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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, January 25, 2013, at 2 p.m.

Senate

THURSDAY, JANUARY 24, 2013

(Legislative day of Thursday, January 3, 2013)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, You alone deserve all our praise because of Your love and faithfulness. Inspire our Senators to trust You to help protect and guide them. May they learn and depend upon Your promises, believing that Your blessings will keep America strong. Reveal to them Your priorities and plans so that they will stay within the circle of Your will. Lord, make them agents of Your visible impact on our Nation and world as You guard their hearts and minds with Your peace.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BRIAN SCHATZ led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 24, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. SCHATZ thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business, with Senators allowed to speak for up to 10 minutes each. The majority will control the first 30 minutes and the Republicans the final 30 minutes.

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for debate only until 12 noon, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half hour.

Mr. REID. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CONFRONTING FISCAL CHALLENGES

Mr. MCCONNELL. Mr. President, I do not know if you know anyone who has climbed to the top of Mount Everest, but I am told it is quite an undertaking. It apparently took Sir Edmund Hillary several weeks to do it back in the 1950s. I am told my friends across the aisle could have scaled Everest almost 300 times in the nearly 4 years

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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that have gone by since they last passed a budget. They could have taken 179 trips to the Moon or built three Pentagons.

Well, today it looks like that is all about to change. It is nice to see that after years of playing budget peekaboo, Senate Democrats are finally ready to take up their most basic of responsibilities—and only a few weeks after the chairwoman of the Budget Committee indicated they might skip it, for the fourth year in a row.

There is an indication now that the majority is committed to passing a budget. What is unfortunate is that it has required so much pressure for them to do so. It is in stark contrast to the House of Representatives, who have taken their duties very seriously.

Over there, committee hearings have been held, budget resolutions have been marked up, amendments have been considered. More importantly, the House has passed serious budgets annually, as the law requires. They have laid out their priorities for the public to see: their plans to control spending, to save our most important social programs from collapse, to reform an outdated anticompetitive Tax Code, and to streamline government bureaucracies that are literally suffocating job creation.

They have done their jobs while Senate Democrats have tried to keep their priorities a secret.

We know Senate Democrats do not like the House budgets. And we know they do not even support the President's budgets—at least not with their votes. What we have not known for nearly 4 years is what they are for because they have refused to put their plans for the country down on paper and actually vote for them.

It is my hope the Democrats' sudden interest in passing a budget is not just another attempt to actually raise taxes. As I have said repeatedly, we are done with the revenue issue. The President has already said the so-called rich are now paying their ''fair share,'' and, of course, middle-income families are already on the hook for new taxes as a result of ObamaCare.

So the question is, Who would be in the firing line this time? And at what cost?

Look, struggling families should not have to pick up the tab again for Washington's inability to live within its means. We need to start solving the actual problem, which is spending, and we need to do it together.

So if—and I say if—Democrats are finally ready to confront the massive fiscal and economic challenges facing our country, and to do so in a serious way, I assure them they will find partners on this side of the aisle.

As for the debt limit, there is no need to wait for final resolution of the House's short-term legislation before we start putting a long-term debt reduction solution together in the Senate. If the bill the House passed yesterday is signed into law, Congress will have another 3 months to take the debt challenge—to take it on seriously—but that does not mean we should wait a minute longer to start working on it. There is no reason, for instance, that the Finance Committee should not begin preparing the critical spending reforms that will be necessary, for example, to get my vote and the vote of many of my colleagues for any kind of long-term increase in the debt ceiling.

So let's get the process moving. No more brinksmanship. No more last-minute deals. The American people have already had to wait 4 years—4 years—for a budget from Senate Democrats. They should not have to wait nearly as long for us to confront a debt that threatens the economy, our jobs, and the future of our Nation.

Yesterday I laid out the realities of the fiscal challenges we face as a country. We have delayed facing them long enough. Let's put the politics aside and finally do the work we were sent here to do.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that I be recognized to speak for 10 minutes as in morning business.

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

WILDFIRE RELIEF

Mr. UDALL of Colorado. Mr. President, I rise to speak in favor of a critical issue for my State; that is, much needed wildfire relief.

I wish to be more specific. Colorado has been in dire need of emergency watershed protection funds since fires raged in my State just 6 months ago. Just 6 months ago we were in the news not only in our country but around the world because of fires in our State.

This is an important issue, one of the most important issues confronting my State because the last fire season was the worst, literally, on record. Although the fires no longer burn, the threats they pose to entire communities persist long after the final embers are extinguished. Literally, hundreds of thousands of Coloradans remain vulnerable to flooding and tainted water supplies in the aftermath of these fires.

To people not from the West, the reason why this is an emergency may not be immediately clear, so let me explain. In my State, the Hyde Park and the Waldo Canyon fires—these are two fires that were all over the news—tragically took lives, burned more than 100,000 acres, and led to catastrophic property loss. President Obama declared them national disasters, and he actually came to Colorado and joined me and the rest of the delegation to visit the scenes of destruction, where over 300 homes were destroyed in Colorado's second largest city, Colorado Springs.

But that initial impact in those initial scenes could pale in comparison to threats these communities will face in the coming days, months, and years. Why is that so? Because once a mountainside is stripped of all its trees and foliage and the soil is burned down to bedrock, there is nothing left to hold back the water and debris as it races downhill toward our communities.

Without rehabilitation and restoration, the watersheds that provide municipal and agricultural water are at risk from landslides, flooding, and erosion. In turn, that could result in serious infrastructure damage, water supply disruptions, and even loss of life.

Stabilizing and protecting these communities' watersheds is simply the right thing to do and, moreover—and this is important—taking action now is also fiscally responsible. Quite simply, if we do not do the repairs now, we will pay more later.

When Coloradans came to Senator BENNET and me to share these needs confronting our State, we immediately went to work. We delivered on the promise of providing fire relief when the Senate passed the emergency supplemental spending bill in December of last year, which also provided much needed relief funds for Hurricane Sandy victims. That was a bipartisan bill supported by Senate Republicans and Democrats alike. But the Republicans in the House regrettably gutted the bill and sent back legislation that explicitly cut out wildfire relief.

In that context, let me make one point absolutely clear. This is an emergency. Some people question the need for funding and have asked why we wouldn't limit dollars to just Hurricane Sandy areas, such as the bill does before us today. The short answer is it is a fiscally smart thing to do, the right thing to do, and the fair thing to do.

This bill is an emergency appropriations bill for all national disasters, not just Hurricane Sandy. It is our best hope of seeing wildfire relief.

I emphatically note the Colorado emergencies occurred before Hurricane Sandy, and the West should not have to continue to wait. Very few emergency supplemental bills pass Congress. This bill is passing now, and it should include aid for Colorado and other States across our country.

We, as Americans, are in this together. When deadly disasters strike, we all support each other. I know the Presiding Officer's home State of Hawaii has experienced natural disasters. We stand together when we get into these situations. That is why I am so frustrated that the House of Representatives dismissed Colorado's needs and

ruined our chances, the West's chances, of immediate wildfire relief when lawmakers there failed to include emergency watershed protection funding for Colorado in this disaster relief legislation.

This neglect is particularly disappointing, because if the House had quickly taken up the Senate-passed disaster assistance bill at the end of last year, we would not be in this desperate position today. I say this somewhat reluctantly; I served in the House for 10 years. But I have to say the House is setting a dangerous precedent of arbitrarily legislating disaster relief funds. Communities across this country, and not just those affected by Hurricane Sandy, are at risk of catastrophic flooding and contaminated drinking water.

But House Republicans are either sending a message that the West doesn't matter or saying they don't care about certain communities once the TV cameras are focused elsewhere.

What is the latest development in this ongoing fight to help wildfire victims? Yesterday, I introduced an amendment to the House-passed disaster relief legislation that would help national disaster areas repair their drinking water supplies and the systems that back up those water supplies. This amendment would not add a single cent to the bill and instead simply reverses the House's decision to exclude all States other than those affected by Hurricane Sandy.

No one questions that we need to help hurricane victims in the Northeast. But wildfire relief is not pork. I will say that again. Wildfire relief is not pork. Colorado's record-setting wildfires in 2012 displaced tens of thousands, destroyed more than 600 homes statewide and tragically resulted in deaths. Wildfires destroy communities, and their devastation persists for decades.

These restoration projects of which I speak must get started now before our spring snow melt sends tons of ash and sediment into our water supplies and buries homes and infrastructure under mudslides and floodwaters.

As I said earlier, I know these fires may seem to be old news for some, but Coloradans are living under the ongoing threats every day. I wish to remind all of my colleagues that in the past the Natural Resources Conservation Services, the NRCS, had the flexibility to provide EWP assistance for earlier disasters before moving on to the needs created by subsequent events.

As of December, 2012, an estimated $47 million was needed to mitigate damaged watersheds in the aftermath of other Presidentially declared Stafford Act disaster areas in Arizona, Colorado, Louisiana, Florida, Minnesota, Mississippi, New York, Utah, and Wisconsin, North, South, East, and West.

Of the $180 million the House approved for Sandy-related emergency watershed protection relief, only $30 million has been requested. Yet the House bill is saying other communities cannot have access to these funds to protect their own people. It is senselessly wasteful to leave these other communities behind to suffer the effects of less-recent disasters, whether they faced wildfire, hurricane or flood.

Mr. President, I am not being an alarmist. Coloradans unfortunately have already experienced some of these effects. For example, the usually crystal-clear Poudre River has been flowing black—literally flowing black due to ash and runoff from the fires. This forced the downstream city of Fort Collins to shut off its water intake for over 100 days. Senator BENNET was on site just a week ago, and the pictures were tragic and they compel action.

Further downstream on that important water course, the Poudre, the city of Greeley shut off its water intakes for 36 days and is still only able to take a small fraction of its normal intake.

I have a photo here that shows a water main that supplies 75 percent of the backup drinking water supply for the city of Colorado Springs, our second largest city, south of Denver. This pipeline used to be buried 8 feet deep but is now exposed due to runoff. It has been exposed because of the runoff from the fire area, and, of course, it will be exposed to more runoff.

You can see the effect of what is happening after these fires. How much more of an emergency do we need, when our most basic resource—drinking water supplies for three of Colorado's largest cities and its families and businesses—is threatened?

Let me share one more example. The flood potential in the burned areas is now 20 times higher than before the fire, which means that areas are experiencing 100-year floods from the same amount of rainfall that would have caused a 5-year flood before the wildfires.

Look at this photo. This is Highway 14, which is the major east-west artery through northern Colorado. This mudslide is one of many that occurred during one very minor rainstorm after the High Park fire. These mudslides on our major roads put people, property, and commerce at risk. Already families in the Colorado Springs vicinity, which I mentioned earlier, have received at least four flash flood warnings since the Waldo Canyon fire. Stabilizing this ground and restoring the burned areas on both Federal and private land is critical to public safety, public health, and the prevention of another disaster.

So as I begin to close, I would just say, don't get me wrong, I support the recovery of the communities devastated by Hurricane Sandy, but I want to ensure that my colleagues understand the gravity of the situation we are facing in Colorado and in other States that are confronting disaster needs. The Senate delivered when it came to providing fire relief, in part because of my colleague Senator BENNET's great work on the Agriculture Committee, but the House unwisely sent us a package that turns a blind eye to Colorado and the West. If we do not act soon, communities across this Nation will see unnecessary flood risks, contaminated water supplies, and the potential looms for tragic deaths caused by our inaction. That is simply not acceptable.

So when someone asks whether the EWP—the emergency watershed protection provisions and program—is necessary, critical, or even an emergency, the answer is an emphatic yes. For many of our communities in Colorado, this is their No. 1 priority in Congress, and I, for one, am not going to let their critical needs go unmet. Mark my words. This is not an issue I am going to let die. It is not an issue Senator BENNET will let die. We are going to keep at it until we stabilize these soils, protect our water supplies, and stand up for the people of Colorado and the people of our country.

I thank the Acting President pro tempore for his attention, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. BENNET. Mr. President, I ask unanimous consent to speak for 7 minutes on the same topic as my colleague.

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

Mr. BENNET. Mr. President, I wish to thank my colleague, the senior Senator from Colorado, for his remarks and for his commitment to this important issue, and I rise today to speak briefly about the disaster bill that is in front of the Senate and to address an issue of enormous importance to the people of Colorado.

We have in front of us a disaster bill to respond to the widespread damage caused by Hurricane Sandy along the east coast, and we should obviously pass this bill to help our fellow citizens in their time of need. It is in that exact same spirit that the Senate passed a disaster relief bill at the end of last year that helped victims of natural disasters all across this country—not just the victims of Hurricane Sandy but also the victims of the devastating wildfires in my home State of Colorado and other States across the West.

We worked very hard to get that money into the bill the Senate passed in December. With the leadership of MARK UDALL, we were able to successfully make the case that Colorado has a significant need for resources to help protect communities affected by the wildfires. We worked closely with the Senate Appropriations Committee, and they answered Colorado's call for help, and I thank those Members—Members from both sides of the aisle—who supported us. That was hard to do. It was hard to do, but in the end the idea that we are all in this together prevailed.

The House, however, let that bipartisan bill die at the end of last session, and now Congress has to start anew. Now here we are, asked to consider a

House-passed bill that leaves Colorado behind, a bill where the House arbitrarily stripped out the money that would help our struggling communities in Colorado, and we are told this bill is unamendable. We are told the House has drawn a line in the sand and won't take any changes. Like my senior Senator, I am stunned by this and profoundly disappointed.

So let me tell my colleagues what this means for the people of Colorado. The Waldo Canyon and High Park fires in the summer of 2012 were the first and second most destructive fires in Colorado's history. They tragically resulted in the loss of life for several Coloradans. The fires destroyed hundreds of homes and caused millions of dollars of damage to critical infrastructure and some of the worst and most lasting damage to our watersheds. As anyone from Colorado or the West knows, our watersheds and the clean water they provide are the lifeblood of our communities.

Here is a hilltop that was completely devastated by the fires of 2012 and a road near Fort Collins that was overrun with sediment and debris in a mudslide after the High Park fire.

Here is the Poudre River after the fire, running completely black as the sediment, ash, and soot are washed off the singed hillsides into the water. This river provides drinking water for the cities of Fort Collins and Greeley, CO, home to one-quarter of a million people—home to 250,000 people—and home to agriculture and businesses that rely on having clean water to get through the day.

I recently met with the water providers at the treatment plant for this area, situated just yards from the charred mountains. They showed me a mason jar of black water, just like this. It could have been pulled directly from the Poudre. That is, unfortunately, because of our inaction and our foolishness, our shortsightedness, and that is what communities can expect if we don't start recovery work in these watersheds.

The resources provided under the USDA's emergency watershed protections—the EWP Program—would directly help these communities in Colorado. We fought for those resources, for the EWP Program, in the Senate bill last December, and reason prevailed. Republicans and Democrats came together and said: We understand the people of Colorado need this; they need our help. And I again thank our friends on the Senate Appropriations Committee for helping to make that happen. Yet we stand here today with a bill that doesn't include these funds, the funding stripped out, while an unmet need of $20 million persists in Colorado alone. And it is not just our State, there are 51 other projects across 19 other States that need these resources to recover from their disasters. This is a major national issue, and it is crazy that we are standing here in this position today. Lest anybody think this is a decision that somehow is fiscally disciplined, let me stand on this floor and guarantee you that as these hillsides wash into the river in the spring snowmelt, the cost of restoring these water treatment plants, the cost of making sure we have clean water will dwarf the $20 million we are talking about today.

To conclude, it is incredibly unfortunate, given the history we have in this country of coming together after a disaster, that the House would not follow our lead in the Senate and provide us these resources. There are reasons we are the United States of America, and one of those reasons is that we come to each other's aid at moments of natural disasters and help our friends and neighbors in other States. We make sure they get through to the next year.

Perhaps adding insult to injury is that funding for Colorado was stripped under the rationale, as I said, that the House was somehow being fiscally responsible, even though the exact opposite is true. The reality of this situation is that it is fiscally irresponsible because we can say with 100 percent certainty that the cost of fixing these problems later will be significantly more than it is now. So an ounce of prevention in this case is clearly worth a pound of cure. Any household or small business understands that making these investments today is the right move, instead of just waiting for the next disaster to happen, instead of waiting for matters to get worse, although that is the habit of this town, as the Acting President pro tempore will come to learn. The House just couldn't put rigid ideology aside and do something for the country as a whole.

Mr. President, I am not going to oppose the Sandy bill. We need to help our fellow citizens on the east coast. But this is a real head-scratcher for me and I know for the senior Senator from Colorado, even for this place. We are going to continue to work with our colleagues in the Senate to get these resources signed into law, but the fact is we had it done. We had it done in the Senate, in a bipartisan way, with the help of our friends on the Appropriations Committee and both Republicans and Democrats on this Senate floor. The House of Representatives let Colorado down, and now we are going to have to go back and find a way to make it right.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE NATIONAL DEBT

Mr. CORNYN. Mr. President, in 2008, a prominent Democratic politician said that adding $4 trillion to the national debt was ''irresponsible and unpatriotic.''

In 2009, this same politician said, ''I refuse to leave our children with a debt they cannot repay. We cannot simply spend as we please.''

Again, in 2010, this same individual said, ''It keeps me awake at night looking at all that red ink.''

Then in 2011, he echoed the statements of the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, when he said, ''The greatest long-term threat to America's national security is America's debt.''

And then finally, in 2012, this same politician said he was running for reelection ''to pay down our debt in a way that is balanced and responsible.''

Well, you might have guessed who this was. These are statements made by President Barack Obama.

Unfortunately, the President's actions have not come close to matching his own rhetoric. Since he took office, the gross national debt has increased by nearly $6 trillion. Indeed, the President has served at a time when we have accumulated far more debt than any other President in American history.

After spending his first term maxing out America's credit card, the President is demanding yet another increase in the debt limit. The President argues he is merely asking lawmakers to pay the bills that have already been racked up. And he continues to blame others—certainly not himself—for trillion-dollar annual deficits and skyrocketing debt. But he fails to acknowledge that his stimulus bill borrowed more than $1 trillion, increasing the debt by that amount; and, secondly, that Obamacare will spend more than $2 trillion in its first decade.

Those on this side of the aisle, Republicans, have shown our willingness to pass a budget that stabilizes our public finances. Indeed, I applaud the reaction of the White House and of Democrats in the Senate saying that for the first time since 2009 they are willing to take up and pass a budget in the Senate—the first time since 2009. It is long overdue but welcome news.

Likewise, we are willing to make compromises—not on principle, but we are willing to find common ground, and we are willing to take tough votes. Indeed, that is part of the budget process because we know—whether it is a family budget; whether it is a small business; whether it is a county, city, State or the Federal Government—priorities have to be established in a budget because we know they always involve tough decisions: What is the most important? What do you have to have? What are the things you want but you need to delay because you don't have the money to pay for it now? What are the things you would like to have but you simply cannot afford?

Those are decisions that are made by every family in America on a daily

basis, and the Federal Government, particularly the Senate, has not been willing to make those sorts of hard choices since 2009.

In this cloud I guess there is a silver lining. Finally, we are going to see some movement in the Senate which is long overdue. The only way, though, to get the real spending cuts we need to bring our budget into balance and real deficit reduction over the next 4 years is if the President takes the lead. This is not something Congress can do without the President. We need the President's leadership and, indeed, that is something that many of us on a bipartisan basis have been looking for since the Simpson-Bowles Commission report came down in December 2010. I am still astonished that rather than embrace that bipartisan commission report—not all of which I agree with, by the way, but at least it was a start. The President could have done something important that had bipartisan support, and it actually would have enhanced his chances of getting reelected because people would have seen it as statesmanship and leadership.

We have had an unfortunate set of experiences here as recently as the end of last year, New Year's Eve, because we approached a manufactured crisis, a deadline known as the fiscal cliff. But I don't think anybody in America, certainly not anybody in this body, wants another 2 a.m. Senate vote—not because it is inconvenient, but because it is not a good thing in the people's House, the Senate and the House of Representatives, to be voting in the dark of night when people are not able to watch. Nobody wants another cliff hanger that weakens public trust in our government or in our willingness to meet our responsibilities. Most of all, no one wants another credit downgrade. This is important.

The President talks about the importance of lifting the debt ceiling because he said we do not want to suffer another downgrade in our credit standing. But, indeed, one of the reasons we have already suffered a negative response to our credit rating is because we have not dealt with the real problems that confront our country, the $16.4 trillion in debt, and we have not come together in a bipartisan way to save and preserve Social Security and Medicare and to keep the promises that we have made to our seniors. That has caused the credit downgrade.

Most of all, what Americans want, I believe, is a serious, good-faith, open, transparent discussion over America's long-term budget strategy. They want both parties to work together. Ironically, the best time to actually do that is when we have divided government, like we have. They want both parties to demonstrate that we are capable of having an adult conversation about balancing our budget.

Unfortunately, the President has given very little indication that he is prepared to negotiate on these important issues. Indeed, his inaugural speech, eloquent as it was, barely mentioned the preeminent challenge facing America today; that is, our $16.4 trillion debt and millions, tens of millions of Americans either unemployed or underemployed. The President barely touched on those issues.

Instead, at a recent press conference the President suggested that certain unnamed Republicans really do not care about poor children, the elderly, or medical research. Rather than taking the high road of Presidential leadership, unfortunately, the President chose the low road. This is the same President who frequently bemoans the poisonous atmosphere and toxic partisanship of Washington, DC.

When President Obama is ready to quit slandering his opponents and quit knocking down straw men, when he is ready to make serious arguments and serious compromises, we might finally be able to work together to make some real progress on long-term fiscal consolidation. Americans are yearning for that kind of leadership. They are yearning to see real solutions to the challenges that face our country. They are looking forward to seeing concrete proposals from the White House that cut spending and reduce our national debt.

The President said he wanted a balanced approach. He wanted revenue to go along with the cuts and the reform of Social Security and Medicare. The President got his pound of flesh in the fiscal cliff negotiations. Unfortunately, because of the expiration of a number of temporary tax provisions, taxes were going to go up in the $3 trillion-plus range, if Congress did nothing. We were able, fortunately, to mitigate some of that and to eliminate tax increases on the vast majority of Americans and to make many temporary provisions permanent. But it is going to require genuine leadership from the President, which I hope he will provide soon, because Americans cannot afford to wait much longer.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Mr. President, I appreciate the remarks of my colleague from Texas. I want to add my thoughts to much the same issue. I rise, once again, to address what I believe and what many believe is the most important issue that faces this Congress and faces the Nation as a whole; that issue is, the out-of-control Federal Government spending that continues to pile up unsustainable debt and threaten our economic future.

Both Republicans and Democrats and conservatives and liberals have acknowledged that unless we get the debt under control, we will eventually reach a tipping point where investors either stop buying our debt or insist on higher interest rates to account for their greater risk. This can trigger a crisis of confidence, a crisis that would likely happen if we do not take action, and take action soon to address this problem.

We have witnessed what happens in a number of European nations. Greece comes to mind, of course. That country is in chaos based on promises made that cannot be kept, based on spending that could not be covered, based on a country that defied the math and the laws of economics. But it is not just Greece. I just heard earlier this morning the latest numbers on unemployment in Spain: over 25 percent and rising among all workers, and for those under the age of 25—those coming out of universities and colleges and the educational system looking to start their lives and begin their roles as breadwinners, the providers for their families and holding down a job so they can participate in life as people capable of paying their bills, buying a house, getting married, raising their children, and providing for their education—that number for those young people is over 55 percent. More than one of every two young people in Spain is without employment—on the streets, nothing to do, no job to go to every day.

We see the austerity measures having to be imposed in the United Kingdom. Italy is in and out of the news in terms of its' financial status. There are questions about France, questions about other countries. Germany is struggling along with very little growth, even though it is seen as an economic provider and dynamo, at a level of growth which is so anemic there are questions raised as to whether and how much it can do to help the European situation. But even aside from the potentially catastrophic debt bomb that continues to tick away, if we fail to get spending under control in the short term, our economy will remain in the doldrums because of this cloud of economic uncertainty it creates among businesses, investors, and consumers—created by our inability to grasp the fiscal plight of our excessive and reckless spending.

The fact is that we are not going to be able to get our economy out of the rut we have been in unless we tackle the Federal Government's spending addiction. Washington's reckless spending and failure to produce even a budget plan over the last 4 years undermines confidence in our economic prospects and causes investors, businesses, and consumers to sit on the sidelines rather than take risks with their money. As my colleagues know very well, our spending addiction in Washington has at long last led us to the point where we now face the process of record deficits as far as the eye can see into the future, a spiraling Federal debt that is now nearly $16.5 trillion, and a possible further downgrading of the credit rating of the United States.

Were interest rates not being held at historically, artificially low levels by the Fed we might already be facing our day of reckoning. According to the nonpartisan Congressional Budget Office, even a 1 percentage point increase in interest rates would add $1.3 trillion to our debt over a period of 10 years. If borrowing costs return to their 20-year

average, which certainly they will at some point, deficits over the next 10 years will increase by $4.9 trillion. If interest rates were to rise to the level of the 1980s, the total U.S. debt in 2021 would be $5.3 trillion greater. That is $5.3 trillion in new debt that would occur without any changes in spending or taxes. Interest rates would simply drive our debt out of control.

Make no mistake that this is a spending problem and not a revenue problem. The President campaigned on the false narrative that taking more from the top earners would alleviate the economic burdens we face. As a result of winning the election, he was able to get higher taxes on Americans at the higher end of the income scale. But no one is fooled and math does not lie. Increasing taxes on higher income earners is not going to make much of a dent in our $1 trillion deficits.

The fact is, even if the President had received all of the revenue from the expiration of all of the 2001 and 2003 tax cuts in tax rates, Federal revenue would have come in at this historical average of just over 18 percent of GDP, but spending continues to rise, on average, 23 percent of GDP over the same period of time—more than 2 points ahead of its historical average. Thus, the problem: the fact that we are spending more than we can afford. We are spending more than we receive.

Actions speak louder than words. President Obama may talk about the need to rein in spending—although lately he has even rejected that—but his administration refuses to act. Instead, the President started off his second term doubling down on—what? The need for more taxes. Are not the American people being taxed to death? It is not just the Federal income tax, it is the State tax added to that, it is the sales tax, it is the excise tax, it is the car tax, it is the alcohol tax—it is any number of things that add up to a burden of taxation on the American people that is severely hampering our ability to grow and our economy to provide the necessary employment and the necessary jobs for people so desperately in need of and looking for that work.

While the President has not truly recognized that spending is the problem, the business community has. A recent survey of chief executives said they are considerably less optimistic about the short-term growth process for their companies than they were just a year ago. The reason is uncertainty. The business community does not have confidence in the growth prospects for our country because there is little confidence that Washington can get its act together and deal with the spending crisis that is dragging down this economy.

In an atmosphere of uncertainty, investors, businesses, and consumers proceed with caution. They hold back in making significant investments or expenditures. Also, they don't hire people, and they will not until they get more clarity about the future and our ability to address our problems.

As I traveled across Indiana and talked to business owners' large, small, and in between, as well as farmers, to owners of restaurants, to CEOs of major companies, they all said the same thing. They all said the lack of certainty and the prospects for the future—unless we get control of our spending—are such that they have no choice but to just sit on their hands and hold back.

The big credit agencies are saying the same thing. They know that without significant spending reform and spending cuts the United States will be unable to pay its bills at some point. Refusing to make the tough choices now just hastens the day of reckoning when markets decide the United States has become a bad credit risk. Standard & Poor's, Moody's, and Fitch Ratings all have a negative outlook on the United States' prospects and are threatening a further downgrade of our credit rating unless we get our fiscal house in order. Other downgrades would follow in short order: Fannie Mae and Freddie Mac, as well as many State governments. As a result, this would irreparably damage many State and local pension funds. They are all at risk.

It is a nightmare scenario that is not far away from happening if we don't start getting a handle on our reckless, runaway spending. We need to get a handle on it now not later. There is no more reason for excuses. We have done all we can on the revenue side. The President got what he wanted. He got his taxes, but now is the time when we need to focus on the real problem, which is runaway spending. Big spending and small, everything from the need to reform our mandatory entitlement spending to the smaller, duplicative, wasteful, yet important, spending that Washington specializes in and is not necessary particularly at a time of austerity.

I intend to get into some more detail about spending reforms in future speeches, but the overall point is undeniable: Unless we get our spending under control, we are going to continue to stagger forward with a weak economy, high unemployment, and draw ever closer to the day when our investors and creditors lose faith in our ability to pay our debts.

The next time I come to the floor—and I am not sure when since it depends on what our schedule might be—I want to talk not about what DAN COATS is saying, not what the Senator from Indiana is saying; I want to talk about what others are saying. I want to hear from those who are not saying it from a political perspective or trying to reflect their party's position but from those who spend their time analyzing our current situation. I want to hear from those who understand the map of where we are and what the implications and consequences are for our country. I don't just want to hear statements by those of us here but statements made by others and the importance and need for us to address this most serious of problems and challenges.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I ask that following my remarks, the senior Senator from Rhode Island be granted permission to speak.

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

MEDICARE AND MEDICAID REFORM

Mr. HATCH. Mr. President, I rise to speak on a matter that is of the greatest importance. Our Nation is on an unsustainable fiscal path. The national debt stands at a current whopping $16.4 trillion with annual trillion-dollar deficits having become the norm with the current administration. Put simply, unless we change our course, our debt threatens to cripple our economy and saddle future generations with bills they will not be able to pay.

Federal spending has been growing and will continue to grow at a rate that outpaces government revenues by leaps and bounds. Despite some claims to the contrary, the difference simply cannot be made up by increasing taxes. We do not face a problem with not taxing enough in this country; we have a spending problem.

Moreover, in the runup to the fiscal cliff, we had a national discussion on increasing taxes. Taxes were increased and the revenue discussion is done. It is time to turn our attention to our country's runaway spending problem and our unsustainable entitlement programs. The only way we can make meaningful progress toward reducing our deficits and eliminating our massive debt is to focus on the main drivers of these problems. The main drivers of our debts and deficits is not a lack of revenue; it is our entitlement programs.

Let's take a look at our two main health care entitlements, Medicare and Medicaid. In just the next 10 years, the Federal Government will spend more than $12 trillion on Medicare and Medicaid. Let's put that in perspective. That is $12 trillion on just two programs. That is more than the entire economies of Germany, France, the UK, Italy, and Spain combined. If we do not act to slow the rate of growth in these two programs, they will consume roughly 10 percent of our entire economy by the year 2035.

Medicare, by itself, spent nearly $480 billion last year. Over the next 10 years, it will spend more than $7 trillion. In fact, by the end of that same 10 years, we will be spending more on Medicare than on our entire national defense. The prospects for Medicare solvency only get worse as time goes on. Over the long term, Medicare has nearly $39 trillion in unfunded liability. That is $328,404 for every American

household in this country. Fixing Medicare will not just be a matter of trimming off some fat and waste. The problems with the program are systemic.

Let's talk about Medicaid for a moment. Things are not much better with that program. The Federal Government spent $261 billion on Medicaid in 2012 and the States themselves spent about $196 billion, bringing the total cost of the program to $457 billion in a single year. In the next 10 years, Federal Medicaid spending as a share of the U.S. economy is set to grow by 37 percent. The Federal Government will spend more than $4.4 trillion on the program over that time.

According to the National Governors Association, Medicaid represents the single largest portion of total State spending, which accounted for an estimated 23.6 percent of State budgets last year. Between Medicare and Medicaid, we have two programs that threaten to swallow not only the Federal Government but State governments as well. We simply cannot afford to keep these programs running on autopilot, nor can we afford to tinker around the edges when we talk about reform. If we are serious about addressing our Nation's debt, Medicare and Medicaid need structural reforms.

Today, I wish to lay out five specific reform proposals that could help to rein in entitlement spending and put our Nation on a better fiscal course. These are reasonable, rational ideas that have all enjoyed bipartisan support over the years. I believe they should be included in any deficit reduction package.

No. 1: We need to adjust the Medicare eligibility age from 65 to 67. Raising the retirement age is simply common sense. It would reflect increases in life expectancy and align Medicare eligibility with that of Social Security. This idea was supported by the Simpson-Bowles Commission, and it was included in the bipartisan deficit negotiations in 2011.

In addition, prominent Democrats, including former Senate Budget Committee chairman Kent Conrad and House Budget Committee ranking member CHRIS VAN HOLLEN, have expressed support for raising the retirement age as part of the discussion on retirement reform. Raising the retirement age is not just a Republican idea. Members of both parties have supported it.

No. 2: We need to modernize the Medigap Program by limiting supplemental Medicare insurance plans from covering initial out-of-pocket expenses for Medicare beneficiaries. In 2010, on average, Medicare made $9,765 per beneficiary. The average out-of-pocket expense coming from copayments, coinsurance, and deductibles for beneficiaries was $1,679. Almost 90 percent of Medicare recipients use some kind of supplemental insurance to offset some of their out-of-pocket costs. Almost 30 percent of beneficiaries have so-called Medigap policies that provide first-dollar coverage.

Multiple studies have found that this 30 percent—the ones with Medigap insurance policies—use about 25 percent more services than those without similar coverage. This overutilization of services leads directly to higher costs for all seniors on Medicare. Limiting first-dollar coverage will encourage seniors to make better health care choices and ensure the highest quality outcome while lowering costs for the entire Medicare Program.

This policy was supported by the Simpson-Bowles Commission, and it was part of the Biden-Cantor deficit reduction negotiations in 2011. In addition, the Democratic members of the House Ways and Means Committee included this idea as part of a set of cost-sharing reforms in their 2011 deficit reduction proposal. The President's own 2011 deficit reduction package included a similar proposal to reduce costs associated with Medigap insurance plans.

Once again, this is a policy that both Democrats and Republicans should be willing to get behind.

No. 3: We need to simplify Medicare beneficiary cost sharing while protecting seniors from catastrophic health costs. Currently, Medicare cost sharing—copays, deductibles, et cetera—varies significantly depending on the type of service being provided. Beneficiaries now have separate deductibles for inpatient care under Part A and physician and outpatient services under Part B. This overly complex benefit structure is difficult for beneficiaries to navigate, and it promotes overutilization. By streamlining the cost sharing and creating a single combined deductible for both Part A and Part B, we can make it easier for seniors to use Medicare more efficiently and reduce costs associated with overutilization.

At the same time, we should institute an annual catastrophic cap to protect seniors who face serious health events which will provide seniors with much needed financial security. This was another policy supported by the Simpson-Bowles Commission. It was also a part of the Coburn-Lieberman Medicare proposal introduced in the last Congress. It is, in every sense, a bipartisan proposal.

No. 4: We need to increase quality and lower costs on Medicare by introducing competitive bidding into the program. By allowing private health plans to compete with traditional fee-for-service Medicare, we can provide seniors with their guaranteed Medicare benefit while at the same time reducing costs and improving the quality of care.

Entitlement reforms should draw upon market-oriented solutions. Increased competition will allow seniors to choose for themselves based on transparent cost and quality information—if they want to use the traditional Medicare program or a private health plan. This is the type of structure seniors enjoy under the Medicare Part D which has controlled costs and is very popular among beneficiaries.

This is not a Republican fantasy or a conservative plan to gut Medicare, as some may claim. Democrats have supported this approach over the years as well. President Clinton proposed a major set of Medicare reforms in 1999 that included a version of a premium support system. Alice Rivlin, OMB Director under President Clinton, recently worked with Senator Pete Domenici on a Medicare reform bill that included a defined premium support plan. In addition, Democratic Senator RON WYDEN worked with the House Budget Committee Chairman PAUL RYAN to develop a similar proposal in the 112th Congress. So while there may be some resistance to this particular idea, it has enjoyed bipartisan support.

Finally, No. 5: We need to strengthen Medicaid for patients and States through realistic reforms. Setting per capita limits on Federal Medicaid spending would put the Medicaid Program on a sustainable budget and, when combined with increased flexibility for patient-centered reforms at the State level, would reduce costs and improve patient care across the board. As with other ideas I have mentioned, this is a bipartisan proposal.

In 1995, President Clinton introduced a Medicaid reform plan that included a per capita cap on Federal Medicaid spending. At that time, all 46 Democratic Senators, including several who are still serving today, signed a letter to President Clinton expressing support for this proposal. In addition, in October of last year, former Democratic Senate majority leader Tom Daschle publicly expressed support for per capita caps on Medicaid spending as a way of ''guaranteeing the benefits of the Medicaid program.''

So there we have it—a concrete, bipartisan approach to reforming our health care entitlement programs and restoring fiscal sanity here in Washington.

I know it is popular to talk in abstractions around here when it comes to reforming our entitlement system, but these are specific ideas that have enjoyed the support of both Republicans and Democrats over the years. This is precisely what has been missing from the current debate over deficit reduction.

Entitlement reform is not a matter of choice; it is a necessity. That being the case, it is not a Republican or Democratic issue; it is a challenge facing our entire country. My proposals, which have all enjoyed bipartisan support, will help ensure future generations have a viable and sustainable safety net in place. Far from being offered out of any sense of ''suspicion'' about government safety net programs, as a cynic might suggest, my proposals are designed to help sustain these important programs.

I believe these types of proposals are a good starting point for a serious discussion about entitlement reform. I hope my colleagues on both sides of the aisle will want to be part of this conversation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I will yield the floor for my distinguished friend from Florida, Senator NELSON, with the understanding that I will be recognized at the conclusion of his remarks.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

GUN VIOLENCE

Mr. NELSON. Mr. President, I wish to address the issue of gun violence. I think my colleague from Rhode Island is going to be addressing this issue on which he has shown tremendous leadership. It will be a continuing issue over the next several weeks as we get ready to consider legislation.

My approach is one of common sense and moderation. I come to this issue as a hunter, as a kid who grew up on a ranch having guns all my life, being very familiar and comfortable with guns and to this day enjoying hunting, although my hunting has primarily been limited to quail, but I enjoy that so much with my son, although I might say that I was hunting Burmese pythons in the Everglades last week, but people do not have to hunt them with guns. Since they are taking over the Everglades, they are caught and then euthanized and, hopefully, we can stop this proliferation of Burmese pythons that are eating up everything in the Everglades, including alligators. But that is a subject for another day.

The subject before us is gun violence. Is there anybody who does not realistically, with common sense, think we should do a criminal background check for anyone who is purchasing a gun? That is about as common sense, as moderate a position one can take given the circumstances we find ourselves in with people who go in and start slaughtering innocent children. Maybe that is the one thing we can get over 60 votes for in this Chamber in order to pass and maybe they will consider it in the other body, the House of Representatives.

Secondly, is there anybody who thinks we should have clips which I showed with the sheriff of Orange County in Orlando last week—clips that are this long and hold 60 rounds? The law I voted to extend back in 2004 said clips of more than 10 would not be allowed. Is that not reasonable? Is that not common sense? I know how people say, Oh, a person can change a clip in a few seconds. But should we make it easier for a killer so he does not have to change the clip?

The question is one of balance, one of common sense. When I go hunting, I don't have any need for anything more than 10; indeed, I don't have any need for anything more than a few. In quail hunting, of course, if it is an over-and-under, a hunter has two shells because that is basically the number of shots he is going to get off when the quail flush.

The third element is also one of common sense. The sheriff of Orange County and I held up two guns they confiscated from people using them for criminal purposes. I held up an AK–47. The sheriff held up a Bushmaster. The AK–47 is a derivative of the same weapon used by the North Vietnamese against us in the Vietnam war. I simply asked the question: Are these guns for hunting or are they for killing? The legitimate answer is they are not for hunting, they are for killing. That is what they were designed for, as an assault-type weapon in a combat circumstance.

