

have shown under tremendously difficult circumstances, and the sacrifices our men and women in uniform have made to ensure that Afghanistan does not become a haven for terrorists again.

One of the keys to that is that no society can be free, no society can have true safety and security unless the women in the society also have safety and security. So I thank Senator CASEY for his leadership in ensuring that we stand by the Afghan women because we cannot succeed in Afghanistan if women go back to what they endured under the Taliban, which was horrific and was wrong, and none of us should accept.

So Senator CASEY really has been a leader, and I thank him for being so concerned about what will happen in Afghanistan and working to make sure it never becomes a haven for terrorists again; that women in Afghanistan can live with security; that women and girls can go to school; that they can contribute to Afghan society and take part in free elections; and that Afghanistan will be a place where women will no longer be brought into soccer stadiums and violated.

So I thank Senator CASEY for this amendment and bringing it forward. I am very proud to cosponsor it. As Senator CASEY mentioned, our amendment would ensure adequate staffing at polling stations by female officers so that when they have elections, this would improve the security of those stations, making sure women can come forward and vote. It would increase the awareness and responsiveness among Afghan National Army and national police personnel regarding the unique challenges women confront when joining those forces. Yes, women—some of them—are now joining the Afghan security forces to defend their nation.

The amendment would focus on improving the recruitment and retention of women in Afghan security forces, and it would ensure that as we enter the bilateral security agreement that DOD will produce a strategy to promote the security of Afghan women and girls.

These issues are very important. I commend our men and women in uniform for everything they have done in Afghanistan to prevent Afghanistan from being a haven for terrorists and to ensure that women and girls can live securely and won't be violated the way they were when the Taliban was in charge of Afghanistan. The images so many of us saw were beyond the word "outrageous." We can't even describe the horrific way women and girls were treated—worse than second-class citizens—under the Taliban.

This amendment will ensure what we all understand to be the bottom line: that no strategy in Afghanistan can succeed if women are not an integral part of that strategy, if women aren't allowed to have the security, the dignity, and the freedom all people deserve.

I thank Senator CASEY for his leadership. I hope my colleagues in the Senate will adopt this amendment because last year when we considered Defense authorization, the Senate passed a similar provision by unanimous consent. So I hope my colleagues will do the same and pass the Casey-Ayotte amendment to promote the security of Afghan women and girls; as we look to the bilateral security agreement, as we look to working with our coalition partners as we are drawing down in Afghanistan, we will not leave the Afghan women and girls behind and we will ensure that Afghanistan does not become a haven for terrorists again.

I thank Senator CASEY for allowing me to speak on this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

ORDER OF PROCEDURE

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent to engage in a colloquy with Senator WYDEN for 15 minutes.

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

SURVEILLANCE REFORM

Mr. UDALL of Colorado. Mr. President, to start, I would like to pay tribute to my two colleagues, Senator CASEY and Senator AYOTTE, for their focus on human rights and particularly the rights of women wherever those women may live.

I rise tonight to talk about the rights that are enshrined in our Bill of Rights. To that particular key concern of Americans, I wish to talk about the importance of reforming our domestic surveillance laws.

As Senator WYDEN and I both enter this discussion, we have one general goal in mind; that is, to find a proper balance between keeping our Nation safe from terrorism and still protecting our cherished constitutional rights.

Senator WYDEN and I are both members of the Senate Intelligence Committee. We have argued for years that the government's domestic surveillance authorities need to be narrowed, and we are going to keep leading this fight in the days, weeks, and months to come. As part of this ongoing effort, we recently introduced comprehensive bipartisan legislation that would end the NSA's selection of millions of innocent Americans' private phone records, shield Americans from warrantless searches of their communications, and install a constitutional advocate at the Foreign Intelligence Surveillance Court.

We believe that overly intrusive domestic surveillance programs, misleading statements made by senior intelligence officials, and revelations about how secret courts have handed down secret rulings on secret law have eroded the trust and confidence of the

American people. Simply put, we need to restore this trust, and the best way to do that is to carve out time and hold a vigorous and substantive debate here on the Senate floor—a debate the American people have demanded and deserve.

Senator LEAHY, chairman of the Judiciary Committee, introduced his own comprehensive reform proposal last month with Representative SENSENBRENNER. Representative SENSENBRENNER is a key figure because he was the original author of the PATRIOT Act. He has had concerns. He has joined forces with Senator LEAHY. This bipartisan plan, the Leahy-Sensenbrenner plan, includes many of the proposals Senator WYDEN and I have long called for, and we are proud to support this effort.

