basic incentives. The only way to do that is to have a law and the execution of the law that is reversing that flow, that is apprehending these folks, that is treating them humanely, that is not releasing them out into American society, and that is quickly and effectively returning them to their home countries.

That is the only message, that is the only visual, that will stop this mounting wave and will address the horrible humanitarian problems that flow directly from it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I come to the floor for the last minute of this debate to support Sean Donovan's nomination to be Director of the Office of Management and Budget.

I have worked very closely with Secretary Donovan over the last 5 years, and I know he has the skills and experience to work with Congress on creating jobs and tackling our long-term budget challenges fairly and responsibly.

In his role as Secretary of Housing and Urban Development, Secretary Donovan has proven time and again that he is focused first and foremost on strengthening our middle class by expanding opportunities for families and communities.

From his work on stabilizing the housing market following the financial crisis, to reinforcing the agency's role in providing access to affordable housing and building strong, sustainable neighborhoods, to ensuring communities hit hard by natural disasters have the resources they need to get back on their feet, Secretary Donovan has been a highly effective and responsive leader and a great partner to us in Congress, Democrats and Republicans alike.

Secretary Donovan's nomination passed through the Budget Committee with bipartisan support. I am confident he will bring these strengths and many more to the OMB. His leadership will be critical, because while we have made progress on our budget challenges, there is a lot of work yet to be done.

I look forward to working with Secretary Donovan to strengthen our fiscal outlook over the long term and ensure we can make critical investments in jobs and opportunities to support our families, workers, and the economy. I know Secretary Donovan will be a great partner in addressing these challenges, and I urge my colleagues to support his nomination.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Shaun L.S. Donovan, of New York, to be Director of the Office of Management and Budget?

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

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

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 221 Ex.]

YEAS—75

Alexander	Flake	Merkley
Ayotte	Franken	Mikulski
Baldwin	Gillibrand	Murkowski
Begich	Graham	Murphy
Bennet	Hagan	Murray
Blumenthal	Harkin	Nelson
Booker	Hatch	Portman
Brown	Heinrich	Pryor
Burr	Heitkamp	Reed
Cantwell	Hirono	Reid
Cardin	Hoeven	Sanders
Carper	Isakson	Schumer
Casey	Johanns	Shaheen
Chambliss	Johnson (SD)	Shelby
Coats	Kaine	Stabenow
Coburn	King	Tester
Cochran	Klobuchar	Udall (CO)
Collins	Landrieu	Udall (NM)
Coons	Leahy	Vitter
Corker	Levin	Walsh
Crapo	Manchin	Warner
Donnelly	Markey	Warren
Durbin	McCain	Whitehouse
Enzi	McCaskill	Wicker
Feinstein	Menendez	Wyden

NAYS—22

Barrasso	Inhofe	Roberts
Blunt	Johnson (WI)	Rubio
Boozman	Kirk	Scott
Cornyn	Lee	Sessions
Cruz	McConnell	Thune
Fischer	Moran	Toomey
Grassley	Paul	
Heller	Risch	

NOT VOTING—3

Boxer	Rockefeller	Schatz

The nomination was confirmed.

VOTE ON SILLIMAN NOMINATION

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on the Silliman nomination.

Mr. HARKIN. Madam President, I ask that we yield back all time.

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

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Douglas Alan Silliman, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait?

The nomination was confirmed.

VOTE ON SMITH NOMINATION

The PRESIDING OFFICER. There is now 2 minutes of debate prior to the vote on the Smith nomination.

Mr. HARKIN. Madam President, I ask that we yield back all remaining time.

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

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Dana Shell Smith, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar?

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

TERRORISM RISK INSURANCE PROGRAM AUTHORIZATION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, the Senator from Minnesota was going to be recognized first. She is not in the Chamber, so I will go first and then we will get back in order.

I ask unanimous consent to be recognized for 15 minutes.

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

FOREIGN POLICY

Mr. INHOFE. Madam President, now that the results are in, I think it is time to talk again—as we did 5 years ago—about what is happening on what I consider to be the greatest failed foreign policy we have experienced.

When we look around the world and we see what happened and what is going on now—and this may be a narrow opinion—it is a result of the apology tour President Obama took immediately after becoming President of the United States.

I remember standing at this podium at that time and saying you don't go to the Muslim world and say: I will not make a speech until we have the Muslim Brotherhood coming with their required numbers. That was not good. This is a deviation from what we always stood for and that was certainly a slap in the face of our best friends in the Middle East, Israel.

Two weeks ago, three Israeli teenagers were found dead in shallow graves in a West Bank village, and it was such a tragedy, and, of course, reciprocity has taken place since then. Hamas has launched over 365 rockets indiscriminately into the Israeli civilian population. I have to say that when I look at some of the things we have worked on together with Israel—for example, the iron dome has performed very well during that period of time. Also, I will say that Prime Minister Netanyahu responded with some 700 or so airstrikes primarily using F–16s and doing it very well. This started 5 years ago, and we have had unrest in that area ever since then.

The Israeli Defense Minister said this week: ''We are preparing for a battle

against Hamas which will not end within a few days.''

Obviously, I strongly support our greatest ally in the Middle East, and so often we do what we can to directly and indirectly continue that support. There has been unrest in Israel for the past 5 or 6 years.

We sent letters to the President some time ago regarding Iraq in 2013. We said when you leave Iraq, be sure to leave the intelligence and the logistics. You cannot just walk out. Yes, we have great trained fighters in the Iraqi security force, but they cannot be totally on their own. They needed to have ISR support. ISR is intelligence and reconnaissance. We have to learn a lesson from this so we don't make the same mistake in Afghanistan. But nonetheless, we did. So now Al Qaeda-inspired terrorists have returned and have overtaken key cities.

ISIS is the most terrifying terrorist group out there. They have taken over towns such as Mosul, Tikrit, Ramadi, and Fallujah.

I have a guy who works for me as a field representative in my State of Oklahoma. His name is Brian Hackler. Prior to the time he came to work for me, he was in the Marines. He was actually deployed twice to Fallujah. If you will remember, Fallujah was the closest thing we had to door-to-door combat like we had in World War II, and we lost a lot of lives.

When I called him, he had not yet heard that we lost Fallujah after they took it over. He actually physically cried. He said, the blood, the sweat, and the tears of all of my friends. He said, we had that secured, and we have now lost it.

We are doing everything we can now to rectify that situation. I am glad the Obama administration is doing what we asked them to do 2 years ago. While we will lose lives, hopefully we can keep the terrorists from having a safe haven in that area.

I am very much concerned about what has happened in Iraq. While the President continues his assessments, it leads me to wonder what the people in our embassy have been doing over there. We are empowering Russia and Iran to lead and become key influences in the region.