So how do we approach the legitimate recognition of the second amendment, the right to bear arms, with assault weapons? It seems as though among people of good will using common sense and moderation, we can come to some definitions that would ban those types of assault weapons.

I wish to conclude my remarks by saying this is a lot of politics. Some of us are portrayed, as a result of taking this position of moderation and common sense, as if we were not for the second amendment. That is totally false. Of course I support the second amendment. I just gave my history: growing up in the country, having guns all my life, and still having a number of guns in my house. I support the second amendment. I do so in light of the circumstances in our society today that have changed.

My final comment: In all of the politics going on about this issue, the advocacy organization called the National Rifle Association is not the same NRA that grew up representing the interests of hunters and sportsmen. It has become an advocacy group for gun manufacturers that want to sell more of their manufactured products. So it becomes an economic issue to people instead of one of common sense and moderation.

We need to draw that distinction. This organization—the NRA—has gone to the extreme not only, as we saw, in their response to the elementary school killings in Connecticut, but they have gone to the extreme in my State by advocating in the State legislature getting in between the doctor-patient relationship as to what a doctor can inquire about with regard to a patient concerning a wound that might have come from a gunshot.

This is extremism in the extreme. We ought to call it what it is as we are debating this issue.

Moderation and common sense is the answer to this issue facing us.

Mr. President, I wish to thank my colleague from Rhode Island for his courtesies extended, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

NATIONAL CLIMATE ASSESSMENT

Mr. WHITEHOUSE. The Senator from Florida is welcome. It was one of my great pleasures to sit next to him on the Intelligence Committee for these many years. To tell a brief story, whenever Senator NELSON said, Well, I am just a country lawyer from Florida, everybody on the committee perked up, because they had learned from experience that one of the more withering and devastating cross-examinations of a witness was about to ensue. It is always my pleasure to extend courtesy to the Senator from Florida.

I am here once again to talk about climate change. Alarms are ringing, including the voices of the overwhelming majority of scientists, and indeed the voices of the overwhelming majority of Americans. But here in Congress, it is still time for us to wake up.

Climate change is not a problem that will go away; human activity is driving global change. Climate change is not a problem that can wait; we see its effects all around us. But climate change is a problem that can be solved.

We can and we must leave a healthy environment and clean energy sources to our children and grandchildren. The missing piece is Congress. Congress is sleepwalking through history. It is time to wake up.

The National Oceanic and Atmospheric Administration has confirmed that 2012 was the hottest year in the contiguous United States on record, ever. This one wasn't a close call; it did not come down to the wire; 2012 was a full degree Fahrenheit higher than the previous record year—a full degree Fahrenheit higher than the previous record year. To put that into context, 1 degree may not sound like a lot, but when you average it across an entire year, it is a huge shift. The previous warmest U.S. year on record, 1998, was 4.2 degrees Fahrenheit warmer than the coldest year on record, 1917. If you take the warmest year on record—1998 until now—and you take the coldest year on record—1917—the entire span between them is only 4.2 degrees Fahrenheit. This is a jump of a full degree in Fahrenheit in just 1 year. By the way, 2.1 degrees Fahrenheit over 2011 is a seriously big change.

We are just starting to heat up. The most optimistic estimate for the end of the century is a 2-degrees-Fahrenheit increase. That is the most optimistic estimate. More likely scenarios—ones that assume continued current levels of greenhouse gas emissions—project for the continental United States an increase of between 4 and 10 degrees Fahrenheit. Worldwide, last year was the 36th year in a row with an annual global temperature above the 20th-century average—36 straight years above average. In fact, the 12 years of this century, of the 21st century, 2000 to 2012, every single one of them is in the

top 14 warmest global averages on record. Mr. President, 12 for 12, they are in the top 14 warmest global average years on record. Since 1970, global average temperatures have increased more than one-quarter of a degree Fahrenheit every decade.

As the vast majority of climate scientists have confirmed, natural climate forces alone simply do not explain this global temperature trend, nor do they explain regional temperature trends. They do not explain the land surface temperature trends. They do not explain the ocean surface temperature trends. Only models that include the greenhouse effect caused by carbon dioxide emissions explain these trends. When I use the word ''explain,'' I use it in its scientific sense—i.e., establish a significantly, statistically meaningful correlation between the two.

The United States does a regular national climate assessment. The assessment is based on scientific, peer-reviewed research and technical reports from top scientists at Federal agencies such as NOAA and NASA, the Departments of Agriculture and Energy, and the U.S. Geological Survey. Now, bear in mind that NASA scientists have just put a rover on to the surface of the planet Mars. These aren't people who get things very badly wrong.

The recent draft assessment paints a clear picture of what is happening in America right now. It says:

> U.S. average temperature has increased by about 1.5 degrees Fahrenheit since 1895; more than 80 percent of this increase has occurred since 1980. The most recent decade was the nation's hottest on record.

The National Climate Assessment is also required by law to project what is to come. The draft assessment says:

> U.S. temperatures will continue to rise, with the next few decades projected to see another 2 degrees Fahrenheit to 4 degrees Fahrenheit of warming in most areas. The amount of warming by the end of the century is projected to correspond closely to the cumulative global emissions of greenhouse gases up to that time: roughly . . . 5 degrees Fahrenheit to 10 degrees Fahrenheit . . . assuming continued increases in emissions.

I represent the Ocean State, Rhode Island. I see that the new senior Senator from Hawaii is presiding, and certainly he represents an ocean State too, so let's talk about oceans.

Atmospheric warming brings sea level rise, and as global sea levels rise, storms, waves, and tides wash ever higher against the coast, putting our coastal infrastructure at greater and greater risk of storm surges, flooding, and erosion. Five million Americans live within 4 feet of the high-tide line—it is not just us in Rhode Island, it is not just your folks in Hawaii—and it has real human consequences. Hurricane Sandy, I hope, reminded us of that.

Already, sea level rise is up about 8 inches over the past century. These changes are very evident to Rhode Islanders. We have been monitoring the ocean for centuries. Just outside Narragansett Bay, the crew of the Brenton Reef Lightship took nearly 22,000 ocean temperature measurements between 1878 and 1942. We have been at this a while. Alarmingly, the modern temperature record from points around Narragansett Bay shows that since the 1960s, the annual temperature in Narragansett Bay has increased about 4 degrees Fahrenheit. This has real-life effect—crushing our winter flounder fishery, for instance. Long-term data from the tide gauges in Newport, RI, show an increase in average sea level of nearly 10 inches since 1930. The rate of sea level rise at Newport is accelerating too. In southern Rhode Island, local erosion rates doubled from 1990 to 2006. Some of our freshwater wetlands near the coast are already transitioning to salt marsh.

Oceans warm and expand. Snow, glaciers, and icecaps melt into the sea. And the sea level is projected to rise between 1 and 4 feet by the end of this century.

Deniers should look to the assessments of our defense and intelligence agencies. Diego Garcia, a small island south of India, is the home to a logistics hub for U.S. and British forces in the Middle East and to Air Force Satellite Control Network equipment. The average elevation of Diego Garcia is approximately 4 feet. This installation is threatened by inundation from slow, steady, sea level rise, set aside storms. Norfolk naval air station and naval base on the southern end of the Chesapeake Bay is the Navy's largest supply center and home to the U.S. Atlantic fleet. Eglin Air Force Base on Florida's gulf coast is the largest Air Force base in the world. Both bases are threatened by rising seas.

The oceans are rising because they are getting warmer. Water expands as it warms. Warmer seas also threaten multibillion-dollar maritime industries here in our country, industries such as fishing, tourism, and energy. When water is too warm, it stresses fish, coral, and other sea life. As I said, the winter flounder catch in Rhode Island has been crushed by warming water. When water is too warm, it can't be used for cooling powerplants. That is what caused last summer's shutdown of Unit 2 at the Millstone powerplant in Connecticut. The temperature of the water in Long Island Sound climbed to over 75 degrees Fahrenheit—too warm to cool a nuclear reactor.

Carbon dioxide, of course, doesn't just warm the atmosphere and warm the oceans, carbon dioxide also gets absorbed into the oceans, and the oceans become more acidic. Carbon pollution by humans has caused a nearly 30 percent increase in the acidity of the ocean, and this ocean acidification is certainly caused by human activity.

As the draft National Climate Assessment explains, ocean acidification harms species such as oysters, coral, and even the plankton—like the humble pteropod I have spoken about before on this floor—that comprise the base of the ocean food chain, a food chain to which humankind is inextricably linked.

For my ocean State, carbon pollution presents a triple whammy from the sea: higher seas, warming seas, and more acidic seas. But the draft National Climate Assessment shows that you don't have to be an ocean State to be at risk. In the far North, Alaska is threatened by the loss of permafrost. Most of the permafrost in Alaska is tens of thousands of years old. It is a natural wonder whose loss threatens structures, such as buildings and roads, as well as plants and wildlife that over many centuries have adapted to that frozen tundra environment. In the Midwest, the draft assessment warns of ''the occurrence of extreme events such as heat waves, droughts, and floods. In the long term, combined stresses associated with climate change are expected to decrease agricultural productivity, especially without significant advances in genetic and agronomic technology.''

The dangers of carbon pollution are bearing down on us all. In the face of the clear warning of this national assessment, there are some who counsel surrender. The oil industry-backed Institute for Energy Research says this:

> If the worst-case scenarios are correct, then even very strong action by the Federal, State, and local governments in the United States will do very little to alter the global climate.

The polluters deny the ability of the United States to lead. Well, they are wrong. They are wrong. They are very wrong. With our vast economy, with our ingenuity, and with the trust the rest of the world has put on our experiment in democracy, we can lead. We can lead the world toward a cleaner future. To do any less would be, as President Obama said in his inaugural address, to betray our children and future generations. I will not countenance that betrayal, and neither will most Americans. A recent poll conducted by Yale University and George Mason University found that a large majority of Americans—77 percent—say climate change should be a priority for President Obama and for all of us here in Congress. Yet, for the last 2 years, opponents and skeptics, polluters and lobbyists, special interests and their paid-for front organizations have blocked Congress from acting to reduce carbon pollution and reduce the threat of climate change.

Today, a very distinguished Member of the House of Representatives who has worked on environmental issues for 38 years in this building, Representative HENRY WAXMAN, and I announced the formation of a bicameral House and Senate climate change task force to fight back. We welcome all Members of Congress, regardless of political party, who recognize the urgency of what is happening to our world all around us and who feel a duty to our descendents. We intend to focus sufficient attention on what is happening in the world

around us to at last—at long last—reduce the carbon pollution that is causing it.

It is time to wake up. Carbon pollution from fossil fuels is threatening our future. Unless we take serious action to scale back the pollution, the consequences may well be dire. Congress is sleepwalking through history. It is time to hear the alarms, roll up our sleeves, and do what needs to be done. It is time to wake up.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE BUDGET

Mr. BLUNT. Mr. President, I want to talk a little about the bill that is coming over from the House that would require the Senate to—surprise—have a budget. I know the law already requires the Senate to have a budget, but apparently that law wasn't good enough for us to have a budget for the last 3 years. So I am supportive of the House decision to do that. In fact, I am supportive of almost any discussion that requires us to talk about what we are going to do about spending.

You know, if you have been living outside your means, if you can't pay your bills and you go to a credit counselor, the credit counselor is highly unlikely to say: Your problem is you need another credit card. The credit counselor is going to say: You need to figure out how you are going to pay your bills, and that includes things such as having a budget, it includes things such as figuring out what you are spending money on that you can stop spending money on. That is what we need to do, and it is what we need to do with a budget.

Somehow in the face of unprecedented spending and record Federal debt, the President and even Senate Democrats for a few years now have been saying that in Washington all we need to do is get another credit card. Our problem, I hear, is not a spending problem, it is a health care problem or it is a whatever kind of problem it is. It is clearly a spending problem.

There is no doubt that Washington is living outside its means. The Federal debt has skyrocketed to a record $16.5 trillion. President Obama's first term added almost $6 trillion to that total. There is no reason to believe we have done anything to slow down the spending and debt path we have been on. Meanwhile, it has been 1,360 days since the majority in the Senate and the Senate itself has managed to pass a budget. In fact, I think during that 1,316 days we haven't even had the Budget Committee report a budget out for the Senate to vote on.

Last summer Vice President BIDEN said: Show me your budget and I will tell you what you value. Well, let's find out what we value. Let's find out what the majority in the Senate values. When the Vice President talked about showing the budget, he was talking about the Republican budget, because there actually was one. The Republican House had passed a budget. In fact, the Senate and the House both passed a budget every single year from the passage of the Budget Control Act in the mid-1970s until 2010. In 2010, both the House and the Senate—the House with Speaker PELOSI and the Senate with the current majority—said: We don't care what the law says, we are not going to pass a budget. That lasted 1 year in the House, but it has lasted now 3 years in the Senate. In 2011 and 2012 the House came back and passed a budget.

The Republicans have voted for serious budgets that make tough choices, and even those choices were choices that made us go out and explain what we were for. And, of course, that is exactly what the Vice President was talking about when he said: Show me your budget, I will show you your values. There was only one side that had a budget. So that was a pretty harmless position, from the point of view of the Vice President, because he was saying: Let's look at the budget the other guys have put on the table because we don't have one on the table; we have not said what we are for.

The Senate Democrats have ignored the law, ignored their legal obligation to pass a budget, while House Republicans have now said the Senate should either pass a budget or not be paid, and I agree with that. It is a fundamental step toward planning.

The second step is to vote on appropriations bills. We haven't voted on a single appropriations bill in the Senate in over a year. We don't have a budget, so there is no plan to try to get spending under control; and then we don't vote on how we are going to spend the money in any way other than some big continuing resolution, which basically is a bill that says we are going to continue spending money as we have been spending money, and here are the two or three exceptions. But we are not going to have the debate I think the Senate needs to have. Frankly, I believe our new Appropriations chairman, BARBARA MIKULSKI, is going to be insisting we bring appropriations bills to the floor, and I think that is a good thing.

The failure to have a Senate budget has too often been described as a minor procedural matter. Senator SCHUMER said recently: Well, the Democrats didn't have a budget because there was a budget that came out of the sequester agreement in mid-2011. Never mind the Senate hadn't had a budget that spring or the spring before that or that the Parliamentarian said the sequester deal wasn't a budget, somehow coming up with one number was supposedly good enough to come up with a budget.

That is like sitting around the kitchen table to decide how you are going to spend your money, and here is how the discussion would go: OK, I think we ought to spend X amount of money. That is the meeting. We have just decided that is what we are going to do. And somehow that is the budget? Particularly when X amount of money didn't relate at all to the amount of money coming into your family. Nobody believes that would make sense.

We will see whether Senator SCHUMER's words this weekend will produce a budget. The House has acted. The President says he wants the debt ceiling increased. Hopefully, the majority has decided to pass a budget. The new budget chairman, Senator MURRAY, said yesterday that her committee will draft a budget. Now let's let the Senate produce a budget. Let's have a budget drawn up, let's have a budget debated, and let's figure out what our plans are.

Budgets lay out plans. We will see if a budget that a majority in the Senate would vote for will pass the straight-face test with the American people. We will see if this is just another budget that says: OK, here is the amount of money we want to spend; it has no relationship to the amount of money we have, but let's let that be our budget.

The people will no longer tolerate, I am convinced, the amount of debt and taxes that that type of spending plan would require. For them to think about that, they have to have a spending plan, and so I am grateful the House passed legislation that says we have to have that plan. When the majority in the Senate—Democrats in the Senate—have a budget, we will see how they feel about continuing to attack the budget the House has been willing to come up with for the last two Congresses. Right now they can talk about the cuts that Republicans in the House want because there are no Senate cuts. There is no Senate budget.

So let's have an apples-to-apples comparison. Let's compare what Republicans in the House would do compared to what Democrats in the Senate would do and figure out what our plan needs to be. It is often said that when you fail to plan, you plan to fail. Not having a budget is sort of the entry level of failing to plan. We have failed to do the first thing you would do if you were going to have a plan, if you were going to get your spending under control.

My Republican colleagues and I in the Senate have—even though there wasn't a Budget Committee product—actually found ways to vote for and support the Republican-passed budget from the House and, of course, we paid the price for that. People were out there saying: Here is what you want to do about this program and here is what you want to do about that program. But we are going to move quickly from where, rather than just attacking one

side that has a plan, we are talking about what the two plans are, and we will see what the American people want to do.

President Obama and our friends in the Senate should work with Republicans in the Senate to cut spending and to pass a budget in a transparent way. Republicans have been willing to do that. Democrats may be willing to join in that. And if they are, the American people can begin to see more than a last-minute, back-room deal. I am tired of seeing this planned crisis, one right after another, and I have a feeling the people I work for are even more tired of it than I am.

A divided government is a good opportunity to make tough choices. The President will never have more political capital than he has right now. Let's take those two things together and let's see what that formula would produce. A divided government—Republicans and Democrats both have to take responsibility—and a President with maximum political capital could equal a good and long-term result. I hope the President and the majority in the Senate get serious about working together and solving the problems we face as a country.

I look forward to being part of that, and I am appreciative that the House of Representatives has passed legislation that appears to have forced the Senate to do its job on a budget for the first time in 4 years.

EXTENSION OF MORNING BUSINESS

Mr. BLUNT. Madam President, I ask unanimous consent that the period of morning business be extended until 12:30 p.m. today and that all provisions of the previous order remain in effect.

The PRESIDING OFFICER (Ms. BALDWIN). Is there objection?

Without objection, it is so ordered.

Mr. BLUNT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

RETIREMENT OF REV. DR. LINWOOD ''WOODY'' H. CHAMBERLAIN, JR.

Mr. BROWN. Madam President, I rise today to celebrate the career and the calling of a remarkable Ohioan and a close friend, the Reverend Dr. Linwood H. Chamberlain, Jr. Our Pastor Woody and his wife Peggy are important to Connie and me and to our whole community in Lorain.

The Evangelical Lutheran Church in America, of which I am a member, embraces the motto, ''God's work, our hands.'' It means moral imperatives must be the concern of every citizen. In his 31 years of service to the First Lutheran Church of Lorain, OH, Pastor Woody has labored for love and for justice. He has been doing God's work, as has his wife Peggy, supporting those who suffer, celebrating our community's joys, and being concerned with every citizen.

Pastor Woody has been a counselor and a friend to many. His words, his attentiveness, his patient understanding, and his gentle encouragement have helped members of my home church tackle seemingly intractable problems with poise and with confidence. He supported the First Lutheran family through weddings and funerals, through baptisms and celebrations, and I am especially grateful for his prayers and wisdom over the years.

Pastor Woody has been so valuable to our church, and his leadership will be missed as he just retired. His retirement will be celebrated this coming Sunday.

My mother, whose faith was especially important to her, passed away 4 years ago, around this time of year. She was in hospice care in her final days. My wife Connie and I were at her bedside—and my brothers Bob and Charlie and their wives Anne and Catherine were at her bedside over the past 6 weeks—and one day when I was with my Mom I asked if there was anything I could do to comfort her. She was 88 years old. She was just a remarkable woman as a mother and as a wife and an activist in the community. She asked me to sing an old Lutheran hymn to her, which I did. The song was ''Beautiful Savior.''

She took my hand in hers as I sang. She said, ''That was very nice, Sherrod.'' She said, ''But you really do sound better in a group.''

My mom was right. We all sound better in a group, work better in a group, and that was exemplified in so many ways by Pastor Woody's leadership at First Lutheran. It is a lesson we all can learn in this body as we go about our daily lives.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

RECESS

Mr. BROWN. Madam President, I ask unanimous consent the Senate recess until 2 p.m. to allow for caucus meetings today.

There being no objection, the Senate, at 12:21 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Ms. HEITKAMP).

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

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

EXTENSION OF MORNING BUSINESS

Mr. THUNE. I ask unanimous consent that the period for morning business be extended until 3 p.m. today and that all provisions of the previous order remain in effect.

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

FISCAL PLANNING

Mr. THUNE. Madam President, I come to the floor to talk about the debt crisis facing this country and the opportunity we have to address this issue in a way that balances the budget and ensures the long-term fiscal solvency for future generations.

The recent fiscal cliff agreement which enacted tax relief for 99 percent of Americans addressed the revenue side of the equation. But as everyone knows, revenue increases alone are not going to solve the debt crisis. In fact, the tax increases that went into effect as a part of the fiscal cliff deal generate enough revenue over the next 10 years—and I should say if we annualize that over the next year—to fund the government for less than 1 week next year. So all the talk about the higher revenues and what that will do to address our long-term fiscal solvency and what it will do to address the deficit, if we think about it in those terms, it puts into perspective what the real problem is.

We have a debate in this city and in the Congress all the time about whether we can address the huge debt we have in front of us—the trillion-dollar annual deficits—by raising taxes on the so-called rich and people in the higher income categories. That was done. That was done as part of the fiscal cliff negotiations that occurred. Remember, those taxes were all scheduled to go up. They were scheduled to go up on everybody—anybody who had income tax liability on January 1. Because of the agreement that was reached, we were able to protect 99—in my case in South Dakota more than 99—percent of taxpayers from those tax increases. That being said, there are those in the higher income categories and some businesses that will see higher taxes as a result of that. But those higher taxes represent enough revenue next year to fund the Federal Government for less than 1 week.

The question before us is, What do we do for the other 358 days of the year? That is what we have to start talking about, the real problem: What truly affects and afflicts Washington and our fiscal situation for the foreseeable future and for the long-term future; that is, government spending.

The reality is the Federal Government doesn't tax too little; it spends too much. Over the past 4 years, the deficit has exceeded $1 trillion each

year. The long-term outlook is even worse. This country faces unsustainable fiscal imbalances largely because of entitlement programs such as Social Security and Medicare that have not been reformed in a way that aligns our current demographics with the needs of these programs, which must be done if we are going to save and protect these programs for future generations.

Entitlement spending is the largest driver of our national debt over the long term. While it is true Federal revenues as a percentage of GDP have declined over the past few years, this was true because of the great recession, not because tax rates were too low. The average ratio of Federal revenue to GDP over the past 40 years has been roughly in the 18-percent range. Based on Congressional Budget Office data, it is expected that Federal revenues will exceed their historical averages within the next 10 years and remain there for the foreseeable future, even without additional tax increases.

I wish to illustrate with this chart which I think tells the story. We always talk about a picture telling a story in exchange for a thousand words. I can talk a lot about this, but I think this visually illustrates it perhaps as well as anything.

If we look at the green part, that represents Federal revenue historically, and this goes back to 1980. If we took this chart back to literally the 1970s, late 1960s, we would find, I think over that time period, the revenues stayed pretty static. They go up and down a little bit based on what is happening in the economy, and of course we have a downturn in the 2007 and 2008 timeframe, but revenues are starting to climb back up to that historical average. So it is about, give or take, 18 percent of GDP. That is what historical revenues are.

The black strip, which may be perhaps hard to see, is what was enacted in the fiscal cliff negotiation. Those are enacted tax increases that will add a little bit to the total as we project out. This chart takes us out literally to 2040.

The purple represents the additional taxes the President would like to get. If the President got everything he wanted in the form of taxes, the revenue picture would be about right here. Again, this takes us from where we are today out to about 2040. As we can see, even if the President got all the tax increases he wanted, represented by this line right here, it still doesn't come anywhere close to dealing with the spending that is going to explode in the outyears if we don't do something to rein that in by reforming many of these programs I just mentioned.

If we are going to save and protect Social Security and Medicare for future generations, we have to reform those programs in a way that doesn't create this huge red line that spikes into the future and literally bankrupts the country. In fact, Social Security ran a cash deficit in 2010. Medicare, we are told by the actuaries, will be insolvent by the year 2024. In fact, in the hospital portion of the Medicare trust fund, we are told it may be insolvent by the year 2016. These are important dates to remember because those are the dates at which the revenue coming in from the payroll taxes that support Social Security and Medicare no longer pay for the benefits paid out to beneficiaries.

We have this sort of train wreck coming. We know what drives Federal spending are these entitlement programs. What we call mandatory spending in the Federal budget is about 60 percent now of all Federal spending, largely imposed by Social Security, Medicare, and Medicaid. We have this crisis looming. We see the way this thing just starts exploding in the outyears because of the demographics of the country. We have more baby boomers who are reaching retirement age, people living longer—all good things—but we have to align those programs with the demographics of this country and today they are not. Today we are headed on a path that will take us toward a fiscal train wreck unless we do something about that.

I think it is important to point out the reason we are where we are, the reason we are running nearly $1 trillion deficits or north of $1 trillion deficits every single year for the past 4 years is because spending has increased dramatically over that timeframe. Again, just to put that into perspective, before the great recession in 2007, the Federal Government was generating about $2.5 trillion annually in tax revenue. At that time, the government was spending about $2.7 trillion each year. So we had somewhere on the order of a couple hundred billion dollars in annual deficits.

As I said, revenues dropped off a little bit from that period in 2008 in the financial meltdown, but those have started to pop back up to a more historic and traditional level. So now revenues are back up to roughly that $2.5 trillion annual range. What has changed over that same period of time, between 2007 and 2012, is the amount the Federal Government spends annually.

I just mentioned that in 2007 the Federal Government spent $2.7 trillion. We are now at the end of fiscal year 2012, which ended on September 30 of this year, and the Federal Government spent $3.5 trillion. We saw almost a $1 trillion increase in spending over that 5-year period at a time when revenues have stayed somewhat static, although they dipped into recession, but now they have come back, as I said, to that more historic level.

Essentially, what is driving these deficits is the massive runup in spending. What caused them? We had a stimulus program that was going to be one-time spending, much of which I think has gotten factored into the baseline. Eventually, we are going to have with the new health care mandates enormous amounts of new spending associated with that, which I think is going to make this picture much worse than it looks already. But my point is we have a fiscal crisis in this country which needs to be addressed. We have been kicking that can down the road for way too long and we have run out of road.

The Congressional Budget Office has made it abundantly clear that in each of their assessments of our fiscal situation as a country, most recently in November of 2012, a couple months ago, they said the following:

> With the population aging and health care costs per person likely to keep growing faster than the economy, the United States cannot sustain the Federal spending programs that are now in place.

That is from the CBO. They track this stuff on a daily basis for us.

We have a real challenge ahead of us. We have a major problem. I would argue, again, this is predominantly a spending problem, and I think it is illustrated, again, by this chart. When we look at government revenues, it is a fairly flat line. Even with the ups and downs in the economy, it averages about 18 percent of revenue. Actually, without any changes in the baseline, I think it ends up at about 18.6 percent of revenue a decade from now. But what we see is spending, which historically has been in the 20- to 25-percent range if we go back over the past 40 years, is going to explode. The spike we see right here is why we have a fiscal crisis on our hands and why it is so important we act to rein in out-of-control Federal spending.

I suggest to my colleagues in the Senate, as I have for a long time, that where this starts is with passing a budget. We have to go back a long time now. I mentioned this the other day, but the last time the Senate passed a budget the iPad didn't even exist. Most of us now take iPads for granted. Many Americans—not all but some Americans—have iPads. They came on the scene around April of 2010. There hasn't been a budget passed in the Senate since April of 2009.

We are going on 4 years and now 1,360-some days since the last time the Senate acted on a budget. That is irresponsible. It is especially irresponsible in light of this problem. We have a responsibility to the taxpayers of this country, as stewards of their tax dollars, to do what we can to ensure that we are putting the fiscal house of this country in order in a way that will ensure that future generations of Americans have at least as good, if not better, standard of living and quality of life than what the generation that came before us had.

That is not going to happen because we are piling on the backs of future generations enormous amounts of debt. In fact, the $16.4 trillion in debt the Nation has today, if you break that down an on an individual basis, that is about $53,000 for every man, woman,

and child in America. That is what every individual owes, every individual in this country owes of that $16.4 trillion in debt. That is not fair to future generations.

It is up to us as leaders to look at these things and make decisions today that are in the best interests of future generations. I think it has been sort of a tradition in this country, a heritage, if you will, for one generation of Americans to sacrifice so that the future generation, the next generation of Americans may have a better life, a better standard of living, a better quality of life.

That is certainly something that is true where I come from in South Dakota and where the Chair comes from in North Dakota. We represent people who understand that you sacrifice so that the next generation and those who come after you have a better life than you had.

If we don't change the way we are doing things, this next generation will be the first generation of Americans where that is not true. Literally, they will have a lower standard of living and a lower quality of life than what we experienced because we weren't willing to live within our means. This is because we continued to spend money we didn't have, we continued to borrow money from China, and we will hand the bill to future generations.

It is unconscionable, given this picture—and, again, a picture speaks a thousand words—that we haven't done a budget in the Senate in the last 4 years. There is always a blame game played in Washington, DC, and I understand that both sides have contributed over the years. When my party was in charge of the Congress we spent too much. Obviously, since that time, since we have been out of the majority in Congress the numbers have increased dramatically.

If you look at the amount of debt we piled up just in the last 4 years under the current administration, it is about $6 trillion that we have added to the debt in that amount of time. The spending is exploding. The tax revenues are staying fairly steady over time, as I have pointed out with this particular graphic.

One thing we know for certain is that raising taxes doesn't solve the problem. If the President got everything he wanted in terms of additional tax increases, and that would be this purple line right here, it doesn't come anywhere close to addressing the amount of spending we have already put on the books. We are going to have to borrow to pay and hand that bill to future generations. You can only do that for so long. It is high time that the Senate got on board and started doing the budget.

I served on the Budget Committee for the last 2 years. I had hoped that being on the Budget Committee would be a place where a lot of big debates would occur about how to deal with these big fiscal issues that are facing our country. I turned out to be wrong. We didn't do a budget, we didn't mark up one, we didn't put one on the floor of the Senate. We didn't vote, we didn't have amendments, and we didn't do anything to address this fiscal crisis. To be fair, the House of Representatives, every single year, on time, has passed a budget.

The President of the United States, who needs to be a party to this, is the only 1 of 307 million Americans who can sign a bill into law, can engage the American public and the Congress in a way that would address this. The budgets he submitted to the Congress, when they have been voted on in the Senate and the House, haven't received a single vote, not a single vote. Neither Republicans or Democrats in the House or the Senate have voted for the budgets the President has submitted.

Why? Because they are not serious. The President hasn't taken this issue seriously. Neither has the majority in the Senate, where we haven't had a budget now for 4 consecutive years.

It is high time that changed. I hope it will. I am encouraged, actually, by what I have been hearing from my colleagues. This year, perhaps now, finally, after 4 years, we will actually do a budget. We may put a plan in place for how we are going to address this fiscal crisis, this amount of spending that is going to bankrupt the country unless we take steps to avert it.

There are lots of ideas out there. It is not like we don't know what the issues are, like we don't know what the problems are. We do. There have been many bipartisan commissions that have studied this and have examined it thoroughly, that have all come to the same conclusion with regard to what the various problems are—and, frankly, for that matter, what the solutions are.

My colleague, Senator HATCH, was down here earlier this morning talking about some of those suggestions. Many of those suggestions, as I have said, have come from bipartisan commissions. We know if we do nothing, we are going to bankrupt the country and ensure that the programs that many Americans rely on today are not going to be available to future generations of Americans.

I would hope this is the year in which we do a budget, and this is the year in which the President engages in this discussion in a meaningful way that allows us to put in place a path that will avert what is going to be a major crisis. The problem is not that we tax too little, it is that we spend too much.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I would note that, of course, we have passed a budget, and that is why we are facing sequestration now. That wasn't just a resolution; that was an actual law, signed by the President. A lot of people who voted for it don't like it, but we voted for it.

KERRY NOMINATION

Mr. LEAHY. Madam President, I want to commend President Obama for nominating Senator KERRY to be our next Secretary of State. There are few, if any, people in America today who have had the breadth of experience that Senator KERRY has had: as a military officer, as a highly decorated veteran, as a Lieutenant Governor, as a U.S. Senator, and as chairman of the Foreign Relations Committee. He is exceptionally well qualified to be the next Secretary of State.

JOHN KERRY is a leader of extraordinary intellect, wisdom, and insight. To those of us who have watched him, worked with him, and traveled with him over the years, it is crystal clear that he is a natural diplomat. He lives and breathes the art of diplomacy. He is instinctively drawn to understanding and addressing the global security challenges of our time.

He is also multilingual. I have heard Senator KERRY in meetings in other capitals of the world, and I have watched those who were there pay special attention to what he had to say as he conversed in their language. This is someone who does not need on-the-job training. He has been learning the job over the course of four decades of public service.

I chair the Appropriations Subcommittee on the Department of State and Foreign Operations. In that role, I will look forward to working closely with Senator KERRY in his new position as Secretary of State, to provide the resources necessary to promote and protect U.S. interests around the world.

It is a formidable assignment. We face daunting threats from religious extremism, nuclear proliferation, climate change, growing competition for energy, water, and other natural resources—all amid the obligations of deficit and debt reduction. But these threats and challenges present opportunities if we approach them intelligently.

Some in Congress have an almost xenophobic attitude. They would have us retreat. They would slash our contribution to the United Nations and weaken our ability to build alliances, which would only embolden our adversaries.

They would cut the State Department's budget at a time when our diplomats and consular officers, many of whom work long hours in dangerous places, already are stretched to the limit. Then they criticize and politicize when tragedies happen.

We saw that yesterday, when members of the other body criticized Secretary of State Clinton for lapses in diplomatic security, only a week after they prevented passage of my amendment that would have allowed for the transfer of unused State Department funds to improve security at U.S. embassies around the world. Let's stop the hypocrisy.

Some here would roll back funding for international development programs, which help to create political stability in conflict-prone regions and build markets for U.S. exports, on the grounds that these funds would be better spent at home.

They miss the point. Ninety-nine percent of the Federal budget is spent on domestic programs. The notion that somehow the wealthiest, most powerful nation on Earth is an island, and that we can ignore what is happening in the world around us is foolhardy, and is dangerous.

JOHN KERRY understands this, and he knows that appropriations begin with Congress. In times of close scrutiny of all aspects of the Federal budget and fierce competition for funds among Federal agencies, he will need to make his case up here repeatedly, and I will work with him to do that. We have to convince Congress and the American people why the State Department's budget is important. As Secretary of State one can have the best policies and the best plans to implement them. But if you don't have the resources, if you don't have the people to do it, the best plans in the world don't go very far.

Secretary Clinton has done an outstanding job. I have told her that I stand in awe of what she has accomplished throughout the world and within the State Department. We all owe her a debt of gratitude for her steady hand and tireless energy as Secretary of State. I have traveled with her to other countries. I have seen how she approaches problems, always prepared and with such energy. Every American should be proud to be represented by her. She has done an extraordinary job in reintroducing America to the world after the missteps following 9/11 that caused so much damage to our image and authority abroad.

Her successor also has not only a hard act to follow, but he also understands, as we all do, that America must continuously demonstrate to the rest of the world what we stand for as a people.

I believe the Congress and the American people, and I think, in a way, the world, is fortunate to have a nominee for the position as qualified as Senator KERRY. I will enthusiastically vote for him when his name comes before the Senate.

Madam President, seeing no other person seeking recognition, as President pro tempore of this body, I am glad to see you in the role of Presiding Officer. I realize you can't respond to this, but in your first month in the Senate you are actually filling the pivotal role in this body, and I appreciate it.

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

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

EXTENSION OF MORNING BUSINESS

Mr. BARRASSO. Madam President, I ask unanimous consent that the period of morning business be extended until 3:30 p.m. today, and that all provisions of the previous order remain in effect.

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

THE DEBT LIMIT

Mr. BARRASSO. Madam President, I rise today to, No. 1, welcome you and welcome all of the other new Senators who have just joined this historic body.

Along with the rest of us, you have all watched the difficult negotiations over the fiscal cliff that dominated the last few weeks of the 112th Congress. That debate was an important opportunity to talk to the American people about Washington's addiction to spending. We made clear in that debate that no amount of tax increases—no amount—would come close to wiping out Washington's debt. So as we begin the 113th Congress, we are faced with fresh opportunities to continue that conversation with the American people.

This time the debate is over whether to raise the Nation's debt limit. Last week, the President opened negotiations on this important issue by saying that he wouldn't negotiate. He did not announce this by calling the Republicans in Congress; he did it, instead, by calling a press conference.

In the last days of 2012, President Obama, in my opinion, failed to lead in the talks over avoiding the fiscal cliff. Now the President plans not to lead on the Nation's debt limit either. Whether the President leads, follows, or just gets out of the way, Washington needs real budget reform. We can't continue President Obama's pattern of untold trillions of dollars in wasteful government spending.

Over the past 4 years, President Obama has added so much to our national debt that he has already had to increase our Nation's debt limit four separate times. This includes the two largest increases in our history. No other President of the United States has needed an increase of over $1 trillion. President Obama has asked for that much twice. While he once promised to cut the deficit in half by now, he has done just the opposite. He has added as much debt in 4 years as all the previous Presidents racked up in our country's first 225 years.

President Obama has maxed out the national credit card and now he wants a new one. In return, the President isn't willing to offer any commitments that he will try to be more responsible with that next credit card. In fact, under his latest budget, the President wants to add another $6.4 trillion to our debt over the next 5 years. That is the wrong direction for our Federal budget and for the Nation's future.

The President could take this opportunity to reassure hardworking American taxpayers, as well as world financial markets, that he is finally serious about reining in Washington's out-of-control spending. Instead, he has chosen to try to score political points.

This isn't the first time the President has voiced an opinion on the debt limit debate. Last December, he spoke on this subject as he, in my opinion, misrepresented decades of precedence regarding congressional consideration of the debt limit. He said that connecting debt ceiling votes and budget negotiations—connecting debt ceiling votes and budget negotiations—was something that ''we had never done in our history until we did it last year.''

That statement is false. Frankly, we should be talking about responsible spending reform every time we debate any measure in Congress that involves spending money. We should certainly do it when we are debating borrowing more money.

The debt limit has been used at least 20 times in the past 60 years specifically tied to debating fiscal reform. For example, in 1954, Congress passed a temporary increase specifically as a way to control future finances. In 1967, the House actually defeated a debt limit increase so that it could force President Johnson to quit using some of the budget tricks he had been using. In 1970, the debate over the debt limit included amendments to cut defense spending, imposing a spending cap, and freezing congressional pay until Congress passed a balanced budget.

In 1983, Congress actually defeated a debt limit increase bill. Senator Russell Long, a Democrat, told his colleagues if they voted for the increase, ''you are voting to continue the biggest deficits in the history of this country as far as the eye can see.''

Incidentally, the debt at that time was $1.3 trillion. That is about how much we have added to our debt every year since President Obama was sworn in for the first time. Democrats balked at Washington having a debt over $1.3 trillion back then. Today, the President says Republicans are doing something irresponsible for even wanting to talk about a debt of more than $16.4 trillion.

I could go on and on with more examples, but I think you have the idea. The President says it is unprecedented for us to even ask to have this debate. Well, the President is not correct. It is not unprecedented. It is actually very common and absolutely appropriate.

There is nobody on the Republican side of the aisle here in the Senate who is saying we should not pay our bills. There is also nobody on this side of the aisle who thinks we should keep wasting taxpayer dollars without even trying to act responsibly and slow down Washington's spending. Yes, the debt limit is about paying for past obligations, but our history shows the debate

over the debt limit is an absolutely appropriate time to talk about reforming Washington's future spending.

President Obama agreed to spending cuts the last time he asked for an increase in the debt limit. Now the President says he wants his credit limit increased without any effort to reduce future spending. And, of course, we all remember when he was a Senator he spoke out against raising the debt limit. He once called the need to increase the debt limit ''a failure of leadership.'' But that was then. This is now.

