article goes on to talk about the health care law, the Web site, and says: ''Wyoming Insurance Commissioner Tom Hirsig said Monday that he's personally been unable to register on the Federal Government's Wyoming site despite trying every day.''

The insurance commissioner from the State of Wyoming has been unable to register on the Federal Government's Wyoming site despite trying every day starting October 1. This is the same story we have seen all across the country.

We have also learned over the past 4 weeks that the President's health care law is much more than just a failed Web site. What we know is that there is sticker shock hitting people all across the country as they start shopping and find that higher premiums are what they are facing. They are going to be paying much higher premiums if they are able to buy health insurance, if they are able to get through the exchange.

CBS News had the story of one woman in Florida whose health insurance will cost 11 times what she is currently paying—from $54 a month to $591 a month.

Over the past 4 weeks, another thing we have learned is that many people have received notices in the mail—cancellation notices—from their insurance companies. They are being told that the insurance policies, the coverage they have had, is being cancelled. Only a small number of people have been able to get insurance through the government exchanges so far. We have seen that over the last month.

In testimony today in the House hearing, a person from the administration said they cannot tell us how many people have been unable to get insurance through the exchanges, but we know that hundreds of thousands of people are losing the insurance they had.

Here is what one woman told CBS: ''What I have right now is what I'm happy with, and I just want to know why I can't keep what I have. Why do I have to be forced into something else?''

Like many Americans, this is a person who actually believed President Obama when he promised that if people liked the insurance they had, they could keep it. Now she learned under the President's health care law, it is not only a Web site, it is a broken promise. It turns out if the White

House likes your plan, then you can keep it. If the White House doesn't like your plan, then you are out of luck, you can't keep it.

Yesterday the Obama administration finally admitted that millions of people across the country will lose their insurance. We know all of these ways that the President's health care law is more than a failed Web site, so the big question now is what don't we know yet? What is there that the American people don't know about the health care law? How much worse are things going to get before the White House admits the entire law is broken?

We have seen one headline after another about problems with the health care law that the Obama administration knew about and would not admit. There has been one revelation after another about troubles they hid from the American people and did so deliberately. What else is this administration not telling the American people?

The White House may have finally said publicly that millions of people are going to lose the insurance they have but, according to NBC News, the Obama administration has known that for at least 3 years.

When the train first went off the tracks, the White House said its Web site crashed because they said millions of people tried to use the Web site at the same time. According to the Washington Post, the limited testing the administration did before the launch found the site would crash if only a few hundred people used it.

It is fascinating. The Democrats' whole law was based on the idea that Washington, government, is capable of running America's health care system competently. What we have seen is gross incompetence. It turns out that Washington can't even set up a Web site competently, and it looks as if they knew it.

Computer programmers warned about the rush to get the Web site done by October 1. Instead of hitting the pause button, which they should have done, hitting the pause button until it could get things working, the White House pushed on. This is what we learned from some of the contractors who built the Web site. This Web site cost the taxpayers over $400 million so far and the bills are still coming in.

These contractors testified last week in the House that full tests of the site should have started months in advance, but testing didn't happen until the last 2 weeks of September. Who decided to go ahead anyway? President Obama's administration. They are the ones who decided.

Contractors thought if the registration process wasn't going to work, then maybe it would help to set up a way for people to shop for plans and get information without registering. The administration told them to ''deprioritize'' that plan. What a government word, ''deprioritize'' that plan.

Then when the Web site turned out to be a complete disaster, a systems failure, the Obama administration tried to hide how bad it was. It asked the largest health insurer in North Dakota not to tell anybody how many people have signed up for insurance through the exchange—the administration telling the State: Don't open up, don't tell people the truth. Why not? Because as of last week only 14 people had been able to sign up for the companies' plans. The numbers are so embarrassing for the administration they have been trying to cover up. They continued to cover up today when there was testimony and no numbers were given. It is the same reason the administration won't say how many people have signed up nationwide. They know how many people have signed up, but they refuse to tell the American people, the taxpayers, the people who pay the taxes and see their money being wasted by this administration and this government. There are new problems with this health care law every day.

The Web site was supposed to be the easy part, but to me it is the tip of the iceberg. The Web site failures are just the tip of the iceberg.

What else does the White House know about? By now they should know about cancelled coverage because it looks as if millions of Americans have already received notices from their insurance companies that they have lost their insurance, their insurance has been cancelled.

There have been premium increases. People have talked about the fact that their premiums are going up, and there are higher copays and deductibles to deal with. People are losing access to the doctor. Plus there are always the issues of fraud and identity theft.

What else are we going to learn this week when Secretary Sebelius testifies in the House tomorrow? Will she actually open up? Will she give them the truth? Will she give them the real numbers, or will she not admit to what is actually going on and refuse to answer the questions?

How much worse does the Obama administration's incompetence get? What will it take for the President to admit that his health care law has been a train wreck and they will have to delay it for at least a year? We know he is going to have to do it eventually. There is no way all of these problems are going to get fixed quickly, and he is going to have to delay the individual mandate—the mandate that says every American must buy or have and prove they have health insurance. And who is the enforcer? The IRS—the Internal Revenue Service. The President should just go ahead and do it now and also delay all the other parts of the law, not just the mandate.

It is time for President Obama to really come clean with the American people about what his administration knew and then come to the table to work with Republicans and give people the real health care reform that they need, want, and deserve so people can get the care they want from a doctor they choose at a lower cost.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate the remarks of my colleague from Wyoming.

Here in Washington and, indeed, throughout the country everyone is talking about the ObamaCare Web site. No doubt that is a serious concern. The healthcare.gov Web site has been, to put it bluntly, a debacle. I don't know of a single Member of Congress, Democrat or Republican, who would say otherwise.

That said, we need to be clear about something: The problems with ObamaCare go much deeper than a faulty Web site. Sure, the administration would have the American people believe that the problems with this law are simply technical in nature and that once they bring in technical experts to fix the Web site, all will be right with the world. But let's not kid ourselves. The problems with ObamaCare are fundamental and systemic. The administration may very well get the Web site up and running in the next few weeks, and they should, but that won't fix the health care law. I would like to take a few minutes today to talk about some of the problems facing ObamaCare that have nothing to do with the Web site.

When he was trying to get the law passed, President Obama repeatedly promised Americans that ''if you like your current health plan, you will be able to keep it.'' This promise was central to the President's efforts to sell ObamaCare to the American people, and as it turns out, it was all a lie. Now even the White House admits that millions of Americans will not be able to keep their health plan under the law, and if recent news reports are to be believed, they have known this for years. Experts have predicted that as many as 16 million Americans may lose their existing coverage due to ObamaCare's new requirements. According to the NBC News story from yesterday, the Obama administration has known about this for at least 3 years. We have known about it as well.

Consumers throughout the country are already receiving cancellation letters from their insurance providers. For example, in New Jersey 800,000 individuals are being dropped from their existing plans. Kaiser Permanente in California has sent notices to 160,000 people informing them their current coverage will end. Florida Blue is ending policies of 300,000 customers due to ObamaCare. This isn't some unforeseen or unintended consequence of the law. On the contrary, it is precisely what was intended when the law was put into place.

As you know, Mr. President, the President's health care law includes a mountain of new mandates and requirements for health insurance plans. Any plans that fail to meet those onerous requirements are invalidated under the law. True enough, the law provides that plans that were in effect as of

March 2010 will be grandfathered in, allowing consumers who prefer to keep those policies to do so even if the plan's don't meet the law's requirements. However, the Department of Health and Human Services has, through regulations, all but eliminated the protections enjoyed by those in existing plans by saying that the grandfathering provision does not apply to plans that have undergone any changes—even small changes to deductibles or copayments—since 2010. Under this requirement, many of the plans that were in place before passage of ObamaCare, particularly those in the individual health insurance market, will fail to pass muster. That is why we are seeing hundreds of thousands of Americans being dropped from their current insurance plans and why the same fate is certain to befall millions more.

As I said, the Obama administration knew about these problems a long time ago. In fact, regulations issued in July of 2010 estimated that because of normal turnover in the individual insurance market, 40 to 67 percent of consumers would not be able to keep their policies. Let me repeat that. The administration knew in July 2010 that at least 40 to 67 percent of consumers in the individual market would not be able to keep their plans in place. Yet the President never took back his promise: ''If you like your current health plan, you will be able to keep it.'' This, quite frankly, is preposterous.

The response we are getting from the administration is that, sure, many people will lose their existing health insurance, but it will be replaced by better, cheaper options. This claim is at odds with the facts. For many people, health expenses will increase under the new plan as a result of higher premiums, higher deductibles, and higher copays. One study from the Manhattan Institute found that individual market premiums will increase 99 percent for men and 62 percent for women nationwide. For others, the new plans may not cover visits to their current doctor or the hospital they have used in the past. That is because insurers are reducing the number of doctors and hospitals covered by plans in the exchanges in order to reduce premium prices. These changes are a direct result of ObamaCare's new requirements and mandates.

I have received letters from my constituents from all over Utah who are scared, who are angry, and who are confused about the changes they are facing. For example, Brenton in Provo, UT, currently has a high-deductible plan and uses a health savings account. This arrangement works well for Brenton and his family, and they would like to keep it. Unfortunately, Brenton's plan has been canceled due to ObamaCare. The plan he will be required to purchase is more expensive and includes coverage he doesn't want. There is also Kathy from Salt Lake City, who wrote to tell me her deductible will increase from $3,000 to $5,000, her copays for doctor visits will increase by 30 percent, and her copays for prescription drugs will increase to 50 percent. Kathy let me know that as a result of these changes, her health care expenses will now be higher than her income.

Even those who were in favor of the law are now finding it is not being implemented as they expected. A recent L.A. Times article profiled a young woman who was shocked by the 50-percent rate hike she received as a result of the health care law. She was quoted as saying, ''I was all for Obamacare until I found out I was paying for it.'' That is a refrain I think we will be hearing from a number of people who supported ''health care reform.''

Increased costs aren't the only problem consumers will be facing under ObamaCare. There are other serious, more subtle problems that have yet to be addressed. For example, some consumers may have their personal information compromised by an ObamaCare navigator or by submitting an application to the federally facilitated marketplace, the Federal data services hub, or one of the Affordable Care Act call centers. I have warned about that for a number of months—that they are moving too fast and not doing the job well enough—and a lot of people are going to get hurt.

Social Security numbers, employment information, birth dates, health records, and tax returns are among the personal data that will be transmitted to this data hub, resulting in an unprecedented amount of information collected in one place by a government entity. Every piece of information someone would need to steal an individual's identity or access their confidential credit information will be available at the fingertips of a skilled hacker, providing a gold mine for data thieves and a staggering security threat to consumers. The entire system, including the data hub—a new information-sharing network that allows State and Federal agencies to verify this information—has not gone under any independent review to determine whether the data that is entered is secure. This means an individual's personal and financial records may be at serious risk of becoming available to data thieves.

I have already been to the floor several times to discuss these issues. I am here again today because as of yet there has been no solution—or should I say no solutions—to these problems. In fact, the ObamaCare exchanges are less than a month old and data breaches are already occurring at the State level. A recent CBS News story featured a Minnesota insurance broker who was looking for information about assisting with ObamaCare implementation. Instead, what landed in his in-box last month was a document filled with the names, Social Security numbers, and other pieces of personal information belonging to his fellow Minnesotans. In one of the first breaches of the new ObamaCare online marketplaces, an employee of the Minnesota marketplace, called MNsure, accidentally emailed him a document containing personally identifying information for more than 2,400 insurance agents. While the incident was resolved, the broker said it raised serious questions for him as to whether those who sign up for MNsure can be confident their data is safe. These types of incidents are only going to increase as time goes on if rigorous testing is not performed to ensure that the data hub is sufficiently secure.

Despite assurances by the chief technology officer for the administration in early September that ''we have completed security testing and received certification to operate,'' we all now know that all the testing had not been completed until just days before the October 1 launch date and that no third party—no third-party expert—had a chance to review it.

But there is much we don't know. What kind of testing was done? Who did the testing? What did they look for? What were the results? And perhaps most importantly, what are the risks of using the Web site? To help get answers to these questions, today several of my colleagues on the Senate Finance Committee and I are sending a letter to Secretary Sebelius asking detailed questions about the testing protocols, what waivers were received with respect to the testing requirements, and any and all results of the limited testing that did occur. Hopefully, that will enable Congress and the American people to better understand exactly what is broken with the system and help to ensure it does not happen again.

These questions and problems demonstrate why it is imperative that the Government Accountability Office—GAO—independently verify that sufficient privacy and security controls are in place for the data hub and the entire Federal marketplace so that Congress has independent assurance that the necessary controls exist and that taxpayers know their personal information is secure. That is why I introduced S. 1525, the Trust But Verify Act, which calls on the GAO to conduct such a review and delays implementation of the exchanges until the review is completed. The bill currently has 32 Senate cosponsors.

As you can see, Mr. President, the problems with ObamaCare are numerous and fundamental. As I said before, this law was bad policy when we debated it, it was bad policy when the Democrats forced it through the Congress, and it remains bad policy today.

I have little doubt the administration can eventually get the Web site up and running. They would have us believe that once that task is accomplished, everything will be fine. But that is simply not the case. They can't

say everything will be fine when millions of Americans are losing their existing health coverage as a direct result of the health care law. They can't say everything will be fine when health care costs are continuing to skyrocket even though the President claimed his health law would bring costs down. And they can't say everything will be fine when consumers' personal information is at serious risk because the administration didn't take the proper precautions with its new data system.

As I said, the healthcare.gov Web site has been a debacle and the President is right to recognize it as such, but it would be a huge mistake to simply write off the problems with ObamaCare as a simple IT problem.

My own position on ObamaCare is very clear. I support repealing the law in its entirety. As more and more Americans lose their health coverage—coverage they shopped for and liked—and face outlandish costs as a result of the law, I believe that position will eventually be vindicated. In the meantime, I think we can all agree that the law is simply not ready for prime time and that at the very least it should be delayed so we can protect the American people from further harm.

I have made this call before and I am sure I will make it again. Today, with all the new information we have received—the broken Web site, the security problems, the skyrocketing costs, and the millions of Americans losing existing coverage—I hope my friends on the other side of the aisle will begin to see the light. I hope they will finally see what happens when one party tries to take on something as vast and as complicated as our health care system all on its own without any help from the other side.

I hope that they would work with us to come up with real solutions to our Nation's health care problems. I will keep waiting, and if the problems we have seen in the last few weeks are any indication, I should not have to wait too much longer.

I yield the floor.

The PRESIDING OFFICER (Ms. WARREN). Under the previous order, all postcloture time is yielded back.

The question occurs on the nomination.

Mr. HARKIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not.

Mr. HATCH. Madam President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

SENATOR THAD COCHRAN'S 12,000TH VOTE

Mr. MCCONNELL. Madam President, our good friend, the senior Senator from Mississippi, is about to cast his 12,000th vote, a truly remarkable accomplishment by a remarkable man. He was the first Republican to be elected to the Senate from Mississippi since Reconstruction. A few years ago he was named by Time magazine as one of the 10 most effective Members of the Senate, and they called him ''the quiet persuader.''

For those of you who have recently arrived at the Senate, if you have not had any dealings with Senator COCHRAN yet, you will find that indeed he is the quiet persuader. In fact, it may be the secret to his success.

He has had an extraordinarily accomplished career here in the Senate, and I wanted to take a few moments to congratulate him, not only on his service to his State and the Nation but to our institution.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, I am sorry I am a little late here. I see my colleague, the senior Senator from Mississippi. I have had the pleasure of knowing THAD COCHRAN during my entire stay in Washington. He is a fine man. He has had experience in the House and the Senate, as I have. I have always appreciated his courtesies. He is just such a fine human being.

Before his election to Congress, he served honorably in the U.S. Navy. He was a lieutenant in the Navy. After his tour of duty, while attending law school at Ole Miss, Senator COCHRAN returned to active duty for his naval work, even while he was going to law school. After graduating from law school in 1965, he joined the very prestigious law firm Watkins & Eager in Jackson, MS, and in less than 2 years he became a partner in that law firm—which was remarkable. It speaks well for his acumen in the law and for being a nice person.

His break from public service did not last long, though. From the Navy he ran for Congress in 1972 and served in the House for 6 years before running for the Senate. He served as Chairman of the Republican Conference, the Agriculture Committee, and the Appropriations Committee.

Throughout his time in Congress, Senator COCHRAN has promoted the best interests of Mississippi's citizens. Even when we were on different sides of the issues, I always respected Senator COCHRAN's service to his country, his dedication to the people of Mississippi and to the people of this country. I congratulate him on this impressive milestone and appreciate most of all his friendship.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Richard F. Griffin, Jr., of the District of Columbia, to be General Counsel of the National Labor Relations Board.

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 222 Ex.]

YEAS—55

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

NAYS—44

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

NOT VOTING—1

Inhofe

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

Mr. HARKIN. Madam President, I ask unanimous consent that the Senate be in a period of morning business for debate only until 7 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Tennessee.

UNANIMOUS CONSENT REQUEST—S. 1590

Mr. ALEXANDER. Madam President, before the Internet, RCA knew how many records Elvis was selling every day. Before the Internet, Ford knew how many cars they were selling every day. Before the Internet, McDonald's could tell you how many hamburgers it sold each day. Yet the Obama administration cannot tell us how many Americans have tried to sign up for ObamaCare. They can't tell us how many people have tried to sign up for ObamaCare. They haven't told us what level of insurance they bought or in what ZIP Code they live. Not only can they not tell us, they have done their best to keep us from finding out.

With WikiLeaks and Edward Snowden spilling our beans every day, what's happening on the ObamaCare exchanges is the only secret left in Washington. The National Security Agency should learn some lessons from Secretary Sebelius.

We shouldn't have to rely on anonymous sources to get basic information about what's happening with the ObamaCare exchanges.

Yesterday I introduced legislation to require the administration to tell Congress and the American people how many people have tried to sign up, how many did sign up, what level of insurance did they buy, in what ZIP Code do they live, and what the administration is doing to fix the problems. This isn't complicated information. In the Internet age, the administration ought to be able to provide this information every day. They should be able to provide it really every minute. We shouldn't have to pass a law to find these things out.

So I hope every Senator will support my legislation. It is a six-page bill. It has been available to the public now for 24 hours. It is easy to read. The stakes are high for every American.

So I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 1590, a bill to require transparency in the operation of the American health benefit exchanges, and that the Senate proceed to its immediate consideration. I further ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Madam President, reserving the right to object, my good friend from Tennessee has raised just another effort to divert resources from the implementation of the Affordable Care Act which we can then use to fix the very problems he has mentioned. I will point out that we report jobs data on a monthly basis, and this is going to be a different standard. I might also point out that in Medicare Part D, we release those data on a monthly basis.

I agree with my friend that there should be accountability for the mistakes that have happened and the implementation of the law going forward. In fact, right now, the Department is giving us daily updates on their progress in fixing the Web site.

So, again, let's get on with business. I think enough focus has been placed on the mistakes. Hearings are ongoing. There will be hearings in the Senate also. Let's get the problems fixed and move ahead on enrollment without diverting resources.

I thought about my friend's proposal, and I thought maybe we should amend it to say we will put in more money and get more people. I don't think my friend would want to do that, either, so we can take care of it.

So the people there need to get the problem fixed, and let's move ahead aggressively to get people enrolled in what is going to be a positive change for health care in America.

On that basis, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank my friend, the Senator from Iowa. I'm disappointed—this administration described itself as the most transparent in history. All we have asked for is how many people are signing up, how did they do, where do they live, and what level of insurance do they have. We ought to know that. Taxpayers ought to know it. So we'll keep trying other ways to get the information the American people deserve to have.

I thank the President, yield the floor, and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

FINDING A BUDGET SOLUTION

Mr. LEAHY. Madam President, I read with great interest the recent opinion piece on congressional budget negotiations written by my good friend Kent Conrad, our former colleague here in the Senate and distinguished chair of the Budget Committee.