Iran reportedly has two battalions of the Iranian Revolutionary Guard Corps, the IRGC, in Iraq. It is kind of funny. Right now a lot of people are saying Iran is our friend. Let's keep in mind that our intelligence determined quite a number of years ago that Iran will have the weapon and the delivery system for that weapon by 2015. Well, 2015 is on us now, so I think if anyone out there is naive enough to think we can depend on Iran to help our situation, they are sadly mistaken.

We have a very serious problem now in Iraq. While the United States has most recently provided some equipment intelligence, this is what we should have been doing and preparing for 2 years ago. Since January, Prime Minister Maliki has asked for help, and the President waited until it became a dire crisis.

Then there is Afghanistan. We know what is happening in Afghanistan. Currently the Presidential election in Afghanistan has taken place. The primary took place and the runoff took place, but the problem is it is obviously a sham. The election is not an honest, transparent election. I believe there is no greater threat that can be imposed on us than by allowing the people of Afghanistan to look at an election and find out it is a rigged election.

I will give an example. While we have not taken sides in this country between Abdullah Abdullah and Ashraf Ghani, I personally would fall down on the side of Abdullah. It seems as though all of the real problems in that election ended up benefiting Ghani as opposed to Abdullah.

For example, in one province—it was Wardak Province—17,000 votes were cast in April. Now the runoff came along and 170,000 votes were cast. If you stop to think about it, that is mathematically impossible, so we know that is rigged. While everyone agrees that Ghani's support is in the rural areas, I would defy anyone to come down to the Senate floor and point out an election that has ever taken place where you have a much larger percentage of rural votes as opposed to urban votes. There is a logical reason—rural voters have to walk a long way to get to the polls and some voters can't get there as easily.

The results of the runoff: There was a 75-percent turnout from the rural areas as opposed to a 24-percent turnout in the urban areas. That couldn't happen. We have to have an audit. I think everybody agrees we have to have an audit, but it has to be a thorough and transparent audit. We have to be sure the Afghan people, when they determine the outcome of this election, know it was a legitimate election so they can rejoice in it.

I think most everyone knows a few hours ago Abdullah declared victory in spite of the fact that the first count I described showed him as losing.

We have this problem right now. It is a problem I hang on President Obama and his administration because we told them in advance what needed to be done to avoid this type of situation from happening.

We are now looking at a situation there that is one where we can act now and preclude something from happening there and is happening as we speak in Iraq.

Remember what took place in terms of the five Taliban terrorists who were released. We thought—and I felt all the time—that was a very controversial issue. A lot of people wanted to close Gitmo, and I have strong feelings against that. We need to have that facility and that resource, which I will explain in a moment.

When the President turned the five Taliban leaders loose—these were the most brutal and heinous of all the terrorists who were in Gitmo. There were five of them. When they found out, they were celebrating. One of the terrorists released was referred to as the toughest of all of them. One of the top people who was on the other side of the Taliban said in response to the release of the terrorists that this is the Taliban rejoicing that the President has turned loose five of the terrorists who were incarcerated in Gitmo. They said it is like putting 10,000 Taliban fighters into battle on the side of jihad. Now the Taliban have the right to lead them into the final moments before victory in Afghanistan.

We all knew the President should not have done it. Anticipating that the President was going to do this, the last bill we passed before the current one, which is on here, we put language in there anticipating that the President, in order to reach his goal and ultimately close Gitmo, might take some of the worst individuals and turn them loose. We put language in there from section 1035(d) of the Defense Authorization Act. He said the President had to notify us 30 days in advance if he was going to release or make any transfers from Gitmo. He blatantly broke that law and did not do it. Everyone was on our side in terms of why we should not let this, what they referred to as the ''Taliban dream team,'' be turned loose. Right now, supposedly, there is some kind of a deal made where they are in Qatar for a period of a year, but even if they were able to enforce that—stop and think about the theory behind this. The President is saying in essence we are going to turn you guys loose but you have to promise not to kill Americans for a period of a year. Because it says for 1 year they have to remain under some level of control by a country that hasn't even told us how they are going to do that. Consequently, I have no doubt they are free to go anywhere they want.

We had reviews conducted by the Department of Defense, Department of State, the Department of Justice, Homeland Security, the National Intelligence, and all the rest of them saying these five people are too dangerous to release. Leon Panetta, who was the Secretary of Defense at that time, made the same statement. He said these people are too dangerous, as did General Dunford. By the way, General Dunford, who is the commander in Afghanistan, was not even notified in advance this was going to take place.

So we have all of these circumstances that are going on right now. We have the law that was broken. My feeling has always been, as we are getting down midway into the President's second term, looking at what he is going to have for a legacy, one of his desired legacies would be to close Gitmo. He has talked about that for a long period of time. I think the American people have now caught on, because there is a poll on June 13 by Gallup that shows 66 percent of Americans oppose the closing of Gitmo. So this has changed now.

Why is it important? There is no place else anywhere in the world where we can put these enemy combatants. These guys are not criminals; they are enemy combatants. They are terrorists. And when the President came up with the original idea of putting them into our prison system, we had to go and make sure everyone was aware they are terrorists and not criminals. By definition, they teach other people to be terrorists. If there is anything we don't want in our prison system, it is for all of those criminals to learn how to become terrorists.

We have had Gitmo since 1903. It is one of the few good deals we have wherein we pay a little over $4,000 a year for that facility. We should stop and see the advantages we have in Gitmo as opposed to putting them someplace else where they can either get out through jail breaks, as has been happening, or if they were to be intermingled in the United States with our prison population.

One of the places, incidentally, that the President first wanted to send the Gitmo inmates was to Fort Sill in my State of Oklahoma. I went to Fort Sill and they said, We don't have the capability here to get this done. So what we want to do is—in fact, the lady who runs the facility at Fort Sill said, I don't know what it is that individuals don't understand. She said she had three deployments to Gitmo. It is the perfect institution for these people. They are well taken care of. The Red Cross and everyone who goes down there says, Yes, the health facilities are better than they have ever had before, the food is the best they have ever had. So it is a facility we need to continue to use.

BENGHAZI

Lastly, before I completely run out of time, I want to jump ahead a little bit and mention Benghazi. I think it is important for us to understand there are four people in our system who advise the President of the United States. We have the CIA Director who, at the time this happened in Benghazi, was John—anyway, the CIA Director; the Director of National Intelligence, that was James Clapper; the Secretary of Defense, who was Leon Panetta; and the Chairman of the Joint Chiefs of Staff, General Dempsey. All of those people said they knew unequivocally, in Benghazi, when they bombed the annex, it was an organized terrorist activity. I think right now people are realizing that was the real issue. It is not who is responsible for it; it is the fact that we knew it was going to happen. Our Ambassador, who was killed, gave us ample warning for well over a month and a half before it took place that it was going to take place.