Let me be clear. This issue is not going away. It will not go away because more and more Americans and more and more of our colleagues are coming to understand the true overreach of our Nation's surveillance programs and the effect on American privacy. This issue is not going to go away because we are not going to stop shining a light on the potential for future abuse that comes with our government's secret interpretation of its authorities under the Foreign Intelligence Surveillance Act.

I truly believe that ultimately our efforts—the efforts of Senator WYDEN, Chairman LEAHY, Representative SENSENBRENNER, Senator PAUL, Senator BLUMENTHAL, the Presiding Officer, myself, and a growing number of others—will lead to a majority of this Congress acting in commonsense ways to protect the privacy of Americans.

We are here today on the floor in the midst of consideration of a very critical piece of legislation for our national security and for the well-being of our men and women in uniform, the Defense Authorization Act. I am a member of the Armed Services Committee. I have the great privilege of chairing the Subcommittee on Strategic Forces. I know as well as anyone that this is a must-pass bill. The issues we debated this week related to Guantanamo Bay and the scourge of sexual assault on our military are matters that rightfully demand significant and thoughtful time on the Senate floor. While I think Senator WYDEN and I would agree that this week's debate on the National Defense Authorization Act is not the right time for a full, comprehensive debate on surveillance reform, I do believe it is the right time to begin that conversation.

Senator WYDEN has introduced a smart pro-transparency, pro-accountability amendment, and that amendment is the right place to start. His amendment is based on the work we have been doing for a number of years now. That is why I am a proud cosponsor and a strong supporter.

This amendment would increase the transparency of domestic surveillance programs, and I think it should—and I

know it will—have broad support in this body. I am going to let Senator WYDEN speak more extensively about our amendment, which, by the way, we have also introduced with the chair of the Appropriations Committee Senator MIKULSKI.

Again, this is the perfect way to begin and frame what will be a more fulsome debate over the next few months. We are going to demand this debate because Coloradans, Oregonians, and Americans across our country demand that we have this debate.

With that, I turn to my friend and colleague Senator WYDEN for his thoughts.

Mr. WYDEN. I thank Senator UDALL for his exceptional leadership in our effort to put together a comprehensive bipartisan reform bill. I also thank the Presiding Officer from Connecticut because, as we all know, he has really been the ringleader in the effort to ensure that when there are major constitutional arguments put in front of the FISA Court, there is somebody there to make the case for the other side. So I am very pleased that, for purposes of this colloquy, when we discuss the transparency amendment we have filed today with Senator MIKULSKI, we have Senator BLUMENTHAL in the Chair because he has been an integral part of the reform effort.

I also appreciate what the distinguished Senator from Colorado said about Chairman LEAHY. We have had a real partnership with him in working on these issues for a long time. We were thrilled that Chairman LEAHY went on our bill and we went on his bill because it illustrates the need to try to make common cause around these issues. And as the Senator from Colorado said, we are talking about bipartisan approaches that help promote reform agenda.

As the Senator from Colorado noted, it would be pretty hard to have a full debate on this legislation about surveillance reform. Suffice it to say that there are differing views here in the Senate with respect to surveillance. The Senator from Colorado and I support comprehensive overhaul, particularly as it relates to the collection of millions of phone records of law-abiding Americans, which has come to be known as metadata. So we have supported restrictions on that in order to protect law-abiding Americans who have had their privacy intruded upon.

But having sat right next to the distinguished chair of the Appropriations Committee for many years—on the Intelligence Committee, and I think my friend from Colorado sits on the other side—we have heard Senator MIKULSKI speak eloquently about the need for transparency and accountability. My view is that this is something that can bring together all Senators around what really is a jump-start to the later debates about intelligence reform.

Senator UDALL and I, with the support of the chair of the Appropriations Committee Senator MIKULSKI have put

together an amendment and filed it today on this legislation which takes important steps forward with respect to transparency. The amendment we have offered would require the executive branch to answer some of the major unanswered questions about domestic surveillance authorities and would require that future court opinions which find that domestic surveillance activities have violated the law or the Constitution ought to be made public. They ought to be made public to the American people, and if there is some aspect that should be held back—what is called redaction—so be it. Under our proposal, the executive branch would have the authority again to make sure that no details about secret intelligence methods or operations were in any way divulged as part of this transparency effort.

While we feel strongly about protecting secret operations, we do not believe in secret law. The American people ought to always be able to find out what the government and government officials think the law actually means. To use a basketball analogy—and folks at home know I am always fond of those—parts of the playbook for combating terrorism will often need to be secret, but the rule book our government follows should always be public. So this amendment presents a chance for Senators who may have differing views about surveillance policy to rally together behind the cause of greater transparency.