The White House has floated gimmicks such as issuing a $1 trillion coin or using the 14th amendment to raise the debt limit without congressional approval. And now the President won't negotiate responsible spending at all. His policies—his policies of the past 4 years—have buried our children and our grandchildren under a mountain of debt. America needs real budget reform, but President Obama insists on playing politics with our country's credit rating. Hard-working American taxpayers have to balance their budgets. They understand what the President does not.

The President bragged in his press conference last week that ''it's been a busy and productive 4 years, and I expect the same for the next 4 years.'' Well, it looks like he means we can count on 4 more years of wasteful Washington spending.

This has to stop. It is time for President Obama to finally keep his promise to get America's finances in order.

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

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. HARKIN. I ask unanimous consent that the period for morning business be extended until 5:30 p.m. today and that all provisions of the previous order remain in effect.

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

THE FILIBUSTER

Mr. HARKIN. Mr. President, I come to the floor today to give some remarks that I give about every 2 years, I guess, when the Senate reconvenes for a new Congress. Now this is a new Congress, so once again I come here to point out that we need to make some changes in the way we operate.

I have been in this body for 28 years. I am currently eighth in seniority. As soon as Senator KERRY becomes Secretary of State, I will be seventh in seniority. I am proud to represent the great State of Iowa; I am proud to be a Senator, to serve in this illustrious body. I have been in the majority and minority I think up to five times in the Senate. Before that, I served 10 years in the House. I love the Senate. It is a wonderful institution—it is, as envisioned by our Founders.

The Senate at times has been frustratingly slow to encompass the changes necessary to the smooth functioning of our country. I mention in particular the long, long struggle for civil rights and how that was held up by a small minority—which happened to be in my party, by the way, at that time.

Nonetheless, the Senate through the years has really been the Chamber that takes a long and hard look at legislation, where we have the right to amend, where we have the right to discuss and to embark upon discourse on legislation in a manner that allows even the smallest State to be represented as much as a large State. That is not true in the body that both the occupant of the chair and I used to serve in, the House. There, as you know, large States tend to dominate because we have most of the Members. But here, a Senator from Connecticut is just as important as a Senator from California or a Senator from Iowa or—let's see, what is the least populous State? I think Wyoming or Alaska—is equal to a Senator from New York or Florida or Texas or California. This has been a great equalizing body.

Having served here for this time, I think I have some perspective on this Senate. As I said, at its best, this Senate is where our great American experience in democratic self-government most fully manifests itself. It is in this body that the American people, through their elected officials, can come together collectively to debate, deliberate, and address the great issues of our time. Through our Nation's history, it has done so. In the nearly quarter of a century I have been here—well, wait, it is 28 years that I have been here, so it is over a quarter of a century—the rights of Americans have been expanded: Americans with disabilities; we have ensured health insurance for millions of Americans.

In the early 1990s we voted here on the course to eliminate the national deficit in a generation, and we are on our way to doing that.

It is because of my great reverence for this institution and my love for our country that I come to the floor today. One does not need to read the abysmal approval ratings of Congress to know that Americans are fed up and angry with this broken government. In too many critical areas, people see a Congress that is riven with dysfunction. Citizens see their legislature going from manufactured crisis to manufactured crisis. They see a legislature that is simply unable to respond effectively to the most urgent challenges of our time.

Of course, there are a myriad of reasons for this gridlock—increased partisanship; a decline in civility and comity; too much power, I believe, in the hands of special interest groups; a polarizing instant-news media; and, I might add, the increasing time demands on all of us here involved in raising large amounts of money to run for reelection. But make no mistake, a principal cause of dysfunction here in the Senate is the rampant abuse of the filibuster.

It is long past time to make the Senate a more functional body, one that is better able, as I said, to respond to our Nation's challenges. The fact is that I am not a Johnny-come-lately to filibuster reform. In January of 1995—when I was in the minority, I might add—I first introduced legislation to reform the filibuster. We got a vote on it. Obviously, we did not win, but I made my points then, and I engaged in a very good debate with Senator Byrd at that time, in 1995. You can read it in the RECORD. I think it was probably January 8, if I am not mistaken, of 1995.

At that time, I submitted a resolution because, as I said, I saw an arms race in which each side would simply escalate the use of the filibuster and abuse procedural rules to a point where we would just cease to function here in the Senate. I said that at the time. I said that what happens is when the Democrats are in the minority, they abuse the filibuster against the Republicans. Then when the Republicans become the minority, they say: You Democrats did it to us 20 times, we will do it to you 30 times. Then when it switches again and the Democrats are in the minority, they say: Republicans did it to us 30 times, we will do it 50 times. We will teach them a lesson.

On and on, the arms race is escalated. I said at the time that we might get to a point where this body simply cannot function, and sadly that is what happened.

That is why 18 years after I first submitted my proposal, I believe reform is never more urgent and necessary. The minority leader stated that reformers advocate ''a fundamental change to the way the Senate operates.'' To the contrary, it is the abuse of the filibuster, not the reforms being advocated, that has fundamentally changed the character of this body and our entire system of government. Again, I will point out now and I will point out repeatedly in my remarks that Democrats are not guiltless in this regard by any means, but the real power grab and the real abuse has come about when the Republicans have abused this tool—one that was used sparingly for nearly 200 years.

What has happened is that effective control of the Senate and of public policy has been turned over to the minority, not to the majority that has been elected by the American people. In many cases, those who are warning of a fundamental change to the nature and culture of the Senate are the very ones

who have already carried out a revolutionary change. Those of us who are seeking to reform the filibuster rules are not the ones who are doing a nuclear option or blowing up the Senate. Those who have abused the filibuster are the ones who have already changed the character of the Senate. What we are trying to do is restore some functionality to the Senate so that the Senate can operate with due regard for the rights of the minority. I will talk about that more in a moment.

The minority leader has recently called the filibuster ''near sacred.'' I am sorry, he could not be more incorrect. The notion that 60 votes are required to pass any measure or confirm any nominee is not in the Constitution and until recently would have been considered a ludicrous idea, flying in the face of any definition of government by democracy.

Far from considering the filibuster ''near sacred,'' it is safe to say that the Founders would have considered a supermajority requirement sacrilegious. After all, they experimented with a supermajority requirement under the Articles of Confederation, and it was expressly rejected in the Constitution because the Framers believed it had proven unworkable. That is right, the Articles of Confederation basically had a supermajority requirement, and they found that did not work. That is why, as I will mention in a moment also, the Framers of the Constitution set out explicitly five different times that this Senate requires a supermajority. You would have thought that if they wanted a supermajority for everything, they would have said so. No, they specified treaties, impeachments, expelling a Member—those require a supermajority as expressly spelled out in the Constitution.

The filibuster was once a tool used only in rare instances—most shamefully, as I said earlier, to block civil rights legislation. But across the entire 19th century, there were only 23 filibusters, in 100 years. From 1917, when the Senate first adopted rules to end filibusters, until 1969 there were fewer than 50—during all those years. That is less than one filibuster a year. In his 6 years as majority leader, Lyndon Johnson only faced one filibuster.

According to one study, in the 1960s just 8 percent of major bills were filibustered. Think about all the legislation that was passed—civil rights, Voting Rights Act, Medicare, Medicaid, Older Americans Act, Pell grants, Higher Education Act, Elementary and Secondary Education Act. Think of all the legislation passed in the 1960s. Just 8 percent was filibustered. In contrast, since 2007 when Democrats regained control of the Senate, there have been over 380 motions to end filibusters—380. This does not even include the countless bills and nominations on which the majority has not even tried to obtain cloture either because of a lack of time or because we knew it would be fruitless.

The fact is that for the first time in history, on almost a daily basis, the minority—and in many cases, just one Senator—routinely is able to and does use the threat of a filibuster to stop bills from even coming to the floor for debate and amendment. Unfortunately, moreover, because of outdated rules, an actual filibuster rarely occurs. Too often it is merely the threat of a filibuster, and that is the end of it; it is not debated or anything.

Let's get beyond the outrageous idea that Democrats, in proposing rules reform, would be initiating a revolution. In actuality, the changes that are seriously under discussion right now are simply a modest reaction to decades of escalating warfare which has culminated in 6 years of unrelenting minority obstructionism.

Because I feel so passionately that reform is so badly needed, I fully support the commonsense proposals from Senator MERKLEY and Senator UDALL. Their proposals would simply require the minority to actually filibuster, actually debate. A Senator would have to come to the floor and explain his or her opposition or offer his or her views on how a bill could be improved. Under the proposed reforms, the Senators would actually have to make arguments, debate, and deliberate. Senators would have to obstruct in public and be held accountable for that obstructionism.

Perhaps because this is such a commonsense reform, Republicans who have come to the floor have not addressed why they oppose rules that would require more transparency. Republicans have failed to explain to this body or to the public why a minority—again, the group the public chose not to govern here—why should they be able to kill a nominee by stealth? Republicans have failed to explain why they oppose more debate and more deliberation. Why do they oppose more debate, more deliberation, which is puzzling given that they profess that their sincere concerns are animated by the desire to foster debate and deliberation. But that is not what is happening. In stealth, they oppose a bill. They do not come to the floor, and they fail to defend why they do not even do that, why they will not even come to the floor and speak.

Instead, Republican after Republican has come to the floor and denounced what they claim are Democratic efforts to eliminate the filibuster and to, in their words, ''fundamentally change'' this body. The fact is that they are attacking the wrong plan. The truth is, under the reforms proposed either by Senator UDALL or Senator MERKLEY or one they have together or even under my proposal, the filibuster would still be a tool. Sixty votes would be needed to enact a measure, to confirm a nominee. Under their proposal, it would still require 60 votes.

Under my proposal as I first laid out in this body in 1995, I said: You know, sure, OK, on the first vote after you have the cloture motion filed, the first vote would require 60 votes.

If they didn't have 60 votes, they would have to wait 3 days, file another cloture motion, and then they would need 57 votes. If they didn't get 57 votes, they would have to file another cloture motion, wait 3 days, and they would need 54 votes. If they didn't get that, they would file another cloture motion, wait 3 days, and they would need 51 votes.

Under this proposal I have worked out with other groups and other people over the last almost 20 years, the fact is the filibuster could be used for what it was intended—slow things down. I believe the Senate ought to be a place where we slow things down. It should not be a place where just a few Senators can kill a bill. This should be a place where the filibuster is used not to slow things down but is actually used to kill a bill.

What I have proposed would be a period of time—actually up to about 16 days—where someone could slow a bill down, but eventually the majority would be able to act. I mean, what a revolutionary idea. The majority should be able to prevail. Think about our own elections. I guess maybe it could be extended further to say it is not enough to get 51 percent, or the majority of votes, we have to get 60; if they don't get that, they don't take office. What a revolutionary idea that somehow the majority should be able to move legislation.

I also agree there should be the rights of the minority to debate, discuss, and amend legislation. Again, the majority, after ample debate and deliberation, should have the power to govern, to enact the agenda the voters voted for, and to be held accountable at the ballot box. I guess I fundamentally believe in democracy. Maybe that is a failing on my part. I fundamentally believe the majority should rule, with respect for rights of the minority.

As I have noted, a revolution has already occurred in the Senate in recent years. Never before in the history of this Senate was it accepted that a 60-vote threshold was required for everything. This did not occur as a constitutional amendment or through any great public debate. Rather, this occurred because of the abuse of the filibuster. The minority party has assumed for itself absolute and virtually unchecked veto power over all legislation; over any executive branch nominee, no matter how insignificant the position; over all judges, no matter how uncontroversial.

In other words, because of the filibuster, even when a party has been resoundingly repudiated at the polls, that party retains the power to prevent the majority from governing and carrying out the agenda the public elected it to implement. In this regard, over 380 filibusters is not some cold statistic. Each filibuster represents a minority of Senators—sometimes a mere

handful—who are preventing the majority of the people's representatives from governing.

As one example, Republicans repeatedly filibustered a motion to proceed to legislation that would require more disclosure of campaign donations. The DISCLOSE Act is what it was called. A substantial majority of Senators supported the bill. Polling showed that 80 percent of the public believed the Supreme Court's decision in Citizens United was wrong, that we needed to know more disclosure of campaign contributions. Yet a small minority of Senators was able to prevent the bill from even being debated on the floor of the Senate, let alone receiving an up-or-down vote. That is just one example.

In the last two Congresses, consider some of the measures blocked by the minority, measures that received majority support on a cloture vote: the DREAM Act, Bring Jobs Home Act, Small Business Jobs and Tax Relief Act, Paying a Fair Share Act of 2012, Repeal Big Oil Tax Subsidies Act, Teachers and First Responders Back to Work Act, American Jobs Act of 2011, Public Safety Employer-Employee Cooperation Act, Paycheck Fairness Act, Creating American Jobs and Ending Offshoring Act.

Again, it is not that the bills were filibustered. The right to even debate these bills and vote on them was filibustered. It is one thing if we are on the bill and have a filibuster. No, we could not even debate them even though a majority of Senators voted for cloture. Not 60 votes but a majority. So the majority was thwarted from the ability to even bring these up and debate them or even letting people offer amendments.

It used to be that if a Senator opposed a bill, he or she would engage in a spirited debate, try to change people's minds, attempt to persuade the public, offer amendments, vote no, and then try to hold Members who voted yes accountable at the ballot box. Isn't that what it is about? In contrast, today—and to quote former Republican Senator Charles McC. Mathias in 1994:

> The filibuster has become an epidemic, used whenever a coalition can find 41 votes to oppose legislation. The distinction between voting against legislation and blocking a vote, between opposing and obstructing, has nearly disappeared.

When Senator McC. Mathias spoke and described it as an epidemic, in that Congress there were 80 motions to end filibusters. That is a number which pales in comparison to today, when we have had 380 motions to end the filibuster. To grind this body to a halt, all the minority party has to do is resort to the filibuster of a motion to proceed.

Under the critical jobs legislation, all the minority party had to do was block the motion to proceed and then they turn around and blame the majority for failing to address the jobs crisis. We had jobs bills; we could not get them up. We had jobs bills, but then they blamed us for failing to address the jobs crisis. It is no surprise that Americans are fed up with the broken government. As that list of blocked bills demonstrates, the anger is fully justified. In too many critical areas what people see is a dysfunctional Congress that is unable to respond collectively to the urgent challenges we face.

As the Des Moines Register recently noted:

> One message candidates heard from voters this election was contempt for partisan gridlock in Congress. One of the biggest obstacles to congressional action is the profusion of filibusters in the Senate.

It is no surprise that editorials throughout the country have recognized that the use of the filibuster must be changed.

USA Today has noted that the ''filibuster has become destructively routine.''

The Roanoke Times noted that ''filibuster reform alone will not fix everything that is wrong with Washington, but it would remove one of the chief impediments to governing.''

The Minnesota Star Tribune stated:

> Most Americans live under the impression that representative democracy's basic precept is majority rule. Sadly, that's no longer the case in the U.S. Senate, where the minority party has so abused the filibuster that it (the minority) now controls the action—or more accurately, the inaction. This perverts the will of the voters and should not be allowed to stand.

Mr. President, I ask unanimous consent that the copies of these editorials, and others from around the country, in support of filibuster reform be printed in the RECORD.

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

[From the StarTribune, Dec. 25, 2012]

FILIBUSTER IN NEED OF MAJOR OVERHAUL

(By Editorial Board)

Most Americans live under the impression that representative democracy's basic precept is majority rule. Sadly, that's no longer the case In the U.S. Senate, where the minority party has so abused the filibuster that it (the minority) now controls the action—or more accurately, the Inaction.

This perverts the will of the voters and should not be allowed to stand. As its first order of business next month, the new Senate should reform the filibuster rules in a way that restores fairness to the majority, preserves reasonable rights for the minority and keeps faith with the intent of the Constitution and the voting public. Democrats Jeff Merkley of Oregon and Tom Harkin of Iowa have solid proposals for their fellow senators to consider. What they should not consider is keeping the filibuster rules the way they are.

Let's be clear. This is not a partisan matter. The abusers in this case happen to be Republicans. They have masterfully mounted hundreds of filibusters in recent years to frustrate the majority Democrats and, in the process, have remade their leader, Mitch McConnell, into the Senate's de facto majority leader. But Democrats could—and probably would—stoop to the same depths the next time they're relegated to minority status.

As an idea, the filibuster has merit, and when used more sparingly in the past, it has won support from this page. Not rushing to judgment is a main function of the Senate, which was intended as a deliberative body. Extending debate also protects important rights for minority views. But the minority's clear abuse of those rights has gone beyond reason.

Here's the problem. On nearly every major bill, rather than accept a loss by a simple majority, the minority party launches a filibuster—a procedure that pushes the bill into a limbo of theoretically endless ''debate'' unless a supermajority of 60 votes can be rounded up to stop it. Getting 60 senators to agree on anything is nearly impossible. So the wheels of government grind to a halt. It's a perfect tactic for the minority, because the public tends to blame the majority for ineffectual leadership.

But it's worse than that. To mount and maintain a filibuster takes no real effort or conviction. The minority party never has to stand up on the Senate floor to defend its position. There is no real debate, no real deliberation on the nation's important business, or on the scores of judges and other federal officials whose nominations the Senate must confirm.

Not since 1970, when ''silent filibusters'' were adopted, have senators had to hold the floor in the manner made famous by the film ''Mr. Smith Goes to Washington'' (1939) or the endless tag-team ordeals that Strom Thurmond and other southern senators employed against civil-rights legislation in the 1960s.

Even In those bygone days, senators reserved filibusters for extraordinary moments. But now they are routine. In his six years as majority leader, Harry Reid has faced 380 filibusters. Lyndon Johnson, in his six years as majority leader (1955–1961), dealt with one.

''If you had a child acting like this, you'd worry about him,'' former Vice President Walter Mondale told a University of Minnesota audience last week. As a senator, Mondale led efforts to reform the filibuster in 1975, but clearly his changes weren't enough to halt the abuse.

Merkley's proposal would bring back the traditional ''talking filibuster.'' If more than half of senators voted to end debate, but not the 60 votes required, then senators would have to hold the floor with talking marathons.

Harkin offers a ''sliding filibuster.'' If the 60-vote threshold to halt a filibuster isn't met, a 57-vote threshold kicks in three days later, then a 54-vote threshold three days after that. Finally, after nine days, the bill could pass by a simple majority.

A third option is to get rid of the filibuster altogether. A pending lawsuit from Common Cause proposes just that, arguing that requiring a supermajority is unlawful except on treaties and other Matters enumerated in the Constitution.

As currently practiced, the filibuster is a cynical affront to voters and to the precepts of representative democracy. It does not extend debate in a meaningful way. It does not make the Senates deliberative body. It does more harm than good. It should be reformed at the earliest possible moment

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[From the Des Moines Register, Dec. 6, 2012]

TIME HAS COME TO END SENATE LOGJAM

(By The Register's Editorial Staff)

One message candidates heard from voters this election was contempt for partisan gridlock in Congress. One of the biggest obstacles to congressional action is the profusion of filibusters in the Senate.

Now is the time to reform Senate rules to break that legislative logjam.

It's a longstanding tradition for senators to block legislation by merely talking it to

death, known as a filibuster. Though by definition a filibuster means literally obstructing Senate procedures by continuous speech by members on the floor, a senator can have the same effect these days by simply threatening to filibuster. That is increasingly common.

The only way to stop a filibuster, according to the Senate's rules, is by a ''cloture'' vote, which requires the support of three-fifths of the body, or 60 senators. The upshot is a minority of senators can block the will of the majority.

In the past six years alone, 385 cloture motions have been filed in the Senate calling for votes to end filibusters. That is more than all of such motions filed in the 70-year period after the cloture-vote rule was created, according to a report by the Brennan Center for Justice. This has become so common that it is assumed a 60 percent supermajority is required for all votes.

That was not the intent of the framers, however. The Constitution requires a supermajority vote for a limited number of issues, which means only a majority is necessary on all others.

Still, the filibuster is deeply rooted in Senate tradition. The Senate cherishes the right of any senator to be fully heard. Thus, the rules say no senator ''shall interrupt another senator in debate without his consent.'' In other words, one senator can hold the floor as long as he or she has the capacity to speak.

Originally one had to actually talk continuously to prevent a bill coming to a vote, which Southerners did to great effect to block civil rights laws in the 1950s. Indeed, the late Sen. Strom Thurmond of South Carolina still holds the record for talking 24 hours and 18 minutes in August 1957. The previous record holder was Louisiana Sen. Huey Long who would read aloud recipes, instructions on how to fry oysters and the occasional ''rambling discourse on the subject of 'potlilkker','' according to one account.

The Senate has sought to curb the filibuster before. In 1917, the rules were changed to provide for a way to end a filibuster if two-thirds of the body is in favor, or 67 votes. The threshold was lowered to three-fifths, 60 votes, in 1975.

Some argue that changing the rules would destroy the Senate, but the party making that case is usually in the minority and is using the filibuster to frustrate the majority. Both parties are guilty of abusing the rules to make it next to impossible for the Senate to perform its duty, which is to act on legislation. Both parties should agree on a compromise to reform the filibuster.

The Senate should agree on a rule change that recognizes the Senate's respect for hearing the views of the minority and to preserve the Senate's role in slowing reckless proposals from the House for more thoughtful consideration.

But it should not preserve the status quo, which means that nothing gets done in the Senate, and by extension nothing gets done in Congress. That is neither the intent of the Constitution or of the American people.

[From the Los Angeles Times, Dec. 12, 2012]

GO NUCLEAR ON THE FILIBUSTER

(Editorial)

Harry Reid offers a plan to curb a tactic that has created gridlock in Congress. It's a good start.

Nothing exposes partisan hypocrisy quite like the filibuster, that irksome parliamentary rule that allows a minority of U.S. senators to block legislation, judicial appointments and other business by requiring a 60-vote majority to proceed to a vote. Almost invariably, the party in power considers the filibuster to be an enemy of progress that must be squashed, while the minority fights to preserve it at all cost. That the same players often find themselves arguing from opposite sides depending on whether they control the Senate or are in the minority hardly seems to trouble most lawmakers.

So comes now Senate Majority Leader Harry Reid (D–Nev.) with a campaign to alter the filibuster rule using the so-called nuclear option, which if invoked on the opening day of the new legislative session would allow senators to change the rules by majority vote. Republicans are appalled that he would consider such a ploy, even though they floated the same proposal when they held the majority in 2005. Back then, reform was blocked when a Gang of 14 senators led negotiations that kept the filibuster largely intact, and top Senate Republicans are reportedly reaching out to their Democratic counterparts in an effort to repeat that ''success.'' We hope they fail.

For the record, we were rooting for the Republicans to go nuclear in 2005, and we feel the same way with Democrats in control. This is not a venerable rule created by the Founding Fathers to protect against the tyranny of the majority, but a procedural nicety that has been altered many times throughout history. In its current incarnation, it goes much too far and has produced gridlock in Congress.

Reid reportedly aims to return to the era of the ''talking filibuster,'' when senators who wanted to hold up a bill had to stand up and debate it ceaselessly, day and night. This doesn't go quite far enough; Reid should also place limits on the number of opportunities for senators to mount filibusters, and put the burden on minority opponents by forcing them to come up with 40 votes to sustain a filibuster, rather than requiring the majority to drum up 60 votes to end it. Nonetheless, Reid's plan is a nice start, requiring those who want to hold up legislation to do so publicly and to use their oratorical skills to explain why such a move is justified.

Even many Democrats realize that someday they'll be in the minority, and fret that a future Republican-dominated chamber will use Reid's precedent to put even stricter limits on filibusters. But that's no reason not to approve Reid's proposal. If some future Senate majority wants to go thermonuclear, that's a debate for another day.

[From the Baltimore Sun, Dec. 11, 2012]

ENDING FILIBUSTER ABUSE

Our view: In a matter of weeks, incoming Senators can strike a blow for democracy and approve badly needed reforms to the chamber's dysfunctional filibuster rule.

The announcement last week that South Carolina's Jim DeMint is leaving his Senate seat to run the Heritage Foundation caused some in Washington to wishfully think that perhaps the move might usher in a more congenial, if not cooperative, outlook in the U.S. Senate. But while Mr. DeMint set the gold standard for ideological purity (denouncing his own party's candidates from time to time when they failed to measure up to his tea party, ultraconservative viewpoint), there are still plenty in the GOP with the flexibility of a ramrod.

The Senate's legislative logjam was well-documented long before the ''fiscal cliff' approached. Democrats may hold a majority—and will even enjoy a slightly larger one next year courtesy of the nation's voters—but the filibuster has become so abused that it's simply become a given in the chamber that passing legislation of any substance requires a 60-vote super-majority. That's the minimum required to invoke cloture and prevent or curtail a filibuster. Even getting a presidential nominee approved has become maddeningly difficult, no matter how qualified or uncontroversial the prospective judge or appointee may be.

[From Cleveland.com, Nov. 27, 2012]

GET THE SENATE OUT OF ITS OWN WAY

(By the Plain Dealer Editorial Board)

The founders clearly intended the U.S. Senate—with its six-year terms, its guarantee of equal representation for every state and, initially, the indirect election of its membership—to be a brake on the presumably more populist House of Representatives. There is no evidence the Constitution's architects envisioned it as a place where legislation goes to die.

And yet that's what it has become.

According to the Brennan Center for Justice at the New York University School of Law, the Senate has passed a record-low 2.8 percent of bills introduced during the current 112th Congress. Judicial nominations have languished on average for more than six months.

That inaction can be tied to the increased use of filibusters—or even the threat of them—a tactic that, operationally, means it takes a supermajority of 60 votes to pass anything.

That's not only anti-democratic—a point made in the Federalist Papers by Alexander Hamilton and James Madison—it also is embarrassing. The Senate has simply stopped making decisions on critical issues. Each parties uses procedural tactics to frustrate the other, and as a result, the work of the American people isn't getting done.

Now some junior Democrats want to vote on changing the Senate's rules when the 113th Congress opens in January, and Majority Leader Harry Reid says they'll get that vote. The suggested changes make sense: No more blocking motions to bring a bill to the floor or convene conference committees. And a requirement that senators who wish to filibuster a bill once again stand and talk for hours on end to block its consideration. We'd add an idea from the nonpartisan No Labels group: a 90-day deadline for confirmation votes.

Republicans who favored similar reforms when Democrats used the rules to frustrate their majority during the Bush years now complain that Reid would destroy the Senate's culture if he rams through changes by a majority vote—and some veteran Democrats, who recall being in the minority, agree. There must be a way for Senate to resolve this impasse in a way that respects minority views, yet allows real work to proceed.

[From the Columbian, Dec. 18, 2012]

Many changes will be required for Congress to overcome its current soul-crushing and will-sapping partisan divide. But even the longest journey begins with a single step, which is why the Senate should enact two quick and easy reforms when the 113th Congress convenes in January.

No, this has nothing to do with the so-called ''fiscal cliff,'' which is a crisis that for now is wholly owned by the House of Representatives. But it is a reminder that there are pressing issues in addition to the nation's financial crisis. Among them is the fact that there is gridlock in the Senate. Yes, the austere, august Senate, originally designed as a refuge of nobility and decorum, is no more noble than the sandbox fight that is the House.

During the past six years, Republicans used the parliamentary procedure known as a filibuster almost 400 times to waylay legislation. That is about twice as often as the

procedure was used during the previous six years, and it included the filibustering of simple procedural motions. All of this suggests the Republicans have been more interested in obstructionism than productivity, and we would hope for a little less paralysis and a lot more action from the next Senate.

To be sure, the filibuster is a necessary and often-productive method for preventing tyranny of the majority. The party that is not in power must have some means to prevent being bulldozed by an overzealous ruling party that wishes to limit debate. But the modern filibuster isn't the filibuster they taught about in your grandfather's high school Civics class.

The traditional filibuster evokes images of a courageous legislator righteously standing up for his or her beliefs, speaking for hours on the Senate floor and resorting to reading the phone book if necessary to prevent a bill from coming to a vote. Yet the modern filibuster consists of little more than a notification that a filibuster is in effect—and that notification can be delivered anonymously. The filibuster then prevents a vote and effectively kills legislation unless a cloture vote can be passed to end the ''debate.'' This essentially means that 60 votes are required to pass any legislation out of the Senate, providing the minority party with more power than voters have willed to them.

That brings us to our proposals:

Restore the rule requiring actual floor debate to sustain a filibuster. Not only would this force senators to act on their convictions rather than their partisan predilections, but in a world of 24/7 media coverage it would allow voters to see exactly who is holding up legislation and to consider why they are doing so. If a senator wishes to read recipes in order to prevent a vote on the Paycheck Fairness Act, so be it. But let the country watch.

Prohibit anonymous filibusters. If a senator wishes to prevent a vote on the Dream Act, fine. But he or she should own it, for the whole world to see. The trick is that any procedural changes governing Senate business can be passed by a simple majority—if the change is made on the first day of a new session. The 113th Congress will convene on Jan. 3, 2013, and we urge the new Senate to show that it is interested in a new way of doing business—one that actually welcomes debate and accountability rather than allowing legislators to silently and anonymously block the people's business.

We should expect nothing less from those we send to Washington.

[From the San Bernardino County Sun, Dec. 7, 2012]

BACK TO THE FUTURE ON FILIBUSTER REFORM

(By the San Jose Mercury News)

The Senate needs to go back to the future on filibuster reform. Senators should have to stand their ground and raise their voices on the Senate floor, around the clock if necessary, a la Jimmy Stewart in ''Mr. Smith Goes to Washington,'' to keep legislation from coming to a vote.

Back in the day, a minority senator had to have strong personal convictions against legislation to undertake the onerous, sleep-depriving filibuster, talking and talking and talking to block action. Today, a senator, or a group of senators, can merely threaten a filibuster, and suddenly the legislation requires a 60-vote supermajority to move forward to a vote. It's outrageous. Senate Majority Leader Harry Reid wants to change the rules, and President Obama should be helping to persuade the handful of Democratic senators who are on the fence.

California Sen. Dianne Feinstein is one of them. She told the publication The Hill that she thinks it would be a mistake to use the Senate's power to change the filibuster rules, but she said, ''I'll listen to arguments.''

Senate Republicans' record should be argument enough. And if the parties' control of the Senate were reversed, that would be just as wrong.

Not one filibuster was recorded in the Senate until 1841. The average in the decade of the Reagan and Carter years was about 20 per year. Senate Republicans used the filibuster a record 112 times in 2012 and have used it 360 times since 2007.

They have stopped legislation that has widespread public support. GOP senators blocked a major military spending bill, a badly needed veterans' jobs bill and the Dream Act, all of which would have passed with a majority. They stifled the Disclose Act, which would require greater transparency in campaign advertising. In a particularly craven abuse of the system, they have halted the nominations of nearly two dozen judicial appointments, causing backlogs in courts that delay justice for people and businesses across the country.

Some Democrats fear that Republicans will win control of the body in 2014, when 20 Senate Democrats will have to defend their seats, and they'll want the power minority Republicans have now. But then Republicans could change the rules.

In ''Mr. Smith,'' an idealistic Jimmy Stewart used the filibuster in an admirable way. But it has an ugly history, often as a last-ditch attempt to stop overdue change. In 1957, Sen. Strom Thurmond spoke for a record 24 hours and 18 minutes against the Civil Rights Act, which he labeled unconstitutional and ''cruel and unusual punishment.''

The Senate is supposed to debate the great issues of the day, not stop them from being debated. Senators should change the rules and get back to work.

[From the Contra Costa Times, Dec. 3, 2012]

FILIBUSTER RULES MUST CHANGE AND LAWMAKERS NEED TO GET BACK TO WORK

(Contra Costa Times editorial)

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Back in the day, a minority senator had to have strong personal convictions against legislation to undertake the onerous, sleep-depriving filibuster, talking and talking and talking to block action. Today, a senator, or a group of senators, can merely threaten a filibuster, and suddenly the legislation requires a 60–vote supermajority to move forward to a vote. It's outrageous. Senate Majority Leader Harry Reid wants to change the rules, and President Obama should be helping to persuade the handful of Democratic senators who are on the fence.

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The Senate is supposed to debate the great issues of the day, not stop them from being debated. Senators should change the rules and get back to work.

Mr. HARKIN. At issue in this debate is a principle at the heart of our representative democracy. This is from Alexander Hamilton in Federalist Paper No. 22:

> The fundamental maxim of republican government . . . requires that the sense of the majority should prevail.

The Framers, to be sure, put in place important checks to temper pure majority rule. For example, the Bill of Rights protects fundamental rights and liberties. Moreover, the Framers imposed structural requirements. For example, to become a law, a bill must pass both Houses of Congress and then it is subject to the President's veto power, and then, of course, there are always the courts and the Supreme Court to rule on the constitutionality of legislation.

The Senate itself was a check on pure majority rule. As James Madison said:

> The use of the Senate is to consist in its proceeding with more coolness, with more system, and with more wisdom, than the popular branch.

Meaning the House of Representatives.

To achieve this purpose, citizens from the smallest States have the same number of Senators as citizens from the largest States, which I commented on earlier. Further, Senators are elected every 6 years, not every 2 years. These provisions in the Constitution are ample to protect minority rights and to restrain pure majority rule.

What is not necessary and what was never intended is an extraconstitutional empowerment of the minority through a de facto requirement that a supermajority of Senators be needed to even consider a bill or nominee, let alone to enact a measure or confirm an individual for office.

As I said earlier, the Constitution was expressly framed and ratified to correct the glaring defects of the Articles of Confederation. The Articles of

Confederation required a two-thirds supermajority to pass any law and a unanimous consent of all States to ratify any amendment. Well, we know that the experience under the Articles of Confederation was a dismal failure, one that crippled the national government. The Framers were determined to remedy those defects under our new Constitution.

It is not surprising that the Founders specifically rejected the idea that more than a majority would be needed for most decisions. In fact, the Framers were crystal clear about when a supermajority is needed—five times. It is spelled out clearly in the Constitution: ratification of a treaty, the override of a veto, votes of impeachment, passage of a constitutional amendment, and the expulsion of a Member. It is expressly pointed out in the Constitution.

It should be clear, especially to those who worship at the shrine of ''original intent,'' that if the Framers wanted a supermajority for moving legislation or confirming a nominee, they would have done so. They would have written it in there. Not only did they not do so, until 1806 the Senate had a rule that allowed for a motion for the previous question. That goes back to the British Parliament. It permitted a majority to stop debate and bring up an immediate vote.

It was Vice President Aaron Burr, as he was leaving the Senate and they were reforming the rules, who said: You know, this is never used. We might as well do away with it because it is never used, anyway. So they did away with the motion for the previous question, but the point being that the first Congress in the first Senate enacted that. They had that motion for the previous question. The Founders were very clear why a supermajority requirement was not included. As Hamilton explained, a supermajority requirement would mean that a small minority could ''destroy the energy of government.''

That is what Madison said. A supermajority would mean that a small minority could ''destroy the energy of government.'' Government would, in Hamilton's words, be subject to the ''pleasure, caprice or artifices of an insignificant, turbulent or corrupt junta.''

James Madison, as I said, said this:

> It would no longer be the majority that would rule, the power would be transferred to the minority.

Federalist Paper No. 58. When James Madison—sort of the author of our Constitution—said, no, you cannot have a supermajority; if you do that, then the minority would rule, the power would be transferred to the minority—unfortunately, Madison's warning has come true. In the Senate today—the United States Senate—the minority, not the majority, controls. In today's Senate, American democracy is turned on its head. The minority rules, the majority is blocked. The majority has responsibility and accountability, but the majority lacks the power to govern. The minority has the power but lacks accountability and responsibility. This means the minority can block bills and prevent confirmation of officials and then turn around and blame the majority for not solving the Nation's problems. The minority can block popular legislation and then accuse the majority of being ineffective.

I firmly believe we need to restore the tradition of majority rule to the Senate. Elections, I believe, should have consequences. That is why I developed my plan, as I said, almost 20 years ago to amend the standing rules to permit a decreasing majority of Senators over a period of days to invoke cloture on a given matter. I believe it is clear in the history of the Senate and of the Framers of the Constitution.

There is the story, of course, that has been told many times. It may be a popular story, I don't know. Thomas Jefferson, of course, was not here for the drafting of the Constitution. He was in France. He came back home and looked at the Constitution. He was having breakfast with George Washington. As the story goes, Jefferson was upset about the Senate. He looked upon it as another House of Lords. So he asked Washington why he allowed such a thing to happen, that the Senate would be created. Washington supposedly said to him: Why did you pour your tea into the saucer? Jefferson said: To cool it down. Washington purportedly said: Just so. That is why we created the Senate, to cool things down, to slow down legislation, apart from that popular body over there, so there could be a more sober second look at things. What Washington did not say, as far as I know, was that the Senate was created to be a trash can where legislation could be killed and stopped. The idea was to slow things down, to deliberate.

Senator George Hoar noted in 1897 the Framers designed the Senate to be a deliberative forum in which a ''sober second thought of the people might find expression.'' That is what the Senate is supposed to be about. But at the end of ample debate and with the right of the minority to be able to offer amendments and have them voted on, the majority should be allowed to act with an up-or-down vote on legislation or on a nominee. In this way, we could restore this body to one where government can actually function and where we can actually legislate.

I think this plan also has another advantage. Recently, the minority leader defended the abuse of the filibuster on the grounds that it forces the majority to compromise and to ''resolve the great issues of the moment in the middle.'' I strongly disagree with the minority leader. Right now, the fact is, because of the abuse of the filibuster, the minority has no incentive to compromise. Why should they? They can stop it. They have the power to block legislation without even coming to the floor to explain themselves. In such a world, as we have seen over the past few years, why would the minority come to the table to cut a deal? I showed my colleagues the list of all the legislation they have blocked the last couple years. There wasn't any overture from the minority to compromise. They just said: We are going to kill it; the majority is not going to be able to bring it up.

The DREAM Act, for example. What are those other bills on the chart? The DREAM Act, and the other ones listed we wanted to bring up. Here is the list again. The DREAM Act. Did the Republicans say we want to compromise? No, they just killed it. The Bring Jobs Home Act, just kill it. The Paycheck Fairness Act, just kill it. Creating American Jobs and Ending Offshoring Act, just kill it. There was no real attempt to compromise because they didn't have to compromise.

In contrast, under my proposal, where we would have 60 votes at the beginning and if we didn't have 60 votes, we would file another cloture motion and wait 3 days, then we would have another vote. Then we would need 57 votes. Then, if we didn't get 57, we could file another cloture motion and then we would wait 3 days and need 54 votes. If we didn't get that, we would wait 3 more days, file another cloture motion and only need 51 votes.

This would be a period of about 16 days, plus 30 hours of debate, that would be allowed under my proposal. Here is why that would be a true compromise. The minority wants the right to offer amendments to be heard on a bill. I understand that. They should have that right. The most important thing to the majority leader—whether Republican or Democrat, whoever the majority leader may be—the most important thing for the majority leader is time on the floor. So someone files a bill, it is filibustered by the minority, they have a cloture vote, and let's say there are only 53 votes for it. The minority knows that at some point, this bill is going to come to the floor. We will get a vote on it. The majority leader knows that will happen, but it is going to chew up a couple weeks' time. The most important thing to the majority leader is time, so the majority leader would like to collapse that time. The minority leader would like to have the right to offer amendments, and therein is the compromise. The minority leader comes and says: If we can offer these amendments, we will collapse the time; if not, we will chew up a couple weeks' time. That provokes compromise. But when one side knows that with 41 votes they can absolutely trash can something, why should they compromise if they have the 41 votes?

