

bases and ships. As the Department of Defense has acknowledged, our ultimate goal should be a tobacco-free military. When I asked about this last week at a hearing, I was heartened to hear that Secretary of Defense Chuck Hagel was conducting a Department-wide review of tobacco sale policies. I urge Secretaries Hagel and Mabus to set concrete goals, policies, and timelines—starting with an end to these discounts that cost lives just as surely as do wars.

The Tobacco Control Act is one of this administration's greatest legacies. I urge the administration to continue its leadership by protecting children from e-cigarettes and our men and women in uniform from the harms of smoking.

#### CONGO

Mr. DURBIN. Madam President, I rise today to talk about what this Congress did to help one of the world's most forgotten yet most deadly conflicts—that in the Democratic Republic of Congo. Former Kansas Senator Sam Brownback invited me to eastern Congo almost 10 years ago and later I returned with Senator SHERROD BROWN in 2010.

The Democratic Republic of Congo is a nation of breathtaking natural beauty, rich in a vast array of resources. It is also a badly broken country, weak in governance and dominated by relentless poverty, warlords, pillaging soldiers, and horrific, almost incomprehensible, violence. A barbaric civil war spanning more than a decade in Congo is the most lethal conflict since World War II.

Eastern Congo is known as the “Rape Capital of the World.” In fact, according to the United Nations, regional war and rape leaves an estimated 1,000 or more women assaulted every day in the Congo. That is 12 percent of all Congolese women.

I will try to describe the city of Goma in eastern Congo to those who haven't been there. It is almost impossible. Imagine one of the poorest places on Earth, where people are literally starving, where they are facing the scourge of disease, where malaria and AIDS cut short the lives of far too many. Imagine a nearby active volcano. Then superimpose over that the misfortune of ongoing war and unrest that has ravaged the eastern part of the Democratic Republic of Congo for years and resulted in millions of deaths and unspeakable sexual violence. Armed militias, some left over from the genocide in Rwanda, continue to operate in the region, terrorizing civilians and inflicting horrific brutality.

The United Nations has a 20,000-member peacekeeping force in the area with an impressive new mandate to bring stability, but it can only do so much. The area is still very fragile, awash in weapons, warlords, and competing regional interests. It is also rich in valuable minerals that are found in our

every-day electronics, jewelry, and other products.

It has been said that the Congo war contains “wars within wars”—and that is true. But fueling much of the violence is a bloody contest for control of these vast mineral resources.

Most people probably don't realize that many of the products we use and wear every day, from automobiles to our cell phones and even our wedding rings, may use one of these minerals—and that there is a possibility it was mined using forced labor from an area of great violence.

We can not begin to solve the problems of eastern Congo without tackling a key source of funding for armed groups, which is the mining of conflict minerals, including tin, tantalum, tungsten, and gold. We as a nation and as consumers, as well as industries that use these minerals, have a responsibility to ensure that our economic activity does not support such violence.

NGOs like the Enough Project have led the way in informing the American people about what goes into the jewelry, electronics, and manufacturing equipment they wear and use.

That is why I joined with Senators Brownback and Feingold and Congressman JIM McDERMOTT to support legislation that would help stem the flow of proceeds from illegally mined minerals into those perpetuating unspeakable violence. That law passed almost 4 years ago. Its requirement is simple: If a company registered in the United States uses any of a small list of key minerals from the Congo (tin, tantalum, tungsten, and gold)—minerals known to be involved in the conflict areas—then such usage must be reported in that company's SEC disclosure. Companies can also include information showing steps taken to ensure the minerals are legitimately mined and sourced and that by responsibly sourcing these minerals, they are not contributing to the region's violence.

It is not a ban on using the materials or a requirement to source responsibly. Instead it was a reasonable step—a reporting requirement—to shed some light on the issue and to encourage companies using these minerals to source them responsibly.

It took some time for the Securities and Exchange Commission to thoughtfully craft the rule for this law. And disappointingly, as is increasingly too often the case with the rulemaking process, some tried to gut the law in court.

But the law was upheld repeatedly in court, moved forward as enacted by Congress. The first filing reports were submitted to the SEC early this month. This is a milestone.