I would note at this time that Senator MIKULSKI has filed an additional amendment that the Senator from Colorado and I have cosponsored. It would make the Director of the NSA a Senate-confirmed position. This is a reform Senator MIKULSKI has been advocating for years. I think this too allows us to have a more vigorous and more open debate about these issues.

The reality is that the thousands of Americans who work in the intelligence field honor our Nation day in and day out with their dedication and their commitment to the security of our country. But, as the Senator from Colorado has noted, too often in the past the leadership of the intelligence community has said one thing in private and another in public. If our amendment which we have put together with Senator MIKULSKI passes, there would be a new focus on transparency, and I think that would create some very serious obstacles to those who might want to engage in the kinds of deceptions that the Senator from Colorado noted and that we have seen in our hearings.

I yield back. And we will wrap up our colloquy shortly.

Mr. UDALL of Colorado. I thank Senator WYDEN for his leadership and for taking the time to join me on the floor. As the Senator pointed out, we have a broad coalition across both parties and across the political spectrum.

We also acknowledge that passing the Defense Authorization Act is cru-

cial. We have to keep our military strong in the face of limited resources and a security environment that is rapidly changing. That is why we are not offering a comprehensive bill today. But we will be back. We want to have a fulsome debate. This is a matter my constituents have demanded that we address, and we are going to work to make this happen.

I ask my colleague for any further thoughts he might have on this very important matter because the Bill of Rights is our biggest, baddest weapon. When we stand with the Bill of Rights, we can't go wrong.

Mr. WYDEN. I thank my colleague. First, let me just mention in closing that this bill is directly relevant to work done at the Department of Defense, as the NSA is an integral part of the Department of Defense. In fact, this bill already contains half a dozen provisions that affect the NSA in one way or another, so it has been our view that this amendment is clearly germane to the bill.

It also directs the Comptroller General to conduct an assessment of the economic impact of recently disclosed surveillance programs. The fact is that surveillance policy does not just affect foreign relations—although clearly it does affect our foreign relations. We see practically every day accounts of how our allies are concerned about their relations with us because of questions with respect to whether the privacy of their citizens are affected.

When we are talking about allies, we are talking about partnerships we need to protect America in a dangerous world. Of course, at the same time we are talking about how in a fragile economy, some of America's leading companies, those on the cutting edge of our future—for example, with cloud technology that the distinguished Presiding Officer and I have talked about. This is an area where Americans have a big lead. We do not want to fritter it away, as we also suffer in terms of our national security, in terms of our relationships with allies. There are high stakes here. I am very hopeful we will have a chance to get a vote on this legislation.

As I say, with Senator MIKULSKI particularly, the role that she has played as chair of the Appropriations Committee, I think we have a chance to jump-start the broader debate about intelligence. We have a chance to set the record straight about some of the comments that the intelligence leadership has made in the past that are either wrong, misleading or kind of shrouded in intelligence-speak. This is almost incomprehensible lingo that we try to sort through in terms of what they have to say.

I am very hopeful the Senate will want to join Senator UDALL, Senator MIKULSKI, myself—I know Senator BLUMENTHAL and others are interested in it—in taking the next logical, commonsense approach in terms of intelligence reform; that is, to come out

foursquare for this approach, which I would like to state does not ban any collection tool at all that is now used by the government, but it does require that there be basic transparency and accountability in how they are used.

(Mr. HEINRICH assumed the Chair.)

That is long overdue. Let me have my friend and colleague from Colorado wrap up and express to him how much I appreciate it.

I note somehow the Presidency of the Senate seems to be passed from one supporter of intelligence reform to another, since the distinguished Senator from Connecticut was just there. We have just been joined by Senator HEINRICH, who has been a very valuable partner in these efforts as well.

I thank him and allow the last word to be offered by the Senator from Colorado.

Mr. UDALL of Colorado. Again, you cannot go wrong with transparency. Transparency is a central tenet of America. In that spirit, I wish to recognize the Senator from Connecticut, Mr. BLUMENTHAL.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I thank my colleagues who led this effort. Well before I became involved, Senator UDALL and Senator WYDEN have helped to lead this effort before there was any real disclosure about some of the excesses that have been so dramatically revealed over the recent past. As a colleague in this effort, I thank them for their relentless courage in blowing the whistle, quite bluntly, telling America there was something wrong, even when they could not reveal exactly what was wrong, saying the American people would be outraged if they knew, if only they could be told. That kind of bravery and strength has given energy and momentum to this debate.

I am chagrined that we will not be debating and acting on it in connection with the National Defense Authorization Act if the present circumstances prevail and amendments are limited. I do believe it is past time to be talking about and acting on those issues, to move for greater accountability and transparency.

One of the amendments I have sponsored would call for a more adversarial process, to expose more of the truth before the judges who make these decisions through the appointment of a constitutional advocate.