So I think we understand now why Gitmo is important and we understand the whole reason this is taking place. I am certainly hoping we can stick together and make sure we don't end up losing one of the most valuable facilities we have in this day of terrorists by having to close it down.

We have a serious problem. I think if there is anything we should learn from this, it is, No. 1, we have a valuable institution called Gitmo. No. 2, what is important is that we don't let happen this year what happened last year. Last year we didn't get the NDAA bill until December. If we had gone to December 31, there would not have been hazard pay and a number of bad things would have happened, but we ended up finally at the last minute getting it done. I have talked to both the majority and minority leaders about the advisability of bringing the NDAA to the floor of the Senate, and consequently we now have invited Members to send their amendments down. We have almost 100 amendments already on the floor. So I am hoping during the next week, we can come down with a specific date—hopefully before the August recess—where we can bring up the NDAA and let the people know who go over there risking their lives that we are going to be here to support them. We are going to be putting together an NDAA bill.

I know my time has expired. I will not suggest the absence of a quorum quite yet because no one has arrived.

Going back to Benghazi, everybody had the information on Benghazi. I neglected to mention we also had General Hamm come in and testify before us, again, that he was one of several who was fully aware of what happened.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. WARREN). Without objection, it is so ordered.

MINNESOTA FLOODING

Ms. KLOBUCHAR. Madam President, I come to the Senate floor today to speak about the recent heavy rain storms in Minnesota that have caused significant flooding in our State. This was not a one-day disaster. This was not a sudden flash flood such as we saw in Duluth a few years ago or a tornado coming in. This was, in fact, a disaster that occurred over a series of weeks where we had rainfall after rainfall after rainfall. From International Falls on the Canadian border down to Luverne, MN, on the Iowa border, torrential rains have washed out roads, bridges, and culverts, damaged infrastructure and caused significant crop damage. In some of our counties, 40 percent of the farmlands are under water.

These storms have led to states of emergency being declared for 51 of Minnesota's 87 counties. We have not seen anything like this for a while. It tended to be, in the past, that we had a corner of our State that would see trouble, but here we have 51 of Minnesota's 87 counties being declared a state of emergency.

Over the past few weeks I have visited many of these affected areas and seen the damage firsthand.

The city of Norwood Young America saw nearly 9 inches of rain in one night that caused more than $1 million in damage to its wastewater treatment facility. I saw how water-covered roads strained rural communities, how washed-out rail beds have caused another setback for our already-strained rail system, and how closed township bridges have further delayed shipments of agricultural products.

In southwest Minnesota, along with Senator FRANKEN and Governor Dayton, I met with farmers who were among those hardest hit by the storms. Up until a month ago, the same crop and pasture land in southern Minnesota that is now completely under water had been under drought conditions since 2011. And now not only are these farmers dealing with damage to crops, buildings, and fences due to the flooding, they also experienced losses in the past from a devastating hail storm.

In Rock County in southwestern Minnesota initial estimates indicate 100,000 acres of corn and soybeans are damaged, and the official U.S. Department of Agriculture number will likely be even greater. The extent of the crop damage is really not yet known. Excessive moisture can kill crops altogether or stunt their growth or put them at risk of diseases at lower yields. This disaster has repercussions that will be felt for months to come.

I talked with farmers in Luverne and in Mankato who are worried about how they will recover these losses and make ends meet. Farmers who were trying to finish planting now may have no hope of getting a crop into their flooded fields at all this summer, and those who did get a crop in are now watching their fields fill with water.

U.S. Department of Agriculture officials are still assessing the damage, and crop insurance adjusters are out in full force so that accurate reports can be filed with county FSA offices. This is a critical step to ensure that farmers and ranchers are not left out of the disaster assistance process.

Farmers operate at the mercy of the weather. Listening to stories of the great financial risk these small business owners face every single day—our State is a State of many small farms—it makes me proud of the work we did in the Senate and the work I did as a member of the Senate Agriculture Committee and conference committee to fight for permanent disaster programs with mandatory funding in the farm bill that we reauthorized earlier this year. If that were not in place, these farmers and, as a result, our food supply would be facing—Minnesota being one of the top agricultural producers in the country—a very uncertain future. These programs, in addition to the farm bill's improvements to crop insurance, will help provide a safety net for the farmers and the ranchers affected by the flood.

Last week Secretary Vilsack visited our State. He was up in the Moorhead area, and Senator HOEVEN, Senator HEITKAMP, Congressman PETERSON, and I met with him about some conservation issues up there with flooding. They are one of the areas of the State that have some flooding, but not as much right now; they usually have the most flooding. But when he was there he committed to me that the Farm Service Agency will do everything they can to provide any necessary resources and support for our farmers and ranchers.

Just yesterday the Minnesota FSA executive director informed me that she has directed county FSA offices to immediately begin holding community meetings to ensure that farmers and ranchers impacted by these floodwaters have the information they need. Because here we have a new farm bill, and while it is very similar to the last one, there are new rules in place. They have to make critical decisions about if they replant, if they can get emergency loans; what they should plant, if their fields have been devastated, including cover crop; and what is going to be happening in the next few months. They need the information.

Floods have a devastating impact not only on farmers but also on families and small businesses. The damage that these storms caused will not be undone overnight. There is still a lot of hard work ahead of us, and the long cleanup process has already begun. But we have already seen a swift and efficient response on the part of State and local officials. And in our State, FEMA may be a four-letter word, but it is a good four-letter word. When we saw what had happened in Grand Forks, the Nation was riveted many, many years ago by the flooding in North Dakota and Minnesota. That has recovered. Those are booming areas now. Fargo-Moorhead also experienced significant funding, and FEMA was involved and helped us there. We appreciate the work they are doing in assessing the damage now and the help we know will be coming.

It is critical that the Federal Government do its part to ensure that the resources these families, businesses, and communities need are there to get them back on their feet. Two weeks ago I spoke directly with the President in the White House about the flood damage across the State, and he assured me there would be an immediate Federal response.

That is why the action by Governor Dayton yesterday to formally request that the President issue a major disaster declaration was so important. That is why we sent a letter to the President—our entire congressional delegation; all of the eight House Members and the two Senators—urging swift approval of this request.

Although work to assess the damage remains ongoing, so far nearly $11 million in eligible damages has been documented in just eight counties. That is just eight counties. One county alone, we know, has $9 million in damage. This is well above the $7.5 million threshold that Minnesota has to meet to get the 75–percent Federal match for those counties that have $3.50 per capita damage. So we imagine that a lot of these counties will be getting Federal help for infrastructure damage at that 75–percent mark.