I have been fortunate to serve in this Chamber for the past 38 years with principled leaders like Kent Conrad. I was elected to the Senate in 1974, the same year the Congressional Budget Act passed into law, and I have served here with all of the Budget Committee chairs—from Edmund Muskie to PATTY MURRAY.

I think Kent Conrad is right that at this critical juncture we need to have a grown-up discussion about our Nation's finances—both about the debts we incur and the ways in which we pay for them. We have all heard a lot of talk in the last few years about getting our fiscal house in order. It makes for a great campaign slogan. But I am afraid that too many are not following through on their responsibility to govern.

After jumping from one manufactured crisis to another for the past few years, which has hurt the U.S. economy and America's standing in the world, it is time for reason and sanity to return to the Senate—on the budget process, on nominations, and on a whole host of other issues. Returning to regular order on the budget conference—and letting conference members from the House and the Senate work out a final agreement free from rigid ideological positions—would be a good first step to bringing some comity and order back to this body so we can serve the American people.

I remain ready to work with people on both sides of the aisle in the hopes that we can find a workable budget solution in the coming weeks, and I suggest that everyone heed the calls for bipartisanship and compromise made by Senator Conrad.

With that, I ask unanimous consent that Kent Conrad's full opinion piece from the October 24, 2013, Washington Post be printed in the RECORD.

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

[From the Washington Post, Oct. 24, 2013]

OPINION: A FAIR TRADE FOR ENTITLEMENT REFORM INCLUDES INCREASED REVENUE

(By Senator Kent Conrad)

Kent Conrad, a Democrat, represented North Dakota in the Senate from 1987 to 2013.

The Post's Oct. 20 editorial on the budget challenge [''A fiscal quid pro quo''] made important points but was way off-base on the issue of revenue. It suggested that a fair trade would be reductions to the ''sequester'' budget cuts in exchange for reforms to Medicare and Social Security and said that Democrats should not insist on additional revenue because that's a non-starter with many Republicans. Democrats would make a serious mistake by following that advice.

Our country needs more revenue to help us get back on track. Citing Congressional Budget Office calculations, The Post said that ''federal revenue as a share of [gross domestic product (GDP)] will hit 18.5 percent by 2023, near the upper-end of the postwar range.'' That's true, but the last five times our country had a balanced budget, revenue averaged 20 percent of GDP. The Bowles-Simpson plan, which The Post strongly endorsed, achieved revenue of 20.6 percent of GDP—not by raising tax rates but by broadening the tax base and lowering tax rates.

Tax reform should be part of any budget deal. Tax reform is necessary to unlock the full potential of our economy. The current tax system is not fair and damages U.S. competitiveness. A five-story building in the Cayman Islands claims to be home to more than 18,000 companies. Is it the most efficient building in the world? No! That and other tax scams cost our country more than $100 billion each year, the Senate Permanent Subcommittee on Investigations has found.

If we don't fix the revenue side of the equation at the same time as we repair Social Security and Medicare, it will never happen. To suggest, as The Post does, that Democrats should trade adjustments to the sequester for reforms to these programs assumes that the sequester affects only Democratic priorities. More than half of the $1.2 trillion in sequester cuts are to defense, long a Republican priority.

A fair trade would be modest additions to revenue as part of a balanced plan. A revenue increase of $300 billion to $400 billion over 10 years would amount to only 1 percent of the $37 trillion the federal government is expected to collect over that time. We can't do 1 percent? Of course we can. And by reforming the tax code, we could do it without raising tax rates on a single American.

A similar $300 billion to $400 billion in savings out of Medicare and Medicaid would amount to about 3 percent of the $11 trillion the federal government is expected to spend on health care over that time. We can't do 3 percent? Of course we can. And we must: Health spending is the fastest-growing part of the federal budget, projected to increase from 1 percent of GDP in 1971 to more than 12 percent of GDP in 2050. And the trustees of the Medicare system say it will be insolvent by 2026.

The Post was correct that adoption of a ''chained CPI,'' or consumer price index, system of measuring inflation should be part of any agreement. Most economists say that chained CPI, which accounts for behavioral changes people make when faced with increasing prices, is a more accurate way of measuring inflation. Going to chained CPI would raise revenue because our tax system is indexed for inflation, and it would cut spending because many programs, including Social Security, are indexed for inflation.

Federal spending has been cut by $900 billion in the Budget Control Act, by $1.2 trillion in the sequester and by more than $500 billion in the 2010 continuing resolution. That is spending cuts of $2.6 trillion, while only $600 billion in revenue has been added. That is hardly balanced.

To suggest that Democrats should give up on revenue because it's a non-starter with many Republicans is like telling Republicans they should give up on entitlement reform because it is a non-starter with many Democrats. The truth is, both sides need to give a little ground on their must-haves for real progress to be made.

A mini-''grand bargain'' would require all of these elements: changes to Social Security and Medicare to ensure their solvency for future generations; a modest increase in revenue so all parts of society participate in getting our country back on track; and changes to the sequester cuts that force nearly all of the deficit savings on less than 30 percent of the budget.

We can do this, but everyone must be prepared to give a little so that our nation can gain a lot.

TRIBUTE TO DR. ASHTON CARTER

Mr. MCCAIN. Madam President, after 4½ years at top posts in the Pentagon, Dr. Ashton Carter announced last week that in December he will be stepping down as Deputy Secretary of Defense. On this occasion, I want to recognize Ash's many years of distinguished public service—as a scholar, a professional, and a national leader. In so doing, I also thank him for his outstanding leadership of the 2.2 million uniformed and civilian members of the Department of Defense and his unwavering support of their most important mission.

Much can be said of Ash's scholarship. He graduated at the top of his class with honors from Yale University, earning degrees in medieval history and physics. His academic achievement also earned Ash a Rhodes scholarship, which sent him to Oxford University, where he received a doctorate in theoretical physics.

Much can also be said of Ash's dedication to public service. Before assuming his current position as Deputy Secretary of Defense, Ash ably served as the Under Secretary of Defense for Acquisition, Technology, and Logistics and earlier under President Clinton as the Assistant Secretary of Defense for International Security Policy. Throughout his tenure at the Pentagon, Ash received several Defense Distinguished Service Medals—the Defense Department's highest civilian award—as well as the Defense Intelligence Medal. Ash has also helped to promote the Nation's defense from outside the walls of the Pentagon through his service on the boards and committees of several defense, international security and counterterrorism organizations, as well as at some of the world's finest academic institutions.

In my view, what is just as important as what Ash has done is how he has done it. With regard to the Department's procurement practices, Ash articulated a cogent strategy to improve the Department's buying power and empowered good, talented people throughout the acquisition workforce who have long been concerned about government inefficiency to implement that strategy effectively. Indeed, it could be said that Ash's most significant legacy as the Pentagon's chief weapon's purchaser is that he has helped to force the Department to be as skilled in buying products and services as industry is in selling them. This achievement is perhaps best exemplified, for example, in the restructuring of the F–35 Joint Strike Fighter program; the successful award of a contract for an aerial refueling tanker; and making tough decisions on some very large, chronically poor-performing weapon procurement programs.

Finally, as Deputy Secretary of Defense, Ash has distinguished himself through his professionalism. Indeed, his commitment, skill, judgment, and temperament are reminiscent of those of some of the Pentagon's finest leaders. There can be no doubt that on many issues relating to defense and national security, Ash and I have had our differences. Some have been profound. But Ash has always conducted himself in a manner that appreciated the valid concerns underlying opposing views, while also mindful of the constitutional responsibilities of the elected officials who hold them. As a result, my working relationship with Ash has always been respectful, candid, clear, and productive. More importantly, it has been conducive to Congress and the Executive working together to address some of the biggest challenges to our national defense.

With this in mind, I join many in thanking Ash for his service and wishing him and his wife Stephanie fair winds and following seas. While Ash will move on from the Department in December, knowing his insatiable intellectual curiosity and his continuing desire to contribute, I suspect he will never be too far away.

NOMINATION OF MR. THOMAS E. WHEELER

Mr. ROCKEFELLER. Madam President, I rise today in support of the nomination of Tom Wheeler to be Chairman of the Federal Communications Commission.

No one can question that Mr. Wheeler is a supremely qualified nominee to lead the FCC. He brings to the job a long and distinguished career in the communications industry. He was a pioneer in the cable and wireless industries, having been instrumental in the growth of both these critical communications sectors. As an entrepreneur, he built businesses and created jobs.

This collective experience provides Mr. Wheeler with a unique insight into the challenges facing the Nation's communications regulator. And it affords him the experience to lead an agency that has the most challenging and complicated set of issues pending before it since the Commission implemented the 1996 Telecommunications Act. I do not say this lightly. The decisions the FCC will make over the next few years will shape the future of the Nation's telephone network, public safety, the wireless industry, broadcasting, the Internet, and consumer protection for decades to come.

The Commission has before it a number of key proceedings to implement my Public Safety Spectrum legislation that became law last year. Not only will the agency implement a new tool for identifying spectrum through voluntary incentive auctions, the revenues from those auctions will provide critical support for deployment of the long-overdue nationwide interoperable wireless broadband network for first responders.

Aside from that work, the Commission is examining the future of the Nation's voice telephone network, and what the transition of that network can mean to longstanding, fundamental tenets of communications policy like universal service, competition, public safety and consumer protection.

The FCC continues to look at the future of media policy in an era when online video distribution looks to disrupt traditional business models and bring more consumer choice to the video industry. The FCC will need to conclude its work on the E-Rate program and update it to meet the next-generation connectivity needs of our schools and libraries. And finally, the FCC will have to implement a decision from the courts on the FCC's net neutrality rules and potentially on the Commission's underlying authority to protect consumers in the broadband age.

I have absolute confidence in Mr. Wheeler's ability to guide the agency through its consideration of these far-

reaching issues. This confidence comes in part from my strong belief that Mr. Wheeler agrees with me that the FCC must always have consumer protection and the public interest as its primary touchstones.

Acting FCC Chairwoman Mignon Clyburn has done an excellent job as the steward of the Commission over the last several months. I am proud of her accomplishments, especially her commencement of a proceeding to strengthen and expand the hugely successful E-Rate program, something our Nation's children deserve. But acting chairs of agencies can only accomplish so much, particularly when they have taken charge of an agency that lacks a full complement of its members. It is past time for the Senate to act on Mr. Wheeler's nomination and to put in place the President's permanent head of this essential agency.

At its core, the FCC is a regulatory agency. Too many have forgotten that the agency's fundamental responsibility is the regulation of communications networks. These regulations serve important policy goals. You cannot have universal service without regulation. You cannot ensure competition without regulation. You cannot have consumer protection without regulation. Given his experience and history, Mr. Wheeler understands the vital role of the Commission and the need for an active, smart regulator for the nation's communications markets.

The Members of the Senate Commerce Committee have fully vetted Mr. Wheeler's nomination. And an overwhelming, bipartisan majority of the committee favorably reported Mr. Wheeler's nomination out of committee in July. At his nomination hearing in June, Mr. Wheeler ably demonstrated his knowledge of the issues the FCC will face in the coming years. Mr. Wheeler answered all of the questions for the record submitted to him after that hearing—including all 78 questions from Republican committee Members. And he did so in a substantive and detailed manner. And honest, thoughtful responses by nominees have always been sufficient for this body to move forward when they are eminently qualified for a position and capable of fulfilling their mission.

It also has not been the practice of the Senate Commerce Committee to demand that a nominee to an independent regulatory agency like the FCC prejudge issues that might come before his or her agency. In fact, it was our colleague and former Commerce Committee Chairman Senator JOHN MCCAIN who, during consideration of a past Republican FCC Chairman nominee, said ''Just as it is not appropriate for nominees to the bench be asked how they will vote on a specific issue that is currently before, or likely to come before, their court; it is not appropriate for commissioners who have quasi-judicial responsibilities to prejudge cases they must consider.''

As Chairman of the FCC, Mr. Wheeler will be able to use the power of the FCC to spur universal deployment of advanced technologies, foster job growth and innovation, and protect consumers. This is an agency that oversees, by some estimates, nearly one-fifth of the U.S. economy. This is an agency that has raised over $50 billion for the U.S. Treasury through spectrum auctions. This is the agency that has, through smart policy, guided the Nation into the digital age. This is the agency that has wide-ranging authority over so many communications services that are a vital part of our daily lives. From broadband to wireless phones to television content to public safety communications—this little agency oversees it all.

Because we entrust the FCC with such great responsibility, we expect a lot from those whom the President chooses to run that agency. I am pleased to support Mr. Wheeler for Chairman of the FCC, and I call on my colleagues to do the same today. With all the important issues before the FCC, it is critical that the agency has a confirmed Chair and strong leader in place. I am confident, given Tom Wheeler's extensive experience and capabilities in the communications industry, he is the right person for this job.

EMPLOYEE BENEFIT RESEARCH INSTITUTE

Mr. GRASSLEY. Madam President, I wish to bring to my colleagues' attention the work of the Employee Benefit Research Institute, EBRI, in acknowledgment of the institute's 35th anniversary. EBRI is a nonpartisan, objective, and reliable source of information and analysis of private sector health and retirement issues in the Nation. Much of EBRI's work, including its data on qualified retirement accounts and its analysis of health care coverage, is unique and available nowhere else. As a research institution that is well respected by members and policy experts on both sides of the aisle, EBRI is frequently asked to testify on retirement, health, and economic security issues before committees in both the House and Senate. For more than three decades, the institute has provided credible, reliable, and objective research, data, and analysis that Congress can rely on. I congratulate EBRI on its 35th anniversary and look forward to many more years of its valuable, nonpartisan, and dependable analysis.

NATIONAL MEDICINE ABUSE AWARENESS MONTH

Mr. GRASSLEY. Madam President, the Centers for Disease Control has declared the misuse and abuse of some prescription and over-the-counter medicines in the United States to be an epidemic. According to the most recent National Survey on Drug Use and Health, NSDUH, there were over a quarter of a million new nonmedical users of prescription drugs in the past year and 1.9 million new nonmedical users of either prescription or over-the-counter pain relievers. These staggering numbers reflect the urgent need to raise awareness about the dangers associated with medicine abuse. To this end, October has been designated National Medicine Abuse Awareness Month.

Millions of Americans are prescribed medicines every year to treat the symptoms of a variety of injuries and illnesses, from depression to the common cold. Many of these patients do not use the entire amount of medication they were prescribed and either forget about or do not know how to properly dispose of the leftover drug. As a result, half-filled bottles remain in medicine cabinets across the country for months or years. And many of these medicines, when not properly used or administered, can be just as deadly and addictive as street drugs like methamphetamine or cocaine. Indeed, according to the NSDUH, almost 70 percent of those who abused prescription drugs last year obtained them from a friend or relative, many of whom may have had excess drugs remaining in a family medicine cabinet.

As a result, Federal law enforcement and drug policy organizations like the Drug Enforcement Administration and the Office of National Drug Control Policy, as well as national advocacy groups such as the Community Anti-Drug Coalitions of America, the Consumer Healthcare Products Association, and the Partnership for a Drug-Free America, are reaching out to community coalitions throughout the Nation to help raise awareness and address the problem head on.

For example, in my home State of Iowa, the Van Buren County SAFE Coalition—with the help of the local pharmacy and the Van Buren County Reserve Officers—organizes regular drug take-back events at various locations throughout the county to provide an avenue to properly dispose of excess prescription drugs. Additionally, the local pharmacy there has started a take-back program that allows the pharmacy to collect unused and expired medication at any time. Another example of the response to this crisis is the Gateway Impact Coalition, located in Clinton, IA, that has collected nearly 3,500 pounds of old or unwanted medicine from residents in Clinton and Jackson Counties since 2008.

We can stop the growing problem of medicine abuse, but it will require all sectors of the community to join together to make it happen. I applaud the work of community coalitions, such as the Van Buren County SAFE Coalition and the Gateway Impact Coalition, along with many others throughout Iowa and the Nation. I urge my colleagues to do all they can in their home States to make their constituents aware of the dangers associated with the misuse and abuse of prescription and over-the-counter medicines.

SPECIAL ENVOY APPOINTMENT

Mr. KAINE. Madam President, as chairman of the Near East and South and Central Asia subcommittee on the Senate Foreign Relations Committee, today I cosponsored S. 653, a bill that authorizes the President to appoint a Special Envoy within the Department of State to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

Unfortunately, there is a wide range of persecuted minorities who too often are victims of discrimination, marginalization, and violence in the region. Coptic Christians in Egypt, Baha'i in Iran, Ahmadi Muslims in Pakistan, and Christians in Syria are examples of communities and faiths that suffer intolerance.

I believe that all peoples deserve equal treatment, regardless of faith, and I hope the appointment of a Special Envoy within the State Department will help protect those universal rights.

HONORING THE JEWISH COMMUNITY CENTER OF GREATER COLUMBUS

Mr. PORTMAN. Madam President, today I wish to honor the 100th anniversary of the Jewish Community Center of Greater Columbus. The center promotes physical, intellectual, and spiritual wellness for the 6,500 members across Central Ohio.

Joseph Schonthal, an immigrant from Austria, founded the Jewish Community Center in 1913 to assist immigrants from Eastern Europe as they settled into their new life in the United States. The center provided those immigrants with a community center to learn and to grow. Mr. Schonthal also established Camp Schonthal in the center, one of the first Jewish camps in the region.

Today, the Jewish Community Center has several centers located around Columbus that provide adult, youth, and early childhood programs. The center is home to several cultural events a year and hosts a recreation and wellness center.

The Jewish Community Center recently opened the Columbus Jewish Day School to provide children from kindergarten through the fifth grade with a general curriculum, while also helping to foster their Jewish heritage.

The Jewish Community Center of Greater Columbus provides the Jewish community in Central Ohio with educational and cultural programs for members of all ages. I congratulate all who were involved in making its first 100 years a success.

ADDITIONAL STATEMENTS

TRIBUTE TO RAYMOND S. BURTON

• Ms. AYOTTE. Madam President, today I wish to honor the remarkable service of a great New Hampshire statesman: Councilor Raymond S. Burton of Bath.

Councilor Burton has devoted his life to serving the people of New Hampshire—and it is been a labor of love. He has served with great distinction, remarkable diligence, Yankee wit and wisdom, and a deep and abiding love for the people of northern New Hampshire.

For 18 terms, he has represented District One on the State's Executive Council, distinguishing himself as a tireless champion for the North Country. Ray is the longest serving Executive Councilor in New Hampshire's history.

He has also served for 22 years as a Grafton County Commissioner, and is now the board's Clerk. His position as a county commissioner allows him to double his efforts to improve the lives of the people of northern New Hampshire, which is his life's work.

This past weekend, Councilor Burton made the very sad announcement that he will not seek reelection to either elected post next year. This was no doubt a difficult decision for Ray, given his decades of service. I look forward to being in Council District One on Friday to join with Ray's many friends and supporters to honor his unmatched record of service to our state.

I am confident that he will continue to give 110 percent to serving his constituents, just as he has done for decades.

But his announcement represents a tremendous loss, not just for the people of the North County, but for citizens across New Hampshire.

Daniel Webster once said, ''. . . in the mountains of New Hampshire, God Almighty has hung out a sign to show that there He makes men.'' Webster was referring to our beloved Old Man of the Mountain. But he could have just as easily been talking about Councilor Ray Burton, a gold standard public official of unmatched stature.

No one brings the same level of dedication, commitment, and enthusiasm to public life as Ray Burton.

To him, public service is not just a privilege—it is a calling and a true joy. And no one is better at constituent service than Ray Burton.

District One is vast, stretching from Pittsburg on the Canadian border south to the Lakes Region, and from the Connecticut River Valley to the Mount Washington Valley.

He has logged countless miles traveling the villages, towns, cities and counties of his district, frequently behind the wheel of a classic car. And if he is not driving an antique car, you will frequently find him on a snowmobile.

