

afloat forward-staging base could be on the chopping block.

Hawaii is home to the Pacific Command. Its responsibility encompasses half the globe. This enormous area of responsibility is home to some of the most dynamic and fastest growing economies in the world. The Asia-Pacific nations are huge markets with growing middle classes of consumers for American goods and services. However, it is also home to some of the most serious security threats we face. It is an area where U.S. economic, strategic, and security interests face many challenges, but also many opportunities.

As part of our Nation's recognition that we need to engage more in this region, President Obama has committed to a rebalance of our strategic focus to the Asia-Pacific. The chairman of the Joint Chiefs, General Dempsey, described the Asia-Pacific rebalance by saying:

It's about "Three Mores"—more interest, more engagement, and from the military perspective more quality assets and quality interaction.

For the Asia-Pacific rebalance to provide the long-term benefits to our Nation, we need to be fully committed. This requires the transition, training, and support of U.S. military personnel and assets to the region. However, this important initiative is undermined by the budget cuts our military is facing. We cannot support regional peace and stability with insufficient resources and personnel. Yet this is the reality if we fail to address planned budget cuts.

These are just some examples of how our ability to effectively protect U.S. interests and security are being impacted by the Budget Control Act. We also know that reductions in defense spending impact the Nation's economy. For example, Department of Defense employees across the country, including thousands in Hawaii, have faced furloughs this year. This is a pay cut for many families at a time when they can least afford them.

Some will argue that all we need to do is to give the Department of Defense the authority to transfer funds between accounts. I strongly disagree. Congress can address these cuts to national security while also strengthening our overall economy. How can we do this? By simply eliminating sequester and funding the whole government at the level assumed by the Senate's budget resolution.

Sequestration, like the recent government shutdown, results in self-inflicted wounds to our economy. The shutdown was like a sudden economic heart attack. But sequestration is like death by a thousand cuts to our national defense, our science and research enterprise, and programs which our communities rely upon.

I have spoken a great deal about the impact of sequestration on our military. However, the substantial cuts sustained by our education, research and development, and infrastructure

are equally as damaging. These are programs that support an educated and productive workforce, improve the flow of commerce and support those in our communities in the greatest need. Just as a hollowed-out force will struggle to meet mission requirements, a hollowed-out workforce will struggle to compete in the global economy. These two are tightly linked. That is why I urge my colleagues to support eliminating sequestration for both military and nondefense programs.

The Financial Times recently reported that U.S. public investment has dropped to 3.6 percent of GDP. This is well below the 5 percent we have averaged since World War II. These cuts not only undermine our long-term national security strategy but also our long-term competitiveness and economic growth. Without a strong economy, we cannot sustain the investments we need and a strong national defense.

According to Macroeconomic Advisers, spending cuts enacted since 2010 have reduced GDP by 0.7 percentage points. This reduction in our economy has raised unemployment by 0.8 percent, or 1.2 million jobs. The Congressional Budget Office—CBO—recently reported we could give our economy a significant boost by eliminating sequestration. In fact, CBO found that if Congress had enacted legislation last summer to cancel the 2013 and 2014 sequester, the economy would have nearly 1 million more jobs by next year. Our economy would also grow nearly a full percentage point faster.

To put this in perspective, without sequestration, our economy would be nearly back on track to where it was before the great recession.

We all recognize a strong economy is the backbone of our strength as a Nation. In order to get back to full strength, we need to get more people back to work. The more people who are working, the more productive our economy is. This is not rocket science. The more productive our economy, the more opportunity there is for people to achieve the American Dream.

Getting people back to work also means less people have to rely on safety net programs and more tax revenues coming in without raising any tax rates. By reducing spending and increasing revenue this way, we are helping to stabilize our fiscal situation.

A robust economy ensures that our Nation has the capacity to meet our commitments and support our vital priorities. This means we don't have to choose between a strong national defense and investment in education, infrastructure, and innovation. We can, and must, do both.

The place to start is with ending sequestration and revising the Budget Control Act caps. This modest policy change will pay dividends for our economy and, in turn, will strengthen our national security.