The hour is late today. I hope at another time to talk about these issues in greater detail. But the time now is more urgent than ever to confront and address these shortcomings in the present system. I think the intelligence community itself will help us greatly and it has recognized this and all of America will benefit greatly, including their work.

I salute the talented and dedicated members of that intelligence community who have done their work literally in secret for so long, helping to save

Americans around the globe from terrorism and other threats. I think we need to change the system in ways that are worthy of the challenges they confront everyday, while at the same time making sure we have trust and confidence in America, trust and confidence in the system, trust and confidence in both the need for and the tools and weapons we use to further American intelligence in the combat against terrorism.

I again thank my two colleagues who are on the floor and tell them I look forward to working with them in the next few days. If it is possible to achieve these reforms, so be it; if not, we will continue to work.

Mr. UDALL of Colorado. I thank the Senator from Connecticut and Senator from Oregon, the Presiding Officer who has been engaged in this and I know the Senator from Arizona who is here is interested in these discussions as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

THE BUDGET

Mr. FLAKE. Mr. President, we are now at the halfway point in the countdown to the next budget deadline. By December 13 the budget conference committee has to report its plan for the remainder of this fiscal year 2014 and beyond. We are already 2½ months into the fiscal year. It is critical the conferees agree on funding government within the framework of the Budget Control Act.

As I have mentioned before on the Senate floor, the BCA, which places caps on discretionary spending, has provided us with a necessary dose of fiscal discipline. While the BCA is not a silver bullet which fixes all of our problems, it represents \$2 trillion in projected deficit savings that improves the Nation's long-term fiscal outlook. Without it, Federal spending would go unchecked, allowing the deficits to be even higher.

In 2013 the deficit reached \$680 billion; in 2014 it is estimated to be \$750 billion. Should Congress ignore the BCA, we will find ourselves even deeper in the red. In fact, some across the aisle have indicated that they want to spend a whopping \$91 billion more than the BCA mandates in 2014 alone.

Instead of offering smart spending cuts to eliminate waste and prioritize funds, many are compiling a list of their favorite tax hikes to replace the sequester. That action fails to recognize one simple point, a point I made on the floor last week and one I will make over and over. Washington has a spending problem, not a revenue problem. In fact, 2013 set a record for the most taxes ever collected, \$2.77 trillion. That is a 13-percent increase from 2012. Yet some of my colleagues want taxpayers to shoulder the burden of their plans to increase Federal spending.

While the BCA has proved to help moderate the Federal budget's hunger

for taxpayer dollars, make no mistake this budget is still bloated. Anyone who says there is nothing left to cut simply is not looking hard enough.

Last week I offered my suggestion for cutting waste at the Department of Agriculture. Just the programs I highlighted—and there are surely others—would save \$5 billion when compared with the President's budget. Today I wish to share some similar fiscal follies at the Department of Energy.

The Department of Energy spends an astonishing amount of taxpayer dollars on industries and technologies that are already well established in the public marketplace. But few examples stand out more than the agency's growing role in the automotive industry. Take the Vehicle Technology Program which is slated to receive \$575 million under the President's 2014 budget. This program conducts research and development into seemingly every facet of vehicle manufacturing from hybrid technologies to engine efficiency to advanced lightweight materials. It even goes so far as to draw marketing strategies to promote consumer acceptance of products such as electric vehicles and renewable fuels.

Is there anyone in America who does not know what an electric vehicle is or what it does? Yet we are supposed to spend money to improve consumer acceptance for these products. The Vehicle Technologies Program has also awarded hundreds of millions of dollars in grants to automakers, including Chrysler, Ford, and General Motors. Since 2010, the program has received \$1.2 billion in taxpayer funds. Curiously, the Vehicle Technology Program's official online listing of goals and accomplishments has not even been updated for 2010.

Another well-established industry benefiting from taxpayer largesse is wind energy. Read DOE's budget request which prominently highlights the wind industry's "great success in deploying planted-based technologies over the past 5 years." You may recall recently retired energy Secretary Steven Chu's admission that he considers wind a "mature" technology. Why then are we pumping money into a technology that even DOE indicates should be able to stand on its own?

A recent Navigant Research study made headlines when it reported that the United States is both the world's largest wind power market and home to the world's No. 1 wind power supplier, General Electric. A recent GAO report found that 82 Federal wind-related initiatives funded across 9 agencies cost \$2.9 billion in fiscal year 2011. This is for what we have been told is a mature technology.

What is more troubling than the sheer cost of the Federal Government's fragmented Wind Program is GAO's finding that more than 80 percent of those programs have overlapping characteristics. GAO's subsequent recommendation seems reasonable enough; that the DOE should formally