

"presumptively relevant" records. The government should be required to show that the records it seeks are, in fact, material to a particular concern. The section also guarantees the recipient of a Section 215 order the right to challenge an accompanying gag order, and ensures notice and due process for any such challenger.

The LIBERT-E Act also requires additional disclosures to Congress and the public in Section 3 of the legislation. This section provides for greater accountability and transparency in the implementation of the USA PATRIOT Act and the Foreign Intelligence Surveillance Act. This section amends existing reporting requirements contained in Section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) by requiring the Attorney General to make available to all Members of Congress the information currently provided to the House and Senate intelligence and judiciary committees. It also requires that the Attorney General make unclassified summaries of each "significant" decision, order, or opinion of the FISA Court available to the public within 180 days of their submission to Congress. Further, this section requires the Inspectors General of the Department of Justice and the Intelligence Community to report on the impact that acquisition of foreign intelligence has had on the privacy of persons located in the United States.

Lastly, the fourth section of the LIBERT-E Act requires that each assessment or review required under Title VII of FISA be submitted in unclassified form, with an unclassified index if necessary.

I urge my colleagues to support this bipartisan measure, which protects our privacy and increases transparency in the government's use of these authorities.

H.R. 2217

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2013

Mr. GRAYSON. Mr. Speaker, I rise to extend my earlier remarks describing the intent of Congress with regard to H. AMDT. 124 to H.R. 2217, the Department of Homeland Security Appropriations Act, 2014. My amendment reads as follows: "None of the funds made available by this Act may be used in contravention of the First, Second, or Fourth Amendments to the Constitution of the United States."

The Department of Homeland Security, all of its officials, and all contractors and subcontractors working on its behalf or operating under inherently governmental functions shall respect anonymous speech. No funds shall be used to attempt the unmasking of anonymous speakers, unless two conditions are met. One, there must be probable cause that an anonymous speaker is engaged in criminal activities and two, a warrant from a court with jurisdiction over domestic matters must be issued. Warrants from the FISA court do not serve this purpose, as those courts have jurisdiction over foreign and not domestic matters.

It is the intent of Congress that the Department of Homeland Security, all of its officials, and all contractors and subcontractors working on its behalf or operating under inherently

governmental functions respect the freedom of the press, defining press as "every sort of publication which affords a vehicle of information and opinion" (per Justice Charles Evans Hughes). In any granting of press privileges, DHS is prohibited from distinguishing between media businesses with established track records and citizen publishing vehicles or blogs with partisan, noncommercial, or advocacy missions. DHS shall under no circumstances engage in prior restraint and shall respect the precedential value of *New York Times Co. v. United States* (1971). No citizen exercising first amendment rights shall be prohibited from publishing information by the use of funds appropriated in this bill.

It is the intent of Congress that a search under the Fourth Amendment is neither reasonable nor constitutional if, as the Supreme Court noted in *Katz v. United States*, (1) a person expects privacy in the thing searched and (2) society believes that expectation is reasonable. Considering the advances in electronic storage and retrieval technology, as well as the general trail of electronic residue left by any citizen using email, search engines, most forms of banking and commerce, VoIP, or use of the internet or mobile phones, it is the intent of Congress that the Department of Homeland Security, all of its officials, and all contractors and subcontractors working on its behalf or operating under inherently governmental functions should go beyond the so-called "third party doctrine" in protecting fourth amendment rights. Any examination without a person's consent to the Government (not a private party) of search engine records, e-mail, internet records, phone records, or information produced in the course of ordinary business is considered a search of that person's "papers and effects." The Department of Homeland Security, all of its officials, and all contractors and subcontractors working on its behalf or operating under inherently governmental functions are prohibited from using appropriated funds to engage in such searches.

It is not the intent of Congress that every form of surveillance that is technically feasible should be performed. Nor is it the intent of Congress that every form of surveillance that is somehow arguably within court precedent or some strained interpretation of a relevant statute should be performed. On the contrary, statutory authority for surveillance is to be construed narrowly, because all forms of government surveillance implicate and potentially impair or even destroy our privacy rights. It is never the intention of Congress that security concerns override constitutional rights—on the contrary, we take an oath of office to defend those rights. The Fourth Amendment makes it clear, not only by its wording but by its very existence, that the right to privacy is a fundamental part of the American experience. We cannot protect our liberty by snuffing it out—we cannot destroy our village in order to save it.

