

(I) by striking “the Administrator or”; and  
(II) by striking “designee of either” and inserting “Archivist’s designee”; and

(ii) in subparagraph (A), by striking “the Administrator, the Archivist,” and inserting “the Archivist”; and

(2) in subsection (b)—

(A) by striking “the Administrator and”; and

(B) by striking “designee of either” and inserting “Archivist’s designee”.

(e) **REPORTS; CORRECTION OF VIOLATIONS.**—Section 2115 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “their respective” and inserting “the”; and

(B) by striking “and the Administrator”; and

(C) by striking “each”; and

(2) in subsection (b)—

(A) by striking “either”; and

(B) by striking “or the Administrator”, each place it appears; and

(C) by striking “inaugurated” and inserting “demonstrably commenced”.

(f) **RECORDS MANAGEMENT BY THE ARCHIVIST.**—

(1) **AMENDMENT.**—The heading for chapter 29 of title 44, United States Code, is amended by striking “**AND BY THE ADMINISTRATOR OF GENERAL SERVICES**”.

(2) **CONFORMING AMENDMENT.**—The table of chapters at the beginning of title 44, United States Code, is amended in the item related to chapter 29 by striking “and by the Administrator of General Services”.

(g) **ESTABLISHMENT OF PROGRAM OF MANAGEMENT.**—Section 3102(2) of title 44, United States Code, is amended by striking “the Administrator of General Services and”.

**SEC. 10. DISCLOSURE REQUIREMENT FOR OFFICIAL BUSINESS CONDUCTED USING NON-OFFICIAL ELECTRONIC MESSAGING ACCOUNT.**

(a) **AMENDMENT.**—Chapter 29 of title 44, United States Code is amended by adding at the end the following new section:

**“§ 2911. Disclosure requirement for official business conducted using non-official electronic messaging accounts**

“(a) **IN GENERAL.**—An officer or employee of an executive agency may not create or send a record using a non-official electronic messaging account unless such officer or employee—

“(1) copies an official electronic messaging account of the officer or employee in the original creation or transmission of the record; or

“(2) forwards a complete copy of the record to an official electronic messaging account of the officer or employee [within five days] not later than 20 days after the original creation or transmission of the record.

“(b) **ADVERSE ACTIONS.**—The intentional violation of subsection (a) (including any rules, regulations, or other implementing guidelines), as determined by the appropriate supervisor, shall be a basis for disciplinary action in accordance with subchapter I, II, or V of chapter 75 of title 5, as the case may be.

“(c) **DEFINITIONS.**—In this section:

“(1) **ELECTRONIC MESSAGES.**—The term ‘electronic messages’ means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals.

“(2) **ELECTRONIC MESSAGING ACCOUNT.**—The term ‘electronic messaging account’ means any account that sends electronic messages.

“(3) **EXECUTIVE AGENCY.**—The term ‘executive agency’ has the meaning given that term in section 105 of title 5.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 29 of

title 44, United States Code, is amended by adding at the end the following new item:

“2911. Disclosure requirement for official business conducted using non-official electronic messaging accounts.”

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The committee amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1233), as amended, was passed.

**NATIONAL DRUG TAKE-BACK WEEK**

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 466, and the Senate now proceed to its consideration.

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

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 466) designating the week of October 27 through November 2, 2014, as “National Drug Take-Back Week”, and designating October 2014 as “National Prescription Opioid and Heroin Abuse Awareness Month”.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 466) was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 3, 2014, under “Submitted Resolutions.”)

**APPROVING THE LOCATION OF AN AMERICAN REVOLUTION MEMORIAL**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 120, which was received from the House and is at the desk.

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

The clerk will report the House joint resolution by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 120) approving the location of a memorial to commemorate the more than 5,000 slaves and free Black persons who fought for independence in the American Revolution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. I ask unanimous consent that the joint resolution be read three times and passed, and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The joint resolution (H.J. Res. 120) was read the third time and passed.

**MEASURE READ THE FIRST TIME—H.R. 5078**

Mr. REID. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

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

The bill clerk read as follows:

A bill (H.R. 5078) to preserve existing rights and responsibilities with respect to waters of the United States, and for other purposes.

Mr. REID. I now ask for a second reading but, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

**UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR**

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding rule XXII, following the vote on the motion to invoke cloture on S.J. Res. 19, the Senate proceed to executive session and consider Calendar Nos. 544, 977, 685, 867, 976, 917, 914 and 758; that there be 2 minutes for debate equally divided between the two leaders or their designees prior to each vote; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that any rollcall votes, following the first in the series, be 10 minutes in length; that if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table, without any intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that President Obama be immediately notified of the Senate’s action and the Senate resume legislative session.

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

Mr. REID. For the information of Senators, we expect the nominations considered in this agreement to be confirmed by voice vote.

**ORDERS FOR THURSDAY, SEPTEMBER 11, 2014**

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30

a.m. tomorrow, September, 11, 2014, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following the prayer and pledge, there be a moment of silence to pay tribute to the thousands of Americans whose lives were taken on September 11, 2001; that following any Leader remarks, the Senate resume consideration of the motion to proceed to S. 2199 postcloture; that all time during adjournment, recess or morning business count postcloture to the motion to proceed to S. 2199; and finally that the filing deadlines for first-degree amendments to S.J. Res. 19 be 12 noon tomorrow, and second-degree amendments be at 1 p.m. tomorrow afternoon.

The PRESIDING OFFICER. Without objection.

