

THE GUEST CHAPLAIN

Mr. REID. Mr. President, we note you open the Senate every day, but today you had a little extra something in your step and a gleam in your eye because of the guest Chaplain, who is your lovely wife Marcelle's brother, so I am glad you have had the chance to have a small visit with him again.

SCHEDULE

Mr. REID. Following my remarks and those of the Republican leader, the Senate will be in a period of morning business until 10:30 a.m. this morning.

At 10:30 a.m., the Senate will proceed to two rollcall votes on the Lodge and Walter nominations. If cloture is invoked on either nomination, a confirmation vote will occur at 6 p.m. this evening.

The Senate will recess from 1 p.m. to 2 p.m. to allow for the weekly caucus luncheons.

MEASURES PLACED ON THE CALENDAR—H.R. 5759 AND H.R. 5771

Mr. REID. Mr. President, I am told there are two bills at the desk due for a second reading.

The PRESIDENT pro tempore. The leader is correct.

The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 5759) to establish a rule of construction clarifying the limitations on executive authority to provide certain forms of immigration relief.

A bill (H.R. 5771) to amend the Internal Revenue Code of 1986 to extend certain expiration provisions and make technical corrections, to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to both of these bills.

The PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

AVIATION SECURITY STAKEHOLDER PARTICIPATION ACT OF 2014

Mr. REID. Mr. President, I ask unanimous consent that the commerce committee be discharged from further consideration of H.R. 1204 and the Senate proceed to its immediate consideration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1204) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the Rockefeller-Tester substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, and there be no intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3977) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Security Stakeholder Participation Act of 2014".

SEC. 2. AVIATION SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44946. Aviation Security Advisory Committee

"(a) ESTABLISHMENT.—The Assistant Secretary shall establish within the Transportation Security Administration an aviation security advisory committee.

"(b) DUTIES.—

"(1) IN GENERAL.—The Assistant Secretary shall consult the Advisory Committee, as appropriate, on aviation security matters, including on the development, refinement, and implementation of policies, programs, rule-making, and security directives pertaining to aviation security, while adhering to sensitive security guidelines.

"(2) RECOMMENDATIONS.—

"(A) IN GENERAL.—The Advisory Committee shall develop, at the request of the Assistant Secretary, recommendations for improvements to aviation security.

"(B) RECOMMENDATIONS OF SUBCOMMITTEES.—Recommendations agreed upon by the subcommittees established under this section shall be approved by the Advisory Committee before transmission to the Assistant Secretary.

"(3) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Assistant Secretary—

"(A) reports on matters identified by the Assistant Secretary; and

"(B) reports on other matters identified by a majority of the members of the Advisory Committee.

"(4) ANNUAL REPORT.—The Advisory Committee shall submit to the Assistant Secretary an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its subcommittees, for the preceding year. Not later than 6 months after the date that the Secretary receives the annual report, the Secretary shall publish a public version describing the Advisory Committee's activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5.

"(5) FEEDBACK.—Not later than 90 days after receiving recommendations transmitted by the Advisory Committee under paragraph (4), the Assistant Secretary shall respond in writing to the Advisory Committee with feedback on each of the recommendations, an action plan to implement any of the recommendations with which the Assistant Secretary concurs, and a justification for why any of the recommendations have been rejected.

"(6) CONGRESSIONAL NOTIFICATION.—Not later than 30 days after providing written

feedback to the Advisory Committee under paragraph (5), the Assistant Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives on such feedback, and provide a briefing upon request.

"(7) REPORT TO CONGRESS.—Prior to briefing the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives under paragraph (6), the Assistant Secretary shall submit to such committees a report containing information relating to the recommendations transmitted by the Advisory Committee in accordance with paragraph (4).

"(c) MEMBERSHIP.—

"(1) APPOINTMENT.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Aviation Security Stakeholder Participation Act of 2014, the Assistant Secretary shall appoint the members of the Advisory Committee.