Seventeen hour days are not unusual for Councilor Burton. He has been known to start days in Claremont and finish way up in northern Coos County, before returning to his cherished home in Bath.

No community gathering or meeting is too small for Councilor Burton. If it is important to his constituents, it is important to him.

He has said for many years that he always runs for office like he is three votes behind—a real statement, given that he has served on the Executive Council for nearly 4 decades, frequently was the nominee of both the Republicans and the Democrats, and comfortably wins reelection by double digit margins. It just goes to show you how seriously he takes the job and how eager he is to make a difference in the lives of his constituents.

The fruits of his labor can be found across Council District One, whether it is an improved bridge or road, or an initiative to strengthen the economy and create jobs.

It can also be found in quieter ways: the constituent he helped with a state agency, or the citizen who needed a hand with local or county government

In addition to handing out his trademark combs, Ray gladly gives out his office number, his home office number, his car phone number and his email address—and he encourages people to use them. They call for help in times of need—and he delivers results.

In fact, a former State commissioner once joked that when she switched on her computer on Monday mornings, she would find two dozen emails from Councilor Burton. That would not surprise me, given his view that the concerns of his constituents are of paramount importance and should go straight to the top. I can personally report having received dozens of inquiries from Ray—signed with his familiar line, ''May I hear from you?''

When not traveling his district, Ray is an enormously respected leader in Concord, where he first arrived in the late 1960s to work as a Sergeant at Arms in the State House of Representatives and the State Senate. Remarkably, he has served at the Statehouse during the administrations of 10 governors.

In 1976, he was first elected to New Hampshire's Executive Council, an executive branch panel that functions as a check on executive power and dates back to 1680. It is a position he has held since 1981, earning the honorary title of ''dean'' of the council.

When I served as New Hampshire's Attorney General, I saw up close that Councilor Burton is someone who does his homework, asks tough questions, and fights with every fiber of his being for what he believes is right. I also saw how deeply he loves our State—and how hard he fights for the people of northern New Hampshire.

Beyond his tremendous efforts on behalf of his constituents, Ray also deserves great credit for working to prepare future generations of leaders. After his election to the Executive Council, he initiated a student internship program, which has become legendary in New Hampshire. Over the years, 140 interns have served Councilor Burton. Many of these young men and women have gone on to great careers in politics and government, carrying on his proud tradition of excellence in public service. I know that Ray's interns are a source of tremendous pride to him, and I commend him

for continuing a program that has served so many so well.

I am pleased to join citizens across New Hampshire in thanking Councilor Burton for his decades of extraordinary service to our State. No one has fought harder for his constituents than Ray Burton. And for generations to come, public officials will look to Ray as a model—striving to match his tremendous energy, his inherent decency, and his extraordinary commitment to strengthening our beloved state.●

REMEMBERING BERNARD WYNDER

● Mr. CARDIN. Madam President, I wish to pay tribute to an extraordinary individual, Bernard ''Bernie'' Wynder, who passed away at the much too young age of 58 this past June while serving as the president of the Allegany County chapter of the National Association for the Advancement of Colored People, NAACP. Bernie overcame the challenges of a childhood on the streets of East Baltimore and made it his life's work to mentor young Black men and help them to succeed as students, professionals, husbands, and fathers. Bernie generously gave his time and inimitable leadership to numerous community organizations, including Maryland Salem Children's Trust, Western Maryland Food Bank, Potomac Council Boy Scouts of America, Big Brothers/Big Sisters, Allegany County Multicultural Committee, American Red Cross, and the City of Cumberland Mediation Advisory Council. He also served on the Allegany County Human Relations Commission and as chair of the Friends of the NAACP.

Most recently, Bernie's loving attention help reignite the local NAACP branch as a powerful voice for social justice in Mountain Maryland. I was privileged to spend time with Bernie on my visits to Allegany County and get to know his love for his community and to be inspired by his passion for social justice.

Bernie was born in Baltimore on January 4, 1955. He graduated in 1974 from Mergenthaler Vocational-Technical High School, where he served as president of the Student Senate for the Baltimore City School System. He is a 1978 graduate of Frostburg State University and received his master of education from FSU in 1984. Bernie started his professional career in January 1979, accepting the position of admissions counselor & minority recruiter at FSU. He became coordinator of minority recruitment at Slippery Rock University and then returned to FSU in 1982 as associate director of admissions. He served in this role until 1986, when he was promoted to be the director of the Office of Student Human Relations & Minority Affairs. In this capacity, he developed an academic monitoring program which is still in use today. In 1996, Bernie took over the management duties of both the Admissions and Financial Aid Offices at FSU. In 2001, he moved to the Athletic Department, where he served as the assistant director of athletics and worked with coaches and the Office of Enrollment Services to develop recruitment activities for athletes and to increase their retention and graduation rates. Later, Bernie served as assistant vice president of student services.

Bernie Wynder's lifetime of service has been recognized and appreciated by others. In 1986, Bernie received the Trio Achiever's Award for the State of Maryland. He was inducted into Mergenthaler Vocational-Technical High School's Hall of Fame in 1993. He received FSU's Alumni Achievement Award in 1997 and received the College Admissions Representative of the Year Award given by the College Bound Foundation for service to Baltimore City high school students in 2002. In 2005, Bernie received the NAACP Image Award. In 2010, Bernie was one of three Marylanders honored as a ''Living Legend'' by the Associated Black Charities for his ''profound achievement in higher education.'' He is also an alumnus of Leadership Allegany.

Mr. President, the Reverend Dr. Martin Luther King, Jr., said, ''Everybody can be great . . . because anybody can serve . . . You only need a heart full of grace. A soul generated by love.'' Dr. King could have been describing Bernie Wynder, who devoted his life to service to others. The NAACP and FSU students, faculty, staff, and alumni mourn his death, as do his brothers in Omega Psi Phi to whom he was a mentor and a source of inspiration. His love and concern transformed the lives of so many generations of Frostburg students.

I send my deepest condolences to his wife of 32 years, Robin Vowels Wynder; their son, Bernard ''Bear'' Wynder Jr.; their daughter, Brandie McIntyre; and the rest of his family. Bernie Wynder was a man of uncommon integrity, wisdom, compassion, and commitment. We will miss his courage and vision and voice.●

REMEMBERING PAUL RALSTIN

● Mr. CRAPO. Madam President, today I wish to honor the life and legacy of an outstanding conservationist, sportsman, and dear friend.

Paul Ralstin's interest in the outdoors and wildlife conservation began at a young age, when he was an active Boy Scout and Eagle Scout. He grew that appreciation into a strong devotion to advancing conservation efforts as an active Ducks Unlimited volunteer, hunter, and fisherman. A graduate of Capital High School, Paul grew up and lived in Boise. In addition to serving in multiple leadership roles in Ducks Unlimited, Inc., Ducks Unlimited Canada, and Ducks Unlimited de Mexico, Paul was successful in the construction industry as owner of the family construction business, Gem State Builders. Paul also helped develop opportunities for others through serving as a mentor.

Throughout his life, Paul led with a heartfelt exuberance. His wit, friendliness, sense of adventure, and fun-loving spirit will be forever remembered. I have greatly valued his friendship and insight and extend my deep condolences to his wife Jeanne, children, and many friends and family. Paul's exemplary commitment to improving our natural resources and wildlife habitat will not be forgotten. His enthusiasm and dedication will live on in the many lives he touched throughout his life.●

BUCKSKIN MINE

● Mr. ENZI. Madam President, I rise today with great pride to speak about another Wyoming success story. I am very pleased to have this opportunity to extend our congratulations to the Buckskin Mine, which is located in my home State of Wyoming, for the outstanding record of safety they were able to compile in 2012. The mine's focus on safety and the great results they were able to achieve speak volumes about the mine and the care and attention they give to safety and to keeping their employees safe at work.

I have often heard it said that successful safety and health programs don't just ''happen.'' They take a great deal of time and effort and they result from a teamwork approach that involves everyone from the owner of the mine to the dedicated and hard-working team that works in the mine every day. That means this safety award was earned by everyone at the mine.

It is no secret. Working in a mine is a difficult and dangerous job, and it requires every worker to look out for their own safety as well as their fellow workers' safety. That kind of diligence, exercised every day, is what helps to ensure that all our workers will make a safe return home at the end of the day to be with their families.

Simply put, that is why the Buckskin Mine is receiving this recognition. Their staff goes the extra mile every day to make sure their mine is as safe as it can possibly be. The culture of workplace safety that is then created helps to keep each of their workers focused on safety throughout the day. The result is this special award.

I have always believed that the best way to lead is by example, and by earning this important recognition they have established a record of safety that other mines will want to emulate. In the end, that is something that will continue to benefit Wyoming and the mining industry all across the Nation.

The Senate Committee on Health, Education, Labor and Pensions, on which I serve, has focused our attention on this key issue for many years. As a committee, we are well aware of what an impressive record this is, and we hope their record of success will become the norm across the United States. Safe work habits create safe workplaces and low accident rates for all employees which makes our business community, especially our mining

industry, more productive. Good safety records also help to make our businesses more prosperous which is another benefit that comes from putting workplace safety first.

That is why it gives me a great deal of pride to extend these best wishes and words of congratulations to every employee of the Buckskin Mine, its management, and all those who have worked so hard to keep the mine safe. It took a team with a vision to create and put a safety program into effect, and the Buckskin mine team can be very proud of their efforts and the great result they were able to achieve. They have made a difference that will have an impact from their own backyard to every corner of our country that relies on mines and mining.

Now their challenge is to keep up the good work and to keep their excellent safety record going strong. With the hard-working group that makes the Buckskin Mine such a safe workplace, I have every confidence they will continue to serve as an example of what is possible when workers and management work together to keep our workplaces safe.●

TRIBUTE TO STEPHEN N. ADUBATO, SR.

● Mr. MENENDEZ. Madam President, I rise today to honor the extraordinary work of Stephen Adubato, Sr., and the lifetime of contributions he has made to better the lives of Newark, NJ residents. From the 3- and 4-year-olds who attend the preschool program he founded, to the older adults who are cared for at Casa Israel Adult Medical Day Care, thousands of people each and every day are positively touched by the institutions that Mr. Adubato has created.

Mr. Adubato began his own career in education as a history and government teacher in the Newark public schools, where he taught for 15 years. While teaching, he obtained a master's degree in education and completed the coursework for a doctorate in education.

Beginning in 1970, Mr. Adubato built the North Ward Center from a small storefront office on Bloomfield Avenue into the thriving institution it is today. During an era of instability, uncertainty, and transformation in the city, the North Ward Center served as a pillar of stability, offering job training, education, and recreational opportunities to families struggling for survival. Given his strong commitment to education, it is no surprise that one of the first programs created by the North Ward Center was a preschool. Today, the North Ward Child Development Center educates 700 children a year and is one of the largest Abbott preschools in the State.

In 1980, the North Ward Center founded the Newark Business Training Institute, NBTI, which has helped thousands of adults transition from welfare to work and has returned more than $1 billion into the State's economy. NBTI currently offers English as a second language to ensure recent immigrants have the language skills necessary to find good jobs.

The crowning achievement of Mr. Adubato's lifelong dedication to education is the Robert Treat Academy Charter School, which enrolls 450 students in grades K–8. Founded in 1997 as one of the State's first charter schools, Robert Treat has gained a national reputation for its academic success and was named a Blue Ribbon school in 2008.

In August 2009, Robert Treat opened a second campus in the Central Ward of Newark. It started with a kindergarten and first grade class and will add a grade each year. Between the two campuses, Robert Treat will eventually enroll 675 students.

Mr. Adubato received a doctor of humane letters from Kean University in May 2010. He received the Official Knight of the Order of Merit of the Republic of Italy and was honored by the New Jersey Ballet and the Archdiocese of Newark as the Humanitarian of the Year. Mr. Adubato was also honored by the Thurgood Marshall College Fund and National Organization of African-American Administrators. In September 2009, he was honored by Essex County, which named the recreation complex in Branch Brook Park the Stephen N. Adubato, Sr., Sports Complex.

There is no doubt that the lifetime work of Stephen Adubato, Sr., has greatly benefited the people of Newark. His commitment to helping those around him is not only admirable, it is inspiring, and his legacy is sure to have a lasting impact on the city. I join together with all New Jerseyans in thanking him for a career of remarkable contribution.●

RECOGNIZING MICRO 100

● Mr. RISCH. Madam President, sons can learn so much from their fathers. Whether it is changing a tire, throwing a football, or loving a family, the lessons derived from our fathers can have a profound impact on our lives. In 1969, 24-year old Dale Newberry agreed to join his father Jack in a family business selling cutting tools to local machine shops. What began 44 years ago as a two-machine operation based out of a carport of a southern California home is now a $15 million-a-year business based in Meridian, ID, that employs 110 Idahoans and sells from a catalog of 12,000 carbide cutting tools to more than 600 U.S. distributors and others in 40 countries.

Micro 100 specializes in manufacturing both industry standard and custom carbide tools which are used to manufacture items essential to modern life, including airplane wings, watch parts, telephone receivers, car-door handles, and household appliance components. The strength of these tools makes them virtually unbreakable.

Micro 100 utilizes a proprietary process that increases the toughness of micrograin carbide material without diminishing its hardness. Carbide is 90 percent tungsten—one of the hardest metals on the planet—but Micro 100 uses machines whose grinding wheels are coated in industrial diamond, the only substance known that will cut tungsten. As a result, carbide tools produced by Micro 100 stay sharp for 10 or 20 times longer than steel.

For years, Micro 100 products have achieved a 99.9 percent customer satisfaction rate from clients engaged in a wide range of metalworking fields, including mold and die making, high-speed cutting, high-precision cutting, high-performance milling of aluminum, plastics, and nonferrous materials, and hard milling. Therefore, it is only fitting that we celebrate this firm's growth and successes, as they have simultaneously helped create jobs in Idaho and enhanced the reputation of American manufacturing in the global community. I am proud to extend my congratulations to Dale Newberry and everyone at Micro 100 for their tremendous efforts and offer my best wishes for their continued success.●

TRIBUTE TO CORY KLUMB

● Mr. TESTER. Madam President, I wish to honor Cory Allen Klumb, a veteran of the U.S. Army and the Army National Guard. Cory, on behalf of all Montanans and all Americans, I stand to say thank you for your service to this Nation. It is my honor to share the story of Cory's service, because no veteran's story should ever go unrecognized. Cory was born in Wisconsin in 1965. He joined the Army in January of 1986 and reached the rank of sergeant when he was discharged in May of 1989. After a few years, Cory decided to use the veterans' education benefits he earned to attend Montana State University, a State he had only visited once before.

In 1999, Cory got a job with the Montana Highway Patrol and decided to enlist in the Montana Army National Guard—10 years to the day after he was discharged from active duty. Cory was a member of the 143rd Military Police Detachment out of Belgrade. In 2003, his unit was deployed to Iraq to assist with Operation Iraqi Freedom.

On April 13, 2004, Cory's convoy was traveling from Baghdad National Airport to their station when they were struck by an improvised explosive devise, or I-E-D. Fortunately, no lives were lost in that explosion, but Cory experienced permanent hearing damage. Two months later, the 143rd MP detachment returned to Montana. Cory left the National Guard in 2006 at the rank of staff sergeant.

Today, he is a police sergeant in Bozeman, where he lives with his wife Kelly and his daughter Piper.

Earlier this month, in the presence of Cory's family, it was my honor to present him with his Purple Heart Medal.

This decoration—and the decorations that Cory has already received—are

small tokens, but they are powerful symbols of true heroism, sacrifice and dedication to service. This medal is presented on behalf of a grateful nation.●

MESSAGE FROM THE HOUSE

At 2:28 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1405. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include a notice of disagreement form in any notice of decision issued for the denial of a benefit sought, to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 1742. An act to exclude from consideration as income under the United States Housing Act of 1937 payments of pension made under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance, and for other purposes.

H.R. 2011. An act to amend title 38, United States Code, to provide for a two-year extension of the Veterans' Advisory Committee on Education.

H.R. 2189. An act to improve the processing of disability claims by the Department of Veterans Affairs, and for other purposes.

H.R. 2481. An act to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to benefits, and for other purposes.

H.R. 3304. An act to authorize and request the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor.

MEASURES REFERRED

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

H.R. 1405. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include a notice of disagreement form in any notice of decision issued for the denial of a benefit sought, to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1742. An act to exclude from consideration as income under the United States Housing Act of 1937 payments of pension made under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2011. An act to amend title 38, United States Code, to provide for a two-year extension of the Veterans' Advisory Committee on Education; to the Committee on Veterans' Affairs.

H.R. 2189. An act to improve the processing of disability claims by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2481. An act to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to benefits, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3304. An act to authorize and request the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1592. A bill to provide for a delay of the individual mandate under the Patient Protection and Affordable Care Act until the American Health Benefit Exchanges are functioning properly.

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. CRUZ (for himself and Mr. CORNYN):

S. 1594. A bill to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the Paul Brown United States Courthouse; to the Committee on Environment and Public Works.

By Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, and Mr. CARDIN):

S. 1595. A bill to establish a renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TOOMEY:

S. 1596. A bill to require State educational agencies that receive funding under the Elementary and Secondary Education Act of 1965 to have in effect policies and procedures on background checks for school employees; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MORAN (for himself and Mr. BROWN):

S. 1597. A bill to provide for the use of savings promotion raffle products by financial institutions to encourage savings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER (for herself, Mr. SCHUMER, and Ms. HIRONO):

S. 1598. A bill to provide a process for ensuring the United States does not default on its obligations; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. LEE, Mr. DURBIN, Mr. HELLER, Mr. BLUMENTHAL, Ms. MURKOWSKI, Ms. HIRONO, Mr. UDALL of New Mexico, Mr. BEGICH, Ms. BALDWIN, Mr. HEINRICH, Mr. MARKEY, Mr. UDALL of Colorado, Ms. WARREN, Mr. MERKLEY, Mr. TESTER, Mr. SCHATZ, and Mr. MENENDEZ):

S. 1599. A bill to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. WYDEN, Mr. UDALL of Colorado, Mr. HELLER, Mr. ENZI, Mrs. HAGAN, Mr. THUNE, Mr. COONS, Mr. HOEVEN, Ms. LANDRIEU, Mr. COATS, Mr. BEGICH, Mr. RISCH, Ms. KLOBUCHAR, Mr. BLUNT, Mr. FRANKEN, and Mr. CRAPO):

S. 1600. A bill to facilitate the reestablishment of domestic, critical mineral designation, assessment, production, manufacturing, recycling, analysis, forecasting, workforce, education, research, and international capabilities in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HOEVEN (for himself and Ms. HEITKAMP):

S. 1601. A bill to ensure that certain communities may be granted exceptions for floodproofed residential basements for purposes of determining risk premium rates for flood insurance; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BLUMENTHAL:

S. 1602. A bill to establish in the Department of Veterans Affairs a national center for the diagnosis, treatment, and research of health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces, to provide certain services to those descendants, to establish an advisory board on exposure to toxic substances, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1603. A bill to reaffirm that certain land has been taken into trust for the benefit of the Match-E–Be-Nash-She-Wish Band of Pottawatami Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. SANDERS:

S. 1604. A bill to amend title 38, United States Code, to expand and enhance eligibility for health care and services through the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MURKOWSKI:

S. 1605. A bill for the relief of Michael G. Faber; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado:

S. 1606. A bill to designate the community-based outpatient clinic of the Department of Veterans Affairs to be constructed at 3141 Centennial Boulevard, Colorado Springs, Colorado, as the ''PFC Floyd K. Lindstrom Department of Veterans Affairs Clinic''; to the Committee on Veterans' Affairs.