Believe me when I say Minnesotans just are not sitting around waiting for help. The hard work of assessing the damage continues this week and is even expected to extend into the following week. Even though the damage across the State has reached a level high enough to trigger eligibility, each county is doing its damage assessment.

In some States, as I say, they have had problems with FEMA, but in our State for the most part we have been happy with the work they have done. In my time as a Senator, I have seen the 35W bridge collapse, I have seen the Federal Government step in with inordinate help to get that bridge rebuilt in less than a year.

I saw a tornado come into Wadena, MN, and literally pick up a high school like it was in the ''Wizard of Oz,'' the bleachers landing a mile away. In that town—because of Federal assistance in alerting those citizens about how to use their emergency systems—because of an alarm system and a siren that worked, despite the fact that their high school looked like a bomb had hit it, a major, large high school—not one person was killed. There was a high school lifeguard watching over 40 little kids at a swimming pool. The sirens went off. The parents got there within 10 minutes and had them all gone, and the few kids that were left ran over with the lifeguard, who had the presence of mind to stay in a neighbor's basement who they did not even know. Not one person died because that siren system worked, because people had practiced, because they knew what to do, and because we had the emergency system in place.

That high school is now rebuilt. Along with that high school being rebuilt, there is a beautiful new company that was rebuilt that is in the farming area, in the farm financing area. Their company was devastated. They did not have a basement. All they had was one safe that the man had bought, and he had joked that it was big enough to hold a few employees. That day when that tornado hit, there were four employees on duty. They went into that safe. That was the only thing that remained of that business. When that man rebuilt, he bought a big enough safe for all 20 of his employees—a true story.

But this is how Minnesota responds to disasters. Few things are more humbling than standing in those kinds of wreckages. Natural disasters are humbling because they remind us that nature is still more powerful than all the technology we have. But they are also humbling because they bring out the best in our communities. From what I have seen in our State—from those emergency responders diving into the Mississippi River over and over to look for survivors in the 35W bridge disaster or what I saw in Fargo-Moorhead, where a man was volunteering to give out food and lunches at the emergency center and I said to him: Oh, thank you for volunteering. What brings you here? He said: I lost my entire house. I said: And you came to volunteer? He said: It is the best thing I could do with my time—those are the things that I remember.

What I remember from these floods across the State—where, again, despite this incredible damage not one person died in our State from this flooding—I remember, again, those first responders and the normal citizens who just got up and helped their neighbors.

We saw this spirit of solidarity when a 911 call came in from a woman who was driving home to Anoka, MN, from Sioux Falls, SD, when her car spun out of control and was swept away. Water was inching up to the windows.

State Trooper Brian Beuning pushed through the rushing water when she called for help. He got her out of the car and held on to her until help arrived. The car ended up in a field a quarter of a mile away. A boat tried to rescue them, but the current was too swift. Finally, two firefighters from Luverne, MN, tied themselves to a semitruck and got the woman and the trooper to safety. Rather than running from disaster, those first responders bravely ran toward it; and that is my State for you.

In the face of ice storms, historic floods, tornadoes, even the collapse of that bridge, Minnesota does not fall apart. Minnesota comes together. When disaster hits our State, we hit the ground running and do not stop until we have the resources in place to ensure our communities are made whole. That means local and State help, but that also means Federal help.

Thank you.

I yield the floor.

Madam 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. HOEVEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HOEVEN. Madam President, I ask unanimous consent that I be allowed for the next 30 minutes to engage in a colloquy between myself, Senator MCCAIN, and Senator BARRASSO.

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

(The remarks of Mr. HOEVEN, Mr. MCCAIN, and Mr. BARRASSO pertaining to the introduction of S. 2592 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. HOEVEN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending question is S. 2363, the sportsmen's bill.

Mr. LEAHY. Madam President, I ask unanimous consent to proceed for 5 minutes as if in morning business.

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

PRESERVING AN OPEN INTERNET

Mr. LEAHY. Madam President, last week I chaired a field hearing of the Senate Judiciary Committee in Burlington, VT, on an issue of critical importance: preserving an open Internet. Our committee heard testimony about the need for concrete, fundamental protections to ensure that the Internet is not abused by those who control how we connect to the Internet.

The timing of the hearing was not a coincidence. I convened it during a week when Americans were gathering to celebrate what our Founders put in motion more than 200 years ago. While no one then could have imagined how important the Internet would become, the sentiment and priorities expressed at the hearing would have made our Founders proud. We heard from hard-working business owners and consumers about the role of the Internet in enhancing free expression, and also as a free and open marketplace where competition drives innovation.

I brought the Judiciary Committee to Burlington to show the Federal Communications Commission and Congress that the decisions we make on this issue will have deep and wide impact far outside of the Nation's capital, and in the economies of our local communities.

Witnesses at this field hearing warned of how the FCC's proposed approach to new Net neutrality rules would actually harm small businesses, community institutions, and consumers—the people we have in every one of our States whom we represent. I will give an example. Cabot Orton, the proprietor of the Vermont Country Store, testified that they started off as just a local general store in Vermont and now have an e-commerce site that accounts for 40 percent of their overall revenue. One-third of their 450 employees support those Internet transactions. These are a lot of people hired in our little State of Vermont because they have open access to the Internet.

Mr. Orton was clear about his concerns. He said:

> We're not asking for special treatment, incentives or subsidies. All the small business community asks is simply to preserve and protect Internet commerce as it exists today, which has served all businesses remarkably well.

I have to agree with him.

Another Vermont small business owner, Lisa Groeneveld, explained that her company Logic Supply spent money building a quality product, not purchasing preferential Internet access. She said that ''without an Open and Fair Internet based on the equal access, our business wouldn't even exist today.'' This successful company is an amazing example of how the Internet can help grow small businesses in Vermont.

Both of these witnesses testified that the success they have achieved with their online businesses would have been difficult to accomplish if the Internet had been a pay-to-play world when they initially launched their sites.

Think of all the companies, whether in Vermont, Massachusetts, or any other State, next year or the year after that want to launch online if suddenly the rules were different for them than for a company that has a lot of money.

We heard other perspectives too. Vermont's State librarian, Martha Reid, testified about the need to ensure equal access for those who rely on public libraries for their Internet access, which includes many people in rural areas.

Vermonters know of my love for the library I frequented growing up, the Kellogg Hubbard Library. I received my first library card there, in Montpelier, when I was 4. I went there to learn, not just to read.

Ms. Reid testified that ''all Americans—including the most disenfranchised citizens, those who would have no way to access the Internet without the library—need to be able to use Internet resources on an equal footing.''