I yield the floor.

## NSA OVERSIGHT AND ACCOUNTABILITY

Mr. LEAHY. Mr. President, we are at a watershed moment in the history of intelligence oversight, like nothing I have seen since the Church Committee. Some of the recent revelations have led to important national conversations about the scope of our Nation's intelligence gathering powers here at home, and to renewed legislative efforts to recalibrate those authorities and the related oversight regimes. The USA FREEDOM Act that Congressman JIM SENSENBRENNER and I introduced last week along with more than 100 members of Congress does just that.

It is important, however, to acknowledge that some of the leaks have led to needless risk to our national security and have threatened our relationships with some of our most important international partners.

And all of this leads back to a 29-year-old contractor named Edward Snowden.

Let me make clear once more that I do not condone the way any of these highly classified programs were disclosed. I am deeply concerned about the potential damage to our intelligence gathering capabilities, foreign relationships, and national security.

I am also deeply concerned that one person could wreak this much havoc in such a short period of time. Especially in the wake of the Private Manning leaks, I do not understand how the National Security Agency could have allowed this to happen.

This past weekend, Colbert King wrote in the Washington Post that this damage was, in a sense, self-inflicted. I ask unanimous consent that the King op-ed be printed in the RECORD. As Mr. King put it, "I want to know how Snowden got his hands on so much of the nation's most sensitive intelligence and was able to flee the country, all within three months."

I want to know too. We need to hold people accountable for allowing such a massive leak to occur and we need to change the way we do business to ensure that we prevent this type of breach in the future. In public and in private, I have continued to ask the leaders of the intelligence community to tell me who is being held accountable and what is being done to prevent this from happening again.

Without adequate answers to these questions, the American people are rightly concerned that their private information could be swept up into a massive database, and then compromised. The NSA has acknowledged that it is collecting U.S. phone records on an unprecedented scale, and that it is also collecting massive amounts of Internet content against targets abroad, which also includes some communications of law-abiding Americans. And yet the government asks us to trust that it will keep this information safe, and that we should have faith in its internal policies and procedures.

This plea comes from the same intelligence community that the FISA

court found to have made substantial misrepresentations about the scope of its collection; and the same intelligence community that allowed Edward Snowden to steal such vast amounts of information.

And it comes from the same intelligence community whose inspector general just wrote to tell me that he is unable at this time to conduct a communitywide review of government activities conducted under section 215 of the USA PATRIOT Act and section 702 of the Foreign Intelligence Surveillance Act. I ask unanimous consent that the September 23, 2013, letter from a bipartisan group of Senate Judiciary Committee members to the inspector general of the intelligence community be printed in the RECORD, as well as his November 5, 2013, response.

The intelligence community faces a trust deficit, and I am particularly concerned that the NSA has strayed and overreached beyond its core missions. One important step toward rebuilding that trust would be for the NSA to spend less of its time collecting data on innocent Americans, and more on keeping our Nation's secrets safe and holding its own accountable.

The Senate Judiciary Committee will continue its work on these issues in the next few weeks. On November 13, the Subcommittee on Privacy, Technology, and the Law will hold a hearing on Senator FRANKEN's Surveillance Transparency Act, which I have co-sponsored. And on November 20, I have invited back to the committee Director of National Intelligence James Clapper, NSA Director Keith Alexander, and Deputy Attorney General James Cole for another hearing to review the intelligence community's surveillance authorities.

[From the Washington Post, Nov. 2, 2013]

LATEST NSA SPYING REVELATIONS DISTRACT  
FROM THE REAL ISSUES  
(By Colbert I. King)

What's this about governments spying on their closest allies?

We called it "the bubble." It was a 12-by-15-foot acoustic conference room made of clear plastic and aluminum. There were at least five inches of space between the walls of the bubble and the walls of the room in which it was located. The bubble's plastic walls, ceiling and floor allowed visual inspection for electronic listening devices, or "bugs."

As an extra security measure, a noise-generating machine was installed in the outer room to prevent interception of any discussions of classified information within the bubble. The outer room was secured by a combination lock, the code known only to my office.