Again, I wish to emphasize another fact about my proposal. The Republicans have said the filibuster is necessary because Democrats increasingly employ procedural maneuvers to deprive them of their right to offer amendments. I want my colleagues to

know I am sympathetic to that argument. That is why in the last Congress I included in my resolution the guaranteed right to offer germane amendments; the inherent right of the minority to offer those amendments.

Unfortunately, of course, every Republican voted against my proposal, and that is because Republicans currently want the best of both worlds: the right to offer nongermane amendments and the right to obstruct, and that doesn't make sense.

Again, no one should be fooled. The fact is the radicals who now hold sway in the Republican Party are not concerned with making the government or the Senate function better. That is because the current use of the filibuster has nothing to do with ensuring minority rights to debate and deliberate or the right to amend; otherwise, they could support either one of these proposals, either mine or Senator MERKLEY's or Senator UDALL's. Nor have I ever heard one Republican come to the floor and unequivocally state that if the majority leader stopped filling the amendment tree, they would routinely vote for cloture, even if they opposed the underlying bill. I have not heard one of them say that because the current use of the filibuster has nothing to do with minority rights. It has everything to do with obstruction, hijacking democracy, and a pure power grab designed to nullify elections in which the public has rejected the minority's ideas and placed them in the minority so the majority could act.

The minority leader, I must say, has been frank about this approach to governing. In a speech about the balanced budget amendment, he said the following. Listen to this. This is our minority leader:

> The time has come for a balanced budget amendment that forces Washington to balance its books. The Constitution must be amended to keep the government in check. We have tried persuasion. We have tried negotiations. We have tried elections. Nothing has worked.

Think about that. In other words, when elections—when democracy doesn't work, what does the minority leader want? The ability to undermine the majority from acting in the Senate. Imagine that. We have tried elections and the elections didn't go their way. They have tried elections. So if they can't do that, then they have to do something else. It seems to me the ballot box ought to be determinative of what kind of government we have.

Republicans have repeatedly filibustered motions to proceed. How can they offer amendments if we can't even bring it up? They filibuster judicial nominees. Of course, nominations can't be amended; again, belying the argument that many Republicans use because of filling the tree. There is no tree when it comes to nominations.

I want to now emphasize something. I have been saying all along the Republicans and how they have been using the filibuster. I want to say unequivocally the Democrats don't come to this with clean hands, I can tell my colleagues. It has been both sides. It depends on who is in the majority and who is in the minority. That is all it depends on. As I said earlier when I first brought this up in the 1990s, I warned then of an escalating arms race. I have been in the Senate long enough to have five different changes in the Senate between majority and minority, and every single time the number of filibusters goes up—every time. Democrats say to Republicans: You filibustered 30 times last Congress. We are now in power; we will filibuster you 60 times. The Democrats get kicked out and the Republicans come back and they say: They did it 60 times and we will do it 100 times, on and on and on.

It is akin to an arms race. So any time I use the word ''Republican'' generically, we can just substitute minority. I don't care what minority, Democrats or Republicans. It doesn't make any difference. The minority in the Senate should not have the absolute power to trash can something. It should have the power to slow things down, to debate, to amend, to deliberate, but eventually the majority—the people whom the people at the ballot box in this country have put in charge to govern—should at some point be allowed to govern. If I am in the minority, all I want is the right to be able to debate, have my views heard, offer amendments.

I might also say this: The right of the minority is not to win. The minority doesn't have the right to win, but it sure has the right to offer amendments and to be heard and to be able to try to sway people. I have been in the Senate when we have had amendments and, amazingly enough, we get some Republicans and some Democrats and it passes, even though some Democrats and some Republicans oppose it. That very rarely happens any longer.

Again, I have been talking mostly about Republicans generically, and that is because they are in the minority now. I said the same thing about Democrats when the Democrats were in the minority. This is not a minority right. It is nothing less than a form of tyranny by the minority. Who said that? That was Senator Frist, the Republican leader, again, in November of 2004, when he was in the majority and we were in the minority: ''This filibuster is nothing less than a formula for tyranny by the minority.'' He was right. It just depends on who is in the minority and who is in the majority.

That is why we have to make a change. It could be Democrats, it could be Republicans, it could be—even a bipartisan coalition, if it is a minority, a small minority.

As I said, I don't think there is anything radical about what I have introduced. As I noted, the filibuster was not in the Constitution. It was rejected by the Founders. There is nothing sacred about requiring 60 votes to end debate. The Senate has adopted rules and laws that prevent the filibuster in numerous circumstances. Get that. This Senate has adopted rules that forbid the filibuster in certain cases. The budget cannot be filibustered, war powers cannot be filibustered, international trade acts—imagine that. International trade acts cannot be filibustered. Congressional Review Act, disapproval of regulations, cannot be filibustered. So if the filibuster is so sacred, why have we carved out exceptions for international trade acts?

Moreover, article I, section 5, clause 2 of the Constitution, the rules of proceedings clause, specifies: ''Each House may determine the rules of its proceedings.'' Again, my resolution, far from being unprecedented, stands squarely within the tradition of updating Senate rules as appropriate to fostering more effective and functioning legislation. For example, beginning in 1917, the Senate passed four significant amendments to its standing rules, the latest in 1975, to narrow, to shape the filibuster. In 1979, Senator Robert Byrd made clear that the Constitution allows a majority of the Senate to change its rules. He said:

> [t]he Constitution, in Article I, section 5, specifies that each House may determine the rules of its proceedings. Now we are at the beginning of a Congress.

Senator Byrd said:

> This Congress is not obliged to be bound by the dead hand of the past . . . It is my belief—which has been supported by rulings of Vice Presidents of both parties and by votes of the Senate in essence upholding the power and right of a majority of the Senate to change the rules of the Senate at the beginning of a new Congress.

Senator Byrd: ''This Congress is not obliged to be bound by the dead hand of the past.'' He said that. '' . . . power and right of a majority of the Senate to change the rules of the Senate at the beginning of a new Congress.''

Again, this was also the opinion of the Republican Party. As I mentioned, in 2005 the Republican policy committee, chaired by our former colleague Senator Kyl, stated:

> The Senate has always had, and repeatedly has exercised, the constitutional power to change the Senate's procedures through a majority vote.

That is a statement from the Republican policy committee in 2005.

Those who say this is some kind of nuclear option, blow up the Senate, all these terms about nuclear options—no, it is not a nuclear option. As Senator Byrd said and as Senator Kyl said, ''The Senate has always had, and repeatedly has exercised, the constitutional power to change the Senate's procedures through a majority vote.''

There are those now—I must admit, some in my own party on this side of the aisle in the Senate—who say that in order to change the rules, we have to have a two-thirds vote. Now, why is that? Well, because some Senate in the past set down the rules. They said that in order to change these rules, you need a two-thirds vote. Are we bound

by that dead hand of the past? Not at all. Not at all. Each new Congress—each time the Senate convenes after a new Congress forms—can by majority vote change its own rules. It is not a nuclear option at all.

To be very clear, I opposed the Frist motion at that time in 2005, and I made it clear why—because they were attempting to change the rules in the middle of a Congress.

While I believe the Congress has the power—I'm sorry, it was the Republican policy committee. It is at the beginning of a Congress.

Senator Byrd said:

> It is my belief—which has been supported by rulings of Vice Presidents of both parties and by votes of the Senate in essence upholding the power and right of the majority of the Senate to change the rules of the Senate at the beginning of a new Congress.

I mean, you can't go changing rules every other week. How do you know what is going to happen? But at the beginning of a Congress every 2 years, the Senate has the right by a majority vote to set down the rules, and you operate by those rules for 2 years. What Senator Frist was trying to do was change it in the middle of the game. Well, if you go down that pathway, my goodness, the majority could change the rules next week and the week after, do it one time one week and one time the next. How would you ever know what the rules of the road were? The only reason I opposed the Frist motion at that time was because it was changing it in the middle of a Congress.

Here is a letter from numerous constitutional scholars, including Charles Fried, Solicitor General under President Reagan, and Michael McConnell, a former Federal judge nominated by President George W. Bush. These scholars make clear that at the beginning of a new Congress, a majority of the Senate can change its rules. Here is the letter, and it reads in part:

> Some, however, have sought to elevate the debate to constitutional dimensions by suggesting that it is institutionally improper for a new Senate to alter the Senate's rules by majority vote because the internal procedures adopted by prior Senates have required a two-third majority to allow a vote on a motion to alter the rules.
>
> With respect, such a concern confuses the power to change the Senate rules during a session with the unquestioned constitutional power of each incoming Senate to fix its own rules unencumbered by the decisions of past Senates. The standing two-thirds requirement for altering the Senate's rules is a sensible effort at preventing changes to the rules in the midst of a game. It cannot, however, prevent the Senate, at the beginning of a new game, from adopting rules deemed necessary to permit the just, efficient and orderly operations of the 113th Senate. . . .

This letter from Charles Fried, Solicitor General under President Reagan, and Michael McConnell, a former Federal judge nominated by President George W. Bush, states:

> We agree with the overwhelming consensus of the academic community that no preexisting internal procedural rule can limit the constitutional authority of each new Senate to determine by majority vote its own rules of procedure.

> We agree with the overwhelming consensus of the academic community that no preexisting internal procedural rule can limit the constitutional authority of each new Senate to determine by majority vote its own rules of procedure.

That is very profound. So it is not just me as a Democrat. Here are two Republicans, very prominent Republicans, saying the same thing.

The last significant rules change, I might point out, was in 1975, when the number of votes necessary for cloture was set at 60. There is only one Senator today—Senator LEAHY—who was in the Senate in 1975 to vote on that current version of rule XXII. No one else was here then. We have had how many different Senates since that time, and yet that dead hand of the past continues to rule.

Mr. President, I would like to emphasize that I firmly agree that amending the standing rules is necessary. Informal agreements are insufficient to return the Senate to functionality. We had this last time—sort of a handshake agreement to make the Senate a better institution through fewer filibusters, procedural delays, et cetera. Looking back over the last 2 years, I don't think anyone would agree that this gentleman's agreement was very effective.

The minority leader recently stated that the reforms being advocated by me and others are being done with the ''purpose of consolidating power and further marginalizing the minority voice.'' Nothing—nothing—could be further from the truth. I want to be clear that the reforms I advocate are not about one party or one agenda gaining an unfair advantage. It is about the Senate as an institution operating more fairly, effectively, and democratically. Those of us who went to law school all remember that if you come into the court of equity, you have to come in with clean hands. I hope that I have clean hands since I first offered this when I was in the minority. I was in the minority.

Again, I would point out that it belies belief that sometime in the future, Democrats won't be in the minority again. It is going to happen, and it should. No one party should rule here for long periods of time. We need to have that kind of change. But what we need is the ability of whoever is in the majority to be able to govern. That is what the people elected them to do.

Well, the truth is that we do not function here. We do not function in the way we are supposed to under the Constitution—something both Democrats and Republicans should care about. What was never envisioned and what should not be allowed to continue is a system where bills are prevented from being debated or the idea that a small minority can block legislation or nominees without even coming to the floor to explain themselves.

Finally, there is one other red herring that keeps coming up, and that is that somehow the reform I am proposing or any reform will somehow make the Senate like the House. I have heard that from Members from the other side of the aisle—oh, we will just become like the House of Representatives.

I have to ask the question, since when did the Senate become defined by rule XXII, the cloture rule? Why does that define the Senate? It seems to me the Senate was designed in the Constitution where we have two Senators from every State, small and large; where we are reelected every 6 years, not every 2; where the Senate has certain functions on treaties and on nominations that the House of Representatives doesn't have; and where the Constitution is very clear; there are five times where the Senate must have a supermajority to act.

Again, I would point out that the Senate will, by its very nature—even under my proposed reform or even that of Mr. UDALL or Mr. MERKLEY—still operate based on unanimous consent, and each Senator will continue to understand that maintaining good relationships with all Senators, working hard to become experts in issues, and drafting legislation and amendments will remain the essence of what it means to be a Senator, not the ability to filibuster.

To those who say we have become more like the House, I say that is not going to happen. Well, it could. Sure it could. Some future Senate could wipe out all the rules—wipe out all the rules. Now, they couldn't do away with the constitutional aspect. They couldn't make us elected every 2 years, for example, but take away the function of the Senate in terms of treaties, impeachments, and things like that, sure. Any future Congress can change the rules.

I think that because of the nature of the Senate, the way it is established, because of the way it is set in the Constitution—two from every State, not popularly elected every 2 years—that means Senators will have to work with one another. They will have to exhibit that kind of comity—c-o-m-i-t-y, not comedy—of recognizing that each Senator should have the right to amend, to debate, to discuss the question, to offer amendments.

Again, we were told that somehow the filibuster—this idea that the filibuster somehow defines the Senate, again, until 1970 there was approximately one filibuster per Congress. Did anyone ever suggest then that because there was not the rapid use of a filibuster, the Senate was no different from the House? Was the Senate of Clay, Wagner, Vandenberg, Johnson, and Taft just another House of Representatives? Were the giants in the Senate who came before us—the Daniel Websters, the Henry Clays, the Robert Tafts, the Hubert Humphreys—were they any less a Senator because they were not defined by a de facto 60-vote supermajority requirement?

I believe the Senate should embrace George Washington's vision of this body, if that story is true about him and Jefferson and the saucer and the tea. The Senate was set up to slow things down to ensure proper debate and deliberation. That is what the Founders intended. That is what we have advocated and I advocate. We will not become the House. As one author has noted, however, the increasing use of the filibuster has converted the Senate from the saucer George Washington intended into a deep freeze and a dead weight.

At the heart of this debate is a central question: Do we believe in democracy?

Republicans and, sadly, many of my colleagues in my own caucus repeatedly warn about advancing these reforms because Democrats will find themselves in the minority one day and we may want to stop something. Well, I am sorry, I don't fear democracy. If the people of this country at the ballot box put the Republicans in charge of the Senate, the Republicans ought to have the right to govern. We should have the right to be able to offer amendments and debate and deliberate, but we should not have the right to absolutely obstruct what the majority is doing. Issues of public policy should be decided at the ballot box, not by the manipulation of archaic procedural rules.

The truth is that neither party should be afraid of majority rule, afraid of allowing a majority of the people's representatives to work its will. After ample protections for minority rights, the majority in the Senate, whether Democratic, Republican, or a bipartisan coalition, duly elected by the American people, should be allowed to carry out its agenda, to govern, and to be held accountable at the ballot box.

I wish to conclude by noting that it is often said—and it is true—that the power of a Senator comes not by what we can do but by what we can stop. That is true. The Senate is a body in which one individual Senator has an enormous amount of power to stop things. No one wants to give up that power. But I believe it is time for us Senators to take a look at ourselves. For the good of the Senate and, more importantly, for the good of the country, we need to give up that power—not all of it but a little bit of it. I am willing to give it up.

All Senators should have fundamental confidence in democracy and the good sense of the American people. We must have confidence in our ability to make our case to the people and to prevail at the ballot box. We must not be afraid of democracy. I am not afraid of it. I, quite frankly, believe my ideas, my support of certain measures, is more widely supported by the American people than my friends on the other side of the aisle. They believe just the opposite. That is good. That is the way we should operate here in grinding out legislation and then at the ballot box every 2 years.

Healthy debate is about the direction of the country and which way we should go. We should have the confidence—the Republicans should have their own confidence and we should have our own confidence—in our ability to make our case to the people and to prevail at the ballot box. I say: Don't be afraid. Don't be afraid of the American people and their inherent ability to make wise and just decisions. Things may go awry one time or another time, but in the great history of our country, the American people—as Winston Churchill once said: After we try everything else, we always do the right thing—the American people make the right decisions. Sometimes I may not agree with it, but then it is my business to go out and try to convince my constituents and others they made the wrong choice; that we should be going in a different direction.

That is the essence of democracy, not the power of me, a Senator from Iowa, being able to stop what the majority wants to do; not me, just with a handful of other people saying: I don't care what they want to do; we can stop it, put it in the trash can.

All I want is the right to debate, to discuss, to be able to offer amendments that are germane to the legislation. So, again, I am not afraid of living with these reforms, both as a member of the majority party and as a member of the minority party, which I am sure we will once again become at some point in the future.

So, Mr. President, as I have over the last, I guess it makes 17 years now, I come to the floor knowing that my proposal will not win. Well, it hasn't thus far. And that is all right. A lot of times people say: Why do you offer it? You know you are going to lose.

I offer it because I believe so deeply in this, and I believe sometimes you just have to stand for what you believe in, and you have to make your case as forcefully, as intelligently as possible. I hope I have done that both in my words and in my statement and in the past debates I have had on this Senate floor that occur about every 2 years when the Senate convenes.

I don't carry this beyond the first day of legislative business. I don't think we should. If we set the rules down on the first day, after that I don't think we should be changing the rules in the middle of the game. But we are still in the first legislative day, and I think now is the time to do this.

Mr. President, before I yield the floor, I know our distinguished minority and majority leaders have been working hard on some reforms on the filibuster. I am not privy to all of that. I don't know exactly all the details of it, although it was discussed in our policy caucus today. But I will say this about it—at least what I understand to be the essence of the reforms that our majority leader has worked so hard on—it is better than what we have right now. From what I understand—and I don't know all the details—it is a step in the right direction.

I want to make it clear that I might vote for it—as soon as I find out exactly what it all is. I might vote for it because it is probably better than what we have right now. But I just want to be clear that my vote for that does not signify that I prefer that over doing away with this absolute 60-vote threshold because under the reformed rules that I understand are being promulgated by the majority and minority leaders, we still have a 60-vote threshold on anything except for the motion to proceed.

So on any amendment, any bill, we still have 60 votes. So a small group, a handful, can still put bills and amendments and everything else in the trash can. I just fundamentally disagree with that. So if I do vote for that—like I say, I probably will—it is because it looks like it might be better than what we have now.

I know it is tough. I do not denigrate for one minute the effort and the work of the majority leader and the minority leader in trying to reach these agreements. These are tough things. I just think we have to be more forthright in constantly—every 2 years—going after this idea that somehow this dead hand of the past that says we need a two-thirds vote to change the rules and that somehow that controls us—it shouldn't; it doesn't control us—that somehow we have to adhere to this 60-vote threshold forever. That shouldn't control us.

Every 2 years, according to the Constitution, according to Senator Byrd, according to constitutional scholars of both parties, we have the constitutional right at the beginning of a Congress to change our rules with a majority vote. That is what we ought to be about doing.

So, Mr. President, I look forward to seeing the proposed rules reform the majority leader and minority leader have been working on. Again, I know it is tough to work these things out, but I think this body has to move ahead and do away with that dead hand of the past and provide for rules changes that allow us to function, that allow the majority to act, with the right of the minority to debate, to slow things down and to amend—but not the right to win. I have never said the minority has to have the right to win. But the minority ought to have the right to make their voices and their votes heard in this body.

That is what my proposal would do. Again, as I said, I don't expect it to win, but I want people to be able to express themselves if they believe we should move in that direction, and I offer it in that vein. I know there are those who believe somehow that we have to abide by that two-thirds vote, by this dead hand of the past. I just don't believe so.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER (Mr. KING). The Senator from Maryland.

EXTENSION OF MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent that the period of morning business be extended until 6:30 p.m. today, and that all provisions of the previous order remain in effect.

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

Mr. CARDIN. Mr. President, first, let me compliment Senator HARKIN for his incredible leadership in bringing to the attention of this body something I think everyone understands; that is, with the procedures of the Senate and the way it is operating today, there is a problem. There is a very serious problem.

All one needs to do is to turn on C–SPAN to see the Senate in a quorum call for hours to know there is a better way for us to operate. All one has to do is to look at a week that goes by where there are very few recorded votes to know there is opportunity for debate and action that is being lost in the Senate. We can do better. The procedures we are following today, the way that is being honored by the Members of the Senate, we need to change the rules and procedures of the Senate.

I want to thank the majority leader and the Republican leader for negotiating and getting together to understand the frustrations that are out there in both of our caucuses and to try to come up with reasonable changes in our rules. I see Senator MCCAIN is on the floor, and I acknowledge his leadership, along with that of Senator LEVIN. I was honored to work with that group, along with Senators PRYOR, SCHUMER, BARRASSO, ALEXANDER, and our former colleague, Senator Kyl. We sat for hours debating, and it was very educational for me, Mr. President, because I listened to the concerns of my Republican colleagues—and it was a lot different than what I heard in the Democratic caucus—and I think we both learned a lot from each other.

But there was general agreement that there is a real problem in the operation of the Senate, and we have an obligation to take a look at our rules and see whether we can't modify the rules so we can have the type of deliberation, debate, and voting that is expected of the Senate.

One of the problems that became very apparent to all of us is that individual Senators are able to block the consideration of amendments and bills on the floor of the Senate indefinitely. That is wrong. My colleague from Arizona pointed out that someone could be in their home State and offer an objection, and a bill could be brought to a standstill. That is not how the Senate should operate. We should be able to consider legislation, and individual Senators should not be able to block the consideration of that legislation.

I could give examples of hundreds of bills that have been reported out of our committees in the Senate that have never reached the floor of the Senate. Quite frankly, the reason is an individual Senator blocked consideration, and it would take the majority leader too much time to go through cloture motions in order to bring those issues to the floor of the Senate.

We also have seen an abuse of the 60-vote threshold. The 60-vote threshold shouldn't be the standard working procedure of the Senate. A simple majority should control our actions. Yet in too many cases we have used the 60-vote threshold in order to move legislation forward.

We have also seen that it is very difficult to bring amendments up for consideration. It has been very difficult to get action on individual amendments on the floor of the Senate. So we need to change our procedures. We need to be the great deliberative body which historically the Senate has been.

I want to compliment many of my colleagues—I already mentioned the group that worked on some suggested rules changes and made those recommendations to the majority leader and the Republican leader—but I also want to thank my colleague, Senator HARKIN, who just spoke, for his leadership on this issue, as well as Senators MERKLEY and TOM UDALL, who have been leaders on this matter. We have brought this to the attention not only of our colleagues but to the attention of the American people, and they expect us to take action to improve the operation of the Senate.

Let me talk a moment about the negotiated agreement between the Democratic leader and the Republican leader—between the majority and minority leaders—and what I understand will be recommended to us very shortly, and I hope we can act on it as early as this evening.

First, one of the frustrations is that we find it difficult to bring a bill to the floor of the Senate in a motion to proceed. The threat of a filibuster on the motion to proceed has denied us the opportunity to even start debating an issue. Under the agreement I expect will be brought forward, the majority leader will have two additional opportunities to start debate on an issue.

First, if the Republican leader is in agreement, they can bring that bill to the floor immediately, without any preconditions. That could particularly work well on institutional issues that need to be dealt with, such as appropriations bills, so that we can get onto appropriations bills a lot sooner than we can today.

There is then another opportunity where the majority leader could bring a bill to the floor without the fear of a filibuster, without having to file cloture, by offering amendments. There would be a guaranteed right to offer up to four amendments: two by the minority, two by the majority. That gets us started on legislation.

Now, it is very interesting, if one looks at the process that has been used where bills come to the floor and where we are most pleased by how the process has worked—such as in the case of the national defense authorization bill, postal reform, and the Agriculture bill in the 112th Congress—in each of those cases the committees voted on the bills, they came to the floor with the managers, we started on the bills, and we completed the bills. I think we were all pretty proud with the manner in which those issues were handled on the floor of the Senate.

Under this process, the majority leader could get us started. The managers can get us started on legislation. Once we start on legislation, once we start debating the issues, we can see what amendments are out there, and we can try to manage the time appropriately and actually get action and debate and votes on the floor of the Senate on the amendments and on final passage.

I do think this empowers our committees. We all spend a lot of time in our committees. We are there for the hearings, we want to see committee markups, but we also like to see the products we bring up in the committee be the major work on the floor of the Senate. Well, now, with this reform and the ability of the leader to bring forward a bill that has come out of our committees, our committee products will be more respected, and we will have a better legislative process because we are using the products that come out of our committee. We are respecting the work of our committees. We are rewarding our chairmen and ranking members working together and bringing legislation to the floor of the Senate.

I think that is a real major improvement and something that will allow the Senate to operate in the way it should.

We also allow for conference committees to be formed in a more expedited way. Right now it could take three cloture votes to get into conference. We contract that into one. I think that is going to be the recommendation.

I had the honor in the 112th Congress to serve on a conference committee that dealt with the payroll tax extension. We got our work done, brought a bill to the floor of the Senate and the House, and got it enacted into law because we were able, in a very open and transparent way, to work with our colleagues in the other body, resolve our differences, and bring legislation forward. I might be wrong, but I think that was the only conference committee that operated in the 112th Congress. There haven't been many. I think most Members of this body would be hard-pressed to remember when they last served on a conference committee. Yet we know there are significant differences between the products that come out of this body and the products that come out of the other body. We need to reconcile those differences. Being able to go into conference allows us the opportunity to let

the legislative process work the way it should.

One of the procedures the majority leader is going to talk about is that once cloture is invoked, if you have to use cloture, you have 30 hours. But you don't guarantee 30 hours. That 30 hours is the maximum. Each Member is entitled to only 1 hour to speak, and a quorum call during postcloture can be considered dilatory if we have already established a quorum.

The majority leader and the minority leader are going to talk about the fact that postcloture, if you want to speak, come to the floor and speak. If you don't, the Presiding Officer should put the issue to the membership for vote so we can expedite issues and not waste a full day letting the 30 hours expire.

There will also be recommendations to deal with nominations. We were extremely frustrated. I served on the Judiciary Committee. I had the opportunity to recommend to the President several appointments to the Federal bench. It took months for these noncontroversial nominees to be approved on the floor of the Senate. It truly affects our ability to recruit the very best to serve on our courts.

The same thing is true with the President on his team to have in place, and there will be recommendations to shorten the postcloture time if a cloture vote is needed on judicial nominations to, I think, 2 hours, and sub-Cabinet appointments to around 8 hours. That allows the leader to be able to bring these issues to the floor without the threat that it would tie us up for weeks to take up just a couple appointments.

These are all major improvements. Let me make it clear. If I were writing the rules of the Senate, I would go a lot further. I know I might be in the minority in this body, but I happen to believe in majority rule. I happen to believe the majority should make the decisions. I think there should be adequate time for debate, et cetera. The Senate is different than the House. I accept that. But at the end of the day, I am in favor of majority rule. But I am also in favor of trying to get our rules done in a bipartisan manner because, quite frankly, the Democrats may not be in the majority forever.

If we look since 1981 through the end of this Congress, but for Senator Jeffords' decision in May of 2001 to become an Independent and caucus with the Democrats, the Senate would have been divided as follows: Sixteen years under Democratic control, 16 years under Republican control, and 2 years split 50–50.

I think it is very important we all understand these rules need to work regardless of which party is in the majority. That is why it is the right thing to do to negotiate between the Democrats and Republicans rules that can withstand the test of time and be fair to both the majority and the minority.

Once again, I would have majority rule. That is what I believe and I know there will be a chance to vote on that and that is how I will express my vote. But I do believe it is best for us to work together, Democrats and Republicans, and come together with a true compromise on the rules changes. I think that is exactly what Leader REID and Leader MCCONNELL have done. They have taken the recommendations of many of us, they have listened to a lot of us, they have listened to both caucuses, and they will come forward with recommendations that will allow this body to carry out its responsibilities in a more effective way—in a way that is better understandable to the American people, where we can get on legislation a lot sooner, debate issues a lot quicker, take up amendments and actually vote on amendments and be able to move legislation that comes out of our committee and approve nominations in a much more efficient way.

To me, that gives us an opportunity for a new start in the Senate as we begin the 113th Congress. Let's hope the cooperation we see developing on the changes of the rules will allow us to work together to deal with the problems of the Nation in a more collegial way, recognizing that compromise is how this country was formed, listen to each other, and move legislation in the best traditions of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, before the Senator from Maryland leaves the floor, I would like to tell him how much I appreciate the remarks he just made. I think he gave a very accurate depiction of the agreement we reached after many hours of always pleasant conversation. The fact is we showed our colleagues and many others it is still possible for a group of us to join together on a very difficult issue and a very complex one.

The Senator from Maryland stated his preference just a minute ago that he is for majority rule. But he also understood that in order for us to come together, that we had to move—each of us—in a more centrist direction. Without his input, his efforts, and his willingness, in my view, it is very likely we would not have agreed.

I ask unanimous consent that the Senator from Maryland and I engage in a colloquy.

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

Mr. MCCAIN. I think the Senator from Maryland and I would agree that even though this is not a headline-grabbing issue and a lot of people in America have no real idea what was at stake, that if we hadn't reached this agreement amongst us, it could have had repercussions for a very long period of time in the Senate; would the Senator agree to that?

Mr. CARDIN. I certainly agree with my friend from Arizona. They may not have understood what caused the problems, but when they see the type of gridlock where the Senate can't take up amendments for 1 week or can't take up a bill for 2 weeks or debating how to proceed on a motion to proceed, not only on substance, they wonder what is going on here. So the Senator is absolutely right.

Also, we are going to be in a much better start to this Senate with Democrats and Republicans agreeing on the rules collectively. That is certainly a better place for us to start to work with this Congress, and it gives us the opportunity to work together with more confidence, beyond just rules but also dealing with the difficult issues this country faces.

Mr. MCCAIN. Wouldn't the Senator from Maryland agree that the whole purpose of this is not to block? In fact, with our numerous meetings with the Parliamentarians, I think we reached a greater and fuller understanding that if someone really, really wants to block progress in the Senate, given the incredible—if the word isn't ''arcane,'' it is certainly ''detailed''—rules of the Senate, they can.

But the real purpose of this and the outcome that the Senator from Maryland and I and Senator Kyl, Senator BARRASSO, Senator LEVIN, Senator SCHUMER, Senator PRYOR—and I note the presence of the Senator from Michigan on the floor; I think he would agree that this fix, this compromise we have all now agreed to—and hopefully we will agree to and pass shortly—is also intended to change an attitude in the Senate.

Instead of blocking everything moving forward and blocking amendments, perhaps we could create a new environment in the Senate where we will let the minority have their amendments, but also the minority party will let the process move forward. I think that is the tradeoff that was the fundamental aspect of the negotiations we continued in the office of the Senator from Michigan for many days and many hours.

I think the Senator from Michigan and the Senator from Maryland would agree; if someone wants to block the Senate from moving forward, they can at least do it for some short period of time. What has happened, looking back 10, 15 years ago, the tree wasn't filled. But at the same time, on the other side, amendments were not produced by the hundreds. I believe the object and I believe the outcome of this hard-earned compromise will be that there will be a greater degree of comity in the Senate which would allow us to achieve the legislative goals that all of us seek.

I ask unanimous consent that the Senator from Michigan join the Senator from Maryland and me in this colloquy.

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

Mr. LEVIN. Mr. President, first, let me thank my dear friend from Arizona for helping to lead this bipartisan effort, where eight of us spent weeks to

try to come up with a bipartisan proposal to our leaders. Senator CARDIN was one of the eight, and I am grateful to him and to all the eight Members, including one who has now left, Senator Kyl.

Its purpose was twofold. The first purpose was to address the specific hurdles that have created gridlock, the specific mechanisms which have been overused in this Senate that have led to gridlock. There are a number of things that have led to gridlock, but the most significant problem we have faced is the excessive use of the threat of the filibuster on the motion to proceed to a bill.

The reason it was used—according to many Members of the minority—was because of a fear that the tree would be filled by the majority leader and then there would be no opportunity to offer amendments. So what the eight of us strived to do was to find a balance where we could protect the minority's rights to offer some amendments at the same time that we finally got rid of a roadblock which was being abused, which was a threat to filibuster a motion to proceed. So we devised this approach which is now part of the leadership proposal to do exactly that.

The other purpose is the one which my friend from Arizona has just identified; that if we could come together, the eight of us, four Democrats and four Republicans—Senator SCHUMER is now on the floor and he was one of the eight. If we could come together and come up with a bipartisan proposal on this issue, we could hopefully begin to change the dynamic that has so divided this Senate. That is, hopefully, a very important and, I hope, successful outcome of those discussions and of the leadership then coming together, because those two leaders have to come together if this Senate is to come together and be able to move legislation in the ordinary course.

I agree with Senator MCCAIN's assessment as to the second goal we had, which was to show that on the thorniest procedural issue we face, that four Democrats and four Republicans, meeting in a very thorough and personal way, without a lot of staff around, could find a way through this procedural thicket and then make recommendations to the majority and to the Republican leader. I do agree with the Senator from Arizona.

Mr. MCCAIN. I think my friend from Maryland would also agree that we have found, for example, on the Defense authorization bill, that once we get onto a bill and once we have some amendments—in the case of our agreement it was four—that now the Members are sort of invested in moving the process forward. The logjam has always appeared before the bill is ever taken up for debate and amendments. By expediting that process, without depriving Members of their rights but expediting that process, hopefully, we will get onto the bill and some amendments that are already—four in one option—are already agreed to, and then we can move forward.

I would like to point out one other thing, and I think my two colleagues would agree; that is, we are fairly well paid around here, and maybe sometimes we should work a 5-day workweek; and maybe, if absolutely necessary, God forbid, a 6-day workweek. We should be taking up legislation and completing that legislation before the end of the week or, depending on how massive the legislation is, at least 2 weeks. But there should be dates certain. It is funny how this body operates when there are deadlines as opposed to just extended periods of debate and amending.

Mr. CARDIN. Could I inquire because I want to use the two Senators as the example. They did that on the Defense Authorization Act. They were able to get the bill to the floor. They started on the bill, had a little rough start, but started on the bill and then set up a series of votes. We were able to vote on I don't know how many amendments. But it is interesting, if my memory is correct, there was no requirement for a 60-vote threshold on any of those amendments. You voted them all on majority so there was no need for a cloture vote because we started on it and people believed the process was fair. They had the opportunity, they had a chance to debate. So we had full and open debate on many issues.

National defense authorization opens a whole host of issues which are very controversial: What do we do with detainees? What do we do with our civil liberty rights? What do we do with our troop levels? There were a lot of issues that could have divided us, and we had the type of debate that I think was in the best interests of the Senate and we completed that bill in a timely way.

I think the way the two Senators were able to come forward—there are a lot of other committees. I serve on the Senate Foreign Relations Committee. We talked today, yesterday, during—Senator MCCAIN is also on that committee. We talked—Secretary Clinton—wouldn't it be nice to get a State Department authorization bill on the floor of the Senate?

Mr. MCCAIN. It is a disgrace that we have not—in how many years?

Mr. CARDIN. A long time. Certainly, I have not been in the Senate since that happened. But I do think now we have a better opportunity. If our committee could mark up a Defense authorization bill—and maybe it would take a week or two. Maybe we would have to work Friday or Saturday to get it done, but we should do that. But we now have the opportunity for the leader to bring that to the Senate floor immediately and allow the amendment process to start. Once it starts, normally we can get the type of consideration by all of us as to a reasonable number of amendments, and we can get the bill, hopefully, through the Senate. That is what I think is the real plus of the type of reforms we are talking about that allow the right legislative process to work.

As I said, it doesn't cover everything I wanted to cover. I would have gone further. But I do think it does give us a chance, allows us to do our work in the way that we should.

Mr. MCCAIN. I, again, would like to express my appreciation to Senator SCHUMER and Senator CARDIN, Senator PRYOR and my Republican colleagues, Senator Kyl and Senator BARRASSO. But I would especially like to thank Senator LEVIN. We have known each other and worked together now for many years. We had very spirited and open and honest disagreements, but there is a level of trust and friendship that allows us, when committed to the same goal, to be able to—I believe, hopefully, in a very short period of time—achieve it.

Maybe I am being a little bit too optimistic. Hopefully, because of this, we can start moving legislation through the Senate. The record that we have achieved over the last 2 years is less than admirable. We know that filling the tree has dramatically increased, but we also know the objections to moving forward also have. I am not placing any responsibility on either side. I am placing the responsibility on both sides. Maybe we can start a new day, take up some legislation, pass it, and do the people's will. Maybe we would improve our favorability ratings to exceed that of—I saw a poll the other day; I don't know if my colleagues did. A colonoscopy is more favorable than Members of the Congress. I don't know if they saw that.

I hope we can at least raise it to some level above that. By getting things done around here I think that will probably enhance our chances of regaining some more favorability amongst the American people.

Again, I thank the Senator from Maryland and my friend from Michigan and, hopefully, in a couple of hours we will have achieved something that, in my view, could avert a fundamental change in the Senate which maybe could never have been repaired. I view it with the utmost seriousness. I have never been involved in an issue that impacted this body to the degree that the nuclear option would have caused. We would have regretted it for a long time. Hopefully, in a few hours we will have avoided it.

I just want to remind my friend from Maryland and the Senator from Michigan, this is going to be for 2 years. So we are in kind of an experimental phase. If we are unable to do the things that we aspire to, then I think you could see further Draconian measures considered by the majority. It is up to both sides to make this work.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first of all, let me comment on what Senator CARDIN said about one of the purposes of this effort, which is to get a bill to the floor so the managers can work on it.

As we have proven in the last couple of months on a number of bills, and the Senator has pointed this out, if we can get the bill to the floor for the managers to be able to work with our colleagues on amendments, we can legislate. The problem has been that we have not been able to get bills to the floor because of this blockage, the blockage caused by the overuse of the filibuster and, more accurately, the threat of a filibuster on the motion to proceed, which, in turn—and my Republican friends believe this very keenly—was caused by the use of filling the tree, which meant that they would not have the opportunity to offer amendments. So they would then use that threat of a filibuster in order to try to gain assurance that they would be able to offer some amendments.

That is the heart of the compromise we proposed. There are a lot of other aspects to it, including trying to get rid of these filibusters on going to conference; including these filibusters that tied up nominations with postcloture 30-hours, nominations that were going to pass with votes of 90 to 0.

There are a lot of other parts to the recommendations and what the leaders are recommending to us, but the key thing—and Senator REID said it to us repeatedly—the key thing that this compromise addresses, and it is a bipartisan approach, is trying to overcome that barrier to getting legislation to the floor. We know—the Senator from Maryland has pointed out and Senator MCCAIN knows it because we have lived it—if you can get a bill to the floor with managers, they can work out amendments, sometimes by the hundreds.

I think Senator MCCAIN and I probably had over 100 amendments filed to our bill.

Mr. MCCAIN. I think it was about 383.

Mr. LEVIN. OK. I am glad I exaggerated in the downward direction. In any event, we were able not to work through all of them but to deal with that challenge, to probably deal with about 100 of them, as I remember. We did it in about 3 days.

That doesn't mean we are magicians. It means we are capable, all of us are capable, if we can get the bill to the floor. Particularly when the bill has come out of committee with broad bipartisan support, we can get bills passed here. So the heart of what we have proposed to the leadership, this group of 8, and what they have adopted and incorporated in their bipartisan approach to the Senate and to the country, is exactly what Senator CARDIN has talked about: getting bills to the floor. We can then watch the momentum work.

I want to add one other thing. Senator MCCAIN just made reference to it. That has to do with the so-called nuclear option, or the constitutional option, depending on what your view of it is. I have always believed the threat of that option was troublesome. I was troubled by it because it is inconsistent with the rules of the Senate which require a two-thirds vote for amendments to the rules and because we are a continuing body, not just by our rules but by even a Supreme Court opinion which so ruled.

I believe if the constitutional or the nuclear option were utilized here, if we ended up with the utilization of that option, that what we now have, which is gridlock, would have resulted instead in a meltdown. I want to remind my Democratic friends and folks around the country that not too many years ago when the Republicans threatened to use a constitutional option, the reaction on this side of the aisle was intense. The words of Senator Kennedy, Senator BIDEN, Senator Byrd resonated through this Chamber in strong opposition to the use of a nuclear option.