"(B) COMPOSITION.—The membership of the Advisory Committee shall consist of individuals representing not more than 34 member organizations. Each organization shall be represented by 1 individual (or the individual's designee).

"(C) REPRESENTATION.—The membership of the Advisory Committee shall include representatives of air carriers, all-cargo air transportation, indirect air carriers, labor organizations representing air carrier employees, labor organizations representing transportation security officers, aircraft manufacturers, airport operators, airport construction and maintenance contractors, labor organizations representing employees of airport construction and maintenance contractors, general aviation, privacy organizations, the travel industry, airport-based businesses (including minority-owned small businesses), businesses that conduct security screening operations at airports, aeronautical repair stations, passenger advocacy groups, the aviation security technology industry (including screening technology and biometrics), victims of terrorist acts against aviation, and law enforcement and security experts.

"(2) TERM OF OFFICE.—

"(A) TERMS.—The term of each member of the Advisory Committee shall be 2 years. A member of the Advisory Committee may be reappointed.

"(B) REMOVAL.—The Assistant Secretary may review the participation of a member of the Advisory Committee and remove such member for cause at any time.

"(3) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive pay, allowances, or benefits from the Government by reason of their service on the Advisory Committee.

"(4) MEETINGS.—

"(A) IN GENERAL.—The Assistant Secretary shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

"(B) PUBLIC MEETINGS.—At least 1 of the meetings described in subparagraph (A) shall be open to the public.

"(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

"(5) MEMBER ACCESS TO SENSITIVE SECURITY INFORMATION.—Not later than 60 days after the date of a member's appointment, the Assistant Secretary shall determine if there is cause for the member to be restricted from possessing sensitive security information. Without such cause, and upon the member voluntarily signing a non-disclosure agreement, the member may be granted access to sensitive security information that is relevant to the member's advisory duties. The

member shall protect the sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

“(6) CHAIRPERSON.—A stakeholder representative on the Advisory Committee who is elected by the appointed membership of the Advisory Committee shall chair the Advisory Committee.

“(d) SUBCOMMITTEES.—

“(1) MEMBERSHIP.—The Advisory Committee chairperson, in coordination with the Assistant Secretary, may establish within the Advisory Committee any subcommittee that the Assistant Secretary and Advisory Committee determine to be necessary. The Assistant Secretary and the Advisory Committee shall create subcommittees to address aviation security issues, including the following:

“(A) AIR CARGO SECURITY.—The implementation of the air cargo security programs established by the Transportation Security Administration to screen air cargo on passenger aircraft and all-cargo aircraft in accordance with established cargo screening mandates.

“(B) GENERAL AVIATION.—General aviation facilities, general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

“(C) PERIMETER AND ACCESS CONTROL.—Recommendations on airport perimeter security, exit lane security and technology at commercial service airports, and access control issues.

“(D) SECURITY TECHNOLOGY.—Security technology standards and requirements, including their harmonization internationally, technology to screen passengers, passenger baggage, carry-on baggage, and cargo, and biometric technology.

“(2) RISK-BASED SECURITY.—All subcommittees established by the Advisory Committee chairperson in coordination with the Assistant Secretary shall consider risk-based security approaches in the performance of their functions that weigh the optimum balance of costs and benefits in transportation security, including for passenger screening, baggage screening, air cargo security policies, and general aviation security matters.

“(3) MEETINGS AND REPORTING.—Each subcommittee shall meet at least quarterly and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including recommendations, regarding issues within the subcommittee.

“(4) SUBCOMMITTEE CHAIRS.—Each subcommittee shall be co-chaired by a Government official and an industry official.

“(e) SUBJECT MATTER EXPERTS.—Each subcommittee under this section shall include subject matter experts with relevant expertise who are appointed by the respective subcommittee chairpersons.

“(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee and its subcommittees.