The first U.S. "bubble" was installed after hidden microphones were found in American diplomatic missions in Moscow, Prague and elsewhere in the 1960s.

Our bubble, within a room on an upper floor of the U. S. Embassy in Bad Godesberg, West Germany, was a countermeasure against possible technical penetration by the Soviet KGB and the East German Stasi. But Eastern Bloc countries weren't the only concern.

Our bubble allowed classified discussions to occur beyond the hearing of our host and

ally, the-then Federal Republic of Germany, and our friends down the road in the French and British embassies.

That was nearly 50 years ago.

This year, in my current capacity, I was sitting in the office of an ambassador in Washington when a member of his staff alerted him to an important call. There was a phone on the ambassador's desk. But he left the room to take the call.

It turns out that his prime minister was calling from overseas. The ambassador went to a secure location in the embassy where he could conduct a confidential conversation.

True, he was in the capital city of his nation's closest ally. But the matter to be discussed was for the ears of his countrymen only, U. S. friendship notwithstanding.

Today, as the United States has been doing for decades, close allies in Europe, the Middle East and elsewhere take similar precautions even when their missions are in friendly countries.

Gentlemen may know that it is bad form to read each other's mail or to eavesdrop. But in diplomacy and national security, the desire to know what another country is up to tends to overwhelm any sense of rectitude.

Consequently, the European outrage over snooping among friends may be slightly overdone. That is an entirely separate matter from the National Security Agency's (NSA) vacuum-cleanerlike collection of the communication records and metadata of millions of Americans, including private citizens and, apparently, foreign citizens both here and overseas. The scope of that intelligence-collection program, disputed by Gen. Keith Alexander, the director of the NSA, this week is the cause of uproar around the country and in Congress. There is still much to sort out and probably reform.

The monitoring of foreign leaders' phone calls, however, is closer to the larger deed of spying on allied governments.

Which takes us to an indelicate question: Why is a foreign leader, a repository of a nation's secrets, communicating by text messages and smartphone?

The most junior Foreign Service officer or government civil servant entrusted with sensitive information assumes that e-mails and cellphones are susceptible to eavesdropping. What makes a head of state behave as if he or she is immune from monitoring?

Which brings up another tactless question: Why haven't the security services of those foreign leaders developed countermeasures to prevent successful spying on personal communications?

The danger here isn't simply that the NSA may have overstepped its bounds with respect to U.S. allies. The intelligence services of the foes of Germany, France, Spain, Brazil and the like may have the capacity to listen in on high-level conversations.

The naiveté of outraged foreign leaders and their vulnerability to spying are nearly—but not totally—as surprising as the scale of NSA snooping.

The NSA revelations, meanwhile, should not draw attention away from the revelations' primary source: Edward Joseph Snowden.

How in the world is it possible that a high school dropout with a GED, a community college student who didn't graduate, a failed Army recruit and security guard can catapult himself into a CIA information technology job, an overseas posting and subsequently a \$200,000-a-year job with a company contracted to do NSA work in Hawaii, where he was able to gain access to the crown jewels of America's secrets?

Whistleblower, traitor, patriot: Debate the labels all you want. The government has charged him with espionage. Take it up with Attorney General Eric Holder.

I want to know how Snowden got his hands on so much of the nation's most sensitive intelligence and was able to flee the country, all within three months.

Damage? Done by the U.S. government to itself.

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, September 23, 2013.

Hon. I. CHARLES MCCULLOUGH III,  
*Inspector General of the Intelligence Community, Office of the Director of National Intelligence, Washington, DC.*

DEAR INSPECTOR GENERAL MCCULLOUGH: Recent disclosures about classified government surveillance activities have generated significant public discussion about the breadth of these programs, many of which are conducted pursuant to the Foreign Intelligence Surveillance Act (FISA), and the need for appropriate oversight and checks and balances.