I have just a few examples of what our reaction was on this side of the aisle when there was a threat to use the nuclear option when it was threatened relative to judges. What I am not going to do tonight is go through the history of the constitutional or the nuclear option, what happened over the century when it has been threatened, how it has not been adopted by the Senate. It is a long, detailed history.

I know some of my colleagues have argued that the constitutional option is based on the Constitution. It is very much the opposite in terms of the history of this Chamber and the rejection of any idea that the Constitution somehow requires that at the beginning of a session of a Senate that rules can be amended by majority vote. It is a long history.

I want to just quote, if I can find these quotes, what the reaction was on this side of the aisle when there was a threat on the Republican side of the aisle to use this approach of getting a ruling from the Chair, somehow, that the rules, although they say they can only be amended by two-thirds, can in fact be amended by a majority.

EXTENSION OF MORNING BUSINESS

Mr. LEVIN. Mr. President, while I am looking for these quotes, let me ask unanimous consent the period for morning business be extended until 7 p.m. today and that all provisions of the previous order remain in effect.

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

I wish to quote Senator Byrd as to what he said when the actual issue was before the Senate. He said:

> Now, if we go down this road—

That is the road which says rules can be adopted by a majority vote, even though the rules say it takes 67 votes.

He said:

> Now, if we go down this road, I can guarantee that every Senator in this body will rue this day . . . Senators, do we want to do it this way? If this is done today, it can be done any day. If it can be done on the constitutional question, it can be done on any other constitutional question. It can be done on any other point of order which the Chair wishes for the Senate for decision . . . I believe that there is a danger here that, if Senators will reflect upon it for but a little while, they could foresee a time when they say that we went the wrong way to achieve an otherwise notable purpose . . . Put this power in the hands of a tyrannical leadership, and a tyrannical majority of 51 Senators, and we are going to be sorry on both sides of the aisle.

This is what Senator Inouye said in his maiden speech in this Chamber. They were discussing civil rights legislation. The question was whether there would be a ruling of the Chair which would allow the rules to be changed by the majority vote. This is a Senator who had been discriminated against in probably one of the most dramatic and massive ways that anyone could be discriminated against, being denied freedom because of his Japanese-American ancestry while he was fighting to defend this country.

What he said in his maiden speech was the Senate needs to preserve its protections for minority views, even though those protections allowed a misguided minority to obstruct our Nation's progress.

He supported the civil rights legislation, but he would not allow it to be addressed in violation of the rights of the minority of this body. This is what Danny Inouye said in his maiden speech:

> The philosophy of the Constitution and the Bill of Rights is not simply to grant the majority the power to rule, but it is also to set out limitation after limitation upon that power. Freedom of speech, freedom of the press, freedom of religion: What are these but the recognition that at times when the majority of men would willingly destroy him, a dissenting man may have no friend but the law? This power given to the minority is the most sophisticated and the most vital power bestowed by our Constitution.

He was not willing to end a grave injustice, which is what civil rights legislation would have achieved, by a method that he felt ran roughshod over the rights of the minority. He warned us against the attempts, in his words, ''to destroy the power of the minority . . . in the name of another minority.''

Mike Mansfield, leader of the Senate, supported a modification in the rule to reduce the number of Senators needed to end debate from 67 to 60. Although he supported the change in the rules, he opposed the use of the nuclear option, or the constitutional option, to achieve it.

This is what Mike Mansfield said in arguing for the reform:

> [The] urgency or even wisdom of adopting the three-fifths resolution does not justify a path of destruction to the Senate as an institution and its vital importance to our scheme of government. And this, in my opinion, is what the present motion to invoke cloture by simple majority would do.

He added:

> I simply feel the protection of the minority transcends any rule change however desirable. . . . The issue of limiting debate in this body is one of such monumental importance

that it reaches, in my opinion, to the very essence of the Senate as an institution. I believe it compels a decision by more than a majority.

Senator Kennedy's words were extremely powerful in this regard. I quoted some of Senator Byrd's words and Senator BIDEN's words vehemently opposing the effort to change the rules of this body by majority vote when the rules themselves provide it takes two-thirds of the vote to amend the rules.

We have to be consistent. The rules cannot just be simply what the majority wants them to be, whatever the current majority is. This is a body that has continuity. It is one of the few bodies in this country that has continuity. The only other one is the Supreme Court.

Two-thirds of us were not elected last November. Two-thirds of us continued from the last Senate. Over the centuries, this body has been looked to as a source of continuity, where the rules cannot be changed at the will or whim of a majority but where the rules stay in place until amended. The rules don't end when a Congress ends, in terms of Senate rules. House rules do because all the House Members are elected every 2 years. Senate rules are permanent until amended or changed. It is critically important that we not say those rules can be modified whenever the majority wishes to modify those rules or else we will lose not just the protection of the minority, which is so critically important to the history and purpose of the Senate, but it is critically important to the very continuity and stability of the Senate.

This is a unique position, where most of us—two-thirds of us—stay from Congress to Congress to Congress. It is not always the same two-thirds, but it is always two-thirds. That has created an institution which is unique in protecting minority rights as well as holding out to the American public that continuity. In the last few years, we have fallen terribly short of what we should be. There are many reasons for that, and I will not go into all of them or even any of them right at the moment. We have fallen terribly short. We have not carried out our duties for lots of reasons; again, most of which, frankly, are not acceptable to me.

We talk about how the filibuster has been abused—and it has been. In part, it has been abused because we, in the majority, have allowed it to be abused. We have not made the filibusterers filibuster. As Senator Byrd put it, it is just the whiff of a threat of a filibuster which has tied up the Senate. It doesn't have to be that way, and it should not be that way.

I see Senator ALEXANDER is here. He is such an important part of this group of eight.

What has happened is that eight of us came together with a very specific purpose. There were four Democrats and four Republicans. I have mentioned everybody who was in that group already. We came together to try and see if we could get through this thicket, where we have this threat of a filibuster on the motion to proceed which takes weeks to dispose of. What that means is it has been a huge problem in terms of getting things done.

Eight of us got together and said: Let's just reason together and see if we cannot get rid of the roadblock and the abuse of the threat of a filibuster but protect the rights of the minority at the same time to offer amendments. As I said before, it was that which drove many Republicans to use that threat because of the fear the tree would be filled and there would be no opportunity to offer amendments. Unless there was some assurance that there could be amendments offered, they then stood their ground and said: We are not going to proceed to that bill unless there is some assurance in terms of amendments. It is that balance that we struck, and that is where the two amendments on each side came from and where some of the suggestions we made to the majority came from.

I wish to thank Senator ALEXANDER and all the other Members. I am going to repeat the names of this group who spent so many hours together to try and come together not just to solve the problem of getting through this thicket, but also to help restore a climate in the Senate which might help us be more fruitful in our work.

Again, I wish to thank Senators MCCAIN, SCHUMER, KYL, KIRK, ALEXANDER, PRYOR, and BARRASSO for all the work they put in on this bipartisan proposal to reform Senate procedures.

I ask unanimous consent that the bipartisan proposal we made to the leadership—and which they have embraced in large measure in their own extraordinarily important effort to offer the Senate and the Nation a bipartisan approach of getting through this rules morass—be printed in the RECORD.

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

BIPARTISAN PROPOSAL TO REFORM SENATE PROCEDURES

We propose the Senate adopt a Standing Order at the beginning of the next Congress, which would provide two additional alternatives to the existing rules for the Majority Leader to proceed to the consideration of a measure on the Senate Calendar. It also streamlines procedures relative to going to conference and consideration of nominations. The two additional methods for the Majority Leader to proceed, at his option, would sunset at the end of the 113th Congress. The current rule relative to proceeding to a bill would remain an option. We also propose a number of recommendations relative to current practices and comity including that the Leaders inform their conferences that existing rules which require Senators to come to the floor to debate or object to a matter will be enforced.

HIGHLIGHTS

Two Additional Methods for the Majority Leader to Proceed, at his option

(1) No filibuster of the motion to proceed (debate on the motion would be limited to 4 hours, equally divided.) The amendment tree could not be filled at the time the Senate proceeds to the consideration of such bills where this option is used. The process by which this option would be implemented is in attachment A. It includes a guaranteed amendment at the beginning of the bill's consideration for each of the following in the order indicated: the Minority Manager, the Majority Manager, the Minority Leader and the Majority Leader. (Those amendments would not be subject to amendment or division.)

(2) When a cloture motion is filed that is signed by both the Majority Leader and the Minority Leader on a motion to proceed, and where the cloture motion is signed by at least five additional Senators from each caucus, the motion ripens after two hours of debate, equally divided and, if cloture is invoked by three-fifths affirmative vote, there will be no post-cloture debate.

Going to Conference

(3) All three initial motions relative to going to conference (insist, request, appoint) would be collapsed into one nondivisible motion. Cloture on such a motion would ripen after up to two hours of debate, equally divided, with no post-cloture debate if cloture is invoked.

Nominations

(4) The list of nominees subject to the current expedited process of putting nominations directly on the Calendar (S. Res. 116, 1126 Congress) unless a nomination is objected to by any Senator would be expanded by 531 nominations leaving 448 nominations to go through the traditional committee review process. Committee Chairs and Ranking Members would be able to strike nominations from the list of 531 before the Standing Order is put to a vote.

(5) A cloture motion on nominations would ripen after up to two hours of debate, equally divided, with no post-cloture debate if cloture is invoked. This change would not apply to Cabinet Officers, Cabinet-level Officers, or Article III judges. However, relative to district court nominations, post-cloture consideration would be limited to 2 hours.

CURRENT PRACTICES AND COMITY

In addition to the adoption of the Standing Order, the leaders, at their respective conference meetings, should address changing some practices to make the Senate operate more efficiently. They should notify their members about the following:

Leaders and bill managers should not honor requests to object or threats to filibuster on behalf of another Senator unless, after reasonable notice, that Senator comes to the floor and exercises his or her rights himself or herself. This also applies to all objections to unanimous consent requests. Members should be required to come to the floor and participate in the legislative process—to voice objections, engage in debate, or offer amendments.

When the two cloakrooms send out hotlines agreed to by the two leaders, any Senator may object, but the Senator should lose his or her objection if, after appropriate notice, the Senator fails to object to the request on the floor the next session day.

Rule XXII makes provision for 30 hours of debate after cloture is invoked. Within the 30 hours, Senators have strict limitations on the amount of time each Senator is allowed to speak. These limits should be enforced by the leaders and bill managers. Rule XXII further says, ''After no more than thirty hours of debate . . .'', so 30 hours will be considered the outside limit of post-cloture debate time.

When the Majority Leader or bill manager has reasonably alerted the body of the intention to do so and the Senate is not in a quorum call and there is no order of the Senate to the contrary, the Presiding Officer

may ask if there is further debate, and if no Senator seeks recognition, the Presiding Officer may put the question to a vote. This is consistent with precedent of the Senate and with Riddick's Senate Procedure, 1992. (See p. 716; see also footnotes 385 and 386 on p. 764) This can be done pre-cloture or post-cloture on any amendment, bill, resolution or nomination.

ATTACHMENT A

(1) The first amendments in order to any measure shall be one amendment for each of the two Leaders and two Managers. Such amendments shall be offered in the following order: Minority Manager, Majority Manager, Minority Leader, Majority Leader. If an amendment is not offered in its designated order, the right to offer the amendment is forfeited.

(2) Each paragraph 1 amendment must be disposed of before the next amendment may be offered.

(3) Paragraph 1 amendments are not subject to amendment or division.

(4) Each paragraph 1 amendment, if adopted, would be considered original text for purpose of further amendment.

(5) No points of order would be waived by virtue of this procedure.

(6) No motion to recommit shall be in order during the pendency of any amendment offered pursuant to paragraph 1.

(7) Notwithstanding Rule XXII, if cloture is invoked before all paragraph 1 amendments are disposed of, any amendment in order under paragraph 1 but not considered upon the expiration of post-cloture time may be offered and is guaranteed up to 1 hour of debate, equally divided.

Mr. LEVIN. Our proposal was born out of the sincere belief that, even in today's hyper-partisan environment, it is still possible for Senators from both parties to work together to restore the deliberative traditions for which the Senate was once known. It took many days of discussions over two months among our group to reach an agreement we could present to our Leaders. We looked past our frustrations with the recent practices of the Senate and acted together for the sake of this vital institution. I would also like to thank our former and current Parliamentarians, Alan Frumin and Elizabeth MacDonough, who answered our questions and provided their expert advice throughout our discussions.

Perhaps the most significant reform in the bipartisan leadership proposal, as in our bipartisan proposal to the leadership, is a reform designed to end the abuse of the threat of a filibuster on the motion to proceed to a bill—that is, the abuse of the Senate's minority protections to obstruct the Senate from even taking up and debating legislation. Reform in this area is vital, because abuse of the rules on the motion to proceed has prevented the Senate from engaging in what our rules are supposed to promote: Debate of the important issues our nation must face. Over the previous two Congresses, we have had to hold 59 cloture votes on motions to proceed, and the very threat of the filibuster on the motion to proceed has on countless occasions derailed the Senate's legislative process. Reforming the procedures regarding the motion to proceed will allow this body to deliberate as it is intended to do.

The proposal before us will give the majority leader two alternatives to the method in the existing rules for proceeding to a bill. The first alternative, in the form of a standing order effective for the 113th Congress, would limit debate on the motion to proceed to 4 hours. When used by the majority leader, this alternative would guarantee consideration of some minority amendments. Specifically, two amendments each for both the majority and the minority would be the first amendments in order at the beginning of consideration of a measure. The order of those amendments would be the first minority amendment, the first majority amendment, the second minority amendment, and the second majority amendment. Each amendment would need to be disposed of prior to the offering of the next amendment in order. These amendments would not be subject to amendment or division, and if adopted, the amendments would be considered original text for purpose of further amendment. They could be tabled or filibustered. If an amendment is not offered in its designated order, the right to offer that amendment would be forfeited. Filing deadlines would occur on these amendments if a cloture motion is filed. If cloture is invoked, any of these amendments not offered prior to the expiration of post-cloture time could be offered and would be guaranteed up to 1 hour of debate.

The second alternative would allow the Senate to move quickly when both the majority and minority leaders agree we should proceed to a matter. Specifically, where eight Senators from each side, including the two Leaders, sign a cloture petition on the motion to proceed to a measure, then the cloture vote would occur the day following the filing of the motion with no post-cloture debate if cloture is invoked.

The bipartisan proposal before us would also reform the process of going to conference by collapsing the three motions currently required by the rules to be adopted in order to go to conference into a single motion and shrinking the cloture process on that conference motion from 30 to 2 hours. This change would be in the form of an amendment to the Standing Rules, and was part of our bipartisan group's recommendations to the leaders.

In addition, the proposal before us would reform the consideration of nominations. First, for district court nominations, it would reduce post-cloture time from 30 to 2 hours, as recommended by our bipartisan group of eight. Second, it would shrink the cloture process on subcabinet nominations by reducing post-cloture time from 30 to 8 hours. This change would be in the form of a standing order and would be effective for the 113th Congress.

When a few Senators threaten to filibuster or object to proposed unanimous consent agreements, those Senators should have to come to the floor to speak or object. Our bipartisan group's reform proposal urged the leaders to give notice that the existing rules of the Senate will be used more vigorously to force filibusterers to show up on the Senate floor to speak, and their colloquy on this matter reflects the leaders' intention to do so.

This proposal includes reasonable protections for the minority, and it reforms our procedures in ways that can end the gridlock that bedevils us. And as it accomplishes those important reforms, this proposal allows the Senate to avoid a process that would break the rules of the Senate and do untold damage to this institution. Amending our procedures in this way, without use of the nuclear option, avoids having the Senate go from gridlock to meltdown. I want to spend some time discussing this process because the issue is extremely important and not fully understood.

The greatest difference between the Senate and the House of Representatives is the approach to minority rights. Senate rules protect the rights of the minority and the House rules do not. With those rights, a minority or even a single Senator can influence the legislative process. Without those rights, a simple majority can render a minority irrelevant and powerless to influence the legislative process.

The current Standing Rules of the Senate spell out clearly the process by which the rules of the Senate may be amended. Rule 5 states that the rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules. Rule 22 states that an affirmative vote by two-thirds of the Senators present and voting is required to end debate on a proposal to amend the rules.

Some Senators have argued that the Constitution empowers a simple majority of Senators to force a change in the rules at the beginning of a Congress, although the change would occur in violation of rule 5 and rule 22. Supporters of this position refer to this procedure as the ''constitutional option.'' Others, including many of us who have served here for longer periods of time in both the majority and in the minority, refer to it as the ''nuclear option'' because we can see the damage this procedure would do to the Senate. Indeed, many of us who are deeply concerned about its use vehemently opposed Republican threats to use this procedure in 2005.

How worried were we in 2005? Senator Kennedy was worried enough to tell his colleagues: ''By the time all pretense of comity, all sense of mutual respect and fairness, all of the normal courtesies that allow the Senate to proceed expeditiously on any business at all will have been destroyed by the preemptive Republican nuclear strike on the Senate floor . . . They will have broken the Senate compact of comity, and will

have launched a preemptive nuclear war.''

And here's what Senator BIDEN said on this floor: ''I say to my friends on the Republican side: You may own the field right now, but you won't own it forever. I pray God when the Democrats take back control, we don't make the kind of naked power grab you are doing.''

Why were our esteemed former colleagues so concerned about walking this path? Here are some of the dangers inherent in the ''constitutional'' or ''nuclear'' option, and some explanation of why and how the Senate has consistently rejected this approach in the past.

Supporters of the nuclear option claim a simple majority of Senators can force a rules change at the beginning of a Congress, but do not argue that they can do so at other times. There is no basis for the argument that the beginning of a Congress enjoys a special status for rules adoption or amendment that the remainder of a term of Congress does not. If the Constitution grants a simple majority of Senators the right to amend the rules of the Senate at the beginning of a Congress, when and how does that majority lose that right? This temporal distinction cannot be found anywhere in the Constitution. Article I, section 5 of the Constitution says that each House may determine the rules of its proceedings. It makes no distinction as to when.

That provision of the Constitution, which governs the Senate, also governs the House. The House adopts its rules at the opening of every Congress, but it can and does amend its rules in the middle of a Congress. If the Constitution grants a simple majority of Senators the power to adopt rules, what would stop that simple majority from amending those rules in the middle of a Congress, just as our House colleagues do? And if that is the case, the Senate would no longer be able to fulfill its historic distinction of protecting the rights of the minority.

Some supporters of the constitutional or nuclear option claim that rule 22's supermajority threshold to end debate on a proposed rules change is unconstitutional because it inhibits the Senate from exercising its constitutional power to determine its rules under article I, section 5.

But the power to set its own rules is just one of the many powers granted the Senate by the Constitution. For instance, the Senate is empowered to provide advice and consent on nominations and to consider legislation to collect taxes, to pay the nation's debts, to provide for the common defense and general welfare of the United States. Yet, filibusters have delayed or prevented the Senate from acting on those important measures and nominations that fall within the Senate's constitutional duties.

In testimony before the Senate Rules Committee, CRS expert Stanley Bach argued:

> Adopting and amending its own rules is not the only thing, and arguably not the most important thing, that the Constitution empowers and expects the Senate to do. If filibusters are unconstitutional because they impede the Senate in its efforts to exercise its authority under section 5 of Article I to adopt or amend its rules, then why are filibusters constitutional when they impede the Senate's efforts to exercise its equally or more important authority under Article I, especially section 8, to legislate on matters committed to it and the House of Representatives?

In other words, if the filibuster of a rules change is unconstitutional, as nuclear option advocates contend, then a filibuster on any matter would also be unconstitutional because it would delay or prevent the Senate from discharging its constitutional duties. So by declaring the filibuster unconstitutional on a rules change, advocates of the nuclear option are thereby swinging the door wide open to eliminate the filibuster altogether from the Senate.

Some supporters of the nuclear option say that the Founders never intended for the Senate to have filibusters. They claim that the original Senate's rules included a motion for the previous question, which they further claim was used to end debate and bring a matter to an immediate vote. So, they argue, the early Senate supported the ability to close debate and bring a matter to immediate vote by simple majority vote.

The problem is that they have their history wrong. The early form of the motion for the previous question is unlike its modern day version. In the first Congress, both Chambers had a motion for the previous question in their rules—the Senate dropped the motion from its rules in 1806. But the early version of the motion was not used to bring a question to an immediate vote. The motion, which was phrased ''shall the question be now put,'' was used to suppress or postpone a question. It was moved by Senators who would then vote against the motion in order to suppress or postpone the pending question.

The modern day version of the motion for the previous question in the House serves as a simple majority cloture device. However, in the early House, just as in the Senate, if the motion for the previous question was decided in the negative, then the question was suppressed and the House moved on to other business; if the motion was decided in the affirmative, then the House would continue debate on the pending question, not immediately proceed to a vote. That practice continued until 1811, when a new precedent was set that the motion, when agreed to, would immediately end debate and bring a vote on the question. That was the origin of simple majority cloture in the House.

The early history of the motion for the previous question is set forth in the House of Representatives official guide to procedure, House Practice: A Guide to the Rules, Precedents and Procedures of the House:

> In early Congresses, the previous question was used in the House for an entirely different purpose than it is today, having been modeled on the English parliamentary practice. As early as 1604, the previous question had been used in the Parliament to suppress a question that the majority deemed undesirable for further discussion or action. The Continental Congress adopted this device in 1778, but there was no intention of using it as a means of closing debate in order to bring the pending question to a vote. Early interpretations of the rule in the House were consistent with its usage in the Continental Congress. (House Practice, page 690)

Just as in the House, the early Senate rules had a motion for the previous question, which, just as in the House, was used only to end debate and move to another matter, not put a question to an immediate vote. This motion was eventually dropped from the Senate rules. In his speech to the Senate on March 2, 1805, Vice President Aaron Burr recommended changes to the rules of the Senate. Among those, he suggested that the Senate drop the motion for the previous question on the basis that it was duplicative to the motion for indefinite postponement. The diary of John Quincy Adams contains the following account of Burr's speech:

> He [Burr] mentioned one or two of the rules which appeared to him to need a revisal, and recommended the abolition of that respecting the previous question, which he said had in the four years been only once taken, and that upon an amendment. That was proof that it could not be necessary, and all its purposes were certainly much better answered by the question of indefinite postponement. (Memoirs of John Quincy Adams, edited by Charles Francis Adams, vol. I, p. 365)

Supporters of the nuclear option often reference advisory opinions and rulings by Vice Presidents Nixon, Humphrey, and Rockefeller that the Senate may adopt its rules by simple majority vote at the opening of Congress. These advisory rulings and opinions were rendered during actual attempts to change the rules, but the proposed changes were rejected, for good reason.

For example, Vice President Nixon believed the constitution granted a simple majority of Senators the power to force a rules change in violation of Senate rules. In 1957, when an attempt to change the rules was made at the beginning of a new Congress, Nixon made reference to his belief, but his advisory opinion recognized no special status for the beginning of a Congress. Nixon believed a simple majority of Senators could amend the rules at any point during a Congress. In his advisory opinion, Nixon said, ''The Constitution also provides that 'each House may determine the rules of its proceedings.' This constitutional right is lodged in the membership of the Senate and it may be exercised by a majority of the Senate at any time.'' Vice President Nixon also acknowledged that his opinion was merely advisory, and not binding upon the Senate.

Vice President Humphrey advised the Senate in 1969 that if a simple majority of Senators, but fewer than the two-

thirds required by the rules, voted to invoke cloture on a proposed rules change, then he would rule that cloture had been invoked. On January 16, 1969, the Senate voted 51–47 in favor of a motion to invoke cloture. Vice President Humphrey ruled that cloture had been invoked by the majority. Humphrey's decision was appealed and the Senate reversed Humphrey's decision by a vote of 53–45. In doing so, the Senate established a clear precedent rejecting Vice President Humphrey's ruling that a simple majority could end debate.

Supporters of the constitutional argument point to statements by Vice Presidents Humphrey and Rockefeller in 1967 and 1975, respectively. In both these instances, the Vice Presidents advised the Senate that tabling a point of order against a motion to end debate by simple majority would validate the motion to end debate and cause it to self-execute. It is my understanding that both former and current Senate Parliamentarians disagree with the advisory opinions of Humphrey and Rockefeller. Tabling a point of order lodged against a motion to end debate by simple majority does not validate that motion or cause it to self-execute. In tabling the point of order, the question simply recurs on the underlying motion, and that question is debatable. At the end of my remarks I intend to propound several parliamentary inquiries that, I believe, will address the errors of the Humphrey and Rockefeller rulings.

Let's examine more closely these two advisory rulings.

In 1967, it was Senator McGovern who offered a motion to end debate by a simple majority on the question of proceeding to a rules change. Senator Dirksen raised a point of order that the motion was out of order because it violated the rules of the Senate. Vice President Humphrey advised the Senate that if the Senate tabled the Dirksen point of order, that act would serve to validate the constitutionality of the McGovern motion. But in any event, the Senate rejected the motion to table the Dirksen point of order by a vote of 37–61. Then the Senate sustained Dirksen's point of order by a vote of 59–37. This is yet another example of the Senate establishing a clear precedent rejecting simple majority cloture of debate on a rules change.

Then, again, in 1975, the Senate faced a very similar question. Senator Mondale offered a motion that would end debate with a simple majority. Majority Leader Mansfield raised a point of order against the motion. Vice President Rockefeller advised that if the Senate tabled the Mansfield point of order, he would interpret that act as an expression of the Senate that the motion was proper—again, as I will show in a moment, a dubious position. After considerable intervening action and debate, the Senate ultimately sustained the Mansfield point of order by a vote of 53–43. Once again, the Senate established a clear precedent of its rejection of simple majority cloture of debate on a rules change.

The danger of the advisory rulings by Humphrey and Rockefeller in 1967 and 1975 is made clear in a grave warning issued by our former colleague, Senator Robert C. Byrd of West Virginia, the longest serving Senator in the history of the Senate and the author of its definitive history. During the debate in 1975 on the question of whether a simple majority could end debate on a proposed rules change, Senator Byrd gave the following remarks that I believe we should heed carefully today.

> May I say to those of us on our side that the day may come—although I hope it will not be in my time—when we will be in the minority, and it will take only 51 Senators from the other side of the aisle to stop debate immediately, without one word, on some matter which we may consider vital to our States or to the Nation. Let me show the Senate how this would work. ...
>
> Suppose it were the Bay of Tonkin resolution, which involved a declaration of war by the Congress of the United States. Any Senator could contrive his own—and I do not use that word disrespectfully—any Senator could write a similarly phrased divisible motion, a multiple motion, sent it to the Chair and all someone would have to do is raise a point of order, another Senator would move to table the point of order; if the point of order were tabled, the matter, without debate, would immediately be put to a vote. If a majority were to sustain that vote, debate would be closed on the basic motion to move to consideration of the matter, or if the matter were already before the Senate, to proceed to vote immediately on the matter without further debate.

Senator Byrd that same day said:

> I must say that I have to disagree respectfully with the Chair. We are today operating by the rules of the Senate, which rules and precedents provide that a motion before the Senate, against which a point of order has been made and tabled, remains before the Senate and is debatable. I cannot for the life of me understand how, in this instance, the motion, if the point of order is tabled, will not still be before the Senate and will not be debatable. I cannot understand that. I cannot understand how the Chair can logically state that the Senate, by this motion, and by virtue of its tabling a point of order, which is a separate matter, ipso facto shuts off debate on the motion.
>
> Now, if we go down this road, I can guarantee that every Senator in this body will rue this day ... Senators, do we want to do it this way? If this is done today, it can be done any day. If it can be done on this constitutional question, it can be done on any other constitutional question. It can be done on any other point of order the Chair wishes to refer to the Senate for decision. ... I believe that there is a danger here that, if Senators will reflect upon it for but a little while, they can foresee a time when we would say that we went the wrong way to achieve an otherwise very notable purpose ... Put this power in the hands of a tyrannical leadership, and a tyrannical majority of 51 Senators, and we are going to be sorry on both sides of the aisle. (121 Congressional Record 3842–3844)

So in 1975, the Senate did what it has always done when confronted with the question of simple majority cloture on debate of a motion to amend the rules. It rejected it.

The reason that the constitutional approach to rules changes has never been implemented is that every time it has been attempted, the Senate has not gone along.

When Vice President Humphrey explicitly ruled that the Senate could end debate by a simple majority, the Senate voted to overturn that ruling. In those instances when a Vice President has advised that tabling a point of order against a motion to limit debate on a rules change by a simple majority amounted to Senate approval of that motion, the Senate has either voted to reject that interpretation outright or voted against tabling the point of order.

The very basis for minority rights in the Senate is the absence of simple majority cloture, which would allow a majority of Senators to end debate. The absence of simple majority cloture is the only ground on which a minority, and sometimes a single Senator, can stand to demand they be heard on any given issue.

I believe by the letter and spirit of our rules, and the history and practice of this body, the bipartisan leadership proposal before us merits support. But I also recognize that these arguments alone may not suffice for the millions of Americans who understandably do not know or care much about the procedures and rules of the Senate, and who have watched for the last 4 years with mounting frustration as abuse of those rules has obstructed progress and mired the Senate in seemingly endless delay.

The foundation of Democratic governance is rule by majority consent. Indeed, democracy arose as a response to centuries of rule by a privileged and self-interested minority imposing its will on the majority. And the need for a system that protects minority rights is counter-intuitive to many Americans, who find it hard to understand why the majority's will does not always carry the day in the Senate.

But while the foundation of our Democratic system is rule by the will of the people, our Founding Fathers were careful to enshrine protections against what they warned was a dangerous threat to true political liberty. They called it ''majority faction,'' the possibility that a majority of the public would, in pursuit of its own interests, infringe upon the rights of their fellow citizens.

They crafted our system with a series of checks and balances to protect against the dangers of majority faction. And since the founding, many of the most important steps forward for our country have involved protecting minorities from the harms of majority faction.

The giants of the Senate have recognized the vital importance of protecting minority rights. Senator Daniel Inouye was rightly eulogized recently in this chamber as a wise and experienced presence in the Senate. He demonstrated that wisdom from the very beginning of his career here. In

his maiden speech on this floor, he implored the Senate to preserve its protections for minority views, even when those protections allowed a misguided minority to obstruct our Nation's progress. This is what he said:

The philosophy of the Constitution and the Bill of Rights is not simply to grant the majority the power to rule, but is also to set out limitation after limitation upon that power. Freedom of speech, freedom of the press, freedom of religion: What are these but the recognition that at times when the majority of men would willingly destroy him, a dissenting man may have no friend but the law? This power given to the minority is the most sophisticated and the most vital power bestowed by our Constitution.

Understand what was taking place here. Senator Inouye spoke as the Senate was debating whether to weaken the rights of the Senate minority, so that the Senate majority could end grave injustice by enacting civil rights legislation. Senator Inouye, a man who had himself felt the pain of racial discrimination, even during and after his remarkable service to this nation during World War II, used his first speech on this floor to warn against the attempts ''to destroy the power of the minority . . . in the name of another minority.''

I want to make clear to my colleagues my belief that defense of the minority's rights in the Senate is not defense of the current use, and abuse, of those rights. It is not a defense of a few who threaten routinely to prevent consideration of judicial nominees unanimously approved in committee, or to prevent debate on legislation. We need to act so that the Senate can function again.

But we can't save the Senate by destroying its very nature and role. In the past, Senators strongly committed to reforming the Senate rules have been equally committed to preserving its institutional strengths. Listen to the words of Senator Mansfield, who, in 1967, worked to reform the cloture rule so the Senate would function more normally—but, importantly, urged his colleagues not to pursue those reforms by the destructive means of establishing simple majority cloture to end debate on a rules change. While arguing strongly for reform, Senator Mansfield said, ''[The] urgency or even wisdom of adopting the three-fifths resolution does not justify a path of destruction to the Senate as an institution and its vital importance to our scheme of government. And this, in my opinion, is what the present motion to invoke cloture by simple majority would do.'' Senator Mansfield added: ''I simply feel the protection of the minority transcends any rule change, however desirable. . . . The issue of limiting debate in this body is one of such monumental importance that it reaches, in my opinion, to the very essence of the Senate as an institution. I believe it compels a decision by more than a majority.''

In 1975, Senator Byrd argued in favor of the rule change reducing the number of votes needed to end debate from 67 to 60. But he strongly opposed using simple-majority cloture of the debate on that rules change. ''I feel that a three-fifths cloture vote would protect the minority, protect the uniqueness of this institution, and preserve a fair and equitable way to close debate. But I am not for destroying the Senate as a unique institution in an effort to reach that end.''

In 2010, in testimony before the Rules Committee on this subject, Senator Byrd said:

During this 111th Congress, in particular, the minority has threatened to filibuster almost every matter proposed for Senate consideration. I find this tactic contrary to every Senator's duty to act in good faith. I share the profound frustration of my constituents and colleagues as we confront this situation. The challenges before our nation are too grave, too numerous, for the Senate to be rendered impotent to address them, and yet be derided for inaction by those causing the delays. . . . Does the difficulty reside in the construction of our rules, or does it reside in the ease of circumventing them? A true filibuster is a fight, not a threat, not a bluff. . . . Now, unbelievably, just the whisper of opposition brings the 'world's greatest deliberative body' to a grinding halt. . . . Forceful confrontation to a threat to filibuster is undoubtedly the antidote to the malady.

There have without question been times when a self-interested or hidebound minority in the Senate has frustrated American progress. But there have also been times when a Senate majority has attempted to impose its will in ways that would have been harmful. Those instances resonate far less loudly when one is a supporter of a frustrated majority. But those of us who have served in the minority in this body, as I have for nearly half my time in the Senate, remember them well.

In the recent past, Senate Democrats in the minority used the protections afforded the minority to block a series of bills that would have unwisely restricted the reproductive rights of American women. We beat back special-interest efforts to limit Americans' ability to seek justice in our courts when harmed by corporate wrongdoing. We used those protections to seek an extension of unemployment benefits for millions of Americans. We used them to oppose the nomination of nominees to the Federal courts who we thought would do great harm to the law. Progressives distressed that the recent fiscal cliff agreement raised the estate tax exemption to more than $5 million should recall that without the protections afforded the Senate minority, a total repeal of the estate tax would have passed the Senate in 2006. Forty-one Senators prevented that from happening.

Over the history of this body, giants of the Senate have repeatedly warned us against the danger of damaging, even with the best of intentions, the Senate's protections for minority rights and extended debate. Time and again, the Senate has heeded those warnings. While it is necessary to reasonably preserve those minority rights, it also is urgent that we restore the Senate's ability to function. Unless we do that, the Senate's character and function within our system of government will remain threatened by constant gridlock. The bipartisan proposal before us holds the promise of restoring the Senate's deliberative and legislative process, without going down a ''nuclear'' path that might severely damage the Senate in an attempt to save it. This proposal holds the promise of demonstrating to a nation hungering for bipartisan cooperation that we are capable of providing it. I urge my colleagues to embrace a bipartisan approach that will allow us to end the gridlock of which we have seen too much, and to do so with the bipartisan spirit of which our people have seen too little.

Mr. LEVIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I wish to thank Senator LEVIN for his leadership, as well as Senator MCCAIN, Senators SCHUMER, CARDIN, PRYOR, and Senator Kyl—who has now retired from the Senate—and Senator BARRASSO. We are hopeful the leaders will be able to recommend to us a set of changes in our rules and procedures and practices that will help the Senate operate in a fairer and more efficient way. That is what all of us want. It is surprising how many of us want that.

We all worked pretty hard to get here. We all understand we are political accidents. The Senator from Maine, the Senator from Arkansas—we all know that. We are very fortunate to be here. While we are here, we would like to contribute something. That gets down to a couple things. Let's make it easy for a committee bill to come to the floor, and let's make it easier for Senators from the various States and from various points of view to have their say. Allow them to offer their amendment and have it voted up or down and to have a final vote. That is all.

I often use the analogy of the Grand Ole Opry. A person is lucky to be on the Grand Ole Opry. If you are there, you want to sing. Sometimes being in the Senate has been like being in the Grand Ole Opry and not being able to sing. We have all done the finger-pointing. The Democrats—the majority—say: You Republicans are filibustering. You are blocking things and keeping things from happening.

What we are saying is the majority leader has used the gag rule 69 times. Senator Daschle only used it once. What the eight of us found very quickly when we sat down in the first meeting a few weeks ago was that we were of the same mind. We honored this institution and we believe our country has serious problems. We want to get to those problems, and we want to serve our country well in the position we have.

If we are from Michigan, we want to be able to offer the voices of Michigan

on the floor of the Senate. If we are from Nashville or the mountains of Tennessee or Maine, we want to be able to do the same. We want our voices heard—not our voices but the voices of the people whom we represent. That is the importance of the discussion we are having today.

My hope is the majority leader and the Republican leader—and I congratulate them for sort of sticking their necks out in their respective conferences—recommend a way that we can do two things: make it easier for bills to come to the floor and make it easier for Senators to get their amendments in. I believe if that happens, this Senate will see a new day.

On this side of the aisle, we believe we don't need rules changes; that we just need a change in behavior. On the other side of the aisle, there are those who say: Let's get rid of the filibuster. I think once we get back into what we call regular order, all that talk will go away. I think Senator MIKULSKI and Senator SHELBY are going to have 10 or 11 or 12 appropriations bills ready to come to the floor within a few weeks, and I think they are going to want them to be considered by this body. If they do, we will be busy for 8 or 10 weeks and we will have dozens of amendments. I heard the chairman of the Budget Committee say she intended to have a budget and, if she does, we will have dozens of amendments. Then the voices of the people of this country will be heard here on the floor of the U.S. Senate. We will have votes, we will have amendments, and we will be doing our job, and all of this talk we are having right now will be pushed into the background.

There is a reason for a Senate that is different than the House of Representatives. It goes all the way back to the founding of our country. It was noticed by the first observers of our country. Alexis de Tocqueville, in his fascinating view of America in ''Democracy in America'' which he wrote in the early part of the 19th century, said America faced two great challenges. One was Russia. The other one was the tyranny of the majority. This is a democracy. This is a majority rules country. But he saw in a great, big, complex country the danger of the tyranny of the majority. And this institution, the U.S. Senate, has from the beginning of the country protected the minority and protected the unpopular view. If a Senator didn't like the Vietnam war, he or she could stand up and say something here and maybe do something about it. Or if a Senator was on the other side, maybe he or she could do something about it. They could make people slow down and stop and think before the country rushes ahead.

Senators of both parties eloquently, as Senator LEVIN has pointed out, have defended that right. We Republicans in the Bush administration were so upset about the Democrats' blocking of judges that we said we might use the nuclear option, that we might turn this into a majority body. Now there are a number of Democrats who feel the same way here. I hope we put that away and realize that this is the body that stands up for minority views in this country and says, don't run over minorities. Stop and think. Stop and think before you do that. Then we forge a consensus.

To conclude my remarks—because I see the Senator from Arkansas, who has been an outstanding contributor to this effort, as he has been through his time in the Senate—I came to the Senate as a young staff aide in 1967. That was a long time ago. I saw a little bit of how important it is to have a body that gains a consensus when we are talking about a big, difficult issue for the whole country. In 1967, the issue was civil rights. The Senator from Maine knows about those early days in the Senate. The Senator from Michigan does as well. There were a minority of Republicans at that time. Everett Dirksen was the Republican leader. But the civil rights bill of 1968 was written in the Republican leader's office. Why? Because at that time they had to get 67 votes to pass it.