By Mr. SCHATZ (for himself and Ms. HIRONO):

S. 1607. A bill to provide conformity in Native small business opportunities and promote job creation, manufacturing, and American economic recovery; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHATZ:

S. 1608. A bill to authorize appropriations for the SelectUSA Initiative, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 1609. A bill to amend title 14, United States Code, to authorize the Commandant of the United States Coast Guard to lease tidelands and submerged lands under control of the Coast Guard for periods longer than five years; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ (for himself, Mr. ISAKSON, Ms. LANDRIEU, Mr. COCHRAN, Mr. MERKLEY, Mr. VITTER, Mr. HOEVEN, Ms. HEITKAMP, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. MARKEY, Mr. NELSON, Mr. BEGICH, Ms. WARREN, and Mr. FRANKEN):

S. 1610. A bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MERKLEY (for himself, Mr. CRAPO, Mr. DURBIN, Mrs. MURRAY, Mr. SCHATZ, Mr. BROWN, Mr. UDALL of New Mexico, Mr. HEINRICH, Mr. BEGICH, Ms. WARREN, and Mr. CARDIN):

S. Res. 276. A resolution designating October 2013 as ''National Work and Family Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. PORTMAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 29, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 80

At the request of Mr. CORNYN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 80, a bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Reporting System, and for other purposes.

S. 203

At the request of Mr. PORTMAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 203, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame.

S. 209

At the request of Mr. PAUL, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 209, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

S. 264

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 264, a bill to expand access to community mental health centers and improve the quality of mental health care for all Americans.

S. 288

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 288, a bill to increase the participation of historically underrepresented demographic groups in science, technology, engineering, and mathematics education and industry.

S. 289

At the request of Ms. LANDRIEU, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 289, a bill to extend the low-interest refinancing provisions under the Local Development Business Loan Program of the Small Business Administration.

S. 372

At the request of Ms. WARREN, her name was added as a cosponsor of S. 372, a bill to provide for the reduction of unintended pregnancy and sexually transmitted infections, including HIV, and the promotion of healthy relationships, and for other purposes.

S. 395

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 395, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 541

At the request of Ms. LANDRIEU, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 541, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 554

At the request of Mr. ISAKSON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 554, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 635

At the request of Mr. BROWN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 641

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 641, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 653

At the request of Mr. KAINE, his name was added as a cosponsor of S. 653, a bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 669

At the request of Mr. ISAKSON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 669, a bill to make permanent the Internal Revenue Service Free File program.

S. 699

At the request of Mr. GRASSLEY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 699, a bill to reallocate Federal judgeships for the courts of appeals, and for other purposes.

S. 700

At the request of Mr. KAINE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 700, a bill to ensure that the education and training provided members of the Armed Forces and veterans better assists members and veterans in obtaining civilian certifications and licenses, and for other purposes.

S. 709

At the request of Ms. STABENOW, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 709, a bill to amend title XVIII of the Social Security Act to increase diagnosis of Alzheimer's disease and related dementias, leading to better care and outcomes for Americans living with Alzheimer's disease and related dementias.

S. 731

At the request of Mr. MANCHIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 731, a bill to require the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency to conduct an empirical impact study on proposed rules relating to the International Basel III agreement on general risk-based capital requirements, as they apply to community banks.

S. 820

At the request of Mrs. FEINSTEIN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 820, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. 822

At the request of Mr. LEAHY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 822, a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 924

At the request of Mr. MENENDEZ, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 924, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance existing programs providing mitigation assistance by encouraging States to adopt and actively enforce State building codes, and for other purposes.

S. 932

At the request of Mr. BEGICH, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 932, a bill to amend title 38, United States Code, to provide for advance appropriations for certain discretionary accounts of the Department of Veterans Affairs.

S. 945

At the request of Mrs. SHAHEEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 945, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1012

At the request of Mr. BLUNT, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1012, a bill to amend title XVIII of the Social Security Act to improve operations of recovery auditors under the Medicare integrity program, to increase transparency and accuracy in audits conducted by contractors, and for other purposes.

S. 1053

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1053, a bill to amend title XVIII of the Social Security Act to strengthen and protect Medicare hospice programs.

S. 1150

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1150, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 1158

At the request of Mr. WARNER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1174

At the request of Mr. BLUMENTHAL, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1187

At the request of Ms. STABENOW, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1187, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 1195

At the request of Mr. BARRASSO, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1195, a bill to repeal the renewable fuel standard.

S. 1249

At the request of Mr. BLUMENTHAL, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1249, a bill to rename the Office to Monitor and Combat Trafficking of the Department of State the Bureau to Monitor and Combat Trafficking in Persons and to provide for an Assistant Secretary to head such Bureau, and for other purposes.

S. 1302

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1318

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1318, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes.

S. 1332

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1340

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1340, a bill to improve passenger vessel security and safety, and for other purposes.

S. 1351

At the request of Mr. KAINE, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1351, a bill to provide for fiscal gap and generational accounting analysis in the legislative process, the President's budget, and annual long-term fiscal outlook reports.

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1351, supra.

S. 1357

At the request of Mr. BAUCUS, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1357, a bill to extend the trade adjustment assistance program.

S. 1452

At the request of Mr. FRANKEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1452, a bill to enhance transparency for certain surveillance programs authorized by the Foreign Intelligence Surveillance Act of 1978 and for other purposes.

S. 1490

At the request of Mr. FLAKE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1490, a bill to delay the application of the Patient Protection and Affordable Care Act.

S. 1507

At the request of Mr. MORAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1507, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of general welfare benefits provided by Indian tribes.

S. 1517

At the request of Mr. WHITEHOUSE, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1517, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 1529

At the request of Ms. BALDWIN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Delaware (Mr. COONS), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Oregon (Mr. MERKLEY), the Senator from Massachusetts (Mr. MARKEY), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Maryland (Mr. CARDIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1529, a bill to provide benefits to domestic partners of Federal employees.

S. 1551

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1551, a bill to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

S. 1590

At the request of Mr. ALEXANDER, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE), the Senator from Maine (Ms. COLLINS), the Senator from Missouri (Mr. BLUNT), the Senator from Arizona (Mr. FLAKE), the Senator from Georgia (Mr. ISAKSON), the Senator from South Dakota (Mr. THUNE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Indiana (Mr. COATS) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 1590, a bill to amend the Patient Protection and Affordable Care Act to require transparency in the operation of American Health Benefit Exchanges.

S. 1592

At the request of Mr. RUBIO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1592, a bill to provide for a delay of the individual mandate under the Patient Protection and Affordable Care Act until the American Health Benefit Exchanges are functioning properly.

S. RES. 26

At the request of Mr. MORAN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. Res. 26, a resolution recognizing that access to hospitals and other health care providers for patients in rural areas of the United States is essential to the survival and success of communities in the United States.

S. RES. 254

At the request of Mr. ENZI, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. Res. 254, a resolution designating November 2, 2013, as ''National Bison Day''.

S. RES. 270

At the request of Mr. KIRK, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 270, a resolution supporting the goals and ideals of World Polio Day and commending the international community and others for their efforts to prevent and eradicate polio.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRUZ (for himself and Mr. CORNYN):

S. 1594. A bill to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the Paul Brown United States Courthouse; to the Committee on Environment and Public Works.

Mr. CRUZ. Mr. President, I rise today to honor the late Judge Paul Brown, and to urge the Senate to adopt a bill I am introducing, along with the Senior Senator from Texas. This bill will rename the Federal courthouse in Sherman, TX, as the Paul Brown United States Courthouse.

Judge Brown was a Federal judge for the United States District Court for the Eastern District of Texas. He joined the court in 1985, after being nominated by President Reagan. He served on that court admirably until his death on November 26, 2012.

Judge Paul Brown was born on October 4, 1926. He was the youngest of 6 children. He was raised on a farm near Pottsboro, TX. He graduated from Denison High School in 1943.

He left home to attend the University of Texas at Austin. But with World War II escalating, he left UT to enlist in the Navy at the age of 17. He returned to UT, where he got his law degree in 1950. He is said to have loved UT so much that a fellow judge once recalled that although Judge Brown never wore a burnt orange tie on the bench, you could see him ''glow orange'' by simply mentioning UT.

Just after Judge Brown got his law degree, the Korean War began. And he served our country admirably once again in the Navy from 1950 to 1951. In 1951, he returned to Sherman, TX, and began private practice. In 1953, he was appointed as an Assistant U.S. Attorney for the Eastern District of Texas. President Eisenhower named him U.S. Attorney for the Eastern District of Texas in 1959.

After meeting and marrying Francis Morehead in Texarkana, Judge Brown then moved back to Sherman and reentered private practice in 1961. After almost a quarter century of practicing law in Sherman, Senator Phil Gramm recommended Judge Brown to President Reagan for a new vacancy in the Eastern District of Texas.

Judge Brown was confirmed for this vacancy in 1985. He served with distinction for the next 27 years. Judge Brown took senior status in 2001. At Judge Brown's retirement celebration, Chief Judge Heartfield called Judge Brown ''a textbook member'' of ''the Greatest Generation.''

His legacy lives on today, as the Judge Paul Brown Endowed Scholarship was established at the University of Texas School of Law in 2005. He was honored as a Distinguished Alumnus of Denison High School in 2006.

Judge Brown will be missed by his family, his community, and his nation. He, and his family, deserve this great honor, as the people of Sherman, TX, will forever remember the great jurist, Judge Paul Brown.

By Mr. LEAHY (for himself, Mr. LEE, Mr. DURBIN, Mr. HELLER, Mr. BLUMENTHAL, Ms. MURKOWSKI, Ms. HIRONO, Mr. UDALL of New Mexico, Mr. BEGICH, Ms. BALDWIN, Mr. HEINRICH, Mr. MARKEY, Mr. UDALL of Colorado, Ms. WARREN, Mr. MERKLEY, Mr. TESTER, Mr. SCHATZ, and Mr. MENENDEZ):

S. 1599. A bill to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, the Foreign Intelligence Surveillance Act, or FISA, was enacted 35 years ago to limit the government's ability to engage in domestic surveillance operations. In the years since September 11, 2001, Congress has repeatedly expanded the scope of this law to provide the government with broad new powers to gather information about law-abiding Americans. No one underestimates the threat this country continues to face, and we can all agree that the intelligence community should be given necessary and appropriate tools to help keep us safe. But we should also agree that there must be reasonable limits on the surveillance powers we give to the government. That is why I have consistently fought to curtail the sweeping powers contained in the USA PATRIOT Act and FISA Amendments Act, while also bolstering privacy protections and strengthening oversight. And that is why I continue my efforts today by joining with Congressman JIM SENSENBRENNER, as well as members of Congress from both political parties, to introduce the bipartisan USA FREEDOM Act of 2013.

Over the past several months, Americans have learned that government surveillance programs conducted under FISA are far broader than previously understood. Section 215 of the USA PATRIOT Act has for years been secretly interpreted to authorize the dragnet collection of Americans' phone records on an unprecedented scale, regardless of whether those Americans have any connection to terrorist activities or groups. The American public also learned more about the government's broad collection of Internet data through the use of Section 702 of FISA. And the world has learned that this surveillance has extended to millions of individuals in the global community including some of our allies and their leaders. These revelations have undermined Americans' trust in our intelligence community and harmed our relationships with some of our most important international partners.

While I do not condone the manner in which these and other highly classified programs were disclosed, I agree with the Director of National Intelligence that this debate about surveillance needed to happen. It is a debate that some of us in Congress have been engaged in for years. Since this summer, the Judiciary Committee convened two public hearings and a classified briefing with officials from the administration, including the Director of National Intelligence, the Director of the National Security Agency, and the Deputy Attorney General.

As a result of these hearings and the recent declassification of documents by the administration, the public now knows about the repeated and substantial legal and policy violations by the

NSA in its implementation of both Section 215 and Section 702. The public now knows that, in addition to collecting phone call metadata on millions of law-abiding Americans, the NSA collected, without a warrant, the contents of tens of thousands of wholly domestic emails of innocent Americans. The NSA also violated a FISA Court order by regularly searching the Section 215 bulk phone records database without meeting the standard imposed by the Court.

These repeated violations, which have occurred nearly every year that these programs have been authorized by the FISA Court, led to several reprimands from the FISA Court for what it called ''systemic noncompliance'' by the government. In addition, the Court admonished the government for making a series of substantial misrepresentations to the Court about its activities. The NSA has assured Congress that these problems have been corrected. Yet with each new revelation in the press about new techniques developed by the NSA that intrude into the privacy and everyday lives of Americans, I grow increasingly concerned about the lack of sufficient oversight and accountability.

Last week, the Assistant to the President for Homeland Security and Counterterrorism, Lisa Monaco, stated that the government should only collect data ''because we need it and not just because we can.'' I completely agree—and that is why the government's dragnet collection of phone records should end. The government has not made a compelling case that this program is an effective counterterrorism tool, especially when balanced against the intrusion on Americans' privacy. In fact, both the Director and the Deputy Director of the NSA have testified before the Judiciary Committee that there is no evidence that the Section 215 phone records collection program helped to thwart dozens or even several terrorist plots.

It is clear that as the administration has become more open and forthright about these programs, the facts have not matched the rhetoric. It is time for serious and meaningful reforms to FISA in order to restore the confidence of the American people in our intelligence community. Modest transparency and oversight provisions are a good first step, but by themselves they are insufficient to protect the privacy rights and civil liberties of Americans. We must do more.

The USA FREEDOM ACT is a legislative solution that comprehensively addresses a range of surveillance authorities contained in FISA. I want to thank Congressman SENSENBRENNER for his dedicated work on this bipartisan, bicameral piece of legislation that we are introducing today. We are joined in this effort by members of Congress from both chambers and across the political spectrum, and I want to thank the following Senators for cosponsoring this legislation: Senator LEE, Senator DURBIN, Senator HELLER, Senator BLUMENTHAL, Senator MURKOWSKI, Senator HIRONO, Senator UDALL of New Mexico, Senator BEGICH, Senator BALDWIN, Senator HEINRICH, Senator MARKEY, Senator UDALL of Colorado, Senator WARREN, Senator MERKLEY, Senator TESTER, and Senator SCHATZ.

Our bill will end the dragnet collection of phone records under Section 215 of the PATRIOT Act by requiring that only documents or records relevant and material to an investigation may be obtained, and that they have some particular nexus to a specific foreign agent or power. It will also ensure that the FISA pen register statute and National Security Letters cannot be used to authorize similar dragnet collection by applying the same standard. The bill also adds more meaningful judicial review of Section 215 orders and raises the standard for the government to obtain a gag order for every Section 215 order.

In addition to stopping the dragnet collection of phone records, our legislation will address privacy concerns related to surveillance conducted under the FISA Amendments Act, which allows the government to gather vast amounts of Internet communications content by foreigners located overseas. Given the technological nature of Internet communications, we must vigilantly protect against the inadvertent collection of the contents of the wholly domestic communications of U.S. persons—something that the NSA acknowledged has happened before. Our bill will place stricter limits on this type of collection, and also require the government to obtain a court order prior to conducting 'back door' searches looking for the communications of U.S. persons in databases collected without a warrant under Section 702 of FISA.

Finally, the USA FREEDOM Act will require enhanced accountability, transparency, and oversight in the FISA process. Our bill builds on a proposal by Senator BLUMENTHAL to provide for the creation of a Special Advocate who will advocate specifically for the protection of privacy rights and civil liberties before the FISA Court, as well as a process for publicly releasing FISA Court opinions containing significant interpretations of law. Under the bill, public confidence in the government's activities will also be strengthened by more detailed public reporting about the numbers and types of FISA orders that are issued.

Importantly, this measure requires new Inspector General reviews and imposes new sunset dates. I have long believed that sunset provisions are an important tool because nothing focuses the attention of Congress or the Executive Branch like the looming chance that a law will end. It is important to note that Section 215, which the government is using to conduct dragnet phone records collection, will expire in June 2015 unless Congress decides otherwise. This bill also shortens the FISA Amendments Act sunset by 2 years, and adds a new sunset for National Security Letters. This aligns all of these FISA sunsets so that Congress can address them comprehensively in 2015, rather than in a piecemeal fashion.

These are all commonsense, bipartisan improvements that will ensure appropriate limits are placed on the government's vast surveillance powers. The American people deserve to know how laws governing surveillance authorities are being interpreted and will implicate their personal information and activities. The American people also deserve to know whether these programs have proven sufficiently valuable as counterterrorism tools to justify their extraordinary breadth. This legislation will help to repair that trust deficit by providing enhanced layers of transparency, oversight, and accountability to ensure that we are protecting national security while restoring protections for the privacy rights and civil liberties of law-abiding Americans.

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. 1599

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act'' or the ''USA FREEDOM Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—FISA BUSINESS RECORDS REFORMS

SEC. 101. PRIVACY PROTECTIONS FOR BUSINESS RECORDS ORDERS.

(a) PRIVACY PROTECTIONS.—

(1) IN GENERAL.—Section 501(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)) is amended—

(A) in paragraph (1)(B), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) a statement of facts showing that there are reasonable grounds to believe that the tangible things sought—

''(i) are relevant and material to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to—

''(I) obtain foreign intelligence information not concerning a United States person; or

''(II) protect against international terrorism or clandestine intelligence activities; and

''(ii) pertain to—

''(I) a foreign power or an agent of a foreign power;

''(II) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(III) an individual in contact with, or known to, a suspected agent of a foreign power; and

''(B) a statement of proposed minimization procedures; and''; and

(C) by adding at the end the following paragraph:

''(3) if the applicant is seeking a nondisclosure requirement described in subsection (d), shall include—

''(A) the time period during which the Government believes the nondisclosure requirement should apply;

''(B) a statement of facts showing that there are reasonable grounds to believe that disclosure of particular information about the existence or contents of the order requiring the production of tangible things under this section during such time period will result in—

''(i) endangering the life or physical safety of any person;

''(ii) flight from investigation or prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations;

''(vi) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(vii) otherwise seriously endangering the national security of the United States; and

''(C) an explanation of how the nondisclosure requirement is narrowly tailored to address the specific harm identified under subparagraph (B).''.

(2) ORDER.—Section 501(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)) is amended—

(A) in paragraph (1)—

(i) by striking ''subsections (a) and (b)'' and inserting ''subsection (a) and paragraphs (1) and (2) of subsection (b) and that the proposed minimization procedures meet the definition of minimization procedures under subsection (g)''; and

(ii) by striking the last sentence and inserting the following: ''If the judge finds that the requirements of subsection (b)(3) have been met, such order shall include a nondisclosure requirement, which may apply for not longer than 1 year, unless the facts justify a longer period of nondisclosure, subject to the principles and procedures described in subsection (d).''; and

(B) in paragraph (2)—

(i) in subparagraph (C), by inserting before the semicolon '', if applicable'';

(ii) in subparagraph (D), by striking ''and'' at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new subparagraph:

''(F) shall direct that the minimization procedures be followed.''.

(3) NONDISCLOSURE.—Section 501(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(d)) is amended to read as follows:

''(d) NONDISCLOSURE.—

''(1) IN GENERAL.—No person who receives an order entered under subsection (c) that contains a nondisclosure requirement shall disclose to any person the particular information specified in the nondisclosure requirement during the time period to which the requirement applies.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A person who receives an order entered under subsection (c) that contains a nondisclosure requirement may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary to comply with the order;

''(ii) an attorney to obtain legal advice or assistance regarding the order; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom an order is directed under this section in the same manner as the person to whom the order is directed.

''(C) NOTICE.—Any person who discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall notify the person of the applicable nondisclosure requirement.

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(3) EXTENSION.—The Director of the Federal Bureau of Investigation, or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge), may apply for renewals of the prohibition on disclosure of particular information about the existence or contents of an order requiring the production of tangible things under this section for additional periods of not longer than 1 year, unless the facts justify a longer period of nondisclosure. A nondisclosure requirement shall be renewed if a court having jurisdiction under paragraph (4) determines that the application meets the requirements of subsection (b)(3).

''(4) JURISDICTION.—An application for a renewal under this subsection shall be made to—

''(A) a judge of the court established under section 103(a); or

''(B) a United States Magistrate Judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the production of tangible things under this section on behalf of a judge of the court established under section 103(a).''.