In particular, concerns have arisen about activities conducted under Section 215 of the USA PATRIOT Act and Section 702 of FISA, which was enacted as part of the FISA Amendments Act of 2008. Recently declassified documents appear to reveal numerous violations of law and policy in the implementation of these authorities, including what the FISA Court characterized as three "substantial misrepresentation[s]" to the Court. These declassified documents also demonstrate that the implementation of these authorities involves several components of the Intelligence Community (IC), including the National Security Agency, Department of Justice, Federal Bureau of Investigation, Central Intelligence Agency, and the Office of the Director of National Intelligence, among others.

We urge you to conduct comprehensive reviews of these authorities and provide a full accounting of how these authorities are being implemented across the Intelligence Community. The IC Inspector General was created in 2010 for this very purpose. Comprehensive and independent reviews by your office of the implementation of Sections 215 and 702 will fulfill a critical oversight role. Providing a publicly available summary of the findings and conclusions of these reviews will help promote greater oversight, transparency, and public accountability.

In conducting such reviews, we encourage you to draw on the excellent work already done by the Inspectors General of several agencies, including the Department of Justice, in reviewing these authorities. But only your office can bring to bear an IC-wide perspective that is critical to effective oversight of these programs. The reviews previously conducted have been more narrowly focused—as might be expected—on a specific agency.

In particular, we urge you to review for calendar years 2010 through 2013:

- The use and implementation of Section 215 and Section 702 authorities, including the manner in which information—and in particular, information about U.S. persons—is collected, retained, analyzed and disseminated;
- applicable minimization procedures and other relevant procedures and guidelines, including whether they are consistent across agencies and the extent to which they protect the privacy rights of U.S. persons;
- any improper or illegal use of the authorities or information collected pursuant to them; and
- an examination of the effectiveness of the authorities as investigative and intelligence tools.

We have urged appropriate oversight of these activities long before the problems

with the implementation of these FISA authorities became public. We believe it is important for your office to begin this review without further delay.

Please proceed to administratively perform reviews of the implementation of Section 215 of the USA PATRIOT Act and Section 702 of FISA, and submit the reports no later than December 31, 2014. Thank you in advance for your efforts to ensure a full accounting of the implementation of these surveillance authorities across the Intelligence Community.

Sincerely,

Patrick Leahy, Charles Schumer, Sheldon Whitehouse, Christopher Coons, Richard Blumenthal, Chuck Grassley, Ted Cruz, Michael S. Lee, Jeff Flake.

INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

Washington, DC, November 5, 2013.

Memorandum for: See distribution.

Subject: IC IG Review of Section 215 of the USA PATRIOT Act and Section 702 of FISA Authorities.

Thank you for your 23 September 2013 letter requesting that my office review the Intelligence Community's (IC) use of Section 215 of the USA PATRIOT Act authorities and Section 702 of FISA authorities.

At present, we are not resourced to conduct the requested review within the requested timeframe. As you stated in your letter, several IC inspectors general have oversight of the IC's use of foreign electronic surveillance authorities. While my office has the jurisdiction to conduct an IC-wide review of all IC elements using these authorities, such a review will implicate ongoing oversight efforts. Therefore, I have been conferring with several IC Inspectors General Forum members in order to consider how such a review might be accomplished given the potential impact to IG resources and ongoing projects. As my IG colleagues and I confer regarding the possibility of conducting a joint review of the requested topic, I will keep you and the committee staff informed.

Again, I thank you for your continued support of the IG community. If you have any questions regarding this subject, please contact me or my Legislative Counsel, Melissa Wright, at 571-204-8149.

Sincerely,

I. CHARLES McCULLOUGH, III,  
Inspector General of the Intelligence Community.

#### FEDERAL FINANCIAL TRANSPARENCY

Mr. WARNER. Mr. President, I rise today to discuss a topic not debated nearly enough here on the Senate floor—making the Federal Government more accountable and transparent.

Today, the Homeland Security and Governmental Affairs Committee, under the leadership of Chairman CARPER and Ranking Member COBURN, passed important legislation that will expand Federal financial transparency and accountability in many important ways.

I sponsored this legislation—the Digital Accountability and Transparency, or DATA, Act—because it will significantly reform the way agencies report Federal spending, and for the first time provide checkbook-type spending data from across the Federal Government.