One might say, Well, that shows what is wrong with the Senate, because it slowed things down. But looking back over history, those last 8 or 10 years of civil rights laws, the Voting Rights Act, eventually all of the laws that changed our country and continue to change it, were big steps. And what happened in 1968 once the Senate gained a consensus on civil rights? Senator Russell, who led the opposition to the civil rights bill through his whole career, got on the airplane, went home to Georgia and said, It is the law of the land. Now we obey it.

So the value of having a body in our government that respects the minority and forces a consensus is that once we reach that consensus—once we reach it—we then have a better chance of having the country behind what we do on the very controversial and difficult issues we face.

So if this works out as I hope it does today, I pledge my part to work with the majority, as one Senator, to help make sure bills come to the floor, and to work with Republican Senators in the minority to help make sure they get their amendments. If we do, I think we will do our job better, we will gain more respect, the country will have a stronger government, and the rights of the minority will be protected.

I thank Senator LEVIN for his leadership, as well as Senator PRYOR and the others with whom I have worked.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I wish to thank Senator LEVIN and Senator ALEXANDER for their kind comments about me. The Senator from Tennessee and I came to the U.S. Senate at the same time. That was 10 years ago.

One of the things I think everyone would agree with is we have seen over the last 10 years a waning of effectiveness in the Senate. A large part of that is the fact that this floor is not used as it should be. This floor has been used to block and obstruct. Both parties are guilty of that. This floor should be the marketplace of ideas. It should be where we come together and we work to resolve our differences. Our differences may be partisan, they may be regional, they may be philosophical, they may be generational, whatever, but our Founding Fathers set up our system of government where there would be one place where difficult, complex, thorny, even sometimes politically treacherous issues can be resolved, and that is on the floor of the U.S. Senate.

When we, again Democrats and Republicans, abuse the rules around here and we stymie the Senate from acting, we get gridlock, and gridlock is not good for the country. I firmly believe one of the reasons the American public is so disgusted with Congress right now is because of the things that are happening and not happening on this floor.

When we think about our system of government and when our Founding Fathers set it up, of course we have the three branches, but as a practical matter, the floor, right here, is the only place in our government where the American people—the people we represent—can actually see their law being made. Americans don't see law being made at the White House. They go out there and they huddle up in their conference rooms and they come out to the Rose Garden and they make the announcement. We never see the process. We don't see the process in the U.S. Supreme Court or in the courts of appeals. What happens there is the lawyers and the parties come in and make their cases and then the Justices and judges go back and conference and they talk about it back in their chambers, and they come out with their decision, and that is what we have. We don't always know what the deliberations are. We don't know all the considerations. The same thing in the U.S. House of Representatives, with all due respect to our other Chamber down the hall. Because of the way their rules operate, because of the Rules Committee and the way it is structured and their history and, quite frankly, their DNA, it is a majoritarian body. But not the U.S. Senate. In the Senate we allow Senators to amend and debate and to vote. That has been one of the problems here in the last 10 years. The Senator from Tennessee—and I see the Senator from Texas on the floor—we all came in together. This Senate has lost a lot of ability to do that.

I am firmly convinced we have sufficient verbiage in rule XXII of the Senate Rules to require a talking filibuster. I think that is critically important. It is not a new interpretation, but it is utilizing the existing interpretations, the longstanding history of the Senate, based on parliamentary decisions, based on decades of things that

have happened here on the floor, where we have the authority already in rule XXII. But we have asked our two leaders to clarify and state and notify all of us how we are going to handle issues during this Congress. The way we are going to handle it when it comes to the talking filibuster is we are going to require Senators to be here to object. No more phone-in filibusters. We are going to require Senators to come down and state their objections, to come down and actually speak. If they have a problem with moving forward, they need to come and speak about it. If they want to start a filibuster, they should be here to speak on the floor. What is going to happen is the majority of Senators who want to see legislation get done may have to do a little work and be here late nights, but that is part of it. That is what we signed up for. It is like the Senator from Tennessee said a few moments ago. We all worked very hard to get here, and we came here to work for the country. If we are ever going to have a chance of resolving the big and difficult issues that face our Nation—issues such as our debt and deficit; issues such as the fiscal cliff; a whole set of issues including tax reform, entitlement reform—we can bet our last dollar those things are going to happen in the Senate. That is where things get done.

The fiscal cliff, with all due respect to the House, didn't happen in the House, it happened in the Senate. The minority leader and the Vice President worked it out. That is the way things have always gotten done, for the most part, in American history, and that is the way we need to allow things to get done in this Congress, because we have too many big issues to block everything that is coming through on the Senate floor.

Again, I wish to thank Senator LEVIN and Senator MCCAIN for leading this effort. They are great leaders. I thank Senator Kyl, Senator BARRASSO, Senator ALEXANDER. Participating in those meetings with my Republican colleagues was a great experience, to listen to them, listen to their concerns. I think it was an education for all the Democrats to have that quality time where we did listen and then they listened to us. I think that was very important. We need to do more of that around here. We will get a lot more done if we do.

Also, our Democratic colleagues, of course led by Senator LEVIN, Senator SCHUMER, and Senator CARDIN, everybody contributed, and I think it is something we should be proud of and it is also a great victory for bipartisanship. It is a great victory for bipartisanship. I think that is what the American people are screaming out for: for us to work together to get things done, and this is a good example of that.

EXTENSION OF MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that the period of morning business be extended until 7:15 p.m. today, and that all provisions of the previous order remain in effect.

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

The Senator from Georgia.

THANKING OUR COLLEAGUES

Mr. ISAKSON. Mr. President, as I walked to the Capitol, I had not intended to speak. But when I came in and started listening to Senator PRYOR and Senator LEVIN, and I listened earlier today to Senator MCCAIN and now Senator ALEXANDER, it made me want to come to the floor and thank them for the effort they have made to hopefully make us a better working body in the next 2 years than we would have been otherwise preceding this agreement.

When Senator ALEXANDER made the remarks about our predecessor, Richard Russell, and when he came home to Georgia after a rigorous debate, an arduous debate, that took place on civil rights, it made me recognize the appreciation and respect our predecessors had for the result of the debating process.

As I listened to Senator PRYOR, I had a flashback to 2 weeks ago when a number of us attended the movie ''Lincoln.'' It was a screening of the movie downstairs, and Steven Spielberg was there. I thought about those great scenes in the movie ''Lincoln'' where the U.S. Congress debated slavery and whether we were going to abolish it. We came to a decision, we had a vote, we debated it, and the abolition of slavery took place, all because the Congress functioned, all because politicians took the issues to the floor. They challenged one another. They worked hard for what they thought was best for the country. I think tonight when we vote on the changes that will be adopted, we preserve the interests of the minority. We preserve the best heritage of this body. We put ourselves in a state where we will debate on the floor of the Senate and make decisions for the American people, and the result will be a better country and a better product by the U.S. Senate.

So I thank, Senator ALEXANDER, Senator PRYOR, Senator MCCAIN, wherever you might be, and Senator CARL LEVIN, for a job well done.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I rise to share a few comments on the votes that we are about to take. In particular, I am struck by the enormous amount of conversation over the last few days over how we make this body, our beloved Senate, work more effectively in addressing the big issues facing America.

I think all of us have had the experience of our constituents back home recognizing that the last 2 years, and many years before, were ones that we had a particular growing element of paralysis that we had a responsibility to address. Tonight the Senate is going to be speaking in a bipartisan fashion and saying this cannot continue in the same way; that we need to take steps toward having a more functional Senate.

I don't think it will come as a surprise to anyone in this Chamber that I had hoped we would go a little further in addressing the silent filibuster that has been haunting us in these Halls. But here is the important thing. The important thing is that this Chamber is speaking tonight in a bipartisan voice, in a strong voice, saying we must take steps for this deliberation to work better. I think that message reverberates with the American people who are looking at the many challenges we face as a nation and who have been watching through the courtesy of C–SPAN and seeing that often, when they want us to be addressing these challenges, we are here in quorum calls.

A substantial amount of that can change, both with the modest steps we are taking tonight and, hopefully, in the collaboration between the two parties in the spirit of having a functioning legislature.

I want to thank a number of groups who have worked very hard to bring to us the importance of making change: the Communications Workers of America, the Sierra Club, the Alliance for Justice, the entire Fix the Senate Coalition, Daily Coast, Credo, the Progressive Campaign Committee, and the nearly half million Americans who have signed petitions to say: Please, Dear Senators, work hard on this. It matters. I think their voices were heard.

So I extend my appreciation to the leadership on both sides who have been working so hard to figure out these steps forward, to try to have a series of tools on the motion to proceed, to figure out how we can get more effectively to conference committee with the House, how we can cut down on the number of hours that are often wasted after a cloture vote on a nomination. So there is significant progress in a number of areas.

I certainly pledge to my majority leader and to my colleagues on both sides of the aisle to remain engaged in this conversation about the functioning of the Senate. I appreciate the work they have done. I appreciate the steps we are taking tonight. I also appreciate the spirit in which many folks are saying: Let's make these things work. We hope they work. And if they don't get us there, let's return to this conversation because we do have that

underlying responsibility to the citizens of the Nation to have a Senate that can act. In the words of the President just outside a few days ago, it is time to act. He called upon the Nation and he calls upon us, and we make significant steps in that direction tonight.

Mr. UDALL of New Mexico. Mr. President, I rise today to talk about our efforts to change the Senate rules.

For the second time since I have been in the Senate, the constitutional option has been crucial. It has pushed this body to seriously look at changing the way we do business.

This week the majority leader and majority whip declared majority support for the constitutional option. As a result, the Republican leader has finally agreed to some Senate rule changes.

As I said more than 3 years ago when I first proposed the constitutional option, it is time for reform. There are many great traditions in this Chamber that should be protected and respected. But the paralyzing abuse of filibusters is not one of them.

Senators MERKLEY, HARKIN, and I introduced a package of reforms that is fair, that reins in the abuse, and that protects the voice of the minority.

While I believe our reform package is a much better way to restore debate and deliberation to the Senate, I appreciate the leadership's efforts to get a bipartisan agreement. To move forward to reform the filibuster and reduce Senate gridlock.

I have carefully considered the compromise proposal that Leaders REID and MCCONNELL have crafted. I don't believe their proposal does enough to reform the Senate, but it does show that there is consensus, that both sides of the aisle recognize that the Senate is broken, that we must have change.

The leaders' proposal is a step in the right direction. I am most concerned that it does not eliminate the fundamental cause of Senate dysfunction—the fact that any Member can halt Senate business without even showing up on the Senate floor. We shouldn't do away with the filibuster, but we should demand greater responsibility from senators who use it.

The majority leader and the Republican leader are telling us that they will make Senators who object or threaten filibusters come to the floor and actually debate, using the existing rules. The proof of this will be over the next 2 years. We will be watching.

I believe we could have achieved more substantive reform by using the constitutional option to amend the rules with a majority vote. I know several of my colleagues think this would set a dangerous precedent. I disagree.

I know that we may serve in the minority at some point in our Senate careers. Senators MERKLEY, HARKIN, and I have not proposed any rules changes that we are not willing to live with in the minority.

Senator HARKIN made his proposal when he was in the minority. I served in the minority in the House—which is a lot worse than the minority around here. So I don't think looking at our rules and amending them by a majority vote at the beginning of a Congress is dangerous. On the contrary. It is a healthy exercise to make sure we can still function as a legislative body.

We started this effort over 3 years ago. We have made progress. But rules reform is not over. Our work is not complete. We should always seek to find ways to be a better institution. That is why I believe we should review and adopt our rules at the beginning of every Congress.

One of the resolutions today is a standing order—it applies for only this Congress. We will have an opportunity to revisit this in two years.

I want to close by saying this. Since the beginning of this process, my actions have been guided by the great respect I have for the institution of the United States Senate, my reverence for the many great men and women who have served here, and my sincere affection for my colleagues.

That remains true today. I want to thank my colleagues for their consideration of our proposals, for their willingness to listen, and for their friendship.

And I want to make clear to all those who have supported this effort—our work will continue. Our cause endures. History has made clear that substantial reform is more often than not the work of many Congresses, not just one.

I commit to doing all I can to ensure that the Senate is not a graveyard for good ideas, that it is once again the world's greatest deliberative body, and that we have a government that truly responds to the real needs of the American people.

Mr. GRASSLEY. Mr. President, we are facing major changes in how the Senate operates and even minor changes can have big consequences.

Since the Senator even from the smallest State represents hundreds of thousands of Americans, any change to how senators are able to represent their constituents' views is of great importance.

We have heard plenty of talk from the other side of the aisle about how the Senate's current dysfunction simply boils down to Republican abuse of the filibuster.

If you are a partisan Democrat and inclined to think the worst of Republicans, then that explanation may hold water for you.

On the other hand, those who are more fair minded will find themselves wondering if there isn't more to the story.

A fair analysis of what is wrong with the Senate must look at the situation from both sides.

From the Republican point of view, the main gripe with how the Senate has been operating recently is the inability of the minority party to offer amendments and receive a fair hearing for our ideas.

The Senate rules provide that any Senator may offer an amendment regardless of party affiliation.

The longstanding tradition of the Senate is that members of the minority party have an opportunity to offer amendments for a vote by the Senate, even if those votes don't fit the agenda of the leadership of the majority party.

Of course, if those amendments don't receive a majority of votes in the Senate, they cannot be passed.

No one is arguing for some sort of right of a minority of senators to advance a minority agenda.

However, it is not uncommon for an idea that comes from the minority party to attract votes from the majority party, even enough to pass.

This can be inconvenient or even embarrassing to the leadership of the majority party.

Perhaps there is a Republican amendment that would reveal a split within the Democratic caucus.

Perhaps a Republican might offer an amendment that has broad public support and it would be hard for certain Democrats to explain to the people they represent why they voted against it.

What's wrong with taking tough votes and showing the American people where you stand?

Those who lecture us about majority rule can't have it both ways.

If an amendment gets the votes of 45 Republicans and 6 Democrats, that is a majority, but that is exactly the scenario the majority leader has been trying to avoid.

Minority amendments have routinely, systematically been blocked in recent years in the Senate.

The Majority Leader has consistently used a tactic called ''filling the tree'' where he offers blocker amendments that block any other senator from offering their own amendment unless he agrees to set his blocker amendments aside.

He is able to get in line first to put his blocker amendments in place because of a tradition that the Majority Leader has priority to be recognized by the presiding officer.

This doesn't appear anywhere in the Senate rules and it arguably contrary to the rules.

This so called filling the tree tactic used to be relatively rare, but it has become routine under this Democratic leadership.

So what are Republicans to do if they have amendments they want to offer?

We can ask the majority leader to allow us to set aside his blocker amendments so we can offer an amendment.

His response has been to ask us what amendments we want to offer, and he will only agree to set aside his blocker amendments if he approves of the particular Republican amendment.

If there are amendments that he doesn't like, he says ''No.''

Then, with amendments blocked, he makes a motion to bring debate to a close, or ''cloture''.

When cloture is invoked, it sets up a limited time before a final vote must take place.

By keeping amendments blocked while running out that clock, the majority leader can force a final vote on a bill without having to consider any amendments.

Naturally, under these circumstances, members of the minority party who wish to offer amendments will vote against the motion to end debate and force a final vote until they have had an opportunity to have their amendments considered.

However, when Republicans vote against the majority leader's motion to end debate, we are accused of ''launching a filibuster''.

Many Americans may be surprised to learn that the Senate rules do not define what constitutes a filibuster.

The Merriam-Webster Dictionary defines a filibuster as ''the use of extreme dilatory tactics in an attempt to delay or prevent action especially in a legislative assembly.''

The fact is, a filibuster can refer to any procedure perceived as dilatory, which is in the eye of the beholder.

In the case I have described, if Republicans refuse to go along with the majority leader's attempt to deny Senators the right to offer amendments, is that an extreme dilatory tactic?

I would say it is a logical response to an assault on our rights.

Republicans can't be expected to vote for the majority leader's motion to end consideration of a bill before we have had a chance to offer any amendments.

That brings us to the so called ''talking filibuster'' proposal that has been mentioned so much on the Senate floor.

Some have proposed that Senators be required to talk non-stop on the Senate floor or a final vote can be forced, even if there have been no amendments allowed.

In other words, when the majority leader has amendments blocked, if Republicans want to defend their basic right to offer amendments, they would have to go to the floor and debate non-stop.

That doesn't make any sense.

What does non-stop debate have to do with giving up your right to offer amendments?

Here is where advocates of the so called ''talking filibuster'' confuse the issue.

As I mentioned, a filibuster can refer to any tactic perceived as dilatory, but when most Americans think of the filibuster, they think of Jimmy Stewart in the classic film Mr. Smith goes to Washington standing and talking without stopping for an extended period of time to delay proceedings and make a point. It just makes sense that if you want to engage in this type of filibuster, you should have to actually speak.

Some Senators would have us believe that somewhere along the line the filibuster was mysteriously transformed so Senators no longer had to talk on the floor of the Senate, but that is not the case.

The filibuster itself hasn't changed, just what we call a filibuster.

When Democrats complain about Republican filibusters, they aren't talking about Mr. Smith Goes to Washington filibusters.

They are talking about Republicans refusing to vote for the majority leader's motion to end consideration of bills without the opportunity for amendments.

Again, the rules and traditions of the Senate dictate that Senators have a right to offer amendment.

What justification can there be for forcing Senators to speak for hours on the floor or lose the right to offer amendments?

That would just encourage the majority leader to block amendments even more and use this new tool to jam legislation through the Senate without considering alternative views. Such a situation would only make the underlying problem worse.

This isn't just Republicans saying this.

Listen to what the New York Times said: ''The use of filibusters has risen since the 1970s, especially when Republicans have been in the Senate minority. But the most recent spike of Republican filibusters has coincided with the Democrats' unprecedented moves to limit amendments on the Senate floor.''

The current majority has moved to cut off debate and amendments on a measure other than the motion to proceed over 100 times.

This doesn't even tell the whole story because much of the time, the Senate Majority Leader doesn't have to actually use his amendment blocking tactic.

He simply informs Republicans that he will block amendments, or refuses to commit to allow Republican amendments before making the motion to consider a bill.

Republicans can hardly be expected to vote in favor of taking up a bill under these conditions.

I should point out that it isn't just members of the minority party who have been affected by the blocking of amendments.

There have been far fewer opportunities for Democrat Senators to offer amendments in recent years than used to be the case.

Not all Democrats will agree with every aspect of a bill brought before the Senate by their own leadership.

Rank and file Democrats might also have ideas to improve a bill that had not yet been considered before being taken up by the Senate.

Those who claim to want to fix the dysfunction of the Senate but who focus only on the alleged dilatory tactics by the minority party and ignore the heavy handed tactics by the current majority party are at best only addressing half the problem.

Moreover, to the extent any change to the Senate rules strengthens the ability of the majority to steamroll the minority, partisanship will only get worse.

The rules of the Senate, which protect the rights of the minority, force the majority to work with the minority if they want to get things done.

As a result, the Senate has historically been a more bipartisan place than the House.

That is a positive feature of the Senate that we should not discard lightly.

The role the Senate was intended to play by our Founding Fathers is clear.

I have described before how the Senate, with its longer staggered terms and other features, was specifically structured to act as a check on the passions of temporary majorities as represented in the House of Representatives.

I won't go into detail on that subject again because it is already in the CONGRESSIONAL RECORD, but I quoted James Madison, the Father of the Constitution, at length.

I have heard some select quotes from the Federalist Papers also used by some on the other side to argue that the Framers of the Constitution actually favored a more strictly majoritarian system.

One common quote is from Federalist 58, which discusses how only a simple majority is required for a quorum in the House of Representatives. Madison explains that this is to prevent a situation where a minority of Members can halt action by walking out, as happened with Democrat State legislators during the redistricting fight in 2003 and more recently in Wisconsin during the debate about collective bargaining for public employees.

In context, I see nothing that would contradict the expressed concerns elsewhere in the Federalist Papers about tyranny of the majority.

I have also heard a reference to Federalist 75, which ironically discusses the supermajority requirement in the Constitution for ratifying treaties.

The discussion is about whether the supermajority ought to be two-thirds of Senators present or two-thirds voting, not whether there ought to be a supermajority requirement.

We can never know what the Framers would have thought of the cloture rule as it currently exists.

However, we know that the Senate was specifically intended to prevent the majority from steamrolling the minority.

The fact is, our Constitution is a compromise between a purely majoritarian system where the rights of the minority are threatened by what Madison called the ''superior force of an interested and overbearing majority'' and the system under the Articles of Confederation where nothing could be done unless it was practically unanimous.

Our goal should be to return to the tradition of the Senate as a deliberative body where all Senators have an opportunity to put forward proposals, and the Senate can work its collective will.

Any reform of the Senate rules must balance the interests of the majority with the rights of the minority, not tip the balance toward one or the other.

If we fail to strike that balance, partisanship will only get worse.

That is easier said than done.

I know several Senators put forward proposals that they think are fair and will fix the Senate.

However, it takes more than assurances that you are willing to live under the rules you are prepared to impose should you find yourself in the minority.

You can't say that for sure until you are in that position.

Any serious attempt at a fair approach to the Senate's problems must involve engaging members of the other party and addressing their legitimate concerns.

That means that any reform of the Senate rules must restore a full and open amendment process where individual senators of any party can offer amendments.

Does the deal before us meet that test?

I am not sure.

The deal the two leaders have struck does include a guarantee of two amendments for the minority party, presumably picked by the minority leader.

That at least acknowledges the legitimate concerns on my side of the aisle about the blocking of amendments.

Two amendments is better than none, which is what we have had in practice.

It is also better than a unilateral rules changes imposed by the majority on an unwilling minority.

However, I have described how the right to offer amendments is a fundamental right of individual Senators representing their respective States.

There are 45 Republicans in the Senate, not 2.

It is also true that rank and file Democrats have plenty of proposals they have a right to put forward.

They shouldn't have to ask their leader's permission to do so any more than Republicans should.

Perhaps knowing that he will have to deal with two Republican amendments, the majority leader will decide to allow more bills to be considered under an open amendment process the way they should be. I hope so.

However, it is also possible that the majority leader will decide that there is no reason to ever go back to the traditional open amendment process now that we have this new process that only guarantees two amendments.

Two amendments could become the new ceiling rather than the floor.

If that is the case, we will have made the Senate more partisan and more dysfunctional.

It remains to be seen these changes will work in practice and I will be watching closely.

Mr. LEAHY. Mr. President, during my 38 years in the Senate, I have served with Democratic majorities and Republican majorities, during Republican administrations and Democratic ones. Whether in the majority or the minority, whether the chairman or ranking member of a committee, I have always stood for the protection of the rights of the minority. Even when the minority has voted differently than I have or opposed what I have supported, I have defended their rights and held to my belief that the best traditions of the Senate would win out and that the 100 of us who stand in the shoes of over 300 million Americans would do the right thing.

Yet over the last 4 years, Senate Republicans have come dangerously close to changing something central to the character of the Senate and threatening its ability to do its work for the American people.

As a caucus, instead of trying to work with us on efforts to help the American people at a time of economic challenges, Senate Republicans have engaged in an across-the-board procedural barricade. On issue after issue, from the DISCLOSE Act to efforts to curb massive subsidies for big oil companies, from the American Jobs Act to the Paycheck Fairness Act, from legislation to help small businesses to providing support for our veterans, Senate Republicans have relied on the unprecedented use of the filibuster to thwart the majority from making progress. They have long since crossed the line from use of the Senate rules to abuse of the rules, exploiting them to undermine our ability to solve national problems.

Filibusters that were once used rarely have now become a common occurrence, with Senate Republicans raising procedural barriers to even considering legislation or voting on the kinds of noncontroversial nominations the Senate once confirmed regularly and quickly by unanimous consent. The leader has been required to file cloture just to ensure that the Senate makes any progress at all to address our national and economic security, and a supermajority of the Senate is now needed even to force a vote on mundane issues.

That is not how the Senate should work or has worked. The Senate is built on a tradition of comity, with rules that only function based on the kind of consent commonly and traditionally given. The rules are not built to aid and abet Senators using across-the-board filibusters and obstruction at every turn. The Senate does not function if an entire caucus takes every opportunity to use obscure procedural loopholes to stand in the way of a vote because they might disagree with the result. Without serious steps to curtail these abuses, the approach taken the last four years by Senate Republicans risks turning the rules of the Senate into a farce and calls into question the ability of the Senate to perform its constitutional functions.

In an earlier period of Senate history, when the filibuster was widely regarded as having become too great an obstacle for long-overdue reforms—for which there was a wide and general national consensus—I had the honor of playing a small part as a freshman senator during Senator Walter Mondale's heroic and successful efforts to lower the cloture bar from 67 votes to 60 votes. Then, as now, reform came through arduous, bipartisan negotiation.

I am hopeful that the agreement reached today by the majority leader and the Republican leader represents that kind of serious step toward restoring the tradition of the Senate and its ability to work for the American people. I am hopeful that the Republican Senators who join today with Senate Democrats follow through on the commitment they are making to curtail the abuse of Senate rules and practices that have marked the last four years.

The progress we are making today is a credit to Senator MERKLEY, Senator UDALL, Senator HARKIN, and others whose efforts to reform the Senate rules are justified by the abuses we have seen. The diligence and energy of these reformers provided the impetus for the agreement reached today by the majority leader and the Republican leader. In my view the agreement does not go far enough to address abuses, and I wish it included more of the commonsense proposals put forward by the reformers to make the Senate run more efficiently. As I did at the beginning of the last Congress, I support their proposals to put the burden of maintaining a filibuster on those seeking to obstruct the Senate, rather than on those seeking to overcome the obstruction. However, I am willing to accept today's agreement as a meaningful compromise with concessions by both sides that will have the support of senators from both parties, rather than the support of only one party. I will support it because it can be adopted by a supermajority vote instead of the kind of extended and damaging floor fight over the rules that would undermine any progress we hope to make. With so many urgent issues to tackle for the American people, we cannot risk giving opponents of progress another excuse for inaction.

I am encouraged by the verbal agreement between the majority leader and the Republican leader to change the practices of how the Senate handles filibusters. Under this agreement, the bill managers and leadership would call on Senators who are threatening a filibuster to come to the floor, which will properly put the burden of a filibuster on those seeking to obstruct, rather than those seeking to make progress. The leaders will also press that postcloture debate time be used for debate and will bring votes to produce a quorum to avoid delay. These commonsense steps will help build on today's rules changes to help curtail the abuses we have seen and restore the Senate's ability to work for the American people.

I also believe the Standing Order that is part of today's agreement will give the majority leader new tools for overcoming the wholesale Republican obstruction of President Obama's judicial nominations. As chairman of the Judiciary Committee, I have been especially concerned about the damage being done by Republican obstruction to the Senate's unique responsibility for ensuring that the judicial branch has the judges it needs to do its job. Over the last 4 years, Senate Republicans have abandoned this constitutional responsibility, using unprecedented filibusters to delay and obstruct President Obama from appointing to the Federal bench even judicial nominations that have bipartisan support. As a result of this brand of Republican obstruction, we begin President Obama's second term with the Judiciary nearly 20 percent below where it needs to be in terms of judges, and a prescription for overburdened courts and a Federal justice system that does not serve the interests of the American people.

Senate Republicans have already forced the majority leader to file cloture on 30 of President Obama's judicial nominations, almost all of which were noncontroversial and were ultimately confirmed overwhelmingly. Yet the Senate rules give the minority the ability to demand 30 hours of floor time even after a supermajority of the Senate has voted to end the filibuster of a judicial nomination. This extended debate time is meant to give the Senate a chance to consider amendments that are germane to a bill so it serves no purpose for judicial nominations. Rather, it has been used by Senate Republicans as a threat to obstruct the Senate for days just to get to a vote on each of these noncontroversial nominations. Such an approach has made it easier for a silent minority of Senate Republicans to make the costs too high for the majority leader to push for votes on nominees and has led directly to the unnecessary and damaging backlog of judicial nominations we have seen for years on the Senate calendar.

The agreement reached today has a good chance of curtailing this type of abuse of the rules in this Congress by reducing this extended debate time after the end of a filibuster on district court nominations from 30 hours to two hours. I believe this change will increase the ability of the majority leader to push for votes on district court nominations, where the threat by Senate Republicans of extended debate time has been particularly damaging.

Federal district court judges hear cases from litigants across the country and handle the vast majority of the caseload of the Federal courts. Nominations to fill these critical positions, whether made by a Democratic or Republican President, have always been considered with deference to the home State Senators who know the nominees and their States best and have been confirmed promptly with that support. Never before in the 38 years I have been in the Senate have I seen anything like what has happened in the last 4 years, when we have seen district court nominees blocked for months and opposed for no good reason. Senate Republicans have politicized even these traditionally non-partisan positions, needlessly stalling them for months with no explanation.

Until 2009, Senators deferred to the President and to home State Senators on district court nominees. During the 8 years that George W. Bush served as President, only five of his district court nominees received any opposition on the floor. In just 4 years, Senate Republicans have voted against 39 of President Obama's district court nominees, and the majority leader has been forced to file cloture on 20 of them, with many more left to linger month after month without a vote on the Senate calendar due to the threat by Republicans to require half a legislative week or more just to confirm one of them. As a result, it has taken the Senate more than three times as long to vote on President Obama's district court nominees as it did to vote on President Bush's.

The agreement reached today will blunt the ability of Senate Republicans to block important legislation and district court nominations without accountability merely by the threat of burning so much Senate time. I wish that the proposal also applied to Federal circuit court or Supreme Court nominations, where the extended postcloture debate time also serves no purpose. But the progress I believe we will make as a result of this bipartisan compromise is a good first step towards helping us reduce the extended backlog of judicial nominations created by Republican obstruction and should result in more judges serving the American people.

There is no question that the reforms sought by many Democratic Senators are justified by the extended and unprecedented abuse of the Senate rules and practices by Senate Republicans that began when President Obama took office. However, I hope that by reaching this bipartisan agreement we build a foundation for restoring the Senate's ability to fulfill its constitutional duties and do its work for the American people. Now the burden is on Senate Republicans to work with us rather than hide behind an abuse of the rules to block progress.

The American people want Congress to be able to solve national problems like disaster relief, comprehensive immigration reform, and the reauthorization of the Violence Against Women Act. They want us to work together on commonsense solutions to reduce gun violence and to ensure that all Americans have access to a working Federal court system. I hope that today's bipartisan compromise holds the promise of getting more done to help the American people. I look forward to working with those on both sides of the aisle in the coming months.

The PRESIDENT pro tempore. The majority leader is recognized.

AMENDING THE STANDING RULES AND PROCEDURE OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of the following resolutions en bloc: S. Res. 5, Harkin; S. Res. 15, a resolution providing a standing order to improve procedures for the consideration of legislation and nominations in the Senate; and S. Res. 16, a resolution amending the Standing Rules of the Senate relative to conference motions and bipartisan cloture motions on the motion to proceed.

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

Mr. REID. Further, Mr. President, that the time until 7:55 p.m. be equally divided between the two leaders or their designees for the purpose of debating these resolutions concurrently; that the only amendment in order to any of the resolutions is a Lee amendment to S. Res. 15, that upon use or yielding back of time, the Senate proceed to vote in relation to S. Res. 5; that upon disposition of S. Res. 5, the Senate vote in relation to the Lee amendment to S. Res. 15; that upon disposition of the Lee amendment, the Senate proceed to vote in relation to S. Res. 15, as amended, if amended, and S. Res. 16, in that order with no intervening action of debate; that S. Res. 15 be subject to a 60-vote threshold for adoption; further, that S. Res. 16 be subject to a threshold of two-thirds of those voting for adoption; that there be no other amendments, motions, or points of order in order to any of these resolutions prior to the votes in relation to the resolutions; finally, none of the resolutions be divisible.

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

The clerk will report the resolutions by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 5) amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate.

A resolution (S. Res. 15) providing a Standing Order to improve procedures for the consideration of legislation and nominations in the Senate.

A resolution (S. Res. 16) amending the Standing Rules of the Senate relative to conference motions and bipartisan cloture motions on the motion to proceed.

The PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I yield the time on this side to the Senator from Utah.

The PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. LEE. Mr. President, in just a moment I will be offering an amendment to S. Res. 15. The purpose of this amendment is to protect this institution as the world's greatest deliberative legislative body. The hallmark characteristics of this body that make it distinct, that make it both great and

deliberative, include the fact that as individual Senators we are supposed to have the right to participate in an open and robust debate that includes an open amendment process. This is historically one of the things that has defined this institution. It is naturally the outgrowth of the fact that pursuant to article V of the Constitution, each State of the Union is entitled to equal representation in the Senate.

So as we are talking tonight, we have to remember that we are not talking about the rights of the minority or the majority. We are talking about the rights of each individual Senator having been duly elected by the voters in his or her State. I have a concern that some of the implications of S. Res. 15 could undermine this characteristic of the Senate. In other words, S. Res. 15, while crafted with the very best of intentions, could be applied at some point so as to undermine this right of each and every Senator to offer an amendment.

What my amendment does is to guarantee that once this procedure, the procedure under the standing order created by S. Res. 15—once it has been invoked, every Senator in this body would have the right to file, postcloture, a germane amendment to the pending legislation.

I think the history, the custom, and the tradition of this body and all the things that have made this body great require nothing less than that.

I urge my colleagues to support this amendment once we bring it up.

I yield my time.

Mr. REID. I yield 1 minute to the Senator from Iowa.

The PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I have long believed that rule XXII does not define the Senate. The Senate is defined in the Constitution, and it does not mention rule XXII or filibusters.

Second, I do not believe the dead hand of the past should control any Senate now or in the future.

Third, I believe the filibuster should be used to slow things down, to make sure the minority has the right to offer amendments and to have them debated and voted on. It does not mean the minority has a right to win, but they have the right to debate and slow things down. The filibuster should not be used as a method to put things in the trash can.

As George Washington supposedly said to Jefferson, it was to cool things down. I can understand that. But the filibuster has been used, and it will still be used even in the future, so that the minority can stop the majority. I have long believed the majority should have the right to enact legislation with due regard for the rights of the minority to be able to offer amendments and slow things down. But that is not what is happening and that is what my proposal I first offered in 1995, and continue to offer today, would do.

Yes, it would protect the filibuster as a means of slowing things down, but eventually the majority would be able to act, and that is as I think the Founders and the drafters of our Constitution really meant it to be.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I believe I have no further requests for time on this side. If that, in fact, is the case, and the Republican leader has no request for time, I yield whatever time I have.

Mr. MCCONNELL. I yield whatever time we have.

The PRESIDENT pro tempore. All time is yielded back. The question is on agreeing to S. Res. 5.

The resolution (S. Res. 5) was rejected.

The PRESIDENT pro tempore. The pending business is S. Res. 15.

AMENDMENT NO. 3

Mr. LEE. I call up my amendment.

The PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 3.

Mr. LEE. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Standing Rules of the Senate to reform the filibuster rules to improve the daily process of the Senate)

At the end of the resolution, insert the following:

SEC. _____. REFORM THE FILIBUSTER RULES.

(a) MOTIONS TO PROCEED.—Paragraph 2 of rule VIII of the Standing Rules of the Senate is amended by striking ''to proceed to the consideration of bills and resolutions are debatable.'' and inserting the following: ''to proceed to the consideration of any matter, and any debatable motion or appeal in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees except for—

''(a) a motion to proceed to a proposal to change the Standing Rules which shall be debatable; and

''(b) a motion to proceed to executive session to consider a specified item of executive business and a motion to proceed to consider any privileged matter which shall not be debatable.''.

(b) NO FILIBUSTER AFTER COMPLETE SUBSTITUTE IS AGREED TO.—Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by adding at the end the following:

''If a complete substitute amendment for a measure is agreed to after consideration under cloture, the Senate shall proceed to the disposition of the measure without intervening action or debate except one quorum call if requested.''.

(c) ONE MOTION RELATED TO COMMITTEES ON CONFERENCE.—Rule XXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

''10. (a) A single motion to disagree with a House amendment or amendments or insist on a Senate amendment or amendments, request a conference with the House, or agree to the conference requested by the House on the disagreeing votes of the two Houses, and authorize the Chair to appoint conferees on the part of the Senate shall be in order, shall not be divisible, and shall not be subject to amendment.''.

(d) TIME PRE-CLOTURE.—Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) in the first undesignated subparagraph—

(A) by inserting ''for a measure, motion, or other matter that is subject to amendment, at any time after the end of the 12-hour period beginning at the time the Senate proceeds to consideration of the measure, motion, or other matter and, for any other measure, motion, or other matter,'' before ''at any time'';

(B) by striking ''any measure'' and inserting ''the measure''; and

(C) by striking ''one hour after the Senate meets on the following calendar day but one'' and inserting ''24 hours after the filing of the motion''; and

(2) in the third undesignated subparagraph, by striking the second sentence and inserting ''Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk 12 hours following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least 1 hour prior to the beginning of the cloture vote if an amendment in the second degree.''.

(e) ABILITY OF SENATORS TO OFFER AMENDMENTS.—Rule XV of the Standing Rules of the Senate is amended by adding at the end the following:

''6. (a) If cloture is invoked on a measure or matter that is subject to amendment, each Senator who has not offered an amendment during consideration of the measure or matter may offer 1 amendment to the measure or matter (without regard to whether the amendment is actually pending and notwithstanding the expiration of the time for consideration of the measure or matter under paragraph 2 of rule XXII or any other rule of the Senate) if—

''(1) the Senator submitted written notice of the intent of the Senator to offer an amendment in accordance with this paragraph not later than 12 hours after the filing of the motion to invoke cloture on the measure or matter; and

''(2) the amendment is timely filed, germane, and otherwise meets the requirements for an amendment under paragraph 2 of rule XXII.

''(b) If a Senator fails to submit written notice in accordance with subparagraph (a), the right to offer an amendment under this paragraph is forfeited.

''(c) An affirmative vote of three-fifths of the Senators duly chosen and sworn shall be required to sustain an appeal of a ruling by the Chair that an amendment offered under this paragraph is not germane.''.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 3) was rejected.

The PRESIDENT pro tempore. The question is now on agreeing to S. Res. 15.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS), the Senator from Oklahoma (Mr. COBURN), and the Senator from South Carolina (Mr. GRAHAM).

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 16, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—78

Alexander	Franken	Merkley
Ayotte	Gillibrand	Mikulski
Baldwin	Grassley	Moran
Barrasso	Hagan	Murkowski
Baucus	Harkin	Murphy
Begich	Heinrich	Murray
Bennet	Heitkamp	Nelson
Blumenthal	Hirono	Portman
Blunt	Hoeven	Pryor
Boozman	Inhofe	Reed
Boxer	Isakson	Reid
Brown	Johanns	Roberts
Cantwell	Johnson (SD)	Rockefeller
Cardin	Kaine	Schatz
Carper	Kerry	Schumer
Casey	King	Shaheen
Cochran	Kirk	Stabenow
Collins	Klobuchar	Tester
Coons	Lautenberg	Thune
Corker	Leahy	Udall (CO)
Cornyn	Levin	Udall (NM)
Donnelly	Manchin	Warner
Durbin	McCain	Warren
Enzi	McCaskill	Whitehouse
Feinstein	McConnell	Wicker
Fischer	Menendez	Wyden

NAYS—16

Crapo	Lee	Sessions
Cruz	Paul	Shelby
Flake	Risch	Toomey
Hatch	Rubio	Vitter
Heller	Sanders	
Johnson (WI)	Scott	

NOT VOTING—6

Burr	Coats	Graham
Chambliss	Coburn	Landrieu

The PRESIDENT pro tempore. The 60-vote threshold having been achieved, the resolution is agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The resolution (S. Res. 15) reads as follows:

S. RES. 15

Resolved,

SECTION 1. CONSIDERATION OF LEGISLATION.