(4) MINIMIZATION.—Section 501(g) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(g)) is amended—

(A) in paragraph (1), by striking ''Not later than'' and all that follows and inserting ''At or before the end of the period of time for the production of tangible things under an order entered under this section or at any time after the production of tangible things under an order entered under this section, a judge may assess compliance with the minimization procedures required by such order by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.''; and

(B) in paragraph (2)(A), by inserting ''acquisition and'' after ''to minimize the''.

(5) CONFORMING AMENDMENT.—Section 501(f)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(1)(B)) is amended by striking ''an order imposed under subsection (d)'' and inserting ''a nondisclosure requirement imposed in connection with a production order''.

(b) JUDICIAL REVIEW.—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)(i)—

(A) by striking ''that order'' and inserting ''such production order or any nondisclosure order imposed in connection with such production order''; and

(B) by striking the second sentence;

(2) by striking subparagraph (C) and inserting the following new subparagraph:

''(C) A judge considering a petition to modify or set aside a nondisclosure order shall grant such petition unless the court determines that—

''(i) there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the time period in which such requirement is in effect will result in—

''(I) endangering the life or physical safety of any person;

''(II) flight from investigation or prosecution;

''(III) destruction of or tampering with evidence;

''(IV) intimidation of potential witnesses;

''(V) interference with diplomatic relations;

''(VI) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(VII) otherwise seriously endangering the national security of the United States; and

''(ii) the nondisclosure requirement is narrowly tailored to address the specific harm identified under clause (i).''; and

(3) by adding at the end the following new subparagraph:

''(E) If a judge denies a petition to modify or set aside a nondisclosure order under this paragraph, no person may file another petition to modify or set aside such nondisclosure order until the date that is one year after the date on which such judge issues the denial of such petition.''.

(c) EMERGENCY AUTHORITY FOR ACCESS TO CALL DETAIL RECORDS.—

(1) IN GENERAL.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended—

(A) by redesignating section 502 as section 503; and

(B) by inserting after section 501 the following new section:

''SEC. 502. EMERGENCY AUTHORITY FOR ACCESS TO CALL DETAIL RECORDS.

''(a) IN GENERAL.—Notwithstanding any other provision of this title, the Attorney General may require the production of call detail records by the provider of a wire or electronic communication service on an emergency basis if—

''(1) such records—

''(A) are relevant and material to an authorized investigation (other than a threat assessment) conducted in accordance with section 501(a)(2) to—

''(i) obtain foreign intelligence information not concerning a United States person; or

''(ii) protect against international terrorism or clandestine intelligence activities; and

''(B) pertain to—

''(i) a foreign power or an agent of a foreign power;

''(ii) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(iii) an individual in contact with, or known to, a suspected agent of a foreign power; and

''(2) the Attorney General reasonably determines that—

''(A) an emergency requires the production of such records before an order requiring such production can with due diligence be obtained under section 501; and

''(B) the factual basis for issuance of an order under section 501 to require the production of such records exists;

''(3) a judge referred to in section 501(b)(1) is informed by the Attorney General or a designee of the Attorney General at the time of the required production of such records that the decision has been made to require such production on an emergency basis; and

''(4) an application in accordance with section 501 is made to such judge as soon as practicable, but not more than 7 days after the date on which the Attorney General requires the production of such records under this section.

''(b) TERMINATION OF AUTHORITY.—

''(1) TERMINATION.—In the absence of an order under section 501 approving the production of call detail records under subsection (a), the authority to require the production of such records shall terminate at the earlier of—

''(A) when the information sought is obtained;

''(B) when the application for the order is denied under section 501; or

''(C) 7 days after the time of the authorization by the Attorney General.

''(2) USE OF INFORMATION.—If an application for an order under section 501 for the production of call detail records required to be produced pursuant to subsection (a) is denied, or in any other case in which the emergency production of call detail records under this section is terminated and no order under section 501 is issued approving the required production of such records, no information obtained or evidence derived from such records shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such records shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(c) REPORT.—The Attorney General shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report containing the number of times the authority under this section was exercised during the calendar year covered by such report.

''(d) CALL DETAIL RECORDS DEFINED.—In this section, the term 'call detail records'—

''(1) means session identifying information (including originating or terminating telephone number, International Mobile Subscriber Identity number, or International Mobile Station Equipment Identity number), telephone calling card numbers, or the time or duration of a call; and

''(2) does not include—

''(A) the contents of any communication (as defined in section 2510(8) of title 18, United States Code);

''(B) the name, address, or financial information of a subscriber or customer; or

''(C) cell site location information.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 is amended by striking the item relating to section 502 and inserting the following new items:

''502. Emergency authority for access to call detail records.

''503. Congressional oversight.''.

(3) CONFORMING AMENDMENT.—Section 102(b) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (50 U.S.C. 1805 note) is amended by striking ''sections 501, 502, and'' and inserting ''title V and section''.

SEC. 102. INSPECTOR GENERAL REPORTS ON BUSINESS RECORDS ORDERS.

Section 106A of the USA Patriot Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting ''and calendar years 2010 through 2013'' after ''2006'';

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3) (as so redesignated)—

(i) by striking subparagraph (C) and inserting the following new subparagraph:

''(C) with respect to calendar years 2010 through 2013, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures adequately protect the constitutional rights of United States persons;''; and

(ii) in subparagraph (D), by striking ''(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))'';

(2) in subsection (c), by adding at the end the following new paragraph:

''(3) CALENDAR YEARS 2010 THROUGH 2013.—Not later than December 31, 2014, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audit conducted under subsection (a) for calendar years 2010 through 2013.'';

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following new subsection:

''(d) INTELLIGENCE ASSESSMENT.—

''(1) IN GENERAL.—For the period beginning on January 1, 2010, and ending on December 31, 2013, the Inspector General of the Intelligence Community shall—

''(A) assess the importance of the information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) to the activities of the intelligence community;

''(B) examine the manner in which that information was collected, retained, analyzed, and disseminated by the intelligence community;

''(C) describe any noteworthy facts or circumstances relating to orders under such title;

''(D) examine any minimization procedures used by elements of the intelligence community under such title and whether the minimization procedures adequately protect the constitutional rights of United States persons; and

''(E) examine any minimization procedures proposed by an element of the intelligence community under such title that were modified or denied by the court established under section 103(a) of such Act (50 U.S.C. 1803(a)).

''(2) SUBMISSION DATE FOR ASSESSMENT.—Not later than December 31, 2014, the Inspector General of the Intelligence Community shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2010 through 2013.''.

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking ''a report under subsection (c)(1) or (c)(2)'' and inserting ''any report under subsection (c) or (d)''; and

(ii) by striking ''Inspector General of the Department of Justice'' and inserting ''Inspector General of the Department of Justice, the Inspector General of the Intelligence Community, and any Inspector General of an element of the intelligence community that prepares a report to assist the Inspector General of the Department of Justice or the Inspector General of the Intelligence Community in complying with the requirements of this section''; and

(B) in paragraph (2), by striking ''the reports submitted under subsection (c)(1) and (c)(2)'' and inserting ''any report submitted under subsection (c) or (d)'';

(6) in subsection (f), as redesignated by paragraph (3)—

(A) by striking ''The reports submitted under subsections (c)(1) and (c)(2)'' and inserting ''Each report submitted under subsection (c)''; and

(B) by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)''; and

(7) by adding at the end the following new subsection:

''(g) DEFINITIONS.—In this section:

''(1) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(2) UNITED STATES PERSON.—The term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).''.

TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE REFORMS

SEC. 201. PRIVACY PROTECTIONS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) APPLICATION.—Section 402(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by striking ''and'' at the end; and

(2) by striking paragraph (2) and inserting the following new paragraphs:

''(2) a statement of facts showing that there are reasonable grounds to believe that the information sought—

''(A) is relevant and material to an authorized investigation to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities (other than a threat assessment), provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment to the Constitution of the United States; and

''(B) pertain to—

''(i) a foreign power or an agent of a foreign power;

''(ii) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(iii) an individual in contact with, or known to, a suspected agent of a foreign power; and

''(3) a statement of proposed minimization procedures.''.

(b) MINIMIZATION.—

(1) DEFINITION.—Section 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841) is amended by adding at the end the following new paragraph:

''(4) The term 'minimization procedures' means—

''(A) specific procedures that are reasonably designed in light of the purpose and technique of an order for the installation and use of a pen register or trap and trace device, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

''(B) procedures that require that nonpublicly available information, which is not foreign intelligence information, as defined in section 101(e)(1), shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance; and

''(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.''.

(2) PROCEDURES REQUIRED.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(A) in subsection (d)—

(i) in paragraph (1), by inserting ''and that the proposed minimization procedures meet the definition of minimization procedures under this title'' before the period at the end; and

(ii) in paragraph (2)(B)—

(I) in clause (ii)(II), by striking ''and'' after the semicolon; and

(II) by adding at the end the following new clause:

''(iv) the minimization procedures be followed; and''; and

(B) by adding at the end the following new subsection:

''(h) At or before the end of the period of time for which the installation and use of a pen register or trap and trace device is approved under an order or an extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.''.

(3) EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

''(c) If the Attorney General authorizes the emergency installation and use of a pen register or trap and trace device under this section, the Attorney General shall require that minimization procedures required by this title for the issuance of a judicial order be followed.''.

(4) USE OF INFORMATION.—Section 405(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1845(a)(1)) is amended by inserting ''and the minimization procedures required under the order approving such pen register or trap and trace device'' after ''of this section''.

(c) TRANSITION PROCEDURES.—

(1) ORDERS IN EFFECT.—Notwithstanding the amendments made by this section, an order entered under section 402(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(2) EXTENSIONS.—A request for an extension of an order referred to in paragraph (1) shall be subject to the requirements of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by this Act.

SEC. 202. INSPECTOR GENERAL REPORTS ON PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) AUDITS.—The Inspector General of the Department of Justice shall perform comprehensive audits of the effectiveness and use, including any improper or illegal use, of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.) during the period beginning on January 1, 2010, and ending on December 31, 2013.

(b) REQUIREMENTS.—The audits required under subsection (a) shall include—

(1) an examination of the use of pen registers and trap and trace devices under such title for calendar years 2010 through 2013;

(2) an examination of the installation and use of a pen register or trap and trace device on emergency bases under section 403 of such Act (50 U.S.C. 1843);

(3) an examination of any noteworthy facts or circumstances relating to the use of a pen register or trap and trace device under such title, including any improper or illegal use of the authority provided under such title; and

(4) an examination of the effectiveness of the authority under such title as an investigative tool, including—

(A) the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation;

(B) the manner in which the information is collected, retained, analyzed, and disseminated by the Federal Bureau of Investigation, including any direct access to the information provided to any other department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(C) whether, and how often, the Federal Bureau of Investigation used information acquired under a pen register or trap and trace device under such title to produce an analytical intelligence product for distribution within the Federal Bureau of Investigation, to the intelligence community, or to another department, agency, or instrumentality of Federal, State, local, or tribal governments; and

(D) whether, and how often, the Federal Bureau of Investigation provided information acquired under a pen register or trap and trace device under such title to law enforcement authorities for use in criminal proceedings.

(c) REPORT.—Not later than December 31, 2014, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under subsection (a) for calendar years 2010 through 2013.

(d) INTELLIGENCE ASSESSMENT.—

(1) IN GENERAL.—For the period beginning January 1, 2010, and ending on December 31, 2013, the Inspector General of the Intelligence Community shall—

(A) assess the importance of the information to the activities of the intelligence community;

(B) examine the manner in which the information was collected, retained, analyzed, and disseminated;

(C) describe any noteworthy facts or circumstances relating to orders under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.); and

(D) examine any minimization procedures used by elements of the intelligence community in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.) and whether the minimization procedures adequately protect the constitutional rights of United States persons.

(2) SUBMISSION DATES FOR ASSESSMENT.—Not later than December 31, 2014, the Inspector General of the Intelligence Community shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2010 through 2013.

(e) PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—

(1) NOTICE.—Not later than 30 days before the submission of any report under subsection (c) or (d), the Inspector General of the Department of Justice and the Inspector General of the Intelligence Community shall

provide the report to the Attorney General and the Director of National Intelligence.

(2) COMMENTS.—The Attorney General or the Director of National Intelligence may provide such comments to be included in any report submitted under subsection (c) or (d) as the Attorney General or the Director of National Intelligence may consider necessary.

(f) UNCLASSIFIED FORM.—Each report submitted under subsection (c) and any comments included in that report under subsection (e)(2) shall be in unclassified form, but may include a classified annex.

(g) DEFINITIONS.—In this section—

(1) the terms ''Attorney General'', ''foreign intelligence information'', and ''United States person'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(2) the term ''intelligence community'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003);

(3) the term ''minimization procedures'' has the meaning given that term in section 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841), as amended by this Act; and

(4) the terms ''pen register'' and ''trap and trace device'' have the meanings given those terms in section 3127 of title 18, United States Code.

TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE THE UNITED STATES REFORMS

SEC. 301. CLARIFICATION ON PROHIBITION ON SEARCHING OF COLLECTIONS OF COMMUNICATIONS TO CONDUCT WARRANTLESS SEARCHES FOR THE COMMUNICATIONS OF UNITED STATES PERSONS.

Section 702(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(b)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting such subparagraphs, as so redesignated, an additional two ems from the left margin;

(2) by striking ''An acquisition'' and inserting the following:

''(1) IN GENERAL.—An acquisition''; and

(3) by adding at the end the following new paragraph:

''(2) CLARIFICATION ON PROHIBITION ON SEARCHING OF COLLECTIONS OF COMMUNICATIONS OF UNITED STATES PERSONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no officer or employee of the United States may conduct a search of a collection of communications acquired under this section in an effort to find communications of a particular United States person (other than a corporation).

''(B) CONCURRENT AUTHORIZATION AND EXCEPTION FOR EMERGENCY SITUATIONS.—Subparagraph (A) shall not apply to a search for communications related to a particular United States person if—

''(i) such United States person is the subject of an order or emergency authorization authorizing electronic surveillance or physical search under section 105, 304, 703, 704, or 705, or title 18, United States Code, for the effective period of that order;

''(ii) the entity carrying out the search has a reasonable belief that the life or safety of such United States person is threatened and the information is sought for the purpose of assisting that person; or

''(iii) such United States person has consented to the search.''.

SEC. 302. PROTECTION AGAINST COLLECTION OF WHOLLY DOMESTIC COMMUNICATIONS.

(a) IN GENERAL.—Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) is amended—

(1) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) limit the acquisition of the contents of any communication to those communications—

''(i) to which any party is a target of the acquisition; or

''(ii) that contain an account identifier of a target of an acquisition, only if such communications are acquired to protect against international terrorism or the international proliferation of weapons of mass destruction.''; and

(2) in subsection (i)(2)(B)—

(A) in clause (i), by striking ''; and'' and inserting a semicolon;

(B) in clause (ii), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iii) limit the acquisition of the contents of any communication to those communications—

''(I) to which any party is a target of the acquisition; or

''(II) that contain an account identifier of the target of an acquisition, only if such communications are acquired to protect against international terrorism or the international proliferation of weapons of mass destruction.''.

(b) CONFORMING AMENDMENT.—Section 701 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881) is amended—

(1) in subsection (a)—

(A) by inserting '' 'international terrorism','' after '' 'foreign power','; and

(B) by striking ''and 'United States person''' and inserting '' 'United States person', and 'weapon of mass destruction'''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(B) by inserting before paragraph (2), as so redesignated, the following new paragraph:

''(1) ACCOUNT IDENTIFIER.—The term 'account identifier' means a telephone or instrument number, other subscriber number, email address, or username used to uniquely identify an account.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 303. PROHIBITION ON REVERSE TARGETING.

Section 702(b)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a), as redesignated by section 301(1) of this Act, is amended by striking ''the purpose'' and inserting ''a significant purpose''.

SEC. 304. LIMITS ON USE OF UNLAWFULLY OBTAINED INFORMATION.

Section 702(i)(3) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(i)(3)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

''(B) CORRECTION OF DEFICIENCIES.—

''(i) IN GENERAL.—If the Court finds that a certification required by subsection (g) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the Fourth Amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the order of the Court—

''(I) correct any deficiency identified by the order of the Court not later than 30 days after the date on which the Court issues the order; or

''(II) cease, or not begin, the implementation of the authorization for which such certification was submitted.

''(ii) LIMITATION ON USE OF INFORMATION.—

''(I) IN GENERAL.—Except as provided in subclause (II), no information obtained or evidence derived from an acquisition pursuant to a certification or targeting or minimization procedures subject to an order under clause (i) concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from the acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of the United States person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(II) EXCEPTION.—If the Government corrects any deficiency identified by the order of the Court under clause (i), the Court may permit the use or disclosure of information acquired before the date of the correction under such minimization procedures as the Court shall establish for purposes of this clause.''.

SEC. 305. MODIFICATION OF FISA AMENDMENTS ACT OF 2008 SUNSET.

(a) MODIFICATION.—Section 403(b)(1) of the FISA Amendments Act of 2008 (Public Law 110–261; 50 U.S.C. 1881 note) is amended by striking ''December 31, 2017'' and inserting ''June 1, 2015''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 403(b)(2) of such Act (Public Law 110–261; 122 Stat. 2474) is amended by striking ''December 31, 2017'' and inserting ''June 1, 2015''.

(c) ORDERS IN EFFECT.—Section 404(b)(1) of such Act (Public Law 110–261; 50 U.S.C. 1801 note) is amended in the paragraph heading by striking ''DECEMBER 31, 2017'' and inserting ''JUNE 1, 2015''.

SEC. 306. INSPECTOR GENERAL REVIEWS OF AUTHORITIES.

(a) AGENCY ASSESSMENTS.—Section 702(l)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''authorized to acquire foreign intelligence information under subsection (a)'' and inserting ''subject to the targeting or minimization procedures approved under this section'';

(2) in subparagraph (C), by inserting ''United States persons or'' after ''later determined to be''; and

(3) in subparagraph (D)—

(A) in the matter preceding clause (i), by striking ''such review'' and inserting ''review conducted under this paragraph'';

(B) in clause (ii), by striking ''and'' at the end;

(C) by redesignating clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following new clause:

''(iii) the Inspector General of the Intelligence Community; and''.

(b) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REVIEW.—

(1) RECURRING REVIEWS.—Section 702(l) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REVIEW.—

''(A) IN GENERAL.—The Inspector General of the Intelligence Community is authorized to review the acquisition, use, and dissemination of information acquired under subsection (a) to review compliance with the targeting and minimization procedures adopted in accordance with subsections (d) and (e) and the guidelines adopted in accordance with subsection (f), and in order to conduct the review required under subparagraph (B).

''(B) MANDATORY REVIEW.—The Inspector General of the Intelligence Community shall review the procedures and guidelines developed by the elements of the intelligence community to implement this section, with respect to the protection of the privacy rights of United States persons, including—

''(i) an evaluation of the limitations outlined in subsection (b), the procedures approved in accordance with subsections (d) and (e), and the guidelines adopted in accordance with subsection (f), with respect to the protection of the privacy rights of United States persons; and

''(ii) an evaluation of the circumstances under which the contents of communications acquired under subsection (a) may be searched in order to review the communications of particular United States persons.

''(C) CONSIDERATION OF OTHER REVIEWS AND ASSESSMENTS.—In conducting a review under subparagraph (B), the Inspector General of the Intelligence Community shall take into consideration, to the extent relevant and appropriate, any reviews or assessments that have been completed or are being undertaken under this section.

''(D) PUBLIC REPORTING OF FINDINGS AND CONCLUSIONS.—In a manner consistent with the protection of the national security of the United States, and in unclassified form, the Inspector General of the Intelligence Community shall make publicly available a summary of the findings and conclusions of the review conducted under subparagraph (B).''.