Ms. Reid's testimony was supported by former FCC Commissioner Michael Copps, who explained that ''an Internet controlled and managed for the benefit of the 'haves' discriminates against our rights not just as consumers but, more importantly, as citizens.''

The testimony from these individuals offers a relevant selection of the real-world experiences that have to be heard by the FCC and Congress as this debate continues. That is why I took the hearing 500 miles from the Senate—so they could be heard.

I don't want to see an Internet that is divided into the haves and have-nots. I agree with the Vermonters who testified: I don't want to see an Internet where those who can afford to pay muffle the voices of those who cannot.

An online world that is split into fast lanes and slow lanes, where pay-to-play deals dictate who can reach consumers, runs counter to everything on which the Internet was founded.

Last month I joined Congresswoman DORIS MATSUI to introduce the Online Competition and Consumer Choice Act that requires the FCC to ban online pay-to-play deals. Open Internet principles are the bill of rights for the online world. We must get this right. If we fail to get it right, I guarantee that we will not get another chance and we will not have these companies growing and starting up throughout all our States.

I see the distinguished Senator from Montana here. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

CONSTITUTIONAL AMENDMENT

Mr. TESTER. Madam President, back in 2012 the people of Montana stood up against the influence of corporations and big money in elections. By a 3-to-1 margin, they called on their congressional delegation to introduce a constitutional amendment overturning the Supreme Court's Citizens United decision. That ruling paved the way for more secret money in politics. It allowed corporations to make contributions to political campaigns on the grounds that corporations should have the same right to freedom of speech as any individual.

In response to the overwhelming vote by the people of Montana, I proudly introduced this amendment, which affirms what we all know: Corporations are not people, and they do not have the same rights as you or I.

Two years later Americans are realizing that Montanans were pretty forward-looking. That is because in Montana we value independence. We value our individual rights. And we don't think a faceless entity should be able to tell us what to do. We don't like it when secretive, shadowy groups try to tell us how to vote, and we don't like it when corporations dictate our health care decisions. But that is exactly what happened with last week's Hobby Lobby decision. The Supreme Court decided corporations can limit their employees' health care options, thereby restricting our individual freedoms. That is un-American. Affording corporations the same constitutional rights to speech—and now to religion—that Montanans and all American people cherish is the exact opposite of what our Founding Fathers envisioned. This is not freedom. It is a slippery slope to granting large corporations greater power over everyday Americans' lives.

With the Hobby Lobby decision, the Supreme Court found that corporations can hold religious-based objections to providing insurance coverage for certain medical care. The corporations do not have religions; people do. The First Amendment was meant to protect individuals' religious freedoms, not those of corporations. Now, the religious beliefs of corporations will dictate the health care options of people. It starts with contraceptive care, but where does it end?

It is clear that the Supreme Court is putting the rights of corporations over the rights of people. So much for treating all Americans equally. If you are a corporation with money, you could influence our elections to a far greater extent than ever before. Now, if you have a corporation, you can influence our access to health care too.

Justice Ginsburg said in her dissent:

> The decision would deny legions of women who do not hold their employers' beliefs access to contraceptive coverage.

Let me say that again. These are Justice Ginsburg's words:

The decision would deny legions of women who do not hold their employers' beliefs access to contraceptive care.

Where will this end?

Being a woman cannot be a preexisting condition. Contraception is basic health care, and 99 percent of American women currently use or have used birth control at some point in their lives. But now a manless, faceless corporation can stand between women and their access to this basic care, all because an activist Supreme Court thinks corporations have the same rights as people.

This Supreme Court continues to redefine individual rights as corporate rights: freedom of speech, freedom of religion. We have to ask ourselves, where will this end? It seems as if anything is possible when it comes to this Supreme Court, where five men can determine a woman's health care. But it doesn't need to be this way. My constitutional amendment makes it 100 percent clear that the rights enshrined in our Constitution are meant for the American people—real folks who work day in and day out to put food on the table—not corporate entities.

My amendment also allows the American people to once again regulate corporations through the representatives they elect in State and Federal government.

I encourage all my colleagues to join me and Senators MURPHY, BEGICH, WALSH, MARKEY, and WHITEHOUSE in supporting this commonsense step. But it is going to take a comprehensive approach to make sure real people, not corporations, are in charge. Whether it is elections or health care, people should be free to make their own choices without the undue influence of corporate entities.

Montanans voted in 2012 to limit constitutional rights to individual people, but it was 100 years earlier that we also voted to limit corporate influence in elections after wealthy mining companies bought influence and even paid for a U.S. Senate seat. We recognized the negative impact wealthy corporations were having on our electoral process. But this Supreme Court, using its Citizens United decision as justification, overturned our century-old law just 2 years ago, creating the same kind of election-spending free-for-all in Montana that we are witnessing nationwide.

Before the Hobby Lobby decision, the fight against corporate influence was mainly about making sure real people and their ideas were in charge of elections. But now it is no longer just about a democracy; it is about keeping corporations out of our private lives, out of our bedrooms, and out of our religious decisions. It is an even bigger fight now.

If you don't want to find out where corporate influence and the Supreme Court will go next, I would encourage you to join me and fight back with smart, responsible measures that will put real people back in charge of our lives. Our democracy has been under attack before but never to this extent.

Mr. President, I yield the floor. I would suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARKEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE POWER

Mr. HATCH. Mr. President, the great pamphleteer of the American Revolution, Thomas Paine, famously characterized our Nation at its founding by asserting that in America the law is king. This sentiment has undergirded centuries of our Nation's political culture: The rule of law protects us from arbitrary government actions. It is what guarantees our liberties, it is what fosters our prosperity and our flourishing as a free people, and it is a source of our Republic's legitimacy. For as the Declaration of Independence teaches, governments derive their just powers from the consent of the governed.

For these reasons, when drafting the Constitution, the Framers obligated the President to take care that our laws be faithfully executed, but they were careful not to give the President the authority to make or change the law on his own.

Our Nation's Founders knew, in the sage words of Montesquieu, that ''in all tyrannical governments . . . the right both of making and of enforcing the laws is vested in one and the same man, or . . . body of men; and wherever these two powers are united together, there can be no public liberty.''

To safeguard our liberties as the Constitution requires, the Constitution vests Federal legislative powers in the Congress—the House of Representatives and the Senate—which were designed to engage in a particularly thorough and deliberative legislative process. By ratifying the Constitution, the American people established this system as the supreme law of the land applying to all of us—including the President.

Despite these Constitutional foundations, President Obama has simply decided that he ''won't take no for an answer'' when Congress refuses to go along with his far left agenda. In direct opposition to our centuries-old system of legislation and the binding authority of the Constitution, the President has audaciously declared that ''when Congress won't act, I will.'' And he has followed up these threats with a variety of unilateral executive actions, many of which are flatly inconsistent with the law and the Constitution.

Over the past weeks and months I have come to the Senate floor to speak out about a series of specific instances that exemplified the brazen lawlessness of this administration. This pervasive and illegitimate outreach has come in many different forms. We have seen the President regulate contrary to the plain text of the law, simply ignoring the clear commands of duly enacted Federal statutes. For example, a hallmark of the President's so-called pen-and-phone strategy has been an Executive order forcing contractors to raise their minimum wage. He issued this directive despite the fact that a Federal statute already governs the minimum wage for Federal contractors.

Although a different statute gives the President some discretion in the area of Federal procurement, its plain language demands, as courts of law have upheld, that there be a sufficient nexus between the President's orders and the statute's stated goal of efficiency and economy in Federal procurement. President Obama's order increasing contractors' labor costs by hiking their minimum wage is thus wholly inconsistent with the law.

We have seen the Obama administration seek to rewrite existing law and thereby usurp Congress's legislative authority through the use of conditioned waivers. Consider how the Department of Education has issued waivers of No Child Left Behind's requirements to 43 of the 50 States and the District of Columbia.

Even when Democrats had large majorities in both the House of Representatives and the Senate, President Obama refused to pursue legislative reauthorization of the statute to set realistic goals going forward. Apparently, he wanted to avoid spending his energies and political capital on a legislative process that might expose divisions within his own party or force him to compromise.

The President chose simply to establish an entirely different set of education policies by attaching his own conditions to the waivers that States need to receive Federal money. His administration has not been shy about enforcing conditions that bear little resemblance to provisions of the law itself.

The State of Washington learned this recently when it became the first to lose its waiver and much of its Federal funding primarily because it did not meet the administration's mandate for teacher and principal evaluation—a mandate that has no grounding in the actual statute.

We have seen President Obama and his subordinates stretch what lawful authorities the executive branch does have beyond recognition to advance its preferred policies. Take, for example, the Nation's drug laws, an area in which the Obama administration decided it disagrees with the criminal statutes on the books and wants to implement a different policy. The President has demonstrated an eagerness to do so unilaterally, no matter the governing Federal law, and no matter the broad and bipartisan support for sentencing reform in Congress. The administration's new clemency push for drug

offenders seeks to employ the President's specific constitutional power—one limited to relieve individual instances of injustice—to provide relief to large swaths of criminals who fit a few broad criteria. The President has also directed major changes over which Federal drug crimes are charged and at what level to do this. His administration has cited prosecutorial discretion—a limited authority derived from the power to adapt enforcement for an individual's specific circumstances—to implement what are, in fact, broad standards affecting thousands upon thousands of prosecutions.

Given the scope of these actions, compared to the Executive's narrowly tailored authorities, the administration's invocation of prosecutorial discretion and the clemency power have become transparent excuses to justify flouting existing Federal law.

We have seen President Obama claim the power to gut the law by unilaterally creating gaping enforcement carve-outs, thereby effectively rewriting policy set by legislation. Take immigration, an area in which many of us—myself included—support reform but which is currently governed by existing law. For years the Obama administration has advanced a growing number of enforcement carve-outs for increasingly expansive classes of illegal immigrants. First, it exempted those brought here as children, then veterans, then their families. Now the administration is contemplating excluding from the application of duly enacted immigration law anyone who has not committed serious felonies. While nearly everyone agrees that violent criminals should be our highest priority, the administration has gone much further and essentially declared its intention to make current immigration law a dead letter in virtually every other case.

We have seen the Obama administration openly ignore its statutory obligations without meaningful justification. Consider the President's decision to release the top five Taliban leaders in U.S. custody without notifying Congress, as required by Federal law. The administration's excuses for delaying notification could not stand up to scrutiny under the President's own rationales. Indeed, the administration's own statements demonstrate that it deliberately withheld advance notification of the release from Congress for the illegitimate purpose of minimizing congressional opposition.

We have seen some of the Obama administration's worst abuses of executive power in creating and implementing its signature legislative programs. In Dodd-Frank, for example, the administration created a new agency with unprecedented and unchecked power—no meaningful administrative controls on its power, no congressional control over its budget, and no effective judicial review of its far-reaching decisions.

And of course, any discussion of executive overreach by this administration must include ObamaCare. Back when the administration was writing that 2,000-plus page monstrosity, the bill's proponents argued that its length and complexity were necessary evils—that its many intricate parts were essential to achieving the bill's promised objectives.

The individual mandate, the employer mandate, the minimum coverage requirements, the cuts to Medicare Advantage, and the limits for subsidies to State-run exchanges—we were promised these provisions and others were both critical and carefully timed to expand coverage and rein in costs. Yet, when the time came to implement the law, the administration's tune changed. To justify violating a number of clear statutory mandates, the administration has mustered a weak and unconvincing hodgepodge of legal acrobatics—all for the purpose of allowing the administration to avoid enforcing the central provisions of its own signature law.

Consider some of these particularly egregious justifications: claiming that limited transition authority exercised by one agency justified another agency exerting that power even more broadly; or asserting that subjective impressions of excessive cost could justify a hardship exemption, when the statute specifically defines excessive costs in objective terms; or defining explicit, carefully timed deadlines written into the law by Congress, the timing of which is supposed to anchor the whole statutory scheme; or abusing a small pilot program to mitigate the law's vast cuts to Medicare Advantage; or simply ignoring a critical provision limiting how billions of dollars in tax subsidies are to be spent.

These are only a few examples of this administration's lawlessness in implementing ObamaCare. I could continue on about the significant legal concerns surrounding this administration's abusive handling of high-risk pools, its dubious actions involving the small business exchange, its sweetheart deals granting unauthorized exemptions for labor unions, and many other similarly problematic actions.

But the point is clear: Time and again, the Obama administration has flouted its constitutional responsibilities, exceeded its legitimate authority, ignored duly enacted law, and sought to escape any accountability for its unilateralism.

Today I have simply scratched the surface of the Obama administration's legally dubious actions. I could also discuss the way the administration is manipulating the Endangered Species Act to assert control over private property, or the EPA's many abuses: its existing source rule, its cross-State air pollution rule, its waters of the United States rule, and its CAFE standards. Or I could catalog the illegal actions of the President's appointees to the National Labor Relations Board, the Nuclear Regulatory Commission or the Federal Communications Commission.

In each of these areas, the Obama administration's executive overreach simply cannot stand—and it won't. The President is rightly facing increased scrutiny and criticism in a range of areas for his illegitimate approach. Over the past two weeks, the Supreme Court strongly rebuked the President's lawlessness in three key cases.

The Utility Air Regulatory Group v. EPA case involves one of the most controversial issues debated today: regulating carbon dioxide emissions in an effort to stop global warming. Americans and their elected representatives have been seriously debating whether and how to pursue that, just as we should when weighty matters of national policy are considered. Congress has considered various pieces of legislation over the years to grant Federal authority to regulate carbon dioxide emissions, most notably President Obama's 2009 cap-and-trade bill. Each time we have considered such legislation, the majority of us have made the careful choice that the purported benefits are not worth the undeniably massive costs: hundreds of thousands of jobs destroyed and gas and electricity prices sent soaring.

President Obama, though, told us again that he ''won't take no for an answer''—or, in other words, that he refuses to accept that the Constitution delegates to the people's representatives in Congress—and not to him alone—the power to make or change the law. Defying Congress and the law, he claimed authority under the Clean Air Act to regulate carbon emissions from powerplants. But the Clean Air Act plainly does not provide him that authority.

In attempting to provide a shred of legal justification for its actions, the Obama administration took a detailed provision of the law, complete with precise numerical thresholds, and unilaterally rewrote it through regulation to claim power Congress never, in fact, gave.

The Supreme Court rightly struck down the administration's abuse of authority in this instance, as it has done in past cases. But, unfortunately, such regulatory overreach has become so common in the Obama administration that Federal bureaucrats have become experts in manufacturing supposed legal authority out of thin air. And the courts are simply unable to keep up with the explosion of executive overreach by President Obama's administration.

Perhaps the most extreme example of such executive abuse was at issue in the Burwell v. Hobby Lobby case. Under the auspices of ObamaCare, the Department of Health and Human Services issued a regulation requiring employers to pay for a full complement of birth control methods for every employee. The Obama administration applied this mandate to almost all employers—even those who run small, closely-held businesses and whose deeply-held religious beliefs conflict with the mandate.

Some media outlets have focused on the conflict between this latest ObamaCare abuse and the principles enshrined in the First Amendment's protection of the free exercise of religion. Others have focused on the Obama administration's argument that corporations are not people—as if the particular form of how individuals organize themselves to do business somehow allows the Federal Government to trample their religious liberties.

But in all of the sound and the fury, a central point has been lost: The Hobby Lobby case was actually about a direct threat to the separation of powers. It pitted the Obama administration's unilateral mandate against a law passed by Congress.

In issuing this regulation, the Obama administration completely disregarded a duly enacted Federal statute, the Religious Freedom Restoration Act, which specifically bars such government infringement on Americans' right to exercise their religious beliefs. The ObamaCare contraception mandate flies in the face of the law's requirement that the government not substantially burden the exercise of religion unless it is the least restrictive means of furthering a compelling government purpose. I know. I was the prime sponsor of that bill in the Senate, and I got my friend Senator Kennedy to go along with me. The President said it was one of the most important bills in history, that religious freedom may be the most important of all of our freedoms.

As a lead author of the Religious Freedom Restoration Act, it has been particularly frustrating to see the Justices of the Supreme Court wrongly criticized for supposedly limiting access to birth control. In reality, all the Court did was hold the Obama administration accountable to the law—specifically, a law that passed Congress with near unanimity and was signed by President Clinton, who lauded the law. I was there. I was on the south lawn when he signed that. So were many others.

In the NLRB v. Noel Canning case, by contrast, the administration violated one of the Constitution's central checks on Presidential power, the requirement that nominations of principal officers receive the advice and consent of the Senate except during the recess of the Senate.

Concern about Executive appointment abuse was on the minds of our Fathers when they devised the Senate's role in the process. Their fears were strikingly similar to what President Obama has sought to make reality: a radical set of National Labor Relations Board appointees who promised to tip the balance of the Board toward an extreme and divisive agenda and a Consumer Financial Protection Bureau Director nominee endowed with unprecedented power—no checks on his removal, no congressional control over his budget, and no effective judicial review of his actions.

But President Obama again proclaimed he would not take no for an answer and claimed the power to use the recess appointment power to install these four nominees, even though the Senate had completely different rules. But even the Department of Justice admitted that a 3-day adjournment was too short to give the President lawful authority to bypass the Senate.

Instead, the President audaciously claimed the power to decide that, in his opinion, our so-called pro forma sessions during this period did not count as sessions of the Senate, even though they had always counted, and the Senate should decide its own rules, and that has always been the rule around here.

Not only, as Hamilton explained in Federalist 69, did the Framers specifically deny our President the King's power to deem the legislature out of session, but during these sessions the Senate was fully capable of engaging in its business. In fact, during similar sessions the previous fall, the Senate had twice passed legislation that President Obama himself signed.

So extreme were the administration's arguments that the Supreme Court unanimously held President Obama's actions unconstitutional. In doing so, the Court confirmed that the Constitution does not create in the President an endlessly flexible power to bypass Congress when he happens to disagree with us—as if our advice-and-consent role were merely an inconvenience to be avoided, rather than the organizing principle of how the constitutional process is designed to work.

Taken together, these three cases represent a resounding victory for the rule of law and the Constitution over the President's unilateralism, and they are far from unique examples. The Court has ruled unanimously, by a vote of 9 to 0, against the Obama administration 20 times—20 times, 9 to zip. These include many significant cases, such as the Hosanna-Tabor case, in which the Obama administration tried to control a religious organization's hiring of its ministers; the Sackett case, in which the Obama administration tried to take away the lawful right to challenge unlawful EPA fines of up to $75,000 a day on a poor couple who were just trying to improve their property; and the Arizona case, in which the Obama administration tried to displace State law with mere Federal enforcement priorities.

But instead of taking these rebukes to heart, the President has doubled down on his go-it-alone attitude. He has vowed more Executive orders of questionable legality, he has reaffirmed his commitment to an extreme anti-energy agenda and a willingness to abuse his legal authorities to unleash an onslaught of new regulations, and he has used the mistrust he created by refusing to enforce existing immigration law to justify further nonenforcement.

President Obama's shameful defiance in the face of the Supreme Court's rulings means our fight against his lawless overreach has only just begun. While we should applaud the Court's recent decisions, we should also realize the limits of courtroom litigation to check executive branch abuse. Indeed, the Obama administration has gone to great lengths to shield its lawlessness from judicial review by surreptitiously crafting many of such actions to prevent any plaintiff from having legal standing to launch a challenge in court, by aggressively challenging the legitimacy of suits that have been filed, by significantly curtailing the availability of judicial review, and by brazenly packing the DC Circuit—the Nation's most important court for most regulatory cases—with compliant judges.

The Speaker of the House has announced plans to vote on a measure to authorize a lawsuit against President Obama for his unfaithful execution of the law. While I support the legislative branch using every tool at our disposal to hold this President accountable to his constitutional obligations, we should also be mindful of our decades-long fight to limit the judicial power to its proper role under the Constitution. We should not seek to replace one constitutional travesty—the lawlessness of this President—with another by breaking down the structural limits on the judicial power. On the other hand, the House may very well succeed because of the actions of this President because something has to be done to curtail these inappropriate, unilateral, illegal actions.

In the end, we cannot rely on the courts alone. With such a powerful and aggressive President, all of us must stand and fight back against this executive lawlessness. I urge all my colleagues—both Democratic and Republican—to use the rightful and legitimate constitutional authorities the Framers gave us to stand and resist the President's recklessness.

But whether blinded by partisan loyalty to the President or too inexperienced to understand this body from any other perspective than having a like-minded Senate majority and President, my colleagues on the other side of the aisle have allowed—even facilitated—this administration's attempts to break down the constitutional checks on Executive power.

I urge them to change course. That is the tradition of some of the greatest Senators on both sides of the aisle—of Mike Mansfield, Howard Baker, and Robert Byrd. That is the purpose of the Constitution's division of powers, for as Madison counseled in Federalist 51, ''. . . the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachment of the others.''

If this body is to maintain a meaningful role in preserving liberty and prosperity, we must dutifully fulfill

our constitutional obligation of checking the President's unlawful attempts to assert illegitimate power.

I began my service here in 1977. Bob Byrd was the newly elected majority leader. R.C. Byrd was one of the all-time procedural experts in this body. He was a very strong personality. He would not be putting up with what this President is doing. He would not be putting up with the usurpation of the Senate's power or of the legislature's power, the Congress's power.

I call on my Democratic friends on the other side to start standing up. If they do not start standing up, I think the people are going to hold them accountable because these are separated powers and the legislative body is supposed to handle these matters and not some President unilaterally changing the law at his whimsy.

With that, 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. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

CONGRATULATING THE LAWLESSES

Mr. DURBIN. Madam President, I wish to take a moment to congratulate two long-time friends.

Sixteen years ago, after moving to America, Billy Lawless and Anne O'Toole Lawless today became citizens of the United States of America. This is a cause for celebration, not just for Billy and Anne but for the entire city of Chicago. You see, the Lawless family is part of the restaurant royalty in Chicago.

Billy and Anne and their four grown children—Billy, Jr., Amy, John Paul, and Clodagh—own and operate three of the best-loved—and my favorite—restaurants and pubs in Chicago. They are going to open another set very soon. Good food, good fun, great people, that is what the Lawless restaurants are all about. Billy Lawless is also a tireless and eloquent advocate for immigration reform.

One of the great heroes of Irish mythology is a benevolent giant by the name of Finn McCool, a great defender of Ireland.

In his younger days, Billy Lawless was a championship rower. At 6-foot-2, with a broad rower's chest and strong arms, he looks a little bit like Finn McCool. And he is chairman of the group called Chicago Celts for Immigration Reform.

But it is not just Irish immigrants Billy cares about. Billy Lawless understands that America's history of welcoming immigrants from across the globe—and he knows; he is part of it—is what makes our Nation great. He is a great defender not just of the rights of Irish immigrants but all immigrants. So it was perfect that he and Anne swore their citizenship oaths today with 137 other new Americans from 39 different countries and 5 continents.

Billy grew up on a dairy farm in Galway, a city in the west of Ireland. In the late 1970s, he sold the farm and went into the pub business. Over the next 20 years, Billy and Anne had four children, and they owned and operated several well-known pubs and restaurants in Galway. Life was good.

Then their daughter Amy—an excellent athlete herself in rowing—won a full college scholarship to Amherst College in Massachusetts.

For years, it had been Billy's dream to open a business in America. At the age of 48, when his daughter headed off to America, he decided to give it a shot. His friends thought he was crazy. Anne waited several months before she followed Billy to the States for this venture. She wanted to make sure this wild idea had a possibility of success.

Billy looked at opportunities in Boston and Philadelphia. But on December 31, 1997, New Year's Eve, Billy arrived in Chicago. He knew he had found a new home.

Today, Chicago is home to Billy and Anne Lawless, all four of their children, and their seven American-born grandchildren. As Billy says:

I can think of no other place in the world where our family could have achieved what it has in America.

Billy and Anne, thank you and all your family for what you have given to Chicago, to Illinois, and to our Nation. You have waited a long time and worked hard for this day. Now it is here. I am proud to call you not only my friends but my fellow Americans. Congratulations on becoming citizens of the United States.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2244

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by me, after consultation with Senator MCCONNELL, the Senate proceed to the consideration of Calendar No. 438, S. 2244; that the committee-reported amendments be agreed to; that the bill, as amended, be considered original text for the purposes of further amendment; that the only amendments in order to the bill be the following: Coburn No. 3549, Vitter No. 3550, Flake No. 3551, and Tester No. 3552; that each amendment have 1 hour of debate, equally divided between the proponents and opponents; that there be 1 hour of general debate on the bill, equally divided between the two leaders or their designees; that upon the use or yielding back of that time, the Senate proceed to votes in relation to the amendments in the order listed; that there be no second-degree amendments in order to any of the amendments prior to the votes; that upon disposition of the Tester amendment, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended.

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

Mr. REID. So, Mr. President, we understand that in getting this agreement, Senators should expect a rollcall vote in relation to the Coburn amendment and another rollcall vote on passage of the bill, as amended. The other amendments in this agreement are expected to be subject to voice votes.

Mr. President, we have whipped right through this very quickly, but it is an extremely important piece of work that was done on a bipartisan basis on a very, very important piece of legislation. We have to do this, this terrorism insurance. With all the things going on in the world, if we do not finish this, there will be no construction in America. We went through this a number of years ago. Construction came to a screeching halt. It was bad enough, but with this not being able to be done, it made it even worse. So we are very fortunate we will complete it next week—with this UC agreement.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

EASTER HOMILY

Mr. LEAHY. Mr. President, Father O'Donovan is one of the dearest friends I have from my association with Georgetown past or present. Marcelle and I were privileged to help him celebrate his 80th birthday and join him for church the next day. His homily is truly reflective of the wonderful human he is and I wanted to share it with my fellow Senators. I ask unanimous consent that Father O'Donovan's April 27, 2014 homily be printed in the RECORD.

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

A JESUIT'S JOURNEY

HOMILY IN DAHLGREN CHAPEL

ON THE SECOND SUNDAY OF EASTER

27 APRIL 2014

Dear Friends: I beg your indulgence this morning to speak more personally than the Second Sunday of Easter would ordinarily suggest. You may permit me to do so, however, since you have come to the Hilltop not