(a) MOTION TO PROCEED AND CONSIDERATION OF AMENDMENTS.—A motion to proceed to the consideration of a measure or matter made pursuant to this section shall be debatable for no more than 4 hours, equally divided in the usual form. If the motion to proceed is agreed to the following conditions shall apply:

(1) The first amendments in order to the measure or matter shall be one first-degree amendment each offered by the minority, the majority, the minority, and the majority, in that order. If an amendment is not offered in its designated order under this paragraph, the right to offer that amendment is forfeited.

(2) If a cloture motion has been filed pursuant to rule XXII of the Standing Rules of the Senate on a measure or matter proceeded to under this section, it shall not be in order for the minority to propose its first amendment unless it has been submitted to the Senate Journal Clerk by 1:00 p.m. on the day following the filing of that cloture motion, for the majority to propose its first amendment unless it has been submitted to the Senate Journal Clerk by 3:00 p.m. on the day following the filing of that cloture motion, for the minority to propose its second amendment unless it has been submitted to the Senate Journal Clerk by 5:00 p.m. on the day following the filing of that cloture motion, or for the majority to propose its second amendment unless it has been submitted to the Senate Journal Clerk by 7:00 p.m. on the day following the filing of that cloture motion. If an amendment is not timely submitted under this paragraph, the right to offer that amendment is forfeited.

(3) An amendment offered under paragraph (1) shall be disposed of before the next amendment in order under paragraph (1) may be offered.

(4) An amendment offered under paragraph (1) is not divisible or subject to amendment while pending.

(5) An amendment offered under paragraph (1), if adopted, shall be considered original text for purpose of further amendment.

(6) No points of order shall be waived by virtue of this section.

(7) No motion to commit or recommit shall be in order during the pendency of any amendment offered pursuant to paragraph (1).

(8) Notwithstanding rule XXII of the Standing Rules of the Senate, if cloture is invoked on the measure or matter before all amendments offered under paragraph (1) are disposed of, any amendment in order under paragraph (1) but not actually pending upon the expiration of post-cloture time may be offered and may be debated for not to exceed 1 hour, equally divided in the usual form. Any amendment offered under paragraph (1) that is ruled non-germane on a point of order shall not fall upon that ruling, but instead shall remain pending and shall require 60 votes in the affirmative to be agreed to.

(b) SUNSET.—This section shall expire on the day after the date of the sine die adjournment of the 113th Congress.

SEC. 2. CONSIDERATION OF NOMINATIONS.

(a) IN GENERAL.—

(1) POST-CLOTURE CONSIDERATION.—If cloture is invoked in accordance with rule XXII of the Standing Rules of the Senate on a nomination described in paragraph (2), there shall be no more than 8 hours of post-cloture consideration equally divided in the usual form.

(2) NOMINATIONS COVERED.—A nomination described in this paragraph is any nomination except for the nomination of an individual—

(A) to a position at level I of the Executive Schedule under section 5312 of title 5, United States Code; or

(B) to serve as a judge or justice appointed to hold office during good behavior.

(b) SPECIAL RULE FOR DISTRICT COURT NOMINEES.—If cloture is invoked in accordance with rule XXII of the Standing Rules of the Senate on a nomination of an individual to serve as a judge of a district court of the United States, there shall be no more than 2 hours of post-cloture consideration equally divided in the usual form.

(c) SUNSET.—This section shall expire on the day after the date of the sine die adjournment of the 113th Congress.

STANDING ORDER

Mr. REID. Mr. President, I ask unanimous consent for the Republican leader and me to have a brief colloquy about the application of the standing order related to motions to proceed and nominations that the Senate will consider. The template for this order was a bipartisan proposal developed by Senators LEVIN and MCCAIN and other Members on both sides of the aisle.

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

Mr. MCCONNELL. The proposal, as initially developed, provided that the bill managers and the floor leaders of the respective parties would be able to offer one amendment each if the motion to proceed to a matter were employed as it is available in the standing order. The majority leader and I thought it important not to codify who would offer those amendments on each side of the aisle.

Mr. REID. In addition, the amendment process set out in this order is not to be understood as establishing a ceiling for offering amendments, but instead setting a floor for offering them. The order sets out a structure for beginning the amendment process, not ending it.

Mr. MCCONNELL. I agree. The Senate works best when all Members have a reasonable opportunity to offer amendments and put forth the views of their constituents.

Mr. REID. And although the order provides that in the amendment sequence, the majority party has the ability to offer the last amendment, the majority will not use that last amendment to eliminate or remove language, if any, that the minority was able to add to the underlying matter through the Senate adopting any of the minority's preceding amendments.

Mr. MCCONNELL. On the subject of nominations, Senate Republicans will continue to work with the majority to process nominations, consistent with the norms and traditions of the Senate. One of those customs is for home-State senators to be consulted on, and approve of, nominations from their States before the committee on the Judiciary moves forward with considering those nominations, be it a nomination to serve as a U.S. Attorney, U.S. Marshall, or judicial officer. It is my understanding that the order does not change, in any way, the Senate's ''blue slip'' process.

Mr. REID. I agree. Furthermore, it is our expectation that this new process for considering nominations as set out in this order will not be the norm, but that the two leaders will continue to work together to schedule votes on nominees in a timely manner by unanimous consent, except in extraordinary circumstances.

Mr. MCCONNELL. Finally, I would confirm with the majority leader that the Senate would not consider other resolutions relating to any standing order or rules this Congress unless they went through the regular order process?

Mr. REID. That is correct. Any other resolutions related to Senate procedure would be subject to a regular order process including consideration by the Rules Committee.

Mr. MCCONNELL. I thank the majority leader for confirming my understanding of the application of the standing order.

Mr. REID. In addition to the standing order, I will enforce existing rules to make the Senate operate more efficiently. After reasonable notice, I will insist that any Senator who objects to consent requests or threatens to filibuster come to the floor and exercises his or her rights himself or herself. This will apply to all objections to unanimous consent requests. Senators should be required to come to the floor and participate in the legislative process—to voice objections, engage in debate, or offer amendments.

In addition, Rule XXII makes provision for 30 hours of debate after cloture is invoked. Within the 30 hours, Senators have strict limitations on the amount of time each Senator is allowed to speak. These limits should be enforced and Rule XXII further says, ''After no more than thirty hours of debate,'' so 30 hours will be considered the outside limit of post-cloture debate time.

Finally, we will also announce that when the majority leader or bill manager has reasonably alerted the body of the intention to do so and the Senate is not in a quorum call and there is no order of the Senate to the contrary, the Presiding Officer may ask if there is further debate, and if no Senator seeks recognition, the Presiding Officer may put the question to a vote. This is consistent with precedent of the Senate and with Riddick's Senate Procedure, 1992. See page 716 in Riddick's and footnotes 385 and 386 on page 764. This can be done pre-cloture or post-cloture on any amendment, bill, resolution or nomination.

Mr. MCCONNELL. This is consistent with the precedent of the Senate with the understanding that Senators are given the timely notification of the Presiding Officer's intention so that they will be able to come to the floor to exercise their rights under the rules.

MOTION TO PROCEED

Mr. MCCAIN. Mr. President, I ask that Senators ALEXANDER and BARRASSO engage in a colloquy with me about our understanding of the operation of the standing order that the Senate just adopted related to motions to proceed and nominations, and our intent in drafting it.

The prospect of the majority, for the first time, changing the Standing Rules of the Senate by violating the provisions of those very rules was jarring to me and several of my colleagues, on both sides of the aisle, who care about this institution and the uniquely important role it serves in our Republic. Use of this unprecedented tactic for changing the standing rules would be a nuclear option, for it would irreparably damage the institution just to accommodate the desires of the current majority. Over the years Senators of both parties have eloquently stated where doing this would, in the words of the current majority leader in 2005, be: ''The end of the U.S. Senate.''

Mr. MCCAIN. Some of the most vociferous proponents of this approach have never served in the minority. They do not appreciate that the course of action they were urging, if undertaken, ultimately would be to their disadvantage when they served in the minority, which inevitably some of them will. So Senators ALEXANDER, BARRASSO and I, along with our former colleague, Jon Kyl, began working with like-minded Members of the majority to diffuse this situation to meet the goals of making it easier for the majority to bring legislation to the floor and making it easier for a member of the minority to offer amendments to that legislation. We worked together to develop recommendations for the majority and minority leaders which we all believed would allow the Senate to function in a fairer and more effective way.

Mr. ALEXANDER. The Senate works best when committee-approved bills move to the floor in an orderly way and Senators are freely able to debate and amend and vote upon the legislation. Unfortunately, under the current Democratic majority, committee work has been marginalized, as the majority has too often bypassed committees in the legislative process.

And on the Senate floor, the twin hallmarks of the Senate, the right to debate and the right to amend legislation, are barely recognizable: to an unprecedented extent the majority has moved to shut off debate on a matter as soon as the Senate has begun to take up the matter, and it has blocked Members—of both parties—from offering their legislative ideas for the body to consider.

The proposal we developed addressed a concern of the majority—namely, the ability of a majority to take up a matter—but it conditioned its ability to bring that matter to conclusion by giving the minority the right to have the Senate consider at least two amendments of the minority's choosing—without any requirement of germaneness—as well as two amendments of the majority's choosing.

The minority, in fact, would get to offer the first amendment under this procedure. And while the majority would get to offer the last amendment, all eight of the Members who developed this idea—four Republicans and four Democrats—agreed that the majority could not use its final amendment to strike or eliminate legislative language, if any, that the Senate adopted from one of the minority's amendments.

Mr. MCCAIN. That is correct. And I want to underscore that the amendment construct we developed is not to be used as a ceiling to limit the ability of Members of the majority or the minority to offer just two amendments per side. Rather, we intend it to be used as an amendment floor—a minimum guarantee of amendments—that would serve to start the amendment process so as many Members as possible could participate in that process. Having a robust amendment process, especially on legislation of major consequence, is how the Senate has traditionally operated. It is something that has been sorely lacking for the last several years. And it is something that, when it has occurred, has invariably led to legislative achievement. It is for the purpose of strengthening the right to amend legislation that we helped draft the new procedure of a majority motion to proceed. If the majority instead begins to use this procedure to limit the minority to just two amendments before seeking to bring consideration of a bill to a close, then we would view that as an abuse of this procedure. It would break faith with us who worked in good faith. Under those circumstances, we would oppose cloture on the bill and would urge that our colleagues do the same.

Mr. ALEXANDER. I strongly agree with the understanding of my friend, the senior Senator from Arizona. I, too, would oppose cloture on a matter if the majority abused the motion to proceed set out in the order by using that procedure as the high-water mark for the consideration of amendments, rather than as a starting point for a robust amendment process.

Mr. BARRASSO. I agree with the views expressed by my good friends from Arizona and Tennessee. They and I, and our Democratic colleagues, worked in good faith on the concepts embodied in the order the Senate has just adopted. I am hopeful that the majority will use the procedures in this order in harmony with our good intentions. If not, I will oppose cloture on legislation or nominations.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, thank you very much.

We are going to have one more vote tonight. The next vote will be on Sandy and matters relating to Sandy on Monday night at 5:30.

I have spoken with the soon-to-be chair of the Foreign Relations Committee and Ranking Member CORKER. We are going to have a vote after the business meeting sometime on Tuesday on the new Secretary of State.

The PRESIDENT pro tempore. The question is on agreeing to S. Res. 16.

Mr. CORKER. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS), the Senator from Oklahoma (Mr. COBURN), and the Senator from South Carolina (Mr. GRAHAM).

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

The yeas and nays resulted—yeas 86, nays 9, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—86

Alexander	Gillibrand	Mikulski
Ayotte	Grassley	Moran
Baldwin	Hagan	Murkowski
Barrasso	Harkin	Murphy
Baucus	Hatch	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Portman
Blumenthal	Heller	Pryor
Blunt	Hirono	Reed
Boozman	Hoeven	Reid
Boxer	Inhofe	Risch
Brown	Isakson	Roberts
Cantwell	Johanns	Rockefeller
Cardin	Johnson (SD)	Schatz
Carper	Kaine	Schumer
Casey	Kerry	Shaheen
Cochran	King	Stabenow
Collins	Kirk	Tester
Coons	Klobuchar	Thune
Corker	Landrieu	Toomey
Cornyn	Lautenberg	Udall (CO)
Crapo	Leahy	Udall (NM)
Donnelly	Levin	Vitter
Durbin	Manchin	Warner
Enzi	McCain	Warren
Feinstein	McCaskill	Whitehouse
Fischer	McConnell	Wicker
Flake	Menendez	Wyden
Franken	Merkley	

NAYS—9

Cruz	Paul	Scott
Johnson (WI)	Rubio	Sessions
Lee	Sanders	Shelby

NOT VOTING—5

Burr	Coats	Graham
Chambliss	Coburn	

The PRESIDING OFFICER. On this vote the yeas are 86 and the nays are 9. Two-thirds of those voting having voted in the affirmative, the resolution is agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

The resolution (S. Res. 16) reads as follows:

S. RES. 16

Resolved,

SECTION 1. BIPARTISAN CLOTURE ON THE MOTION TO PROCEED.

Rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

''3. If a cloture motion on a motion to proceed to a measure or matter is presented in accordance with this rule and is signed by 16 Senators, including the Majority Leader, the Minority Leader, 7 additional Senators not affiliated with the majority, and 7 additional Senators not affiliated with the minority, one hour after the Senate meets on the following calendar day, the Presiding Officer, or the clerk at the direction of the Presiding Officer, shall lay the motion before the Senate. If cloture is then invoked on the motion to proceed, the question shall be on the motion to proceed, without further debate.''.

SEC. 2. CONFERENCE MOTIONS.

Rule XXVIII of the Standing Rules of the Senate is amended—

(1) by redesignating paragraphs 2 through 9 as paragraphs 3 through 10, respectively;

(2) in paragraph 3(c), as so redesignated, by striking ''paragraph 4'' and inserting ''paragraph 5'';

(3) in paragraph 4(b), as so redesignated, by striking ''paragraph 4'' and inserting ''paragraph 5'';

(4) in paragraph 5(a), as so redesignated, by striking ''paragraph 2 or paragraph 3'' and inserting ''paragraph 3 or paragraph 4'';

(5) in paragraph 6, as so redesignated—

(A) in subparagraph (a), by striking ''paragraph 2 or 3'' and inserting ''paragraph 3 or paragraph 4'';

(B) in subparagraph (b), by striking ''paragraph (4)'' each place it appears and inserting ''paragraph (5)''; and

(6) inserting after paragraph 1 the following:

''2. (a) When a message from the House of Representatives is laid before the Senate, it shall be in order for a single, non-divisible motion to be made that includes—

''(1) a motion to disagree to a House amendment or insist upon a Senate amendment;

''(2) a motion to request a committee of conference with the House or to agree to a request by the House for a committee of conference; and

''(3) a motion to authorize the Presiding Officer to appoint conferees (or a motion to appoint conferees).

''(b) If a cloture motion is presented on a motion made pursuant to subparagraph (a), the motion shall be debatable for no more than 2 hours, equally divided in the usual form, after which the Presiding Officer, or the clerk at the direction of the Presiding Officer, shall lay the motion before the Senate. If cloture is then invoked on the motion, the question shall be on the motion, without further debate.''.

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

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

MORNING BUSINESS

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

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

COMMITTEE FUNDING

Mr. REID. Mr. President, 2 years ago my friend the Republican leader and I expressed our intention that the funding allocation adopted for the 112th Congress would serve for that and future Congresses. Over the prior 20 years, the apportionment of committee funding had gone from a straight two-thirds for majority and one-third for minority during the 1990s, regardless of the size of the majority and minority, to biannual negotiations during the following decade. The new funding allocation for Senate committees was based on the party division of the Senate, with 10 percent of the total majority and minority salary baseline going to the majority for administrative expenses. However, regardless of the party division of the Senate, the minority share of the majority and minority salary baseline will never be less than 40 percent, and the majority share will never exceed 60 percent. This approach met our needs for the last Congress, and I would like to see it continue.

Mr. McCONNELL. Mr. President, I, too, would like to continue this approach for the 113th and future Congresses. It serves the interest of the Senate and the public by helping to retain core committee staff with institutional knowledge, regardless of which party is in the majority. We made a transition in the last Congress to restore special reserves to its historic purpose, but appropriations cuts prevented special reserves from being funded. To the extent possible, we should try to fund special reserves in order to be able to assist committees that face urgent, unanticipated, nonrecurring needs. We know that we will continue to face tight budgets for the foreseeable future, and we have to bring funding authorizations more in line with our actual resources while ensuring that committees e able to fulfill their responsibilities. I look forward to continuing to work with my friend the majority leader to accomplish this.

Mr. REID. I thank my friend the Republican leader and ask unanimous consent that a joint leadership letter be printed in the RECORD.

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

JOINT LEADERSHIP LETTER

We mutually commit to the following for the 113th Congress:

The budgets of the Committees of the Senate, including Joint and Special Committees, and all other subgroups, shall be apportioned to reflect the ratio of the Senate as of this date, including an additional ten percent (10%) from the majority and minority salary baseline to be allocated to the Chairman for administrative expenses, to be determined by the Rules Committee.

Special Reserves has been restored to its historic purpose. Requests for funding will only be considered when submitted by a Committee Chairman and Ranking Member for unanticipated, non-recurring needs. Such requests shall be granted only upon the approval of the Chairman and Ranking Member of the Rules Committee.

Funds for Committee expenses shall be available to each Chairman consistent with Senate rules and practices of the 112th Congress.

The Chairman and Ranking Member of any Committee may, by mutual consent, modifying the apportionment of Committee funding and office space.

The division of Committee office space shall be commensurate with this funding agreement.

TRIBUTE TO REV. JOHNNY SCOTT

Mr. DURBIN. Mr. President, Reverend Johnny Scott has announced his retirement after 31 years as president of the NAACP East St. Louis Chapter. As a faith leader, businessman, civil rights activist, husband and father, Rev. Scott has dedicated his life to justice and equality. He is a man who cares about making sure things are done right. East St. Louis—my hometown—is a better place for Reverend Scott's years of service.

A native of Indianola, MS, Johnny Scott went to Mildred Louise Business

College in East St. Louis and later La-Salle University in Chicago. He completed his theological studies at the Midwest Theological Seminary.

Rev. Scott was working as bookkeeper by trade, when he was approached about serving as president of the East St. Louis Chapter of the NAACP in 1982. He accepted, but didn't expect to be in the role for more than a year. At the time, he believed that it ''was not his type of work.''

It turned out to be exactly his type of work. He kept his office doors open 8 hours a day, 6 days a week for the following 32 years.

While he was with the NAACP, Reverend Scott led the effort to create opportunity for and prevent indignities against people of color. He made sure there was scholarship support for thousands of students over the years he served. He played a key role in the U.S. Department of Justice's settlement with the City of Belleville over racial bias in hiring. He helped with sensitivity training for local police. He played a part in mediating disputes around racial epithets used in public. And he represented communities of color on issues from cross burnings to State control of local schools. It is no surprise that membership in the NAACP Chapter in East St. Louis grew under his leadership.

On behalf of a grateful community, I thank the Reverend Scott, his wife Gretta Scott and his three children. He stood and gave voice to a community through 30 years of progress and setbacks, celebration and injury. His leadership has touched East St. Louis deeply. It has been an honor to work alongside Reverend Scott, and Loretta and I wish him and his family the best as he opens the next chapter in his life.

TRIBUTE TO JOE HUBBARD

Mr. DURBIN. Mr. President, I want to take a moment to thank a man that some in my hometown of East St. Louis call a saint and others call ''Reverend Joe'' although he is not a minister.

Joe Hubbard is the man you call in East St. Louis when you need help and have nowhere else to turn. When Joe was born his parents wanted to name him Raymond Lee. But the Irish priest who baptized him said he should have a good Irish name and so declared him Joseph Patrick, after St. Joseph the Worker. It turned out to be a fitting choice because Joe Hubbard has spent nearly his entire life doing the Lord's work.

He started 50 years ago as a volunteer with the St. Vincent DePaul Society in East St. Louis. Joe was 20 years old back then. He was working as a bookkeeper for the East Side Levee and Sanitary District to help support his widowed mother, but his real joy was helping the poor. Every minute that Joe wasn't working, he was volunteering with St. Vincent DePaul.

After a while Joe quit his job to volunteer full-time to help the people he calls ''God's broken people,'' the poor, the homeless and the friendless of East St. Louis. He did this for a decade.

In 1972, about a dozen priests, nuns and lay leaders in the Roman Catholic Diocese of Belleville drafted a petition that was later signed by every priest then serving East St. Louis. The petition asked the bishop of the diocese to create a small salary for Joe so that he could continue his good works under the auspices of the Catholic Church. Thus was born in 1973 a new social service agency, Catholic Urban Programs or CUP, as it is sometimes called—with Joe Hubbard as coordinator and sole employee.

CUP's purpose is to perform the works of mercy that Jesus asked of his followers when he told them, ''For I was hungry and you gave me food, I was thirsty and you gave me drink, a stranger and you welcomed me, naked and you clothed me, ill and you cared for me, in prison and you visited me.''

CUP helps ''the in-between people.'' It fills needs that other organizations, public and private, don't address. In the beginning CUP's services included emergency help, prison ministries and advocacy and guardianships for people who could not manage their own affairs.

Over the decades its programs have grown to include shelters for homeless women, children and families in East St. Louis, a food pantry and a neighborhood law office to provide poor people with legal assistance. Another program, the Griffin Center, offers tutoring and afterschool programs for more than 450 children living in four housing projects in East St. Louis.

On any given day, Joe might give someone money for bus tickets, visit a lonely person in a nursing home, tell stories to children at a day care center, find housing for a family that has been evicted, serve meals at a soup kitchen, attend a funeral and sit up all night at the bedside of someone who is dying and alone.

Above all, what CUP and Joe Hubbard offer is unconditional love. Joe does not hesitate to do work that others might consider too menial or dirty. He will mop up after a sick alcoholic. Twenty years ago, Joe and his right-hand man at CUP, Gerry Hasenstab, found a man living in his car. He was in his 50s and dying. He had open sores and maggots in his arms. His only wish was not to die dirty, in a car. Joe and Gerry got him admitted to a hospital to spend his last hours in a clean bed.

Support for the programs comes from churches and individuals, including many who have been helped by CUP agencies in the past. One woman gave part of her first paycheck to CUP after she got a job. A widow paid CUP back for the money it gave her to help with her husband's funeral.

After the Mississippi River overflowed its banks in 1993, CUP gave a farmer $400 to buy seed and school supplies. That farmer has sent CUP $100 every quarter—$400 a year every year for the last 20 years.

Joe's compassion for others is partly rooted in his own family's misfortune.

Joe is the youngest of four children of Edward and Olga Hubbard. His dad was a steamfitter. When Joe was in grade school his father was badly injured on the job. He lived with constant wrenching pain for 8 years before dying of cancer.

The loss of his father's income hit Joe's family hard. Men and women from the St. Vincent de Paul Society brought food and coal to help the Hubbards survive. Joe said those volunteers inspired him.

He said, ''I remember the dedication they showed, the way they reached out and helped others in need through their love of Christ. And I appreciated that they did it in a quiet manner that enabled people to keep their dignity. Their love of God and love of people inspired me to want to do God's work, too.'' And that is what Joe Hubbard has done his entire life.

In early November, after 40 years of selfless service, Joe Hubbard announced that he was stepping down as coordinator of CUP. At 70, Joe is starting to get a little tired. He's got diabetes, high blood pressure and bad feet, and the arthritis that has pained him his whole life is getting worse.

On Jan. 1, Gerry Hasenstab, Joe's right hand man at CUP for the last 36 years ago, took over as the agency's new coordinator. But don't think for a minute that Joe Hubbard is finished helping people. Joe also still maintains the Belleville Diocese's two cemeteries. And he still volunteers regularly for the St. Vincent DePaul Society and has a small office in their building, which is right next door to CUP.

When CUP started, they got about two dozen calls a day for help. Now they get about 60 calls a day. Last year, CUP programs helped more than 24,000 people in East St. Louis and St. Clair County.

In a letter announcing his decision to step down, Joe wrote: ''As I sit here and realize how the times have changed over the past 40 years of Catholic Urban Programs' existence, I am both amazed and discouraged. Technology has made our lives so much easier and efficient in so many ways. High-efficiency furnaces lower our utility bills. But if a family can't pay for the gas or electric, they are useless.''

Technological advances are great for some, Joe added. But they've made life even harder for the needy because non-skilled jobs they used to count on to make a living have nearly disappeared.

A couple years ago, Joe noticed violets blooming on a hill near a burned-out house. He thought it was a sign of hope.

He said: ''You have to be a believer to be a survivor.''

Joe's belief is that God is in every person and that it is not just a responsibility but a privilege to help those he calls ''God's broken people.'' That belief has defined his life and it has made

life kinder and better for countless others in East St. Louis and St. Clair County.

Besides helping people, Joe's other great joy in life is eating good meals with good friends in small, locally owned restaurants. On Saturday, about 400 of Joe's friends will gather at one of Joe's favorites, Fischer's Restaurant in Belleville, to celebrate his retirement as head of CUP. More than that, they will celebrate Joe's unconditional love and unbreakable faith. I want to add my thanks to theirs.

In closing, I would like to read a short editorial about Joe that ran in this past Sunday's Belleville News-Democrat.

Martin Luther King Jr. would have considered Joe Hubbard a kindred spirit. King and Hubbard both spent their careers championing the cause of social justice. King focused on the spirit while Hubbard helped provide for people's physical needs in East St. Louis and throughout the metro-east. Hubbard is retiring after leading Catholic Urban Programs for 40 years.

King considered service to others to be a measure of greatness: ''You don't have to have a college degree to serve. . . . You only need a heart full of grace. A soul generated by love.''

Hubbard has the sort of heart and soul that King envisioned. Even in retirement, we have no doubt that he will continue his life of service to the poor of our area.

Thank you to Hubbard. May the rest of us learn from his example.

TRIBUTE TO RUSS SULLIVAN

Mr. BAUCUS. Mr. President, Benjamin Franklin once said:

The noblest question in the world is, ''What good may I do in it?''

I rise today to honor the service of Russ Sullivan, who was a distinguished member of my staff for more than a decade until his departure earlier this month.

Most of us come to the Senate because it is a place where, despite the many challenges, there remains a capacity to do great good. And too often people forget that. But Russ Sullivan never did. Every day he came to work in the Senate and for the Finance Committee, Russ led by asking our staff how can we do good here? And how can we make this country and the world a better place?

Russ's leadership proves that by working to do good and working together to find solutions we can get things done.

Russ is well known here on Capitol Hill. He has earned the respect and admiration of Senators and staff on both sides of the aisle.

Russ's political career started early. He was twice elected Student Body President—once at McClellan High School and again at Baylor University. He had his sights set on a life of public service in Washington. In 1995, he became tax counsel and Legislative Director to Senator Bob Graham. In 1999, he moved to the Finance Committee staff to serve as Chief Tax Counsel to Senator Daniel Patrick Moynihan.

Russ stayed on at the committee when I became chairman in 2001. Through his proven abilities, he was promoted to the staff director of my team in 2004.

During the past 8 years, Russ led the Finance Committee staff to pass major bills that give real help to families across the country. We cut taxes for middle-class families and small businesses. We defended Social Security from privatization. We opened new markets to U.S. exports to create more jobs here at home. We passed health reform to bring top-notch, affordable care to millions of Americans. And we are currently at work on a plan to modernize the U.S. tax code to reinvigorate the economy and create jobs.

True to his style, Russ did all this without a hint of partisanship. He maintained a laser-like focus on solutions. That focus made the Finance Committee more productive, and it strengthened the bills we passed.

I know there are many people here—including my colleagues in the Senate—who share my deep respect for Russ. Senator REID once called Russ ''instrumental'' and a ''problem-solver.''

Former Senator Blanche Lincoln once said, ''We could not do our job without him,'' and boy, is she right. Russ has earned the trust of his colleagues and the admiration of his staff.

People who meet with Russ are often surprised to see his desk tucked between filing cabinets and boxes right alongside interns, assistants and law clerks. Russ is a true team player.

It would be impossible to honor Russ without recognizing his public service off of Capitol Hill. In his life outside the Senate, Russ truly embodies the question of ''What good may I do?'' For many years, he has been a mentor to young people, making a difference in hundreds of lives.

Several years ago, Russ became a foster parent and legal guardian to help teenage boys secure a better future. Since then, he has been a legal or designated guardian for 18 teenage boys. Thirteen are currently in college, and several more have already earned degrees. One of Russ's sons, Abu Kamara, spoke to the Arkansas Democrat-Gazette when it profiled Russ in 2010. Abu said, ''[Russ] kept telling me, keep your head up.' He got people to tutor me because my grades weren't good. He kept me focused and made sure I was doing the right thing. He's the reason I graduated from high school.''

Abu is the first person from his family to go to college. And there are several other young men who could tell you similar stories.

Last summer, Russ lost one of his sons in a tragic incident. AJ Hassan, who was a student at the University of West Virginia, was assaulted one night and suffered a brain injury. Russ rushed to be at AJ's side, but AJ soon slipped into a coma.

Washington was in the midst of a contentious deficit reduction debate. Somehow, Russ spent months juggling work, AJ's medical condition, and the needs of his other boys. I will never know where he found the time and energy to have all these bases covered so well. But AJ's condition wavered, and there were complications. AJ passed away in July.

There was an outpouring of support for Russ and his family. Russ's friends and colleagues wanted to show him the same kind of caring and support he always shows others.

Russ continues to mentor and help young people, and he is still changing lives. He helped found the Capital Area REACH program, an organization dedicated to helping young people find success.

REACH connects students with job training, internships, tutors and scholarships. Some of these kids come from tough backgrounds. But REACH helps them find a pathway toward a stable and successful life.

In the spirit of extending the same opportunities he had early in his career, Russ started a program for interns, law clerks and fellows to serve on the Finance Committee. It now has hundreds of alumni who got their first shot at work in Congress thanks to Russ.

That includes a large number of people who have moved up the ladder on my staff. Russ fostered a culture where hard work gets the recognition it deserves.

Like any great staffer, Russ would not leave me without an ace replacement to take on his role. We have a deep bench on the Finance Committee, and I am thrilled to have Amber Cottle as my new Staff Director. She has been on my staff for 6 years, most recently as my Chief Trade Counsel. Amber is a pro. She is whip-smart. And she is a master negotiator.

Russ leaves some big shoes to fill. But Amber is more than capable and, as she likes to say, her shoes are much more stylish. I know without a doubt that she will do a great job.

There is one more thing I would like to say about Russ. Rule number one in my office is to remember the people we serve. They are hard-working people back in Montana and around the country, and it is our job to help them out. Russ never forgot that. A southern boy, Russ adopted Montana as his home State. He thinks of the people of Montana as his neighbors. And Russ always rolled up his sleeves and got results. I truly appreciate all he has done.

I know I am not alone in saying: thank you, Russ, for all your service all your hard work over the years. You did good, Russ.

REMEMBERING THEODORE GARDNER

• Mr. PORTMAN. Mr. President, today I wish to honor the life of Theodore ''Ted'' Harbison Gardner. He was a devoted husband, father, a proud veteran of the U.S. Navy and a consummate

community volunteer whose contributions will have long lasting impacts in the Greater Cincinnati community, and beyond.

Born and raised in Hillsboro, OR, Mr. Gardner was the only child of Vesey Gardner, a prominent community leader and a lumber company owner, and Ruth Gardner, a popular singer. He is a graduate of Oregon State University.

A proud and decorated veteran of World War II, Mr. Gardner withdrew from college to serve in the U.S. Navy the day after the attack on Pearl Harbor. He survived one of the largest and most brutal battles in history—The Battle off Samar—earning his unit aboard the USS Kalinin Bay the Presidential Unit Citation, one of the Navy's highest honors.

Ted was an active member of the U.S. Navy League, The Hornet Foundation, and was a member of the advisory board of the Warbird Museum. He was passionate about the importance of oral history and personally interviewed over 150 World War II veterans and recorded and videotaped their stories for the Cincinnati Public Library and for the U.S. Library of Congress.

Following his graduation from Oregon State University, Mr. Gardner got a job with a lumber distributor in Columbus, OH and then later moved to Cincinnati, where he and his wife, Naomi, raised their three children. Mr. Gardner changed careers in the 1970s and worked as a local art dealer until he retired.

Ted was a 30-year member of the Cincinnati Rotary Club, where he was involved in programs to welcome international students studying at area universities and where he participated in events benefiting children with disabilities and youth in government.

A talented musician, Mr. Gardner shared his vocal talents as a member of the Rotary chorus, the choir of the Church of the Redeemer and the Cincinnati May Festival Chorus, where he served as a board member. For 25 years, he sang all four verses of ''Taps'' in his rich bass voice on Veterans Day at the public library.

Ted was an historian, a lover of art and literature, a musician and an avid sports enthusiast. He is greatly missed, and his extraordinary legacy and giving spirit will not be forgotten.●

PUTTING OUR VETERANS BACK TO WORK

Mr. SANDERS. Mr. President, as incoming chairman of the Senate Veterans' Affairs Committee, one of my top priorities will be to evaluate and improve the training and employment programs afforded to our Nation's servicemembers and veterans.

Every day, far too many young veterans face the harsh realities of unemployment. These are brave men and women who have put their lives on the line defending our country who now struggle to find employment and provide for their families. The Putting Our Veterans Back to Work Act of 2013 will ensure we provide them with much needed support.

This legislation would reauthorize several of the transition, retraining, and employment services created by the VOW to Hire Heroes Act of 2011. That legislation is making a real impact in the lives of countless veterans by providing them with the training opportunities they need in order to secure meaningful employment.

Too often I hear from veterans that the government provides great resources for them to find training and employment opportunities, but they are not sure where to start in order to tap into those resources. Those Departments charged with helping to provide veterans with employment assistance must make certain that they are conducting appropriate outreach so that veterans know where to turn when they need help.

Assisting in this effort, the Putting Our Veterans Back to Work Act would also provide veterans with a new, unified, online employment portal for veterans seeking information regarding employment and job training resources. This online portal would make it easier for veterans to take advantage of the services and opportunities available to them.

At a time when 85 percent of law enforcement agencies were forced to reduce their budget, according to a 2011 survey by the International Association of Chiefs of Police, answering the Nation's public safety needs is also a priority. That is why this legislation would provide potential employers with additional grants for first responder hiring and re-hiring needs.

This legislation would also direct agency heads to favorably consider contractors that employ a significant number of veterans for all contracts over $25 million. This provision would ensure that contractors, who are doing their part to help veterans find good paying jobs, have a competitive advantage when doing business with the Federal government.

Finally, the Putting Our Veterans Back to Work Act would strengthen our commitment to protecting the employment rights of servicemembers and veterans. These commonsense provisions would build upon existing law by providing the government with additional tools to carry out its obligation to safeguard veterans' employment rights. This legislation would enable the Attorney General to investigate and file suit against a pattern or practice in violation of the Uniformed Services Employment and Reemployment Rights Act and to issue limited civil investigative demands for relevant documentary material. It would also allow Federal agencies to suspend and debar contractors who repeatedly violate the employment and reemployment rights of members of the uniformed services. Finally, it would provide the Special Counsel with authority to subpoena attendance, testimony, and documents from Federal employees and agencies in order to carry out investigations related to USERRA.

Mr. President, there are a number of great training and employment programs available to veterans. This legislation would strengthen such programs and make certain that veterans have and maintain access to those programs. That is what our veterans are entitled to and that is what we must deliver.

ADDITIONAL STATEMENTS

RECOGNIZING MARILYN AND ALAN BERGMAN

● Mrs. BOXER. Mr. President, the great song lyricists Alan and Marilyn Bergman are being honored by the New West Symphony with its Bravo Award for their extraordinary leadership, their contributions to the Visions of America multimedia project, and their deep and longstanding commitment to music education and the performing arts. I look forward to paying tribute to them at the New West Symphony's event in Los Angeles.

Alan and Marilyn Bergman are two of the world's best-known and best-loved lyricists. From the 1950s calypso hit ''Yellow Bird'' and Frank Sinatra's ''Nice 'n' Easy'' to Oscar-winning lyrics for ''The Way We Were'' and ''The Windmills of Your Mind'' to themes for many of America's favorite television series, the Bergmans have been contributing to the Great American Songbook for more than 50 years. They have won three Academy Awards (including one for the score of Yentl), four Emmys, two Grammys, and two Golden Globe Awards.

They have also worked tirelessly to promote the arts and champion our creative community. Marilyn served for 15 years as President and Chairman of the Board of the American Society of Composers, Authors and Publishers (ASCAP), the world's foremost performing rights organization. In 2002, she was appointed the first chairman of the Library of Congress National Sound Recording Preservation Board.

Alan serves as a member of the Library of Congress National Film Preservation Board, the Johnny Mercer Foundation Board, the Artists' Rights Foundation Board, and the Jazz Bakery Board of Directors.

And together, Alan and Marilyn serve on the executive committee of the Music Branch of the Academy of Motion Picture Arts & Sciences.

They are also strong supporters of music education, including the New West Symphony's outstanding efforts to provide quality outreach and educational opportunities for our communities and our schools.

Mr. President, I know that you and all our colleagues will join me in saluting two great American artists and this year's Bravo Award winners, Alan and Marilyn Bergman.●

REMEMBERING DR. CARL EVERETT DRAKE, SR.

• Mrs. FEINSTEIN. Mr. President, Dr. Carl Everett Drake, Sr. died peacefully of natural causes at his home in Sacramento Thursday evening. He was 99. Carl Drake was born on August 21, 1913 in Neptune, NJ, the second son of James and Lucy Bingham Drake. Carl was educated in the public schools where he was an outstanding student and even better multisport athlete. His State high school long jump mark of 21' 10'' stood for over 25 years. His talents brought him to the attention of coaches from Morgan State College in Baltimore, MD, the top ranked college football program available to African American players in the 1930s. His combination of size, speed, and ferocity won him a starting spot on the championship football team. At 6' 1'' and 205 pounds—huge at the time—he was a bruising, standout guard, playing both offense and defense. The team went undefeated for his entire career. He was team captain, had the honor of wearing jersey No. 1, and held the team ball in the national championship photos.

At Morgan he was active in several student organizations, including the Alpha Phi Alpha fraternity, which he joined in 1933. He began dating an attractive and studious coed who worked as the dean's secretary, even joining the glee club to demonstrate to her his ''softer'' side. Carl and Beatrice Hayes were married in September 1937. They settled in Baltimore, she began work as a social worker, and he, having left school after football a few credits short of graduation, took a job in the post office. Professional football was not available, but his training made him valuable at handling mail sacks. Two children, Carl Jr., 1939, and Beatrice, 1940, followed, along with a chronic back injury that led to a job shift that relied more on his college schooling than his strength.

Ruled out of active military service due to his back injury, he re-enrolled in school to complete his college degree, and in 1944, at the urging of Bea, applied to medical school. He could not attend the segregated University of Maryland, but under the ''separate but equal'' concept of Jim Crow laws, the State of Maryland instead paid his tuition to attend Meharry Medical College, in Nashville, TN, one of the two medical schools in the county to educate more than the occasional person of color.