(2) REPORT.—Not later than December 31, 2014, the Inspector General of the Intelligence Community shall submit a report regarding the reviews conducted under paragraph (3) of section 702(l) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)), as amended by paragraph (1) of this subsection, to—

(A) the Attorney General;

(B) the Director of National Intelligence; and

(C) consistent with the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution—

(i) the congressional intelligence committees; and

(ii) the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(c) ANNUAL REVIEWS.—Section 702(l)(4)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)(4)(A)), as redesignated by subsection (b)(1), is amended—

(1) in the matter preceding clause (i)—

(A) in the first sentence—

(i) by striking ''conducting an acquisition authorized under subsection (a)'' and inserting ''subject to targeting or minimization procedures approved under this section''; and

(ii) by striking ''the acquisition'' and inserting ''acquisitions under subsection (a)''; and

(B) in the second sentence, by striking ''acquisitions'' and inserting ''information obtained through an acquisition''; and

(2) in clause (iii), by inserting ''United States persons or'' after ''later determined to be''.

TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS

SEC. 401. OFFICE OF THE SPECIAL ADVOCATE.

(a) ESTABLISHMENT.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new title:

''TITLE IX—OFFICE OF THE SPECIAL ADVOCATE

''SEC. 901. DEFINITIONS.

''In this title:

''(1) DECISION.—The term 'decision' means a decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review.

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established under section 103(a) and the petition review pool established under section 103(e).

''(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court of review established under section 103(b).

''(4) OFFICE.—The term 'Office' means the Office of the Special Advocate established under section 902(a).

''(5) SIGNIFICANT CONSTRUCTION OR INTERPRETATION OF LAW.—The term 'significant construction or interpretation of law' means a significant construction or interpretation of a provision, as that term is construed under section 601(c).

''(6) SPECIAL ADVOCATE.—The term 'Special Advocate' means the Special Advocate appointed under section 902(b).

''SEC. 902. OFFICE OF THE SPECIAL ADVOCATE.

''(a) ESTABLISHMENT.—There is established within the judicial branch of the United States an Office of the Special Advocate.

''(b) SPECIAL ADVOCATE.—

''(1) IN GENERAL.—The head of the Office is the Special Advocate.

''(2) APPOINTMENT AND TERM.—

''(A) APPOINTMENT.—The Chief Justice of the United States shall appoint the Special Advocate from the list of candidates submitted under subparagraph (B).

''(B) LIST OF CANDIDATES.—The Privacy and Civil Liberties Oversight Board shall submit to the Chief Justice a list of not less than 5 qualified candidates to serve as Special Advocate. The Board shall select candidates for such list whom the Board believes will be zealous and effective advocates in defense of civil liberties and consider with respect to each potential candidate—

''(i) the litigation and other professional experience of such candidate;

''(ii) the experience of such candidate in areas of law that the Special Advocate is likely to encounter in the course of the duties of the Special Advocate; and

''(iii) the demonstrated commitment of such candidate to civil liberties.

''(C) SECURITY CLEARANCE.—An individual may be appointed Special Advocate without regard to whether the individual possesses a security clearance on the date of the appointment.

''(D) TERM AND DISMISSAL.—A Special Advocate shall be appointed for a term of 3 years and may be removed only for good cause shown, including the demonstrated inability to qualify for an adequate security clearance.

''(E) REAPPOINTMENT.—There shall be no limit to the number of consecutive terms served by a Special Advocate. The reappointment of a Special Advocate shall be made in the same manner as appointment of a Special Advocate.

''(F) ACTING SPECIAL ADVOCATE.—If the position of Special Advocate is vacant, the Chief Justice of the United States may appoint an Acting Special Advocate from among the qualified employees of the Office. If there are no such qualified employees, the Chief Justice may appoint an Acting Special Advocate from the most recent list of candidates provided by the Privacy and Civil Liberties Oversight Board pursuant to subparagraph (B). The Acting Special Advocate shall have all of the powers of a Special Advocate and shall serve until a Special Advocate is appointed.

''(3) EMPLOYEES.—The Special Advocate may appoint and terminate and fix the compensation of employees of the Office without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(c) DUTIES AND AUTHORITIES OF THE SPECIAL ADVOCATE.—

''(1) IN GENERAL.—The Special Advocate—

''(A) may consider any request for consultation by a party who has been served with an order or directive issued under this Act requiring the party to provide information, facilities, or assistance to the Federal Government;

''(B) may request to participate in a proceeding before the Foreign Intelligence Surveillance Court;

''(C) shall participate in such proceeding if such request is granted;

''(D) shall participate in a proceeding before the Court if appointed to participate by the Court under section 903(a);

''(E) may request reconsideration of a decision of the Court under section 903(b);

''(F) may appeal or seek review of a decision of the Court or the Foreign Intelligence Surveillance Court of Review under section 904; and

''(G) shall participate in such appeal or review.

''(2) ACCESS TO APPLICATIONS AND DECISIONS.—

''(A) APPLICATIONS.—The Attorney General shall provide to the Special Advocate each application submitted to a judge of the Foreign Intelligence Surveillance Court under this Act at the same time as the Attorney General submits such applications.

''(B) DECISIONS.—The Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review shall provide to the Special Advocate access to each decision of the Court and the Court of Review, respectively, issued after the date of the enactment of the USA FREEDOM Act and all documents and other material relevant to such decision in complete, unredacted form.

''(3) ADVOCACY.—The Special Advocate shall vigorously advocate before the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review, as appropriate, in support of legal interpretations that protect individual privacy and civil liberties.

''(4) OUTSIDE COUNSEL.—The Special Advocate may delegate to a competent outside counsel who has or is able to obtain an appropriate security clearance any duty or responsibility of the Special Advocate set out in subparagraph (C), (D), or (G) of paragraph (1) with respect to participation in a matter before the Court, the Court of Review, or the Supreme Court of the United States.

''(5) AVAILABILITY OF DOCUMENTS AND MATERIAL.—The Court or the Court of Review, as

appropriate, shall order any agency, department, or entity to make available to the Special Advocate, or appropriate outside counsel if the Special Advocate has delegated duties or responsibilities to the outside counsel under paragraph (4), any documents or other material necessary to carry out the duties described in paragraph (1).

''(d) SECURITY CLEARANCES.—The appropriate departments, agencies, and elements of the Executive branch shall cooperate with the Office, to the extent possible under existing procedures and requirements, to expeditiously provide the Special Advocate, appropriate employees of the Office, and outside counsel to whom the Special Advocate delegates a duty or responsibility under subsection (c)(4) with the security clearances necessary to carry out the duties of the Special Advocate.

''SEC. 903. ADVOCACY BEFORE THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.

''(a) APPOINTMENT TO PARTICIPATE.—

''(1) IN GENERAL.—The Foreign Intelligence Surveillance Court may appoint the Special Advocate to participate in a proceeding before the Court.

''(2) STANDING.—If the Special Advocate is appointed to participate in a Court proceeding pursuant to paragraph (1), the Special Advocate shall have standing as a party before the Court in that proceeding.

''(b) RECONSIDERATION OF A FOREIGN INTELLIGENCE SURVEILLANCE COURT DECISION.—

''(1) AUTHORITY TO MOVE FOR RECONSIDERATION.—The Special Advocate may move the Court to reconsider any decision of the Court made after the date of the enactment of the USA FREEDOM Act by petitioning the Court not later than 30 days after the date on which all documents and materials relevant to the decision are made available to the Special Advocate.

''(2) DISCRETION OF THE COURT.—The Court shall have discretion to grant or deny a motion for reconsideration made pursuant to paragraph (1).

''(c) AMICI CURIAE PARTICIPATION.—

''(1) MOTION BY THE SPECIAL ADVOCATE.—The Special Advocate may file a motion with the Court to permit and facilitate participation of amici curiae, including participation in oral argument if appropriate, in any proceeding. The Court shall have the discretion to grant or deny such a motion.

''(2) FACILITATION BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Court may, sua sponte, permit and facilitate participation by amici curiae, including participation in oral argument if appropriate, in proceedings before the Court.

''(3) REGULATIONS.—Not later than 180 days after the date of the enactment of USA FREEDOM Act, the Court shall promulgate regulations to provide the public with information sufficient to allow interested parties to participate as amici curiae.

''SEC. 904. APPELLATE REVIEW.

''(a) APPEAL OF FOREIGN INTELLIGENCE SURVEILLANCE COURT DECISIONS.—

''(1) AUTHORITY TO APPEAL.—The Special Advocate may appeal any decision of the Foreign Intelligence Surveillance Court issued after the date of the enactment of the USA FREEDOM Act not later than 90 days after the date on which the decision is issued.

''(2) STANDING AS APPELLANT.—If the Special Advocate appeals a decision of the Court pursuant to paragraph (1), the Special Advocate shall have standing as a party before the Foreign Intelligence Surveillance Court of Review in such appeal.

''(3) MANDATORY REVIEW.—The Court of Review shall review any Foreign Intelligence Surveillance Court decision appealed by the Special Advocate and issue a decision in such appeal, unless it would be apparent to all reasonable jurists that such decision is dictated by statute or by precedent.

''(4) STANDARD OF REVIEW.—The standard for a mandatory review of a Foreign Intelligence Surveillance Court decision pursuant to paragraph (3) shall be—

''(A) de novo with respect to issues of law; and

''(B) clearly erroneous with respect to determination of facts.

''(5) AMICI CURIAE PARTICIPATION.—

''(A) IN GENERAL.—The Court of Review shall accept amici curiae briefs from interested parties in all mandatory reviews pursuant to paragraph (3) and shall provide for amici curiae participation in oral argument if appropriate.

''(B) REGULATIONS.—Not later than 180 days after the date of the enactment of the USA FREEDOM Act, the Court of Review shall promulgate regulations to provide the public with information sufficient to allow interested parties to participate as amici curiae.

''(b) REVIEW OF FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW DECISIONS.—

''(1) AUTHORITY.—The Special Advocate may seek a writ of certiorari from the Supreme Court of the United States for review of any decision of the Foreign Intelligence Surveillance Court of Review.

''(2) STANDING.—In any proceedings before the Supreme Court of the United States relating to a petition of certiorari filed under paragraph (1) and any proceedings in a matter for which certiorari is granted, the Special Advocate shall have standing as a party.

''SEC. 905. DISCLOSURE.

''(a) REQUIREMENT TO DISCLOSE.—The Attorney General shall publicly disclose—

''(1) all decisions issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review after July 10, 2003, that include a significant construction or interpretation of law;

''(2) any decision of the Court appealed by the Special Advocate pursuant to this title; and

''(3) any Court of Review decision that is issued after an appeal by the Special Advocate.

''(b) DISCLOSURE DESCRIBED.—For each disclosure required by subsection (a) with respect to a decision, the Attorney General shall make available to the public documents sufficient—

''(1) to identify with particularity each legal question addressed by the decision and how such question was resolved;

''(2) to describe in general terms the context in which the matter arises;

''(3) to describe the construction or interpretation of any statute, constitutional provision, or other legal authority relied on by the decision; and

''(4) to indicate whether the decision departed from any prior decision of the Court or Court of Review.

''(c) DOCUMENTS DESCRIBED.—The Attorney General shall satisfy the disclosure requirements in subsection (b) by—

''(1) releasing a Court or Court of Review decision in its entirety or as redacted;

''(2) releasing a summary of a Court or Court of Review decision; or

''(3) releasing an application made to the Court, briefs filed before the Court or the Court of Review, or other materials, in full or as redacted.

''(d) EXTENSIVE DISCLOSURE.—The Attorney General shall release as much information regarding the facts and analysis contained in a decision described in subsection (a) or documents described in subsection (c) as is consistent with legitimate national security concerns.

''(e) TIMING OF DISCLOSURE.—

''(1) DECISIONS ISSUED PRIOR TO ENACTMENT.—The Attorney General shall disclose a decision issued prior to the date of the enactment of the USA FREEDOM Act that is required to be disclosed under subsection (a)(1) not later than 180 days after the date of the enactment of such Act.

''(2) FISA COURT DECISIONS.—The Attorney General shall release Court decisions appealed by the Special Advocate not later than 30 days after the date on which the appeal is filed.

''(3) FISA COURT OF REVIEW DECISIONS.—The Attorney General shall release Court of Review decisions for which the Special Advocate seeks a writ of certiorari not later than 90 days after the date on which the petition is filed.

''(f) PETITION BY THE SPECIAL ADVOCATE.—

''(1) AUTHORITY TO PETITION.—The Special Advocate may petition the Court or the Court of Review to order—

''(A) the public disclosure of a decision of the Court or Court of Review, and documents or other material relevant to such a decision, previously designated as classified information; or

''(B) the release of an unclassified summary of such decisions and documents.

''(2) CONTENTS OF PETITION.—Each petition filed under paragraph (1) shall contain a detailed declassification proposal or a summary of the decision and documents that the Special Advocate proposes to have released publicly.

''(3) ROLE OF THE ATTORNEY GENERAL.—

''(A) COPY OF PETITION.—The Special Advocate shall provide to the Attorney General a copy of each petition filed under paragraph (1).

''(B) OPPOSITION.—The Attorney General may oppose a petition filed under paragraph (1) by submitting any objections in writing to the Court or the Court of Review, as appropriate, not later than 90 days after the date such petition was submitted.

''(4) PUBLIC AVAILABILITY.—Not less than 91 days after receiving a petition under paragraph (1), and taking into account any objections from the Attorney General made under paragraph (3)(B), the Court or the Court of Review, as appropriate, shall declassify and make readily available to the public any decision, document, or other material requested in such petition, to the greatest extent possible, consistent with legitimate national security considerations.

''(5) EFFECTIVE DATE.—The Special Advocate may not file a petition under paragraph (1) until 181 days after the date of the enactment of the USA FREEDOM Act, except with respect to a decision appealed by the Special Advocate.

''SEC. 906. ANNUAL REPORT TO CONGRESS.

''(a) REQUIREMENT FOR ANNUAL REPORT.—The Special Advocate shall submit to Congress an annual report on the implementation of this title.

''(b) CONTENTS.—Each annual report submitted under subsection (a) shall—

''(1) detail the activities of the Office of the Special Advocate;

''(2) provide an assessment of the effectiveness of this title; and

''(3) propose any new legislation to improve the functioning of the Office or the operation of the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that the Special Advocate considers appropriate.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(c)(2) of this Act, is further amended by adding at the end the following new items:

SEC. 402. FOREIGN INTELLIGENCE SURVEILLANCE COURT DISCLOSURE OF OPINIONS.

Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

''(g)(1) A judge of the court established under subsection (a) who authored an order, opinion, or other decision may sua sponte or on motion by a party request that such order, opinion, or other decision be made publicly available.

''(2) Upon a request under paragraph (1), the presiding judge of the court established under subsection (a), in consultation with the other judges of such court, may direct that such order, opinion, or other decision be made publicly available.

''(3) Prior to making an order, opinion, or other decision of the court established under subsection (a) publicly available in accordance with this subsection, the presiding judge of such court may direct the Executive branch to review such order, opinion, or other decision and redact such order, opinion, or other decision as necessary to ensure that properly classified information is appropriately protected.''.

SEC. 403. PRESERVATION OF RIGHTS.

Nothing in this title or an amendment made by this title shall be construed—

(1) to provide the Attorney General with authority to prevent the court established under section 103(a) of Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)), the petition review pool established under section 103(e) of such Act (50 U.S.C. 1803(e)), or the court of review established under section 103(b) of such Act (50 U.S.C. 1803(b)) from declassifying decisions or releasing information pursuant to this title or an amendment made by this title; or

(2) to eliminate the public's ability to secure information under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'') or any other provision of law.

TITLE V—NATIONAL SECURITY LETTER REFORMS

SEC. 501. NATIONAL SECURITY LETTER AUTHORITY.

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''may—'' and all that follows through the period at the end and inserting the following: ''may request the name, address, length of service, and local and long distance toll billing records of a person or entity if the Director (or his designee) certifies in writing to the wire or electronic communication service provider to which the request is made that—''; and

(B) by adding at the end the following new paragraphs:

''(1) the name, address, length of service, and toll billing records sought are relevant and material to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States; and

''(2) there are reasonable grounds to believe that the name, address, length of service, and toll billing records sought pertain to—

''(A) a foreign power or agent of a foreign power;

''(B) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(C) an individual in contact with, or known to, a suspected agent of a foreign power.''; and

(2) by adding at the end the following new subsection:

''(g) For purposes of this subsection, the terms 'agent of a foreign power', 'foreign power', 'international terrorism', and 'United States person' have the same meanings as in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).''.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended to read as follows:

''SEC. 1114. ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge in a Bureau field office, may issue in writing and cause to be served on a financial institution, a request requiring the production of—

''(A) the name of a customer of the financial institution;

''(B) the address of a customer of the financial institution;

''(C) the length of time during which a person has been, or was, a customer of the financial institution (including the start date) and the type of service provided by the financial institution to the customer; and

''(D) any account number or other unique identifier associated with a customer of the financial institution.

''(2) LIMITATION.—A request issued under this subsection may not require the production of records or information not listed in paragraph (1).

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A request issued under subsection (a) shall—

''(A) be subject to the requirements of subsections (d) through (g) of section 2709 of title 18, United States Code, in the same manner and to the same extent as those provisions apply with respect to a request under section 2709(b) of title 18, United States Code, to a wire or electronic communication service provider; and

''(B) include a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

''(i) are relevant and material to an authorized investigation (other than a threat assessment and provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States) to—

''(I) obtain foreign intelligence information not concerning a United States person; or

''(II) protect against international terrorism or clandestine intelligence activities; and

''(ii) pertain to—

''(I) a foreign power or an agent of a foreign power;

''(II) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(III) an individual in contact with, or known to, a suspected agent of a foreign power.

''(2) DEFINITIONS.—For purposes of this subsection, the terms 'agent of a foreign power', 'foreign intelligence information', 'foreign power', 'international terrorism', and 'United States person' have the same meanings as in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

''(c) DEFINITION OF FINANCIAL INSTITUTION.—For purposes of this section (and sections 1115 and 1117, insofar as the sections relate to the operation of this section), the term 'financial institution' has the same meaning as in subsections (a)(2) and (c)(1) of section 5312 of title 31, United States Code, except that the term shall include only a financial institution any part of which is located inside any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands.''.

(c) NATIONAL SECURITY LETTER AUTHORITY FOR CERTAIN CONSUMER REPORT RECORDS.—

(1) IN GENERAL.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(A) by striking subsections (a) through (c) and inserting the following new subsections:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge in a Bureau field office, may issue in writing and cause to be served on a consumer reporting agency a request requiring the production of—

''(A) the name of a consumer;

''(B) the current and former address of a consumer;

''(C) the current and former places of employment of a consumer; and

''(D) the name and address of any financial institution (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401)) at which a consumer maintains or has maintained an account, to the extent that the information is in the files of the consumer reporting agency.

''(2) LIMITATION.—A request issued under this subsection may not require the production of a consumer report.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A request issued under subsection (a) shall—

''(A) be subject to the requirements of subsections (d) through (g) of section 2709 of title 18, United States Code, in the same manner and to the same extent as those provisions apply with respect to a request under section 2709(b) of title 18, United States Code, to a wire or electronic communication service provider; and

''(B) include a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

''(i) are relevant and material to an authorized investigation (other than a threat assessment and provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States) to—

''(I) obtain foreign intelligence information not concerning a United States person; or

''(II) protect against international terrorism or clandestine intelligence activities; and

''(ii) pertain to—

''(I) a foreign power or an agent of a foreign power;

''(II) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(III) an individual in contact with, or known to, a suspected agent of a foreign power.

''(2) DEFINITIONS.—In this subsection, the terms 'agent of a foreign power', 'foreign intelligence information', 'foreign power', 'international terrorism', and 'United States person' have the meaning given such terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).'';

(B) by striking subsections (f) through (h); and

(C) by redesignating subsections (d), (e), (i), (j), (k), (l), and (m) as subsections (c), (d), (e), (f), (g), (h), and (i), respectively.

(2) REPEAL.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is repealed.