“(g) DEFINITIONS.—In this section:

“(1) ADVISORY COMMITTEE.—The term ‘Advisory Committee’ means the aviation security advisory committee established under subsection (a).

“(2) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of Homeland Security (Transportation Security Administration).

“(3) PERIMETER SECURITY.—

“(A) IN GENERAL.—The term ‘perimeter security’ means procedures or systems to monitor, secure, and prevent unauthorized access to an airport, including its airfield and terminal.

“(B) INCLUSIONS.—The term ‘perimeter security’ includes the fence area surrounding

an airport, access gates, and access controls.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new item:

“44946. Aviation Security Advisory Committee.”.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1204), as amended, was passed.

TRANSPORTATION SECURITY ACQUISITION REFORM ACT

Mr. REID. I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 2719 and the Senate proceed to its immediate consideration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2719) to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs, and for other purposes.

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

Mr. REID. I ask unanimous consent that the Ayotte amendment, which is a substitute amendment, 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.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3978) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2719), as amended, was passed.

TRIBUTES TO DEPARTING SENATORS

TIM JOHNSON

Mr. REID. Mr. President, if the words Hemingway said so clearly—“man is not made for defeat”—applied to anyone in the world, they certainly apply to TIM JOHNSON. He is a testament to this sentiment because he never ever acknowledged defeat. He refuses to be defeated.

TIM never lost an election. He served in the House of Representatives from 1987 to 1997—for 10 years. He served in the State legislature. They weren't all easy votes and weren't all easy elections. He won his election in 2002 by 524 votes. Hundreds of thousands of votes were cast, but he won by 524 votes.

Senator TIM JOHNSON refused to succumb to defeat because he knew he was fighting for the people of South Da-

kota. He fought for South Dakota jobs when he fought to keep Ellsworth Air Force Base open and running. It was based near Rapid City, and he saved it from closing. He worked to this end, saving thousands of jobs, preserving a thriving economy based on that Ellsworth Air Force Base.

During his tenure in the House and Senate he fought for water, which is so important. People from so many other States don't realize how important water is to States such as South Dakota and many Western States. Water is something you always have to keep your eye on. He secured funding for the Mni Wiconi Rural Water Project and the Lewis and Clark Rural Water System. Combined, those two projects provided clean drinking water to some 400,000 people. That is half the population of the State of South Dakota.

Without question though, TIM's biggest fight took place in 2006. I can still remember that so clearly. I got a call from his chief of staff saying: You need to go to the hospital. TIM has been taken by ambulance to George Washington. So I went there because TIM had suffered a very bad bleed on the brain. He was born with this situation—no one knew of course—but it suddenly hit him. Lots of people have this condition, but most people don't have a bleed on their brain, but TIM did. I was there in the hospital with him. Barbara was there, his daughter Kelsey, and his two boys, Brendan and Brooks, came in as soon as they could. One was serving in the military after having seen combat duty as a member of the U.S. Army. The other boy is a lawyer and is now a U.S. attorney in South Dakota.

It was a very difficult time for his family and a difficult time for him especially. He was in surgery on more than one occasion. His life was threatened. Many people don't survive this difficult situation he was hit with. But he is a huge man. I, frankly, never realized how physically big and strong he was until I saw him lying there in the hospital. But TIM met these physical challenges, and they were very difficult. Ten months later he was back working in the Senate. He was here on the floor.

After this incident, his physical body would never be the same, but his mental capacity is better than ever. With the support of his wife Barbara, since 1969, and their three children, whose names I have already mentioned, he made this remarkable recovery. It was all very difficult. He had to learn to talk again, he had to learn to walk again, and much of his life now is physically different than it was before. He is now, a lot of times, in a wheelchair, but he has never asked for any sympathy. He has pushed forward as he always has his whole life.

Regardless of these changes to his body, his honorable, indomitable spirit is the same. One newspaper recently said, in speaking of TIM's return to the Senate: