

S. 2825

At the request of Ms. COLLINS, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 2825, a bill to amend title 37, United States Code, to require compliance with domestic source requirements for footwear furnished to enlisted members of the Armed Forces upon their initial entry into the Armed Forces.

S. 2835

At the request of Mr. REED, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2835, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance for the rehabilitation and repair of high hazard potential dams, and for other purposes.

S. 2849

At the request of Mr. SASSE, the names of the Senator from Utah (Mr. LEE), the Senator from Delaware (Mr. CARPER) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 2849, a bill to ensure the Government Accountability Office has adequate access to information.

S. 2892

At the request of Ms. STABENOW, the names of the Senator from Idaho (Mr. RISCHE) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2892, a bill to accelerate the use of wood in buildings, especially tall wood buildings, and for other purposes.

S. 2912

At the request of Mr. JOHNSON, the names of the Senator from North Carolina (Mr. TILLIS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY), the Senator from Florida (Mr. RUBIO), the Senator from Alabama (Mr. SESSIONS), the Senator from West Virginia (Mrs. CAPITO), the Senator from Tennessee (Mr. CORKER) and the Senator from Arkansas (Mr. COTTON) were added as cosponsors of S. 2912, a bill to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes.

S. 2921

At the request of Mr. ISAKSON, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 2921, a bill to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, to improve health care and benefits for veterans, and for other purposes.

S. 2932

At the request of Mr. CASSIDY, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2932, a bill to amend the Controlled Substances Act with respect to the provision of emergency medical services.

S. 2941

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2941, a bill to require a study on women and lung cancer, and for other purposes.

S.J. RES. 28

At the request of Mr. MCCAIN, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Arizona (Mr. FLAKE) were added as cosponsors of S.J. Res. 28, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Secretary of Agriculture relating to inspection of fish of the order Siluriformes.

S. CON. RES. 35

At the request of Mr. RUBIO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Con. Res. 35, a concurrent resolution expressing the sense of Congress that the United States should continue to exercise its veto in the United Nations Security Council on resolutions regarding the Israeli-Palestinian peace process.

S. CON. RES. 36

At the request of Mr. NELSON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Con. Res. 36, a concurrent resolution expressing support of the goal of ensuring that all Holocaust victims live with dignity, comfort, and security in their remaining years, and urging the Federal Republic of Germany to reaffirm its commitment to that goal through a financial commitment to comprehensively address the unique health and welfare needs of vulnerable Holocaust victims, including home care and other medically prescribed needs.

S. RES. 432

At the request of Mr. CARDIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 432, a resolution supporting respect for human rights and encouraging inclusive governance in Ethiopia.

S. RES. 459

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 459, a resolution recognizing the importance of cancer research and the vital contributions of scientists, clinicians, cancer survivors, and other patient advocates across the United States who are dedicated to finding a cure for cancer, and designating May 2016, as "National Cancer Research Month".

AMENDMENT NO. 3897

At the request of Mr. LEE, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of amendment No. 3897 proposed to H.R. 2577, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 3956

At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 3956 intended to be proposed to H.R. 2577, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4012

At the request of Mr. TOOMEY, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of amendment No. 4012 intended to be proposed to H.R. 2577, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4039

At the request of Mr. MCCAIN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of amendment No. 4039 proposed to H.R. 2577, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 4039 proposed to H.R. 2577, supra.

AMENDMENT NO. 4051

At the request of Mr. WARNER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 4051 intended to be proposed to H.R. 2577, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. PAUL, Ms. BALDWIN, Mr. DAINES, and Mr. TESTER):

S. 2952. A bill to prevent the proposed amendments to rule 41 of the Federal Rules of Criminal Procedure from taking effect; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, today I, along with my colleague Senator PAUL from Kentucky, Senator BALDWIN from Wisconsin, and Senators DAINES and TESTER from Montana, am introducing the Stopping Mass Hacking Act, S. 2952, a bill to protect millions of law-abiding Americans from Government hacking.

On April 28, 2016, at the request of the Department of Justice, the U.S. Federal Courts recommended administrative changes to Rule 41 of the Federal Rules of Criminal Procedure, the rule

that governs search and seizure procedure. The changes have been approved by the Supreme Court, and pursuant to the Rules Enabling Act the amendments take effect on December 1, 2016, absent Congressional action. Despite the seriousness of the changes, Congress has not spoken on the subject. It should. Making changes like this simply by administrative fiat is not good enough. So, today, Senator PAUL and I introduce this bill.

The administrative changes will provide a magistrate judge with the authority to issue a warrant for remote electronic searches of devices located anywhere in the world when law enforcement does not know the location of the device. While it may be appropriate to address the issue of allowing a remote electronic search for a device at an unknown location, Congress needs to consider what protections must be in place to protect Americans' digital security and privacy. This is a new and uncertain area of law, so there needs to be full and careful debate.

The second part of the change to Rule 41 gives a magistrate judge the authority to issue a single warrant that would authorize the search of a large number—potentially thousands or millions—of devices that can cover any number of searches in any jurisdiction. These changes would dramatically expand the government's hacking and surveillance authority. The American public should understand that these changes will not just affect criminals: computer security experts and civil liberties advocates say the amendments would also dramatically expand the government's ability to hack the electronic devices of law-abiding Americans if their devices were affected by a computer attack.

Finally, these changes to Rule 41 would also give some types of electronic searches different, weaker notification requirements than physical searches. This raises the possibility of the FBI hacking into a person's computer after they are the victim of a cyber attack and not telling them about it until afterward, if at all. Under this new rule, they are only required to make "reasonable efforts" to notify people that their computers were searched. You can see how that might be problematic. It could lead to circumstances in which law-abiding Americans are not told that the government has secretly hacked into their computer.

These changes are a major policy shift that will impact Americans' digital security, the government's surveillance powers and the Fourth Amendment. Part of the problem is the simple fact that both the American public and security experts know so little about how the government goes about hacking a computer to search it. If a victim's Fourth Amendment rights are violated, it might not be readily apparent because of the highly technical nature of the methods used to execute the warrant.

As a body of elected representatives, it is Congress's job to make sure we do not let the Executive Branch run roughshod over our constituents' rights. That is why action is so important: this is a policy question that should be debated by Congress. Although the Department of Justice has tried to describe this rule change as simply a matter of judicial venue, sometimes a difference in scale really is a difference in kind. By allowing so many searches with the order of just a single judge, Congress's failure to act on this issue would be a disaster for law-abiding Americans. When the public realizes what is at stake, I think there is going to be a massive outcry: Americans will look at Congress and say, "What were you thinking?"

I am here today, introducing this legislation, to sound an alarm. This rule change would could have a massive impact on Americans' digital security and privacy, and I plan on spending the next seven months making sure my colleagues fully understand the huge ramifications of inaction.

I thank my colleague Senator PAUL for his efforts on this bill, and I hope the Judiciary Committee will consider our proposal quickly.

#### SUBMITTED RESOLUTIONS

##### SENATE CONCURRENT RESOLUTION 38—REAFFIRMING THE TAIWAN RELATIONS ACT AND THE SIX ASSURANCES AS CORNERSTONES OF UNITED STATES-TAIWAN RELATIONS

Mr. RUBIO (for himself, Mr. MENENDEZ, Mr. INHOFE, Mr. BROWN, and Mr. GARDNER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

#### S. CON. RES. 38

Whereas the Cold War years cemented the close friendship between the United States and Taiwan, with Taiwan as an anti-Communist ally in the Asia-Pacific;

Whereas United States economic aid prevented Taiwan from sliding into an economic depression in the 1950s and greatly contributed to the island's later economic takeoff;

Whereas Taiwan has flourished to become a beacon of democracy in Asia and leading trade partner for the United States, and the relationship has endured for more than 65 years through many shifts in Asia's geopolitical landscape;

Whereas the strong relationship between the United States and Taiwan is based on mutually beneficial security, commercial, and cultural ties;

Whereas Deputy Assistant Secretary of State Susan Thornton stated in her testimony before the Committee on Foreign Affairs of the House of Representatives on February 11, 2016, that "the people on Taiwan have built a prosperous, free, and orderly society with strong institutions, worthy of emulation and envy";

Whereas Deputy Secretary of State Antony J. Blinken stated on March 29, 2016, that with Taiwan's January 2016 elections, "the people of Taiwan showed the world again what a mature, Chinese-speaking democracy looks like";

Whereas, on January 1, 1979, when the Carter Administration established diplomatic relations with the People's Republic of China (PRC), it ended formal diplomatic ties with the Republic of China on Taiwan;

Whereas the United States Congress acted swiftly to reaffirm the United States-Taiwan relationship with the enactment of the Taiwan Relations Act (Public Law 96-8) just 100 days later, ensuring the United States maintained a robust and enduring relationship with Taiwan;

Whereas the Taiwan Relations Act was enacted on April 10, 1979, codifying into law the basis for continued commercial, cultural, and other relations between the United States and Taiwan;

Whereas the Taiwan Relations Act was enacted "to help maintain peace, security, and stability in the Western Pacific," all of which "are in the political, security, and economic interests of the United States and are matters of international concern";

Whereas the United States Congress significantly strengthened the draft legislation originally submitted by the Executive Branch to include provisions concerning Taiwan's security in the Taiwan Relations Act;

Whereas then-Deputy Assistant Secretary of State Kin Moy stated in his testimony before the Committee on Foreign Affairs of the House of Representatives on March 14, 2014, that "[o]ur enduring relationship under the Taiwan Relations Act represents a unique asset for the United States and is an important multiplier of our influence in the region," and credited the Taiwan Relations Act for having "played such a key part in protecting Taiwan's freedom of action and United States interests the last 35 years in the Asia-Pacific area";

Whereas then-Special Assistant to the President and National Security Council Senior Director for Asian Affairs Evan Medeiros noted in March 2014, "The Taiwan Relations Act is an important and it's an enduring expression to the people of Taiwan about our commitment to their well-being, their security, their economic autonomy, and their international space";

Whereas the Taiwan Relations Act states that "the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means";

Whereas the Taiwan Relations Act states that it is the policy of the United States to "provide Taiwan with arms of a defensive character and to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan";

Whereas each successive United States Administration since the enactment of the Taiwan Relations Act has provided arms of a defensive character to Taiwan;

Whereas a 2015 Department of Defense report to Congress on Military and Security Developments Involving the People's Republic of China stated that, "Preparing for potential conflict in the Taiwan Strait remains the focus and primary driver of China's military investment";

Whereas the United States has an abiding interest in the preservation of cross-Strait peace and stability, and in peace and stability in the entire Asia-Pacific region;

Whereas, on July 14, 1982, as the United States negotiated with the People's Republic of China over the wording of a joint communiqué related to United States arms sales to Taiwan, President Ronald Reagan instructed his representative in Taiwan, American Institute in Taiwan (AIT) Director James R. Lilley, to relay a set of assurances