SEC. 502. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of title 18, United States Code, is amended by striking subsection (c) and inserting the following new subsection:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (d) is provided, no wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (b), shall disclose to any person that the Director of the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that the absence of a prohibition of disclosure under this subsection may result in—

''(i) endangering the life or physical safety of any person;

''(ii) flight from investigation or prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations;

''(vi) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(vii) otherwise seriously endangering the national security of the United States.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (b) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (b) in the same manner as the person to whom the request is issued.

''(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall notify the person of the applicable nondisclosure requirement.

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(3) TERMINATION.—In the case of any request for which a recipient has submitted a notification or filed a petition for judicial review under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), as amended by section 501(b) of this Act, is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (d) is provided, no financial institution, or officer, employee, or agent thereof, that receives a request under subsection (a) shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that the absence of a prohibition of disclosure under this subsection may result in—

''(i) endangering the life or physical safety of any person;

''(ii) flight from investigation or prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations;

''(vi) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(vii) otherwise seriously endangering the national security of the United States.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A financial institution, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(3) TERMINATION.—In the case of any request for which a financial institution has submitted a notification or filed a petition for judicial review under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the financial institution, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(c) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), as amended by section 501(c) of this Act, is further amended by striking subsection (c) (as redesignated by section 501(c)(1)(D) of this Act) and inserting the following new subsection:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (d) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a) shall disclose or specify in any consumer report, that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a) or (b).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that the absence of a prohibition of disclosure under this subsection may result in—

''(i) endangering the life or physical safety of any person;

''(ii) flight from investigation or prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations;

''(vi) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(vii) otherwise seriously endangering the national security of the United States.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) or (b) in the same manner as the person to whom the request is issued.

''(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(3) TERMINATION.—In the case of any request for which a consumer reporting agency has submitted a notification or filed a petition for judicial review under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(d) INVESTIGATIONS OF PERSONS WITH ACCESS TO CLASSIFIED INFORMATION.—Section 802 of the National Security Act of 1947 (50 U.S.C. 3162) is amended by striking subsection (b) and inserting the following new subsection:

''(b) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (c) is provided, no governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that an authorized investigative agency described in subsection (a) has sought or obtained access to information under subsection (a).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of an authorized investigative agency described in subsection (a), or a designee, certifies that the absence of a prohibition of disclosure under this subsection may result in—

''(i) endangering the life or physical safety of any person;

''(ii) flight from investigation or prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations;

''(vi) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(vii) otherwise seriously endangering the national security of the United States.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the head of the authorized investigative agency described in subsection (a).

''(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the head of an authorized investigative agency described in subsection (a), or a designee, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the head of the authorized investigative agency or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(3) TERMINATION.—In the case of any request for which a governmental or private entity has submitted a notification or filed a petition for judicial review under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the authorized investigative agency described in subsection (a) shall promptly notify the governmental or private entity, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(e) JUDICIAL REVIEW.—Section 3511 of title 18, United States Code, is amended by striking subsection (b) and inserting the following new subsection:

''(b) NONDISCLOSURE.—

''(1) IN GENERAL.—

''(A) NOTICE.—If a recipient of a request for a report, records, or other information under section 2709 of this title, section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 3162), wishes to have a court review a nondisclosure requirement imposed in connection with the request, the recipient may notify the Government or file a petition for judicial review in any court described in subsection (a).

''(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the order is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the request is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

''(C) CONSIDERATION.—A district court of the United States that receives a petition under subparagraph (A) or an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

''(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof or a response to a petition filed under paragraph (1) shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that the absence of a prohibition of disclosure under this subsection may result in—

''(A) endangering the life or physical safety of any person;

''(B) flight from investigation or prosecution;

''(C) destruction of or tampering with evidence;

''(D) intimidation of potential witnesses;

''(E) interference with diplomatic relations;

''(F) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(G) otherwise seriously endangering the national security of the United States.

''(3) STANDARD.—A district court of the United States shall issue a nondisclosure requirement order or extension thereof under this subsection if the court determines that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

''(A) endangering the life or physical safety of any person;

''(B) flight from investigation or prosecution;

''(C) destruction of or tampering with evidence;

''(D) intimidation of potential witnesses;

''(E) interference with diplomatic relations;

''(F) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(G) otherwise seriously endangering the national security of the United States.''.

SEC. 503. JUDICIAL REVIEW.

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of title 18, United States Code, as amended by section 501(a) of this Act, is further amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—A request under subsection (b) or a non-disclosure requirement imposed in connection with such request under subsection (c) shall be subject to judicial review under section 3511.

''(2) NOTICE.—A request under subsection (b) shall include notice of the availability of judicial review described in paragraph (1).''.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), as amended by section 502(b) of this Act, is further amended—

(1) by redesignating subsection (d) (as redesigned by such section 502(b)) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—A request under subsection (a) or a non-disclosure requirement imposed in connection with such request under subsection (c) shall be subject to judicial review under section 3511 of title 18, United States Code.

''(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).''.

(c) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Right to Financial Privacy Act (15 U.S.C. 1681u), as amended by section 502(c) of this Act, is further amended—

(1) by redesignating subsections (d) through (i) (as redesignated by such section 502(c)) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—A request under subsection (a) or a non-disclosure requirement imposed in connection with such request under subsection (c) shall be subject to judicial review under section 3511 of title 18, United States Code.

''(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).''.

(d) INVESTIGATIONS OF PERSONS WITH ACCESS TO CLASSIFIED INFORMATION.—Section 802 of the National Security Act of 1947 (50 U.S.C. 3162) is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) JUDICIAL REVIEW.—

''(1) IN GENERAL.—A request under subsection (a) or a non-disclosure requirement imposed in connection with such request under subsection (c) shall be subject to judicial review under section 3511 of title 18, United States Code.

''(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).''.

SEC. 504. INSPECTOR GENERAL REPORTS ON NATIONAL SECURITY LETTERS.

Section 119 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 219) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting ''and calendar years 2010 through 2013'' after ''2006''; and

(B) in paragraph (3)(C), by striking ''(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))'';

(2) in subsection (c), by adding at the end the following new paragraph:

''(3) CALENDAR YEARS 2010 THROUGH 2013.—Not later than December 31, 2014, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 through 2013.'';

(3) by striking subsection (g) and inserting the following new subsection:

''(h) DEFINITIONS.—In this section:

''(1) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(2) NATIONAL SECURITY LETTER.—The term 'national security letter' means a request for information under—

''(A) section 2709(b) of title 18, United States Code (to access certain communication service provider records);

''(B) section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) (to obtain financial institution customer records);

''(C) section 802 of the National Security Act of 1947 (50 U.S.C. 3162) (to obtain financial information, records, and consumer reports); or

''(D) section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports).

''(3) UNITED STATES PERSON.—The term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).'';

(4) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(5) by inserting after subsection (c) the following new subsection:

''(d) INTELLIGENCE ASSESSMENT.—

''(1) IN GENERAL.—For the period beginning on January 1, 2010, and ending on December 31, 2013, the Inspector General of the Intelligence Community shall—

''(A) examine the use of national security letters by the intelligence community during the period;

''(B) describe any noteworthy facts or circumstances relating to the use of national security letters by the intelligence community, including any improper or illegal use of such authority;

''(C) assess the importance of information received under the national security letters to the activities of the intelligence community; and

''(D) examine the manner in which information received under the national security letters was collected, retained, analyzed, and disseminated.

''(2) SUBMISSION DATE FOR ASSESSMENT.—Not later than December 31, 2014, the Inspector General of the Intelligence Community shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 through 2013.'';

(6) in subsection (e), as redesignated by paragraph (4)—

(A) in paragraph (1)—

(i) by striking ''a report under subsection (c)(1) or (c)(2)'' and inserting ''any report under subsection (c) or (d)''; and

(ii) by striking ''Inspector General of the Department of Justice'' and inserting ''Inspector General of the Department of Justice, the Inspector General of the Intelligence Community, and any Inspector General of an element of the intelligence community that prepares a report to assist the Inspector General of the Department of Justice or the Inspector General of the Intelligence Community in complying with the requirements of this section''; and

(B) in paragraph (2), by striking ''the reports submitted under subsection (c)(1) or (c)(2)'' and inserting ''any report submitted under subsection (c) or (d)''; and

(7) in subsection (f), as redesignated by paragraph (4)—

(A) by striking ''The reports submitted under subsections (c)(1) or (c)(2)'' and inserting ''Each report submitted under subsection (c)''; and

(B) by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)''.

SEC. 505. NATIONAL SECURITY LETTER SUNSET.

(a) REPEAL.—Effective on June 1, 2015—

(1) section 2709 of title 18, United States Code, is amended to read as such provision read on October 25, 2001;

(2) section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended to read as such provision read on October 25, 2001;

(3) subsections (a) and (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) are amended to read as subsections (a) and (b), respectively, of the second of the 2 sections designated as section 624 of such Act (15 U.S.C. 1681u) (relating to disclosure to the Federal Bureau of Investigation for counterintelligence purposes), as added by section 601 of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974), read on October 25, 2001; and

(4) section 802 of the National Security Act of 1947 (50 U.S.C. 3162) is amended to read as such provision read on October 25, 2001.

(b) TRANSITION PROVISION.—Notwithstanding subsection (a), the provisions of law referred to in subsection (a), as in effect on May 31, 2015, shall continue to apply on and after June 1, 2015, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before June 1, 2015.

SEC. 506. TECHNICAL AND CONFORMING AMENDMENTS.

Section 3511 of title 18, United States Code, is amended in subsections (a), (c), and (d), by striking ''or 627(a)'' each place it appears.

TITLE VI—FISA AND NATIONAL SECURITY LETTER TRANSPARENCY REFORMS

SEC. 601. THIRD-PARTY REPORTING ON FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Each electronic service provider may report information to the public in accordance with this section about demands and requests for information made by any Government entity under a surveillance law, and is exempt in accordance with subsection (d) from liability with respect to that report, even if such provider would otherwise be prohibited by a surveillance law from reporting that information.

(b) PERIODIC AGGREGATE REPORTS.—An electronic service provider may report such information not more often than quarterly and only to the following extent:

(1) ESTIMATE OF NUMBERS OF DEMANDS AND REQUESTS MADE.—The report may reveal an estimate of the number of the demands and requests described in subsection (a) made during the period to which the report pertains.

(2) ESTIMATE OF NUMBERS OF DEMANDS AND REQUESTS COMPLIED WITH.—The report may reveal an estimate of the numbers of the demands and requests described in subsection (a) the electronic service provider complied with during the period to which the report pertains, regardless of when the demands or requests were made.

(3) ESTIMATE OF NUMBER OF USERS OR ACCOUNTS.—The report may reveal an estimate of the numbers of users or accounts, or both, of the electronic service provider, for which information was demanded, requested, or provided during the period to which the report pertains.

(c) SPECIAL RULES FOR REPORTS.—

(1) LEVEL OF DETAIL BY AUTHORIZING SURVEILLANCE LAW.—Any estimate disclosed under this section may be an overall estimate or broken down by categories of authorizing surveillance laws or by provisions of authorizing surveillance laws.

(2) LEVEL OF DETAIL BY NUMERICAL RANGE.—Each estimate disclosed under this section shall be rounded to the nearest 100. If an estimate is zero, an electronic service provider may report the estimate as zero.

(3) REPORT MAY BE BROKEN DOWN BY PERIODS NOT LESS THAN CALENDAR QUARTERS.—For any reporting period, an electronic service provider may break down the report by calendar quarters or any other time periods greater than a calendar quarter.

(d) LIMITATION ON LIABILITY.—An electronic service provider making a report that the electronic service provider reasonably believes in good faith is authorized by this section is not criminally or civilly liable in any court for making the report.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit disclosures other than those authorized by this section.

(f) DEFINITIONS.—In this section:

(1) ELECTRONIC SERVICE PROVIDER.—The term ''electronic service provider'' means an electronic communications service provider (as that term is defined in section 2510 of title 18, United States Code) or a remote computing service provider (as that term is defined in section 2711 of title 18, United States Code).

(2) SURVEILLANCE LAW.—The term ''surveillance law'' means any provision of any of the following:

(A) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(B) Section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)).

(C) Section 2709 of title 18, United States Code.

(D) Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)).

(E) Subsection (a) or (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u(a), 1681u(b)).

(F) Section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)) (as in effect on the day before the date of the enactment of this Act).

SEC. 602. GOVERNMENT REPORTING ON FISA ORDERS.

(a) ELECTRONIC SURVEILLANCE.—

(1) REPORT OF ELECTRONIC SURVEILLANCE.—Section 107 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1807) is amended—

(A) by redesignating subsections (a) and (b) as paragraphs (1) and (2), respectively;

(B) in the matter preceding paragraph (1) (as redesignated by subparagraph (A) of this paragraph)—

(i) by striking ''In April'' and inserting ''(a) In April''; and

(ii) by striking ''Congress'' and inserting ''the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate'';

(C) in subsection (a) (as designated by subparagraph (B) of this paragraph)—

(i) in paragraph (1) (as redesignated by subparagraph (A) of this paragraph), by striking ''; and'' and inserting a semicolon;

(ii) in paragraph (2) (as so redesignated), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following new paragraphs:

''(3) the total number of individuals who were subject to electronic surveillance conducted under an order entered under this title, rounded to the nearest 100; and

''(4) the total number of United States persons who were subject to electronic surveillance conducted under an order entered under this title, rounded to the nearest 100.''; and

(D) by adding at the end the following new subsection:

''(b)(1) Each report required under subsection (a) shall be submitted in unclassified form.

''(2) Not later than 7 days after a report is submitted under subsection (a), the Attorney General shall make such report publicly available.''.

(2) CONGRESSIONAL OVERSIGHT.—Section 108(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808) is amended by striking ''the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, and the Committee on the Judiciary of the Senate'' and inserting ''the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate''.

(b) PHYSICAL SEARCHES.—Section 306 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1826) is amended—

(1) in the first sentence, by striking ''Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and the Committee on the Judiciary of the Senate'' and inserting ''Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate''; and

(2) in the second sentence, by striking ''and the Committee on the Judiciary of the House of Representatives''.

(c) PEN REGISTER AND TRAP AND TRACE DEVICES.—Section 406 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(4) each department or agency on behalf of which the Government has made application for orders approving the use of pen registers or trap and trace devices under this title;

''(5) for each department or agency described in paragraph (4), a breakdown of the numbers required by paragraphs (1), (2), and (3);

''(6) a good faith estimate of the total number of individuals who were targeted by the installation and use of a pen register or trap and trace device authorized under an order entered under this title, rounded to the nearest 100;

''(7) a good faith estimate of the total number of United States persons who were targeted by the installation and use of a pen register or trap and trace device authorized under an order entered under this title, rounded to the nearest 100; and

''(8) a good faith estimate of the total number of United States persons who were targeted by the installation and use of a pen register or trap and trace device authorized under an order entered under this title and whose information acquired by such pen register or trap and trace device was subsequently reviewed or accessed by a Federal officer, employee, or agent, rounded to the nearest 100.''; and

(2) by adding at the end the following new subsection:

''(c)(1) Each report required under subsection (b) shall be submitted in unclassified form.

''(2) Not later than 7 days after a report is submitted under subsection (b), the Attorney General shall make such report publicly available.''.

(d) ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS.—Section 503 of the Foreign Intelligence Surveillance Act of 1978, as redesignated by section 101(c) of this Act, is amended—

(1) in subsection (a), by striking ''Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate'' and inserting after ''Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Committees on the Judiciary of the House of Representatives and the Senate'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''to the preceding calendar year—'' and inserting ''to the preceding calendar year the following:'';

(B) in paragraph (1)—

(i) by striking ''the total'' and inserting ''The total''; and

(ii) by striking the semicolon and inserting a period;

(C) in paragraph (2)—

(i) by striking ''the total'' and inserting ''The total''; and

(ii) by striking ''; and'' and inserting a period;

(D) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''the number'' and inserting ''The number''; and

(ii) by adding at the end the following new subparagraphs:

''(F) Records concerning electronic communications.

''(G) Records concerning wire communications.''; and

(E) by adding at the end the following new paragraphs:

''(4) A description of all other tangible things sought by an application made for the production of any tangible things under section 501, and the number of orders under such section 501 granted, modified, or denied, for each tangible thing.

''(5) A description of each order under section 501 granted, modified, or denied for the production of tangible things on an ongoing basis.

''(6) Each department or agency on whose behalf the Director of the Federal Bureau of Investigation or a designee of the Director has made an application for an order requiring the production of any tangible things under section 501.

''(7) For each department or agency described in paragraph (6), a breakdown of the numbers and descriptions required by paragraphs (1), (2), (3), (4), and (5).''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following new subparagraphs:

''(C) a good faith estimate of the total number of individuals whose tangible things were produced under an order entered under section 501, rounded to the nearest 100;

''(D) a good faith estimate of the total number of United States persons whose tangible things were produced under an order entered under section 501, rounded to the nearest 100; and

''(E) a good faith estimate of the total number of United States persons whose tangible things were produced under an order entered under section 501 and subsequently reviewed or accessed by a Federal officer, employee, or agent, rounded to the nearest 100.''; and

(B) by adding at the end the following new paragraph:

''(3) Not later than 7 days after the date on which a report is submitted under paragraph

(1), the Attorney General shall make such report publicly available.''.

(e) ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.—Section 707 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881f) is amended by adding at the end the following new subsection:

''(c) ADDITIONAL ANNUAL REPORT.—

''(1) REPORT REQUIRED.—In April of each year, the Attorney General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report setting forth with respect to the preceding year—

''(A) the total number of—

''(i) directives issued under section 702;

''(ii) orders granted under section 703; and

''(iii) orders granted under section 704;

''(B) good faith estimates of the total number of individuals, rounded to the nearest 100, whose electronic or wire communications or communications records were collected pursuant to—

''(i) a directive issued under section 702;

''(ii) an order granted under section 703; and

''(iii) an order granted under section 704;

''(C) good faith estimates of the total number, rounded to the nearest 100, of United States persons whose electronic or wire communications or communications records were collected pursuant to—

''(i) a directive issued under section 702;

''(ii) an order granted under section 703; and

''(iii) an order granted under section 704; and

''(D) a good faith estimate of the total number of United States persons whose electronic or wire communications or communications records were collected pursuant to a directive issued under section 702 and subsequently reviewed or accessed by a Federal officer, employee, or agent, rounded to the nearest 100.

''(2) FORM.—Each report required under paragraph (1) shall be submitted in unclassified form.

''(3) PUBLIC AVAILABILITY.—Not later than 7 days after the date on which a report is submitted under paragraph (1), the Attorney General shall make such report publicly available.''.

SEC. 603. GOVERNMENT REPORTING ON NATIONAL SECURITY LETTERS.

Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended to read as follows:

''(c) REPORT ON REQUESTS FOR NATIONAL SECURITY LETTERS.—

''(1) CLASSIFIED FORM.—

''(A) IN GENERAL.—Not later than March 1, 2015, and every 180 days thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the requests made under section 2709(a) of title 18, United States Code, section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), or section 802 of the National Security Act of 1947 (50 U.S.C. 3162) during the applicable period.

''(B) CONTENTS.—Each report under subparagraph (A) shall include, for each provision of law described in subparagraph (A)—

''(i) authorized requests under the provision, including requests for subscriber information; and

''(ii) the number of authorized requests under the provision—

''(I) that relate to a United States person;

''(II) that relate to a person that is not a United States person;

''(III) that relate to a person that is—

''(aa) the subject of an authorized national security investigation; or

''(bb) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

''(IV) that relate to a person that is not known to be the subject of an authorized national security investigation.

''(2) UNCLASSIFIED FORM.—

''(A) IN GENERAL.—Not later than March 1, 2015, and every 180 days thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the aggregate total of all requests identified under paragraph (1) during the applicable period. Each report under this paragraph shall be in unclassified form.

''(B) CONTENTS.—Each report under subparagraph (A) shall include the aggregate total of requests—

''(i) that relate to a United States person;

''(ii) that relate to a person that is not a United States person;

''(iii) that relate to a person that is—

''(I) the subject of an authorized national security investigation; or

''(II) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

''(iv) that relate to a person that is not known to be the subject of an authorized national security investigation.

''(3) DEFINITIONS.—In this subsection:

''(A) APPLICABLE PERIOD.—The term 'applicable period' means—

''(i) with respect to the first report submitted under paragraph (1) or (2), the period beginning 180 days after the date of enactment of the USA FREEDOM Act and ending on December 31, 2014; and

''(ii) with respect to the second report submitted under paragraph (1) or (2), and each report thereafter, the 6-month period ending on the last day of the second month before the date for submission of the report.

''(B) UNITED STATES PERSON.—The term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).''.

TITLE VII—PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD SUBPOENA AUTHORITY

SEC. 701. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD SUBPOENA AUTHORITY.

Section 1061(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(g)) is amended—

(1) in paragraph (1)(D), by striking ''submit a written request to the Attorney General of the United States that the Attorney General'';

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3).

TITLE VIII—SEVERABILITY

SEC. 801. SEVERABILITY.

If any provision of this Act or an amendment made by this Act, or the application of the provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions of this Act and the amendments made by this Act to any other person or circumstance, shall not be affected thereby.

By Ms. MURKOWSKI (for herself, Mr. WYDEN, Mr. UDALL of Colorado, Mr. HELLER, Mr. ENZI, Mrs. HAGAN, Mr. THUNE, Mr. COONS, Mr. HOEVEN, Ms. LANDRIEU, Mr. COATS, Mr. BEGICH, Mr. RISCH, Ms. KLOBUCHAR, Mr. BLUNT, Mr. FRANKEN, and Mr. CRAPO):

S. 1600. A bill to facilitate the reestablishment of domestic, critical mineral designation, assessment, production, manufacturing, recycling, analysis, forecasting, workforce, education, research, and international capabilities in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, our national security depends upon minerals that enable nearly all of the defense and weapons systems used by the U.S. Armed Forces. These minerals are also critical to the clean energy, electronics, and medical industries. Yet, for how critical these minerals are, the vast majority of our domestic supply is imported from China in order to reduce cost. In fact, China supplies 90 to 95 percent of our rare earth oxides, a special class of critical minerals. We have seen how dangerous this dependence can be—in 2009, China choked off the supply of these materials to the rest of the world, restricting exports by 72 percent and causing the prices of rare earth elements to skyrocket here in the U.S.

I am pleased to join Senators MURKOWSKI, UDALL, and HELLER as the leading sponsors of bipartisan legislation to prevent future supply shocks of these critical minerals that are the key to our defense, energy, electronics, and medical industries by expanding U.S. production and supply of these important substances. This legislation—the Critical Minerals Policy Act of 2013—builds on two bills that were introduced in the 112th Congress and which were referred to the Committee on Energy and Natural Resources. S. 383, the Critical Minerals and Materials Promotion Act of 2011, which I cosponsored, was introduced by Senator MARK UDALL. S. 1113, the Critical Minerals Policy Act, was introduced by Senator MURKOWSKI. The Energy and Natural Resources Committee held a hearing on these bills in June 2011, and this new bill is a product of those efforts. We are being joined by 13 of our Senate colleagues as original bipartisan cosponsors: Senators RISCH, HAGAN, THUNE, BEGICH, ENZI, COONS, HOEVEN, LANDRIEU, COATS, KLOBUCHAR, BLUNT, FRANKEN, and CRAPO.

Critical minerals are pervasive in our everyday life. Let me give you a few examples. They are the key to stronger permanent magnets, which allow for smaller electric motors and other electronic devices, as well as for more efficient clean wind energy and MRI machines. They are essential for rechargeable batteries in hybrid and electric vehicles and the high-efficiency motors that power them. They are vital to phosphors, which give us more efficient lighting and flat panel displays. They serve as catalysts for fuel cells and for refining automobile fuel. Our Armed Forces also rely on critical minerals every time they use night-vision goggles, heads-up displays, satellite images, radar systems, high-energy laser weapons, precision-guided missiles, and fighter jets. By one estimate, the Defense Department alone constitutes 5 percent of total U.S. demand for rare earth elements. In short, critical minerals are so indispensable that we can't imagine life without them. They are called critical minerals because they are indeed critical to the development of so many high-tech weapons systems and commercial products.

Although China currently enjoys near-monopoly in the global production of critical minerals, the truth is that it doesn't have to be this way. China only holds 50 percent of the world's natural reserves, while the U.S. holds about 13 percent of the world's reserves, according a recent study by the U.S. Geological Survey. In fact, a large part of the critical minerals supply shock in 2009 was due to uncertainty about the global distribution of critical minerals. When China began to restrict supply, the rest of the world was in the dark about what alternative sources of supply were even available. Clearly, there is significant work to be done in this field.

The bill being introduced today outlines a series of measures to expand U.S. supplies of critical minerals starting with the identification of which minerals and elements are truly in need of special attention. The bill then requires the Interior Department to conduct assessments of where these minerals are located within the U.S. and expands research to find more efficient ways of extracting and processing those minerals. The bill also includes research programs to extract critical minerals from unconventional sources, such as coal or geothermal energy wells, as well as recycling these important substances from obsolete devices. The bill also requires the two lead agencies which manage our public lands and forests—the Department of the Interior and the Department of Agriculture—to reexamine the permitting processes for hard rock minerals under current law to see if there are ways of reducing delays for mining projects that would extract critical minerals. This legislation also includes programs to enable our next generation of scientists studying critical minerals and to prepare them for jobs in these fields as well as efforts to work with our international trading partners on expanding worldwide supplies of these materials.

I commend Senator MURKOWSKI for her leadership on this issue. This legislation is important for our national security. It is important for our high-tech manufacturing industries. It is important for U.S. competitiveness. I ask all Senators to support this bipartisan legislation.

By Ms. MURKOWSKI:

S. 1605. A bill for the relief of Michael G. Faber; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce unique legislation to remedy a clear mistake by the Federal Government that affects only a single person, an Army veteran, formerly from Alaska, now living in Idaho, who for the past nearly 40 years has been trying to get the Federal Government to remedy an inequity that has affected him, but also has impacts on his family.

While Congress is struggling to find solutions for the economic and health care problems of all 311 million Americans and a means to fund the Federal Government, I hope we also can find the time to right a wrong for a single man and his family.

The issue briefly is that Michael Faber, a Tsimshian Indian whose family has long roots in Southeast Alaska, initially had been granted membership/stock in 1973 in the Sealaska Native Regional Corp., the corporation made up of Southeast Alaska Natives formed as a result of the aboriginal land claims settlement between the Federal Government and Alaska Natives accomplished through passage of the Alaska Native Claims Settlement Act, ANCSA, of 1971. Because of a clerical error by the Bureau of Indian Affairs in the early 1970s Mr. Faber was shifted without cause or his permission to the out-of-state 13th Regional Corporation in late 1976. For decades Mr. Faber has been trying to win reinstatement to the Sealaska Corp., a request the corporation has endorsed, but that the Federal Government, and now seemingly the Federal courts, have decided can't happen without Congress expressly authorizing his reenrollment.

The legislation I offer today, which to my knowledge is supported by everyone possibly connected to this case, will do nothing but right an error by our government that never should have happened. It is a bill that affects a sole individual, which I know is something that has become unpopular on Capitol Hill in recent years. But Congress early in history provided an avenue for passage of legislation to provide relief for individuals who are the victims of an injustice. In fact, it was once relatively common for Congress to pass such legislation. There were hundreds of such bills approved between 1817 and 1971. Admittedly just one was approved last year, when Nigerian student, Sopuruchi ''Victor'' Chukwueke, became the first person in two years to win a private relief bill so he could stay in the United States on an expired visa and gain a path to permanent residency so he could enter medical school in Ohio. Mr. Faber's case is even more worthy of approval because this bill simply remedies a mistake clearly caused by a Federal agency.

This issue stems from the fact that during the original enrollment process following passage of the Alaska Native Claims Settlement Act, Michael Faber enrolled in the Sealaska Corporation, the tenth of the thirteen corporations created by the Act, along with his father, Clyde Benjamin Faber, his brother Gary Dennis Faber and his sister Debra Marlene Faber. Michael Faber's enrollment was approved by the Bureau of Indian Affairs, and he received Sealaska share number 13–752–39665–01, and an initial 100 shares of stock in the Sealaska Corporation. The family lived in Metlakatla, Alaska prior to passage of the claims act, and by the time of implementation of the act had moved to Juneau, AK.

In the mid-1960s Mr. Faber joined the U.S. Army and was stationed in Germany. At some point in 1976, while Mr. Faber was on duty with the Army, and consequently had an out-of-Alaska mailing address, someone in BIW apparently moved to shift his enrollment from the Sealaska Corp. to the then newly created 13th Corporation. That corporation was intended to serve the needs of Alaska Natives living outside of Alaska.

Under the law, Mr. Faber was sent a ballot that he was required to sign to accept the shift in enrollment. However, he never received the ballot; it was returned to BIA—unopened and unsigned. Mr. Faber had been badly injured during his military service and, in early 1976, was in and out of rehabilitation hospitals and clinics at different locations. By late 1976, Mr. Faber spent 19 months in a military hospital in Texas recovering from severe burns. Unfortunately, someone at BIA went ahead, and without Mr. Faber's legal approval, administratively completed the enrollment shift. Mr. Faber eventually was placed on the military's Temporary Disability Retirement List, TDRL, and then was involved in years of post-service counseling. It wasn't until after his recovery that he fully realized he had been shifted from Sealaska to the 13th Corporation, and it was then that he began his effort to be reenrolled in the Sealaska Corp.

The record indicates that during the 1990s BIA acknowledged it made an error in shifting Mr. Faber's enrollment without his written approval. Unfortunately, by then BIA believed it did not have the legal authority to reenroll Mr. Faber in the Sealaska Corporation shareholder rolls. Over the years, Mr. Faber won a resolution of support by the Sealaska Corporation's Board of Directors. The resolution welcomed his

reinstatement to that corporation. He filed in U.S. District Court in Idaho a request for a writ ordering BIA to change his enrollment back to membership in Sealaska. In late 2012, however, a Federal judge in Idaho encouraged all parties to dismiss the suit without prejudice. Accordingly, there is no avenue for this injustice to be rectified without congressional authorization of Mr. Faber's reenrollment in the Sealaska Corp.

This case has been complicated by the fact that Mr. Faber moved back to the community of Metlakatla, Alaska in the mid–1990s to work as the Executive Director of the Metlakatla Housing Authority. The complication is that residents of Metlakatla, the main community on the Annette Island Indian Reservation, were allowed by ANCSA to maintain their reservation status—the only reservation in the state to be reauthorized by the claims settlement act. But in return, members of the Metlakatla Indian Community were required to denounce other ANCSA benefits. This legislation, to prevent any precedents and to clarify the factual record, not only requires Mr. Faber to surrender or abrogate any possible membership in the Metlakatla Indian Community before his enrollment in the Sealaska Corp. can take effect, but also in no way alters the Section 19(a) provisions of ANCSA involving Metlakatla reservation status.

Mr. Faber has been waiting for nearly 40 years for someone to champion his quest to be restored to the Sealaska Corp., a legacy he wants largely for the benefit of his children. This legislation will allow Mr. Faber retroactive benefits only to 2011. In that year, Sealaska's board voted to welcome Mr. Faber back to its membership. It also voted to support the legislation. The bill sets no precedents for other Natives to seek changes in their ANCSA enrollments because of the unique and singular nature of the clerical error that was responsible for this change in enrollment status in the first place. This bill will simply treat Mr. Faber and his descendants humanely and formally recognize their legal and cultural status as Alaska Natives.

I hope that Congress will see fit to pass this bill promptly—truly the right and just result.

By Mr. SCHATZ (for himself and Ms. HIRONO):

S. 1607. A bill to provide conformity in Native small business opportunities and promote job creation, manufacturing, and American economic recovery; to the Committee on Small Business and Entrepreneurship.

Mr. SCHATZ. 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. 1607

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 ''Native Small Business Conformity Act of 2013''.

SEC. 2. SMALL BUSINESS CONFORMITY.

(a) HUBZONE ELIGIBILITY.—

(1) IN GENERAL.—Section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)) is amended—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) a small business concern that is owned and controlled by an organization described in section 8(a)(15);''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(p)(5)(A)(i)(I)(aa) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(I)(aa)) is amended by striking ''subparagraph (A), (B), (C), (D), or (E) of paragraph (3)'' and inserting ''subparagraph (A), (B), (C), (D), (E) or (F) of paragraph (3)''.

(b) 8(a) PROGRAM.—

(1) IN GENERAL.—Section 8(a)(6) of the Small Business Act (15 U.S.C. 637(a)(6)) is amended by adding at the end the following:

''(F) If an organization described in paragraph (15) establishes that it is economically disadvantaged under this paragraph in connection with an application for 1 small business concern owned or controlled by the organization, the organization shall not be required to reestablish that it is economically disadvantaged in order to have other businesses that it owns or controls certified for participation in the program under this subsection, unless specifically requested to do so by the Administration.''.

(2) APPLICABILITY.—The amendment made by this subsection shall take effect on the date of enactment of this Act and apply to determinations of economic disadvantage made before, on, or after the date of enactment of this Act.

By Mr. SCHATZ:

S. 1608. A bill to authorize appropriations for the SelectUSA Initiative, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SCHATZ. 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. 1608

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 ''SelectUSA Authorization Act of 2013''.

SEC. 2. SELECTUSA INITIATIVE DEFINED.

In this Act, the term ''SelectUSA Initiative'' means the SelectUSA Initiative established by Executive Order 13577 of June 15, 2011.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR THE SELECTUSA INITIATIVE.

There is authorized to be appropriated for the SelectUSA Initiative $17,000,000 for each of fiscal years 2014 through 2018.

SEC. 4. REPORTS AND NOTIFICATIONS TO CONGRESS.

(a) IN GENERAL.—Not later than December 31 of 2014, 2015, 2016, 2017, and 2018, the Secretary of Commerce shall submit to Congress a report on the activities of the SelectUSA Initiative during the preceding fiscal year.

(b) CONTENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) A description of the outreach activities of the SelectUSA Initiative and the amounts used by the SelectUSA Initiative for such activities.

(2) The number of foreign firms that relocated to the United States as a result of the activities of the SelectUSA Initiative.

(3) A description of the progress made by the United States in increasing its share of foreign direct investment from the Asia and Pacific regions.

(4) Any findings that are made by the SelectUSA Initiative in conducting its activities and are relevant to promoting the United States as a destination for the location of foreign direct investment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 276—DESIGNATING OCTOBER 2013 AS ''NATIONAL WORK AND FAMILY MONTH''

Mr. MERKLEY (for himself, Mr. CRAPO, Mr. DURBIN, Mrs. MURRAY, Mr. SCHATZ, Mr. BROWN, Mr. UDALL of New Mexico, Mr. HEINRICH, Mr. BEGICH, Ms. WARREN, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 276

Whereas, according to a report by WorldatWork, a nonprofit professional association with expertise in attracting, motivating, and retaining employees, the quality of a job and the supportiveness of a workplace are key predictors of the job productivity, job satisfaction, and commitment to the employer of workers, as well as of the ability of an employer to retain workers;

Whereas the term ''work-life balance'' refers to specific organizational practices, policies, and programs that are guided by a philosophy of active support for the efforts of employees to achieve success within and outside the workplace, such as caring for dependents, promoting health and wellness, providing paid and unpaid time off, providing financial support, encouraging community involvement, and improving workplace culture;

Whereas numerous studies show that employers that offer effective work-life balance programs are better able to recruit more talented employees, maintain a happier, healthier, and less stressed workforce, and retain experienced employees, which produces a more productive and stable workforce with less voluntary turnover;

Whereas job flexibility often allows parents to be more involved in the lives of their children, and research demonstrates that parental involvement is associated with higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates in children;

Whereas military families have special work-life needs that often require robust policies and programs that provide flexibility to employees in unique circumstances;

Whereas studies show that family rituals such as sitting down to dinner together and sharing activities on weekends and holidays positively influence the health and development of children, and that children who eat dinner with their families every day consume nearly a full serving more of fruits and vegetables per day than those who never eat dinner with their families or do so only occasionally; and

Whereas the month of October is an appropriate month to designate as National Work and Family Month: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 2013 as ''National Work and Family Month'';

(2) recognizes the importance of work schedules that allow employees to spend time with their families to job productivity and healthy families;

(3) urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(4) calls upon the people of the United States to observe National Work and Family Month with appropriate ceremonies and activities.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, October 30, 2013, at 9:15 a.m. in room 430 of the Dirksen Senate Office Building to mark-up S.____, Children's Hospital GME Support Reauthorization Act of 2013; S. ____, CHIMP Act Amendments of 2013; H.R. 2094, School Access to Emergency Epinephrine Act; S. ____, Older Americans Act Reauthorization Act of 2013; S. 1302, Cooperative and Small Employer Charity Pension Flexibility Act, H.R. 2747, Streamlining Claims Processing for Federal Contractor Employees Act, the nominations of Michael Keith Yudin, to serve as Assistant Secretary for Special Education and Rehabilitative Services, Department of Education; James Cole, Jr., to serve as General Counsel, Department of Education; and Chai Feldblum, to serve as Commissioner, Equal Employment Opportunity Commission; as well as any additional nominations cleared for action.

For further information regarding this meeting, please contact the Committee at (202) 224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, October 31, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Attaining a Quality Degree: Innovations to Improve Student Success''

For further information regarding this meeting, please contact Aissa Canchola of the committee staff on (202) 224–2009.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MENENDEZ. 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 October 29, 2013, at 10 a.m., to conduct a hearing entitled ''Housing Finance Reform: Essentials of a Functioning Housing Finance System for Consumers.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 29, 2013, at 2:30 p.m.

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

SUBCOMMITTEE ON COMMUNICATION, TECHNOLOGY, AND THE INTERNET

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Communications, Technology, and the Internet of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 29, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Broadband Adoption: The Next Mile.''

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

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Human Rights, be authorized to meet during the session of the Senate on October 29, 2013, at 10 a.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing entitled '' 'Stand Your Ground' Laws: Civil Rights and Public Safety Implications of the Expanded Use of Deadly Force.''

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

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Aaron Goldner and Danielle Schreiber, two fellows in my office, be granted floor privileges for the remainder of this Congress.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 242 and 377; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements 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.

The nominations considered and confirmed are as follows:

FEDERAL COMMUNICATIONS COMMISSION

Thomas Edgar Wheeler, of the District of Columbia, to be a Member of the Federal Communications Commission.

Michael P. O'Rielly, of New York, to be a Member of the Federal Communications Commission.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

NATIONAL BISON DAY

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 254.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 254) designating November 2, 2013, as ''National Bison Day.''

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 254) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 24, 2013, under ''Submitted Resolutions.'')

NATIONAL WORK AND FAMILY MONTH

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of S. Res. 276, 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. 276) designating October 2013 as ''National Work and Family Month.''

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

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 276) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR WEDNESDAY, OCTOBER 30, 2013

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 30, 2013, and 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 proceed to executive session to consider the Estevez nomination, with the time until 10:30 a.m. equally divided and controlled in the usual form.

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

PROGRAM

Mr. REID. The first rollcall vote will be at 10:30 a.m. tomorrow morning on the motion to invoke cloture on the nomination of Alan Estevez to be a Principal Deputy Under Secretary of Defense.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:30 p.m., adjourned until Wednesday, October 30, 2013, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 29, 2013:

FEDERAL COMMUNICATIONS COMMISSION

THOMAS EDGAR WHEELER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2013.

NATIONAL LABOR RELATIONS BOARD

RICHARD F. GRIFFIN, JR., OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS.

FEDERAL COMMUNICATIONS COMMISSION

MICHAEL P. O'RIELLY, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2014.