A look at these filings shows us that some companies have been working for several years already to use their collective financial incentives to foster clean and legitimate supply chains out of eastern Congo. And I want to commend a few of these companies for tak-

ing such an early and responsible lead on this issue, including Apple, Intel, and electronics components manufacturer Kemet, which has a branch of its business in my home State of Illinois.

For example, Intel has created its first conflict-free computer chip, while still using responsibly sourced minerals from Congo, and took its reporting a step further by voluntarily submitting it to third-party audits. Under the Conflict-Free Smelter program, the number of international smelters operating free from conflict minerals continues to grow, with almost 90 smelters—40 percent of the world's total smelters—being certified as conflict-free and over 150 companies and industry associations participating in the program. After being refined, the origins of the material become difficult to track, as these smelters purchase materials from a variety of sources. The smelter or refiner therefore represents a critical point in the supply chain where we can look for assurances about whether or not the material has been purchased from conflict-free sources. Apple has confirmed that its entire tantalum supply chain is conflict free.

Another leader in the electronics industry has been Motorola Solutions, headquartered in Schaumburg, IL. Motorola Solutions emerged early as a company dedicated to cleaning up its supply chain, and to do so, it helped establish Solutions for Hope, dedicated to developing a “closed-pipe” supply chain. In the Rubaya region of the North Kivu province in the DRC, it has done just that. Tantalum mines in Rubaya were directly funding the leader of the vicious M23 rebel group, Bosco Ntaganda. Through persistent effort, diligent monitoring and the banding together of other likeminded corporations, those 17 mines are now certified conflict-free, and most importantly, M23 has laid down its arms and Bosco Ntaganda stands before the International Criminal Court to face charges for the atrocities he and his comrades committed.

According to the Enough Project's recent report on the impact of this legislation, armed groups and the Congolese army are no longer present at two-thirds of tin, tantalum and tungsten mines surveyed in eastern Congo. And as you may have seen recently, Dutch smart phone manufacturer Fairphone is making its products with conflict-free raw materials. Fairphone has already sold 35,000 units and is hoping to expand production as more consumers embrace conflict-free electronics. Fairphone and others are leading by example, and proving that conflict-free is not only possible, but it can be profitable too.

This was the whole point of the legislation. And consumers will finally have an option to invest in and purchase from those companies that are making a good-faith effort to source from this war stricken area responsibly.

I thank my many colleagues here in the Congress on both sides of the aisle

who helped make this bill a reality and the many responsible companies that are taking steps to help ensure their sourcing of minerals does not contribute to the horrific violence in mineral-rich Congo. The Congolese people have suffered entirely too much, and I sincerely believe that these efforts will be part of the long-term solution to the quest for stability and peace in their country.

#### RECESS APPOINTMENT DECISION

Mr. ENZI. Madam President, I wish to applaud the Supreme Court's unanimous decision that the President's January 4, 2012 appointments to the NLRB were unconstitutional. As you know, I was the Ranking Member on the Senate Health, Education, Labor and Pensions Committee in 2012, and when these appointments were made I expressed my concern with the administration's contempt for small businesses and the Senate's confirmation and vetting process. I was also proud to cosign an amicus brief led by our Republican leader against these proforma session appointments.

The Appointments Clause of our Constitution provides that "the President shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law." Today the Supreme Court validated the Senate's important advice and consent role in the confirmation process.

These unconstitutional appointments are just one example of the executive branch overreach that Americans face every day under this administration. In his State of the Union address, President Obama said that since he is unable to rely on Congress to rubber stamp his agenda, he intends to use executive orders to avoid the legislative process altogether. This is certainly not a new practice for him: President Obama has issued more executive orders and economically significant rules and regulations than President George W. Bush, Clinton or Reagan. I hope today's Supreme Court decision will serve as the impetus that brings my colleagues together to say enough is enough.

One issue we need to stand up to the administration about is its war on coal. Earlier this month the EPA issued new regulations that try to force a backdoor cap and tax proposal on Americans that Congress has rejected. Senators on both sides of the aisle realized a couple of years ago that coal is one of our best sources of energy and that cap and tax was an extremely expensive and bad idea. I urge those Senators to come together again and make the President withdraw his cap and tax regulation.