HONORING CAPTAIN WILLIAM J.
MILNE

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2013

Mr. WITTMAN. Mr. Speaker, I rise today to recognize a true leader for his extraordinary

service in the United States Coast Guard, Captain William J. Milne. Captain Milne served his country for 38 years in the Coast Guard and on June 14, he will retire as the Director of Law Enforcement, Maritime Security, and Defense Operations Policy at Coast Guard Headquarters in Washington DC. We all owe him a debt of gratitude for his commitment to service and to our country.

A native of Seattle, WA, Captain Milne graduated from Coast Guard Recruit Basic Training in 1975. His first assignment was as a Search and Rescue communications watchstander at Coast Guard Station Umpqua River in Winchester Bay, OR. During this assignment, he not only earned the distinguished SURFMAN designation, but was quickly promoted to Boatswain's Mate First Class in the Coast Guard and assumed the duties as Executive Petty Officer of the Station. Continuing his rapid promotion through the ranks, CAPT Milne was commissioned as an Ensign after completing Officer Candidate School in 1986.

As an officer, Captain Milne served on six Coast Guard cutters including serving as the commanding officer of the cutters *Cape Corwin*, *Redwood* and *Juniper*. He also served in numerous shore-based leadership positions including Coast Guard Liaison to the United States House of Representatives, and commanding officer of one of the Coast Guard's largest training commands in Yorktown, Virginia. In addition to completing some of the most challenging and demanding assignments in the Coast Guard, Captain Milne also earned a Bachelor of Arts in Business Administration, an MBA and a Masters Degree in National Security and Strategic Studies.

Captain Milne is finishing his distinguished career as the Director of Law Enforcement, Maritime Security, and Defense Operations Policy. In this assignment, as well as his previous position as the Program Director for Maritime Counter-Terrorism, Captain Milne oversaw the development of Coast Guard strategic and operational policy vital to our Nation's maritime safety and security. In addition, he was a key leader in the development and management of the Coast Guard's Deployable Specialized Forces. His foresight, experience and judgment ensured these highly specialized forces were not only ready to deploy in response to national security threats, but were also prepared to protect the environment and provide humanitarian assistance to those in need. Most recently, CAPT Milne led the Coast Guard's response to the tragic terrorist bombings at the Boston Marathon, ensuring the Port of Boston was well-protected during the vulnerable days following the attack.

A highly decorated officer, Captain Milne's awards include the Legion of Merit, three Meritorious Service Medals, five Coast Guard Commendation Medals, the Department of Transportation 9/11 Medal for his service in New York City in the aftermath of the September 11, 2001 attacks, and several other personal and unit awards.

Mr. Speaker, on behalf of my constituents and a grateful Nation, I ask all my distinguished colleagues to join me in recognizing the extraordinary career of Captain William J. Milne. There are few opportunities for us to recognize the accomplishments of those who selflessly dedicate their lives to the service of our country, and I cannot thank Captain Milne, his wife Martina, their two children, Dean and Lacey, and their eight grandchildren, with

three more on the way, enough for everything they have done and sacrificed to protect our Nation.

THE TRUE COST OF COAL ACT OF
2013

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2013

Mr. McDERMOTT. Mr. Speaker, I rise today to re-introduce the True Cost of Coal Act, a bill that would address the negative impacts of coal transportation on both the local communities and American taxpayers.

Currently, plans are underway to develop coal export facilities in the Pacific Northwest that would exponentially increase the volume of coal being exported out of the region. The three proposed terminals—Gateway Pacific and Millennium Bulk Terminals in Washington

and Morrow Pacific Project in Oregon—would export over 100 million tons of additional coal per year. For a sense of scale, the U.S. coal exports in their entirety totaled 125 million tons in 2012. The new terminals would nearly double that total.

With these new plans come considerable burdens on the rail communities through which the coal would be transported, including environmental and public health considerations, worsening traffic congestion, and noise pollution, among others. However, without legislation like this, the taxpayers will be largely responsible for these costs. After all, coal and train companies are currently under no obligation to pay for mitigating the effects of transporting coal. That's why I am once again introducing legislation to hold them accountable for the costs that their activities incur.

According to the U.S. Energy Information Agency (EIA), the average price per ton of coal exports in 2012 was \$118 per ton; the EIA also estimates that in 2012 the cost to

ship coal from the Powder River Basin to the Pacific Northwest was only about \$20 per ton.

The True Cost of Coal Act of 2013 will impose a 10 dollar per ton excise tax on all extracted coal. This money will be used to mitigate the negative impacts of coal transportation and ensure the true cost of coal is paid for by the responsible parties—not the local communities and American taxpayers. The money is allocated to the affected States, who are in the best position to determine how best to use their funds. The Act also requires that trains transporting coal be covered or treated to ensure that no coal dust is released during transportation.

I have long been a champion of preserving the clean air and water that Washingtonians cherish. I am pleased to be continuing that work and hope my colleagues will join me in supporting this legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 18, 2013 may be found in the Daily Digest of today's record.

MEETINGS SCHEDULED

JUNE 19

9:30 a.m.

Committee on Appropriations
Subcommittee on Department of Defense
To hold hearings to examine proposed budget estimates for fiscal year 2014 for Joint Strike Fighter.

SD-192

10 a.m.

Committee on Commerce, Science, and Transportation
To hold hearings to examine next steps in improving passenger and freight rail safety.

SR-253

Committee on Health, Education, Labor, and Pensions
Subcommittee on Primary Health and Aging

To hold hearings to examine reducing senior poverty and hunger, focusing on the role of the "Older Americans Act".

SD-430

Committee on the Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation.

SD-106

2 p.m.

Committee on Foreign Relations
To hold hearings to examine the nominations of Geoffrey R. Pyatt, of California, to be Ambassador to Ukraine, and Tulinabo Salama Mushingi, of Virginia, to be Ambassador to Burkina Faso, both of the Department of State.

SD-419

Special Committee on Aging

To hold hearings to examine paperless Social Security payments, focusing on

protecting seniors from fraud and confusion.

SD-366

2:30 p.m.

Committee on Commerce, Science, and Transportation

Subcommittee on Aviation Operations, Safety, and Security

To hold hearings to examine airline industry consolidation.

SR-253

Committee on the Judiciary

To hold hearings to examine the nominations of Todd M. Hughes, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit, Colin Stirling Bruce, to be United States District Judge for the Central District of Illinois, Sara Lee Ellis, and Andrea R. Wood, both to be a United States District Judge for the Northern District of Illinois, and Madeline Hughes Haikala, to be United States District Judge for the Northern District of Alabama.

SD-226

JUNE 20

9:30 a.m.

Committee on Energy and Natural Resources

To hold an oversight hearing to examine water resource issues in the Klamath River Basin.

SD-366

10 a.m.

Committee on the Judiciary

Business meeting to consider S. 162, to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

SD-226

Committee on Small Business and Entrepreneurship

To hold hearings to examine sequestration, focusing on small business contractors.

SR-428A

10:30 a.m.

Committee on Appropriations

Business meeting to markup proposed budget estimates for fiscal year 2014 for Military Construction and Veterans Affairs, and Related Agencies, and Agricultural, Rural Development, Food and Drug Administration, and Related Agencies.

SD-106

2:15 p.m.

Committee on Foreign Relations

To hold hearings to examine the nomination of Daniel R. Russel, of New York, to be Assistant Secretary of State for East Asian and Pacific Affairs.

SD-419

2:30 p.m.

Committee on Health, Education, Labor, and Pensions

To hold hearings to examine developing a skilled workforce for a competitive

economy, focusing on reauthorizing the "Workforce Investment Act".

SD-430

Committee on Homeland Security and Governmental Affairs

Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce

To hold joint hearings to examine the workforce of the United States Intelligence Community and the role of private contractors.

SD-342

Select Committee on Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JUNE 24

3 p.m.

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine curbing drug abuse in Medicare.

SD-342

5:30 p.m.

Committee on Homeland Security and Governmental Affairs

Business meeting to consider the nominations of Howard A. Shelanski, of Pennsylvania, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, and Daniel M. Tangherlini, of the District of Columbia, to be Administrator of General Services.

S-216

JUNE 25

10 a.m.

Committee on Energy and Natural Resources

To hold an oversight hearing to examine the challenges and opportunities for improving forest management on Federal lands.

SD-366

JUNE 27

10:30 a.m.

Committee on Homeland Security and Governmental Affairs

Subcommittee on Financial and Contracting Oversight

To hold hearings to examine contract management by the Department of Energy.

SD-342

POSTPONEMENTS

JUNE 19

10 a.m.

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine extreme weather events, focusing on the costs of not being prepared.

SD-342