The Federal Government spends more than \$3.7 trillion each year, with

more than \$1 trillion being distributed as awards. However, the public cannot clearly track where this money goes. We currently have a Web site—USASpending.gov—that is supposed to show taxpayers and policymakers where the money goes, but it is not accurate.

Most States already have an online portal so that taxpayers can track where their dollars are spent, and it is long past time for the Federal Government to move into the 21st century and adopt a similar system.

At a recent hearing of the Budget Committee Task Force on Government Performance that I chair, it was reported that over \$900 billion of direct assistance data on USASpending.gov was misreported in 2011 alone.

No wonder the public has such little confidence in government—we can't even tell them where their tax money goes.

It seems to me that the data collected by the budget shops, the accountants, the procurement offices, and grant makers all needs to be combined, reconciled, and then presented in a relevant and transparent way.

These various systems should be able to work together based on financial standards so that policymakers and the public can track the full cycle of Federal spending clearly.

The DATA Act will help us move in that direction by making four specific improvements that I want to highlight today.

First, it creates transparency for all Federal funds. DATA will expand USASpending.gov to include spending data for all Federal funds by appropriation, Federal agency, program, function, and maintain the current reporting for Federal awards like contracts, grants, and loans. This is important because there is currently no place online to find and compare all government spending.

This expansion of USASpending.gov will allow policymakers and taxpayers to track Federal funds more clearly and to more easily link spending to budget priorities.

Second, the DATA Act sets government-wide financial data standards. Currently there are no consistent standards for reporting financial data to USASpending.gov, and it makes much of the data confusing and unreliable—especially if you want to compile and compare spending from multiple Federal agencies.

DATA tasks the Department of Treasury with establishing consistent financial data standards for the Federal agencies to support the USASpending.gov website.

Third, the DATA Act will actually reduce recipient reporting requirements. I have long been concerned about the compliance costs for the recipients of Federal funds. It appears that all the overlapping systems are frustrating and also create additional waste—especially for State and local governments.

For example, many universities file similar financial reports, multiple times, to multiple agencies on an annual, quarterly and monthly basis. If all this reporting redundancy were streamlined, we could direct more money to programs and less to administrative costs.

This legislation requires the Office of Management and Budget to review the existing Federal award recipient financial reporting to reduce compliance costs based on the new financial data standards.

Finally, the DATA Act will improve data quality. The inspectors general at each agency will be required to provide reports on the quality and accuracy of the financial data provided to USASpending.gov. Then GAO will then create a government-wide assessment on data quality and accuracy based on the inspectors generals' findings.

Being able to follow the money is critically important to running our government in a more efficient way and getting the best value for the taxpayer. The DATA Act will help us take steps in that direction, and that is why passing it is so important.

I want to close today by saying thanks again to my colleagues for passing the DATA Act out of committee. I am also pleased to be working with my friend, Republican ROB PORTMAN of Ohio, as my Senate cosponsor of the DATA Act. We will continue working to make sure this important bipartisan legislation becomes law this year.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO CAPTAIN EDWARD KLEIN

● Mr. BOOZMAN. Mr. President, I rise today to honor U.S. Army CPT Edward "Flip" Klein, an Arkansas soldier who fought for his country on the battlefield and is fighting to recover from injuries he sustained in Afghanistan.

On October 22, 2012, while out on patrol near Kandahar, Captain Klein, a 2006 West Point graduate, was severely wounded, losing both of his legs, his right arm, and severely damaging his left hand. Captain Klein credits much of his recovery success to his wife Jessica who he calls his "rock." His determination is an inspiration to everyone who meets him. Albert Carey Caswell wrote this poem, "The Battle, After the Fight," in honor of Captain Klein and his family:

And on that morning . . .  
When we awake . . .  
As we so see what this war would take . . .  
As all of our hearts so begin to break!  
Will we be ready,  
for this new battle that which before us now  
awaits?  
All in our strength,  
and faith!  
The . . .  
The Battle,  
After The Fight!  
From out of the darkness,  
into the light!