Another issue we need to stand up to the President about is his attempt to

control all our water. In March the EPA proposed a new rule that could allow the administration to regulate all bodies of water, no matter how small, and regardless of whether the water is on public or private property. We have already experienced that attempt at control in Wyoming, where the EPA tried to fine an individual up to \$75,000 per day for the pond he built on his private property. Mark Twain once said, "in the West, whiskey is for drinking. Water is for fighting over." I urge my Western State colleagues to come together and make the President withdraw his waters of the United States regulation.

We do not have to wait for the Supreme Court to act on these examples of executive overreach. The Congressional Review Act provides an expedited procedure for us to consider a resolution of disapproval of the President's rules. Under the CRA, before any final rule can become effective it must be filed with each House of Congress and GAO. Within 60 days after Congress receives an agency's rule, we can introduce a resolution of disapproval to nullify the rule. The CRA also guarantees us a vote because 30 of us can sign a petition to discharge the resolution from Committee, and the motion to proceed to the resolution is not subject to amendment, motion to postpone, or motion to proceed to other business. I hope I have 29 colleagues willing to join me in signing petitions to discharge resolutions of disapproval regarding both of these rules.

There are also areas where the administration is not acting when it should, and I hope my colleagues will push the administration to spend its time taking actions that help, not hurt, America.

Officials from the IRS, Treasury Department, and White House did not tell Congress when they realized IRS emails had been lost that were relevant to bipartisan committee investigations. The administration knew about those emails for at least 2 months before the Senate Finance Committee was informed. I urge my colleagues to come together and insist on full disclosure from the administration regarding allegations of political targeting by the IRS. A Finance Committee hearing about the lost IRS emails would be an excellent step in getting to the bottom of this issue.

The administration has not approved the Keystone Pipeline application that has been pending for more than 5 years. The State Department has done five reviews of the project and determined that the pipeline would cause no significant environmental impacts. The pipeline would create about 42,000 jobs. Our Energy Committee has passed legislation to build the pipeline. A bipartisan group of at least 55 Senators say they want to build the pipeline. I urge that group to come together and insist the President let the pipeline go forward.

These are not the only areas where the President has acted when he should

not have, and has not acted when he should have. But they are important to Wyoming and America, and I urge my colleagues to stand up to the executive branch now rather than waiting for the Supreme Court on another issue.

#### STOPPING SCHOOL TRAGEDIES

Mr. LEVIN. Mr. President, every morning around our Nation, as young people walk into their schools, they are reminded of our Nation's epidemic of gun violence. The sights and sounds of an American school day—lockers closing, the morning bell—now compete with more disconcerting scenes: metal detectors, security cameras, and armed guards. Students interrupt math and science lessons to participate in active shooter drills. Parents everywhere ask the same, legitimate question: Are my kids safe in their school?

They are right to be concerned. On June 10, a 15-year-old boy in Oregon brought a military-style assault rifle, nine magazines of ammunition, a handgun, and a knife to his high school. There, he murdered a classmate and exchanged gunfire with police before taking his own life. Several reports have counted this as the 74th instance of a shot being fired inside or near an American school since the tragic events of December 14, 2012, when a mentally deranged individual stole the lives of 27 people, 20 of them children, at Sandy Hook Elementary School in Newtown, Connecticut. The only number of such instances that America should accept is zero.

It does not have to continue this way. The Newtown shooting, along with so many other horrific instances, created overwhelming consensus among Americans that Congress needs to act to stop this senseless gun violence. Polls now routinely show that more than 90 percent of the American public supports the passage of legislation to require simple background checks to be conducted on all gun sales. Recent reports have shown that 95 percent of internal medicine physicians in our Nation agree. And 76 percent of these physicians believe that gun safety legislation would "help to reduce the risk for gun-related injuries or death." Organizations outside of government have engaged in important work to reduce gun violence in our society, including a recent initiative spearheaded by the Brady Campaign to Prevent Gun Violence that encourages parents to keep their kids safe by asking a simple question: "Is there an unlocked gun where my child plays?"

But as long as Congress continues to ignore the American people, the fundamental problems remain. Today, in places all around our Nation, a convicted felon, a domestic abuser, a dangerously mentally ill individual, or a confused and angry teenager can still buy a firearm from an unlicensed dealer without undergoing any sort of background check. And at almost any time, a mentally ill young person can