### PROGRAM

Mr. REID. Mr. President, ultimately we hope to move forward on the paycheck fairness act and vote on cloture on the constitutional amendment early tomorrow afternoon.

### ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order following the remarks of Senator SESSIONS, which will last for 30 minutes.

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

The PRESIDING OFFICER. The Senator from Alabama.

### IMMIGRATION

Mr. SESSIONS. I thank the Presiding Officer and appreciate the opportunity to share some thoughts on an important subject tonight.

Earlier this week I spoke about the President's promise that he would issue an Executive amnesty, a grant of amnesty to 5 or 6 million people by some form of Executive order with his own pen. The planned amnesty would include work permits, photo ID's, and Social Security numbers for millions of people who illegally entered the U.S., illegally overstayed their visas, or defrauded U.S. immigration authorities.

The Senate Democratic Conference has supported and enabled the President's actions and blocked—so far—every effort to stop it. Not even one of our Democratic colleagues has backed the House legislation that would stop this Executive amnesty or demanded that Senator REID bring it up for a vote at least. Every Senate Democrat is therefore the President's partner in his planned lawless acts. Plainly the President must execute the law that was passed by Congress, and the law does not allow for unlawful immigrants to

work in the U.S. It doesn't allow for many other things they are suggesting the President may plan to do by Executive order.

Tonight I would like to talk about the influence of special interests on our nation's immigration laws and how it is creating unwise and unlawful policies. How did we get to the point where elected officials, activist groups, the ACLU, and global CEOs are openly working to deny American workers the immigration protections to which they are legally entitled?

How did we get to the point where the Democratic Party is prepared to nullify and wipe away the immigration laws of the United States of America? And we are at that point, colleagues.

Just yesterday Majority Leader REID wrote in a tweet something that was shocking. He said:

Since House Republicans have failed to act on immigration, I know the President will. When he does, I hope he goes real big.

That is the majority leader of the Senate. He intends to do nothing in the Senate to stop the President's actions. But colleagues, we know better. This body is not run by one man. We don't have a dictator in the great Senate. Every Member has a vote. And the only way Senator REID could do such a thing to block this Senate from voting in a way that would stop the President's Executive actions is to not support him in his plan.

Every Senator needs to stand up and represent their constituents, not big business, not the ACLU, not activist groups, not political interests but the American interests, the workers' interests. That is what we need to expect from them, and we don't have but a few weeks, it looks like, to get it done.

Let this sink in for a moment. The majority leader of the Senate is bragging that he knows the President will circumvent Congress to issue Executive amnesty to millions, and he is encouraging the President to ensure this amnesty includes as many people as possible. And the White House has acknowledged that 5 to 6 million is the number they are looking at.

Has one Senate Democrat stepped forward to reject Mr. REID's statement? Has one Senate Democrat stepped forward to say: I support the legislation passed by the House of Representatives that would secure the border and block this Executive amnesty? Have they ever said they support that? Have they ever said: I will do everything in my power to see that the House legislation gets a vote in the Senate so the American people can know what is going on? No. All we hear is silence.

In effect, the entire Senate Democratic Congress has surrendered the jobs, wages, and livelihoods of their constituents to a group of special interests meeting in secret at the White House—what Congress has refused to pass and the American people have rejected. They are plotting at the White House—maybe even more so today—to move forward with Executive action

anyway, no matter what the people think, no matter what Congress, the people's House, votes on.

Politico reports that "White House officials conducted more than 20 meetings in July and August with legal experts, immigration advocates and business leaders to gather ideas on what should be included in the order." Now that is a quote from Politico. Twenty meetings with legal experts, immigration advocates, and business leaders to gather ideas on what should be included in the President's order. So who are these so-called expert advocates and business leaders? They are not the law enforcement officers; they are not our ICE officers; they are not our Border Patrol officers; they are not the American working man and woman; they are not unemployed Americans. They weren't in the room. You can be sure of that. Their opinions weren't sought.

No, White House officials are meeting with the world's most powerful corporate immigration lobbyists and activists who think Border Patrol is for the little people. We know better. The administration is meeting with the elite, the cosmopolitan set who scorn and mock the concerns of everyday Americans who are concerned about their schools, jobs, wages, communities, and hospitals. These great and powerful citizens of the world, we know, don't care much about old fashioned things like national boundaries, national sovereignty, immigration control, let alone the constitutional separation of powers or even the consistent and even-handed enforcement of plain law, passed by the elected representatives of the American people in due fashion.

Well, don't you get it? They believe they are always supposed to get whatever it is they want. They are used to that. They spend hundreds of millions of dollars. In fact, one report says they have spent \$1.5 billion since 2007 trying to pass their desired immigration bill—\$1.5 billion. They think whatever they want is good for America. They tried and tried and tried to pass the bill through Congress, but the American people said: No, no, no. So they decided to just go to the President. They decide to go to President Obama, and we will insist that he implement these measures through Executive fiat. And Senate Democrats have apparently said: Well, that is just a wonderful idea. We support that. Just do it. Go big. But, Mr. President, wait a little bit. Wait until after the election. We don't want the voters to hold us accountable for what you are doing. We want to pretend we in the Senate have nothing to do with it.

One of the groups that has joined the chorus of special interests demanding Executive action on immigration is FWD.us, run by Facebook CEO Mark Zuckerberg. He just turned 30, and I understand he is worth about \$28 billion.

Mr. Zuckerberg has been very busy recently. One of his fellow billionaires,