He moved to Nashville to begin study, working an 11 p.m. to 7 a.m. graveyard shift as a hospital orderly to save enough money to send for his wife and family, which he was able to do by 1946. He finished Meharry in 1949 and moved to New York City to begin internship at Harlem Hospital. He had wanted to return to Baltimore, but the city hospital there paid interns $15 per month with free room. Harlem paid $50 per month, enough to rent a one bedroom apartment for the family. After internship and a new baby—Michael, 1950—the family moved across the George Washington Bridge to Englewood, NJ. Carl began his life as a working physician with a grueling schedule that consisted of steady employment in the ER at Harlem Hospital, a graveyard shift, 11 p.m. to 7 a.m., followed by a junior partnership in a local New York physician's office from 9 to noon, then home to Jersey to sleep, dinner at 6, and then a few private patients seen in a room converted to a makeshift medical office in the house until 9, before returning to work for the 11 p.m. shift in Harlem. When asked later about this level of commitment he replied that he was mainly ''grateful for a chance to actually work.''

This schedule was of course unsustainable, and a fascination with the newly emerging field of psychiatry led him to, at 40, begin training in psychiatry at Graystone State Hospital. During residency he continued his home office practice after dinner to help support a family that had grown to four children with the addition of Barry in 1952. In 1957, after completing residency he looked nationally, and made the bold decision to move to Sacramento to join a newly burgeoning State mental health system. Prior to this, no one in the family had ever been west of Tennessee. Arriving in Sacramento in July 1958, he worked for the State during the day, and as had always been the case set up a small private practice in rented space in the evenings. Financial obligations included supporting a son in college and stiff mortgage payments on a modern house in an upscale, and for the first time integrated, neighborhood.

In Sacramento Carl and Bea joined a small circle of middle class African Americans who had also moved west to make a new life. A handful of doctors, lawyers, a defense contractor, and a funeral home owner formed a social group anchored by the ''Couples Club,'' which met on Saturdays once a month for a rotating house party. There were also civic activities like the Lions Club, competitive chess, and the NAACP, as well as the local chapter of Alpha Phi Alpha, Inc. The names of these pioneers: Colley, Jones, Morris, Morrissey, Nance, Rutland, Stewart, Trent, West, and a few others, are now a part of Sacramento history. In 1967 a reduction in State supported mental health services affected clinics, including the Sacramento branch where Carl was chief of psychiatry. The new Medicare and Medicaid programs made private practice more viable for physicians caring for low income patients. He converted to full time private practice, and the late 1960s and 1970s became a time of relative prosperity. A pool was added to the backyard, and Carl learned, for the first time, to swim. He remained health conscious, and he and Bea were in the pool everyday from May to October until they were both in their 90s.

With the children finally grown and on their own Carl and Bea travelled—Alaska, Mexico, Hawaii, and Scandinavia were highlights—entertained friends, and watched their ever expanding cadre of grandchildren and great grandchildren grow. Bea retired in 1975, but Carl kept his active practice going, seeing patients five days a week until he was 90. Bea suffered from mild macular degeneration and progressive Alzheimer's disease, ultimately requiring full time supervision. Carl closed his practice—regretfully—to come home to care for her. He moved from many patients to just one. They continued to play backgammon as long as she could, exercised in the pool, and when that was no longer safe took walks around the courtyard, until Bea passed away in March 2008. They had been married for just over 70 years.

In the months following Bea's death, Carl, now 94, began a series of home refurbishing projects including a new roof and painting inside and out. His oldest grandson John, a professional house painter, came north to help, and ultimately moved in to help manage the house and yard. In August 2008 Carl renewed his medical license and his driver's license as he put it ''just in case.'' He became active in his fraternity once again. He did a few legal consultations in 2009, and then with John to type reports on the new computer, began seeing patients again, on a regular basis, working for the State of California as he had when he moved to Sacramento in 1958, this time doing disability evaluations. He pulled the office shingle bearing the name ''Carl E. Drake, Sr. MD'' from the garage—the same shingle used at the house in New Jersey 60 years ago—and mounted it near the back door. The kitchen table became his consultation office. He scheduled a light but steady stream of patients, three or four a week. He saw his last patient on December 12, 2012, before taking a break for the holidays. New visits were on the books for January 2013.

On December 26, all four of his children, along with five grandchildren and two daughters-in-law, visited without fanfare for a traditional post-Christmas gathering. He was in great spirits, holding court, albeit with less energy than usual. On December 27, after a light dinner, he walked into the living room to sit in his favorite easy chair and watch a few bowl games. He dozed off, never to wake again.

Dr. Carl Drake left this life as he lived it, with great dignity and grace. He came through the Depression, was an All-American athlete, educated himself, raised a family, and was an active working psychiatrist until the very last days of a life that spanned the 20th century and more. He was calm, open, and cheerful, always. His physical stature was imposing, but his gentle steadfastness and serenity were the traits that made him a joy to be with. He never raised his voice; he never needed to. He was universally admired, respected, and loved. He is survived by 4 children, 11 grandchildren, 17

great grandchildren, 16 great-great grandchildren, and thousands of patients. He lived to see his 100th Christmas; he leaves the world a better place.●

HONORING SILVERIO CUARESMA, SR.

● Mr. HELLER. Mr. President, today I wish to honor the life 2LT Silverio Cuaresma, Sr., whose passing on January 20, 2013, has brought great sadness to the Silver State. As a member of the World War II Mighty Five Nevadans and the State's oldest unrecognized Filipino-American World War II veteran, Mr. Cuaresma dedicated his life to honoring Filipino veterans for their sacrifices. I am grateful for his service to our country and advocacy on behalf of our heroes. While in the Senate, I will continue fighting to guarantee that all veterans and their families are properly thanked for their sacrifices.

As one of the Mighty Five, Mr. Cuaresma fought tirelessly to secure proper military recognition and compensation for our Nation's nearly 24,000 Filipino World War II veterans. We must continue the fight to ensure that Filipino veterans like Mr. Cuaresma are honored for their sacrifices. That is why I introduced the Filipino Veterans Fairness Act. This bill would establish a process for Filipinos who have fought alongside the U.S. military during World War II to work with military historians to determine eligibility for military benefits. I believe we have a responsibility to ensure that individuals who served honorably alongside U.S. troops are recognized for their contributions to our Nation.

My thoughts and prayers are with Mr. Cuaresma's family and friends during this difficult time. Today, I ask my colleagues to join me in celebrating the life of an honorable man who was devoted to providing justice for our Nation's heroes.●

TRIBUTE TO SUE EVERHART

● Mr. ISAKSON. Mr. President. I would like to honor in the RECORD Ms. Sue Everhart of Marietta, GA. Sue is a dear friend of mine who is one of the hardest working individuals in Georgia politics. In fact, Sue was elected chairman of the Georgia Republican Party in 2008 and re-elected in 2009 and again in 2011, making her the first chairman to serve three consecutive terms. In 2009, Sue was also chosen as one of ten women in the United States to be honored as a Woman of Achievement by the Republican National Committee.

Sue is an effective leader who has worked tirelessly to elect Republicans in the State of Georgia. In 2010, her efforts over the years came to a crescendo when Republicans swept the State, winning every statewide contest. In fact, Sue has been instrumental in my political campaigns, and I am forever grateful for her support throughout the years.

Although Sue will be ending her successful run as chairman of the Georgia Republican Party in May of this year, I am sure that this will not be the end of her involvement in Georgia politics. Our party will be forever better because of Sue, and I wish her the best in her future endeavors.●

TRIBUTE TO MR. STEVE TINDELL

● Mr. UDALL of Colorado. Mr. President, I speak today in honor of Mr. Steven L. Tindell, who retired on January 11, 2013, at Peterson Air Force Base, CO. Mr. Tindell served 30 years in uniform and for over 10 years in Federal civil service as the director of the Commander's Action Group and the Chief of Legislative Affairs for Air Force Space Command. He has been an enduring presence and a subject-matter expert for all congressional matters related to Air Force space and cyberspace issues and has facilitated countless congressional interactions with Headquarters Air Force Space Command and its numerous subordinate centers, wings and units.

Air Force Major Command Legislative Liaisons facilitate communication between their commands and Congress, effectively bridging our organizational cultures and promoting clear and open communication. These professionals require in depth knowledge of congressional procedures, committee structures and the legislative process. They also must have detailed understanding of the missions, challenges and organizational structures of the commands they represent. My office depends heavily on the rapport we have with our military liaisons for timely information and candid dialogue.

During his tenure as a legislative liaison, Mr. Tindell enhanced the Air Force Space Command mission by delivering space, missile and cyberspace capabilities to the U.S. armed forces and its warfighting commands. He was the architect of Space Command's legislative game plan, which coordinated vital communications concerning the command's space and cyberspace programs. He prepared countless pages of testimony and orchestrated hundreds of congressional notifications and visits, including many for me and my staff to our bases throughout the Colorado Front Range.

Mr. Tindell leaves an indelible mark on Air Force Space Command. His institutional knowledge and savvy analysis of legislative activity will be difficult to replace; however, he can take great pride, satisfaction and confidence in knowing that his legacy will endure through those he has mentored over the years. Mr. Tindell has exemplified the best of the U.S. Air Force.

On behalf of all Coloradans, I thank Mr. Steven Tindell for his many years of faithful, selfless service, and I offer warm congratulations on the occasion of his retirement. May he and his wife, Nancy, enjoy a very bright future as they begin this new chapter in their lives.●

TRIBUTE TO ROSALIND GRAY

● Ms. MIKULSKI. Mr. President, I rise today to recognize Rosalind ''Roz'' Gray, who is retiring from government service this month after 32 years at the National Institutes of Health in Bethesda, MD.

Ms. Gray, originally from Richmond, VA, began her career as a laboratory manager with Hoffman-LaRoche Pharmaceuticals in New Jersey. After a few years in the pharmaceutical industry, she moved to Maryland and joined the National Institutes of Health in the Office of Legislation, Policy, and Analysis. For over 30 years, Ms. Gray has been an outstanding representative of the NIH to the public, to congressional staff, and to patients in need of help. Many of us here in Congress have met Roz when she accompanied the NIH leadership to briefings or hearings on the Hill. She has expertly staffed the past five NIH Directors, including current Director Dr. Francis Collins, former NIH Director and current NCI Director Dr. Harold Varmus, and former NIH Director Dr. Bernadine Healy, the first woman appointed to that role.

Ms. Gray and her husband Charles have a daughter, Tracy, a son, Phillip, and two grandchildren. In her retirement, Ms. Gray plans to work with her church and community to help families in crisis and to improve childhood literacy. She is also looking forward to traveling, including taking her first trip to Europe, and spending more time with her children and grandchildren.

Mr. President, Roz Gray has been a dedicated public servant for 32 years and has inspired her colleagues at the NIH with her integrity, professionalism, and kindness. It is appropriate that we honor her today for her many contributions to advancing the mission of the NIH.●

TRIBUTE TO JOSEPH M. SCIMECA

● Mr. VITTER. Mr. President, today I would like to recognize Mr. Joseph M. Scimeca. This July, Mr. Scimeca will enter retirement after 44 years of dedicated service to the Catholic Diocese of Baton Rouge.

Since 1969, when he began his career as a teacher, Mr. Scimeca has contributed to the moral, intellectual, and spiritual development of young people. His time in education has seen him serve as assistant principal, principal, and Assistant Superintendent of the Catholic Diocese of Baton Rouge, a position he has held since 1999. In 1997, he was presented with the Distinguished Secondary Educator award and also received the 1999 Saint Michael the Archangel High School Warrior award.

The National Conference of Catholic Bishops stated, ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community.''

In Louisiana, our Catholic schools maintain high academic standards, foster a healthy learning environment for

students, and encourage family involvement in the ongoing education of children. Mr. Scimeca has promoted these ideals with extraordinary leadership, professionalism and a vision to provide our children with the tools they will need to go out in to the world and become valuable members of society and their community.

His efforts to bring together adults and children, educators and volunteers, business leaders, and elected officials in a learning environment highlights his ability to impart comprehensive curriculums that stress the importance of education as part of the mission of the Catholic Church and the importance of community in shaping our young people.

While I know he will be missed after his departure later this year, I thank Mr. Scimeca for his selfless commitment to the education of our children, his outstanding contributions to the Catholic Diocese of Baton Rouge and the State of Louisiana, and extend to him our best wishes for continued success and happiness in all of his future endeavors.●

TRIBUTE TO CSM JOHN McDONOUGH

● Mr. WHITEHOUSE. Mr. President, today I wish to recognize the service of Rhode Island's State CSM John McDonough. Command Sergeant Major McDonough is retiring after over 35 years serving the Rhode Island National Guard with honor and distinction, and I am proud to acknowledge his remarkable career today.

Command Sergeant Major McDonough first enlisted in the Rhode Island Army National Guard in 1976, and graduated with honors from basic combat and advanced individual training at Fort Sill in Oklahoma. He was then assigned as an artilleryman in Battery A, 1st Battalion, 103rd Field Artillery. He quickly became an invaluable member of the Guard's field artillery team and went on to serve in a variety of positions, including cannon crewman, assistant gunner, gunner, howitzer section chief, gunnery sergeant, intelligence sergeant, first sergeant, and operations sergeant major.

Over the years, Command Sergeant Major McDonough received numerous awards commending his superior service, and he was eventually selected to be the State command sergeant major, the highest noncommissioned rank in the Rhode Island National Guard. In this role, Command Sergeant Major McDonough represented all enlisted soldiers in command, and served as the principal enlisted adviser to the adjutant general. His commitment to enforcing standards fairly and improving the quality of life for his fellow enlisted Guardsmen made him a celebrated and valued member of the Rhode Island National Guard community.

I thank Command Sergeant Major McDonough for his dedication to the Guard and to his comrades, a dedication he continues to demonstrate even in retirement. The command sergeant major has taken on a new endeavor to improve the lives of veterans as the director of Supportive Services for Operation Stand Down, an organization that works to combat homelessness among veterans and provide services to help struggling veterans get back on their feet.

Throughout his career in the Rhode Island National Guard, and with his continued service today, Command Sergeant Major McDonough has been an inspiration, advocate and role model for his fellow Guardsmen. I am proud to honor his life's work, and I again thank him for his outstanding commitment to serving our country and our military.●

TRIBUTE TO BRYAN ALMEIDA

● Mr. RUBIO. Mr. President, today I recognize Bryan Almeida, a 2012 intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Bryan is a rising junior at the George Washington University. Currently, he is majoring in political communications and minoring in statistics. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Bryan for all the fine work he has done and wish him continued success in the years to come. ●

TRIBUTE TO OLIVIA BARKET

● Mr. RUBIO. Mr. President, today I recognize Olivia Barket, a 2012 intern in my Washington, DC, office for all of the hard work she has done for me, my staff, and the people of the State of Florida.

Olivia is a rising junior at the University of Florida in Gainesville, FL. Currently, she is majoring in finance. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Olivia for all the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO RYAN BASS

● Mr. RUBIO. Mr. President, today I recognize Ryan Bass, a 2012 intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Ryan is a rising junior at Emory University in Atlanta, GA. Currently, he is studying mathematics and political science. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Ryan for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO MARJORIE BROFFMAN

● Mr. RUBIO. Mr. President, today I recognize Marjorie Broffman, a 2012 intern in my Washington, DC, office for all of the hard work she has done for me, my staff, and the people of the State of Florida.

Marjorie is a rising junior at George Mason University in Fairfax, VA. Currently, Marjorie is double majoring in government and international politics and economics. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Marjorie for all the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO EILEEN CORKERY

● Mr. RUBIO. Mr. President, today I recognize Eileen Corkery, a 2012 intern in my Washington, DC, office for all of the hard work she has done for me, my staff, and the people of the State of Florida.

Eileen is a rising junior at the College of William and Mary in Williamsburg, VA. Currently, she is majoring in finance with a concentration in accounting. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Eileen for all the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO STEFAN DIAZ

● Mr. RUBIO. Mr. President, today I recognize Stefan Diaz, a 2012 intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Stefan Diaz is a rising sophomore at Florida International University in Miami, FL. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Stefan for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO JACOB DRUCKER

● Mr. RUBIO. Mr. President, today I recognize Jacob Drucker, a 2012 intern in my Washington, DC, office for all of the hard work he has done for me, my

staff, and the people of the State of Florida.

Jacob is a rising sophomore at Harvard University in Cambridge, MA. Currently, he is studying economics and statistics. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jacob for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO JOSE GAUDET

● Mr. RUBIO. Mr. President, today I recognize Jose Gaudet, a 2012 intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Jose is a graduate of the Citadel and in 2010 enrolled in the Institute of World Politics, IWP, in Washington, DC, to receive a master's in international relations with a focus on the Middle East and South Asia. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jose for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO KRYSTOFER HENRY

● Mr. RUBIO. Mr. President, today I recognize Krystofer Henry, a 2012 intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Krystofer is a rising sophomore at Brevard Community College in Florida. Currently, he is pursuing a degree in business administration with a minor in leadership. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Krystofer for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO STEPHANIE MENDY

● Mr. RUBIO. Mr. President, today I recognize Stephanie Mendy, a 2012 legal extern in my Washington, DC, office for all of the hard work she has done for me, my staff, and the people of the State of Florida.

Stephanie is a graduate of Florida International University in Miami, FL. Currently, Stephanie is in her third year of law school at American University in Washington, DC. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Stephanie for all the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO ALEX MIEHLS

● Mr. RUBIO. Mr. President, today I recognize Alex Miehls, a 2012 intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Alex is a graduate of University of Canton in Canton, OH. Alex also served Ohio as the vice chairman of the Ohio College Republican Federation. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Alex for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO COLIN MILON

● Mr. RUBIO. Mr. President, today I recognize Colin Milon, a 2012 intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Colin is a rising junior at the George Washington University in Washington, DC. Currently, he is majoring in political science and minoring in history. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Colin for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO AUDREY PARANKA

● Mr. RUBIO. Mr. President, today I recognize Audrey Paranka, a 2012 intern in my Washington, DC, office for all of the hard work she has done for me, my staff, and the people of the State of Florida.

Audrey is a rising junior at the Catholic University of America in Washington, DC. Currently, Audrey is majoring in politics. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Audrey for all the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO TATIANA PINO

● Mr. RUBIO. Mr. President, today I recognize Tatiana Pino, a 2012 intern in my Washington, DC, office for all of the hard work she has done for me, my staff, and the people of the State of Florida.

Tatiana is a rising junior at Florida State University in Tallahassee, FL. Currently, she is majoring in international affairs and minoring in economics and psychology. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Tatiana for all the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO MICHELLE STATON

● Mr. RUBIO. Mr. President, today I recognize Michelle Staton, a 2012 intern in my Washington, DC, office for all of the hard work she has done for me, my staff, and the people of the State of Florida.

Michelle is a senior at the University of North Florida in Jacksonville, FL. Currently, she studies political science and international relations. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Michelle for all the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO MICHAEL VAZQUEZ

● Mr. RUBIO. Mr. President, today I recognize Michael Vazquez, a 2012 intern in my Washington, DC, office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Michael is a rising junior at Villanova University in Villanova, PA. Currently, he is a philosophy and humanities double major, enrolled in the Honors College. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Michael for all the fine work he has done and wish him continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 9:39 a.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 325. An act to ensure the complete and timely payment of the obligations of the United States Government until May 19, 2013, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 325. An act to ensure the complete and timely payment of the obligations of the United States Government until May 19, 2013, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–136. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Approved Tests for Bovine Tuberculosis in Cervids'' (Docket No. APHIS–2012–0087) received during recess of the Senate in the Office of the President of the Senate on January 18, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–137. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits'' (29 CFR Part 4022) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–138. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age'' (29 CFR Part 4022) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–139. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits'' (29 CFR Part 4044) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–140. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Uniform Compliance Date for Food Labeling Regulations'' (RIN0583–AD05) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–141. A communication from the Executive Secretary, Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, the Foundation's Annual Report for 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–142. A communication from the Executive Director, Mississippi River Commission, Department of the Army, transmitting, pursuant to law, the Commission's Annual Report for calendar year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–143. A communication from the Chief Financial Officer of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, a report relative to financial integrity for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–144. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3356-EM in the Commonwealth of Pennsylvania having exceeded the $5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC–145. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–146. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, a report relative to competitions initiated or conducted in fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–147. A communication from the Board Chair and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's annual report relative to compliance with the Sunshine Act for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–148. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–149. A communication from the Comptroller General of the United States, Government Accountability Office, transmitting, pursuant to law, a report entitled ''Fiscal Year 2012 Financial Report of the United States Government''; to the Committee on Homeland Security and Governmental Affairs.

EC–150. A communication from the Director, Office of Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2012; to the Committee on Rules and Administration.

EC–151. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled ''Report to Congress Under Section 319 of the Fair and Accurate Credit Transactions Act of 2003''; to the Committee on Commerce, Science, and Transportation.

EC–152. A communication from the Chair of the Aerospace Safety Advisory Panel, National Aeronautics and Space Administration, transmitting, pursuant to law, the Panel's annual report for 2012; to the Committee on Commerce, Science, and Transportation.

EC–153. A communication from the Acting Director, Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Resumption of the Population Estimates Challenge Program'' (RIN0607–AA51) received during recess of the Senate in the Office of the President of the Senate on January 7, 2013; to the Committee on Commerce, Science, and Transportation.

EC–154. A communication from the Paralegal Specialist, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Major Capital Investment Projects'' (RIN2132–AB02) received during recess of the Senate in the Office of the President of the Senate on January 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC–155. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Tignall, Georgia)'' (MB Docket No. 12–237; RM–11672) received during recess of the Senate in the Office of the President of the Senate on January 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–156. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Maysville, Georgia)'' (MB Docket No. 12–270; RM–11676) received during recess of the Senate in the Office of the President of the Senate on January 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–157. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Westley, California)'' (DA 12–1976) received during recess of the Senate in the Office of the President of the Senate on January 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–158. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hebbronville, Texas)'' (MB Docket No. 11–38; RM–11621) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–159. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Connect America Fund; High-Cost Universal Service Support'' (DA 12–1777) received in the Office of the President of the Senate on January 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–160. A communication from the Deputy Division Chief of the Policy Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 2 and 25 of the Commission's Rules to Allocate Spectrum and Adopt Service Rules and Procedures to Govern the Use of Vehicle-Mounted Earth Stations in Certain Frequency Bands Allocated to the Fixed Satellite Service'' ((IB Docket No. 07–101) (FCC 13–1)) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–161. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off

Alaska; Pacific Salmon'' (RIN0648–BB77) received during recess of the Senate in the Office of the President of the Senate on January 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–162. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery'' (RIN0648–BC21) received during recess of the Senate in the Office of the President of the Senate on January 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–163. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Transshipping, Bunkering, Reporting, and Purse Seine Discard Requirements'' (RIN0648–BA85) received during recess of the Senate in the Office of the President of the Senate on January 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–164. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Framework Adjustment 5'' (RIN0648–BC08) received during recess of the Senate in the Office of the President of the Senate on January 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–165. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2013–2014 Biennial Specifications and Management Measures'' (RIN0648–BC35) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–166. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Electronic Dealer Reporting Requirements; Correction'' (RIN0648–BA75) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–167. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Generic Annual Catch Limits/Accountability Measures Amendment for the Gulf of Mexico; Correction'' (RIN0648–AY22) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–168. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''2013–2014 Summer Flounder and Scup Specifications; 2013 Black Sea Bass Specifications; Preliminary 2013 Quota Adjustments; 2013 Summer Flounder Quota for Delaware'' (RIN0648–XC287) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–169. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; 2013 Atlantic Shark Commercial Fishing Season'' (RIN0648–XC106) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–170. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2012 Summer Flounder , Scup, and Black Sea Bass Specifications; Correction'' (RIN0648–XA795) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–171. A communication from the Deputy Assistant Administrator for Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Elephant Trunk Area'' (RIN0648–BC67) received during recess of the Senate in the Office of the President of the Senate on January 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–172. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer'' (RIN0648–XC396) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–173. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Central Regulatory Area of the Gulf of Alaska Management Area'' (RIN0648–XC415) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–174. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Bluefish Fishery; Quota Transfer'' (RIN0648–XC394) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–175. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of New Jersey'' (RIN0648–XC404) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–176. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Big Skate in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XC405) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–177. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments'' (RIN0648–BC61) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–178. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2012 Commercial Accountability Measure and Closure for Atlantic Wahoo'' (RIN0648–XC381) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–179. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC376) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–180. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Available for the State of New York To Reopen Fishery'' (RIN0648–XC391) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–181. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2013 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts'' (RIN0648–XC422) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–182. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2013 Bering Sea and Aleutian Islands Pollock, Atka Mackerel, and Pacific Cod Total Allowable Catch Amounts'' (RIN0648–XC423) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–183. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Rural Health Care Support Mechanism'' ((RIN3060–AI85) (FCC 12–150)) received in the Office of the President of the Senate on January 24, 2013; to the Committee on Commerce, Science, and Transportation.

EC–184. A communication from the Chief of the Broadband Division, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Service Rules for Advanced Wireless Services in the 200–2020 MHz and 2180–2200 MHz Bands, etc.'' ((WT Docket No. 12–70, 10–142) (FCC 12–151)) received in the Office of the President of the Senate on January 24, 2013; to the Committee on Commerce, Science, and Transportation.

EC–185. A communication from the Deputy Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Special Access for Price Cap Local Exchange Carriers; AT and T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services'' ((RIN3060–AJ80) (FCC 12–153)) received in the Office of the President of the Senate on January 24, 2013; to the Committee on Commerce, Science, and Transportation.

EC–186. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries'' (RIN0648–XC382) received during recess of the Senate in the Office of the President of the Senate on January 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–187. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions and Observer Requirements in Purse Seine Fisheries for 2009–2011 and Turtle Mitigation Requirements in Purse Seine Fisheries'' (RIN0648–AX60) received in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN (for himself, Mr. TOOMEY, Mr. FRANKEN, Mr. CASEY, and Ms. KLOBUCHAR):

S. 125. A bill to direct the United States Fish and Wildlife Service, in coordination with the Army Corps of Engineers, the National Park Service, and the United States Geological Survey, to lead a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries, and for other purposes; to the Committee on Environment and Public Works.

By Mr. TOOMEY (for himself, Mrs. MCCASKILL, Mr. RUBIO, Ms. AYOTTE, Mr. PORTMAN, Mr. JOHANNS, Mr. FLAKE, Mr. JOHNSON of Wisconsin, Mr. SCOTT, and Mr. UDALL of Colorado):

S. 126. A bill to prohibit earmarks; to the Committee on Rules and Administration.

By Mr. HELLER (for himself and Mr. ENZI):

S. 127. A bill to provide a permanent deduction for State and local general sales taxes; to the Committee on Finance.

By Mr. CASEY (for himself, Mr. BENNET, Mr. LAUTENBERG, Ms. MIKULSKI, Mrs. MURRAY, Mrs. BOXER, Ms. KLOBUCHAR, and Mr. BEGICH):

S. 128. A bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE:

S. 129. A bill to save money and reduce tragedies through prevention grants; to the Committee on the Judiciary.

By Mr. ENZI (for himself and Mr. BARRASSO):

S. 130. A bill to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself, Mr. BEGICH, and Mr. TESTER):

S. 131. A bill to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CARPER (for himself, Mr. DURBIN, Mrs. MURRAY, and Mrs. BOXER):

S. 132. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROBERTS (for himself, Mr. COBURN, Mr. BARRASSO, Mr. PORTMAN, Mr. CRAPO, Mr. INHOFE, and Mr. VITTER):

S. 133. A bill to protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny or delay coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in personalized medicine and differences in patient treatment response; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Mr. BLUMENTHAL, Mr. COBURN, Mr. JOHANNS, and Mr. HELLER):

S. 134. A bill to arrange for the National Academy of Sciences to study the impact of violent video games and violent video programming on children; to the Committee on Commerce, Science, and Transportation.

By Mr. VITTER (for himself, Mr. COATS, Mr. BOOZMAN, Mr. RISCH, Mr. ENZI, Mr. COBURN, and Mr. JOHANNS):

S. 135. A bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 136. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain stem cell research expenditures; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. COATS, Mr. BOOZMAN, Mr. RISCH, Mr. ENZI, Mr. COBURN, Mr. CHAMBLISS, and Mr. JOHANNS):

S. 137. A bill to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself, Mr. COATS, Mr. BOOZMAN, Mr. RISCH, Mr. ENZI, Mr. COBURN, Mr. CHAMBLISS, and Mr. JOHANNS):

S. 138. A bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes; to the Committee on the Judiciary.

By Mr. VITTER:

S. 139. A bill to impose admitting privilege requirements with respect to physicians who perform abortions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 140. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans, to improve the coordination of veteran job training services between the Department of Labor, the Department of Veterans Affairs, and the Department of Defense, to require transparency for Executive departments in meeting the Government-wide goals for contracting with small business concerns owned and controlled by service-disabled veterans, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself, Ms. STABENOW, and Mr. BLUNT):

S. 141. A bill to make supplemental agricultural disaster assistance available for fiscal years 2012 and 2013, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CASEY:

S. 142. A bill to prohibit the expenditure of Federal funds for abortions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 143. A bill to prohibit discrimination and retaliation against individuals and health care entities that refuse to recommend, refer for, provide coverage for, pay for, provide, perform, assist, or participate in abortions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 144. A bill to amend the Patient Protection and Affordable Care Act to authorize additional funding for the pregnancy assistance fund; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 145. A bill to amend title 32, United States Code, to authorize National Guard support for State and local efforts to keep schools safe from violence, and for other purposes; to the Committee on Armed Services.

By Mrs. BOXER:

S. 146. A bill to enhance the safety of America's schools; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 147. A bill to establish minimum standards for States that allow the carrying of concealed firearms; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 148. A bill to safeguard America's schools by using community policing strategies to prevent school violence and improve student and school safety; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. SESSIONS):

S. 149. A bill to provide effective criminal prosecutions for certain identity thefts, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Mr. DURBIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. LEVIN, Mr. ROCKEFELLER, Ms. MIKULSKI, Mrs. BOXER, Mr. REED, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mrs. GILLIBRAND, Mr. SCHATZ, Mr. MURPHY, Ms. WARREN, and Mr. CARPER):

S. 150. A bill to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHANNS:

S. 151. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum

rate on the income of corporations to 20 percent; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 152. A bill to require the Secretary of the Air Force to retain the current leadership rank, aircraft, and core functions of the 354th Fighter Wing and the 18th Aggressor Squadron at Eielson Air Force Base and to require reports on proposed activities at such installation; to the Committee on Armed Services.

By Mr. BEGICH (for himself, Mr. BLUMENTHAL, Ms. AYOTTE, Mr. BENNET, Mr. RUBIO, Mrs. SHAHEEN, Mr. REED, Mr. BLUNT, Ms. STABENOW, Mr. TESTER, and Mr. COONS):

S. 153. A bill to amend section 520J of the Public Health Service Act to authorize grants for mental health first aid training programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COBURN (for himself, Mr. THUNE, Mr. PAUL, Mr. JOHNSON of Wisconsin, Mr. INHOFE, Mr. BOOZMAN, Mr. GRASSLEY, Mr. RISCH, Mr. WICKER, Mr. VITTER, and Mr. ROBERTS):

S. 154. A bill to amend title I of the Patient Protection and Affordable Care Act to ensure that the coverage offered under multi-State qualified health plans offered in Exchanges is consistent with the Federal abortion funding ban; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON (for himself, Mrs. GILLIBRAND, Mr. LAUTENBERG, Mr. CARDIN, Mr. DURBIN, Ms. WARREN, Ms. LANDRIEU, and Mr. HARKIN):

S. Res. 12. A resolution recognizing the third anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives in that earthquake, and expressing continued solidarity with the people of Haiti; to the Committee on Foreign Relations.

By Mr. BROWN (for himself, Mr. LEAHY, Mr. COCHRAN, Mr. CORNYN, Ms. MIKULSKI, Mr. CARDIN, Ms. LANDRIEU, Mr. MENENDEZ, Mr. WARNER, and Mrs. GILLIBRAND):

S. Res. 13. A resolution congratulating the members of Delta Sigma Theta Sorority, Inc. for 100 years of service to communities throughout the United States and the world, and commending Delta Sigma Theta Sorority, Inc. for its promotion of sisterhood, scholarship, and service; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. CHAMBLISS, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. Res. 14. A resolution raising awareness and encouraging prevention of stalking by designating January 2013 as ''National Stalking Awareness Month''; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. LEVIN, and Mr. MCCAIN):

S. Res. 15. A resolution to improve procedures for the consideration of legislation and nominations in the Senate; submitted and read.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. LEVIN, and Mr. MCCAIN):

S. Res. 16. A resolution amending the Standing Rules of the Senate; submitted and read.

By Mr. REID:

S. Res. 17. A resolution to constitute the majority party's membership on certain committees for the One Hundred Thirteenth Congress, or until their successors are chosen; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 18. A resolution making minority party appointments for the 113th Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. REID, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 4, a bill to create jobs and strengthen our economy by rebuilding our Nation's infrastructure.

S. 6

At the request of Mr. REID, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 6, a bill to reauthorize the VOW to Hire Heroes Act of 2011, to provide assistance to small businesses owned by veterans, to improve enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 22

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 22, a bill to establish background check procedures for gun shows.

S. 29

At the request of Mr. PORTMAN, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 29, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 31

At the request of Ms. AYOTTE, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 31, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 32

At the request of Mr. PORTMAN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 32, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 33

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 33, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 40

At the request of Mr. HATCH, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Arizona (Mr. FLAKE) were added as cosponsors of S. 40, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 43

At the request of Mr. PORTMAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 43, a bill to require that any debt limit increase be balanced by equal spending cuts of the next decade.

S. 46

At the request of Mr. TOOMEY, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Utah (Mr. HATCH), the Senator from South Dakota (Mr. THUNE), the Senator from Kansas (Mr. ROBERTS), the Senator from Texas (Mr. CORNYN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 46, a bill to protect Social Security benefits and military pay and require that the United States Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

S. 47

At the request of Mr. LEAHY, the names of the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Arkansas (Mr. PRYOR) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 47, a bill to reauthorize the Violence Against Women Act of 1994.

S. 66

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 66, a bill to establish a pilot program to evaluate the cost-effectiveness and project delivery efficiency of non-Federal sponsors as the lead project delivery team for authorized civil works flood control and navigation construction projects of the Corps of Engineers.

S. 84

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 84, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 116

At the request of Mr. REED, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 116, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 117

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 117, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 122

At the request of Mr. CHAMBLISS, the name of the Senator from Georgia (Mr.

ISAKSON) was added as a cosponsor of S. 122, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. RES. 4

At the request of Mr. UDALL of New Mexico, the names of the Senator from Virginia (Mr. KAINE) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. Res. 4, a resolution to limit certain uses of the filibuster in the Senate to improve the legislative process.

S. RES. 6

At the request of Mr. MERKLEY, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. Res. 6, a resolution to modify extended debate in the Senate to improve the legislative process.

S. RES. 8

At the request of Mr. ROBERTS, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 8, a resolution expressing the sense of the Senate that Congress holds the sole authority to borrow money on the credit of the United States and shall not cede this power to the President.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Mr. BEGICH, and Mr. TESTER):

S. 131. A bill to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today I introduce the Women Veterans and Other Health Care Improvement Act of 2013. I am incredibly proud of the women and men who have served or are serving our Nation in uniform, and I am grateful for the sacrifices they make on our behalf. That is why we must do everything in our power to meet the needs of our veterans and servicemembers. As those needs change, we must ensure the care available keeps pace.

That is why I introduced legislation, which was signed into law as part of the Caregivers and Veterans Omnibus Health Services Act of 2010, which helped to transform the way that the Department of Veterans Affairs addresses the needs of women veterans. Among other things, that law required the VA to provide neonatal care, train mental health professionals to provide mental health services for sexual trauma, and develop a child care pilot program. VA has an obligation to provide veterans with quality care and it is our responsibility to make sure that VA does so. The legislation I am introducing today builds upon that effort to make additional improvements to VA's services for women veterans and veterans with families.

The wars in Iraq and Afghanistan have been characterized by increasing use of improvised explosive devices that leave servicemembers, both male and female, at increased risk for blast injuries including spinal cord injury and trauma to the reproductive and urinary systems. Defense Department data show that between 2003 and 2012 nearly 2,000 women and men suffered these types of injuries while serving in Iraq or Afghanistan.

These devastating and life-changing wounds can destroy the vision these men and women, and their spouses, had for the future. Having a family is one of the cornerstones of life that so many people look forward to and see as a fundamental part of their lives. To have dreams shattered because you were brave enough to put yourself in harm's way for your country is something we can never fully repay. But we must do everything we can.

As our warriors return from the battlefield, the VA system must be equipped to help injured veterans step back into their lives as parents, spouses, and citizens. These veterans have served honorably and have made the ultimate sacrifice for our great Nation. They deserve the opportunity to pursue their goals and dreams, whether that includes pursuing higher education, finding gainful employment, purchasing their first house, or starting their own family. VA has many programs that help veterans pursue the educational, career, or homeownership dreams and goals that they deferred in service to this country, but it falls short when it comes to helping severely wounded veterans who want to start a family. These veterans often need far more advanced services in order to conceive a child.

The Department of Defense and the Tricare program are already able to provide advanced fertility treatments, including assisted reproductive technology, to servicemembers with complex injuries. However, not all injured servicemembers are prepared to have a child at the time they are eligible for that coverage, and some are no longer eligible for Tricare by the time they are ready.

VA's fertility counseling and treatment options are limited and do not meet the complex needs of severely injured veterans. I have heard from seriously wounded veterans whose injuries have made it impossible for them to conceive children naturally. While the details of these stories vary, the common thread that runs through them all is that these veterans were unable to obtain the type of assistance they need. Some have spent tens of thousands of dollars on advanced reproductive treatments in the private sector to get what they need to start a family. Others have watched their marriage collapse because the stress of infertility, in combination with the stresses of readjusting to life after severe injury, drove their relationship to a breaking point. Any servicemember who sustains this type of serious injury deserves much better. It is our responsibility to give VA the tools it needs to serve them, and the Women Veterans and Other Health Care Improvement Act is a start at doing that.

This legislation also requires VA to build upon existing research framework to gain a better understanding of the long-term reproductive health care needs of veterans, from those who experience severe reproductive and urinary tract trauma to those who experience gender-specific infections in the battlefield. An Army task force charged with looking at the needs of female servicemembers reported that women in the battlefield experience higher rates of urinary tract infections and other women's health difficulties.

After a decade at war, many women servicemembers are still at increased risk for women's health problems due to deployment conditions and a lack of predeployment women's health information, compounded by privacy and safety concerns. Little is known about the impact that these issues and injuries have on the long-term health care needs of veterans. Additional research will provide critical information to help VA improve services for veterans.

Caring for children is another frequent problem veterans encounter when trying to get health care. To address this, my legislation provides permanent authority for VA to provide child care to veterans going to medical centers or Vet Centers for health care. A pilot program examining these services is nearing completion and the results have been overwhelmingly positive. Those pilots have been very popular with veterans and VA employees, and have been far less expensive than originally estimated.

This legislation is also fully paid for. VA would be empowered to ask contractors and large corporations to pay a relatively small fee in order to provide the care needed by some of our most seriously wounded veterans. This would not hurt small businesses or veteran owned small businesses, because the Secretary would be given the authority to exempt those small businesses to ensure their ability to compete is not jeopardized.

Finally, I would point out that last Congress, in fact just a little more than a month ago, these provisions were unanimously approved by the Senate. I think the other Members of this body realized then that we must meet the changing needs of all our servicemembers and veterans, and that regardless of gender we must fulfill our obligation to do everything we can to make whole those who have been injured in service to this country.

I hope all of my colleagues will again support this legislation so we can provide care to meet these most serious needs.

By Mr. CARPER (for himself, Mr. DURBIN, Mrs. MURRAY, and Mrs. BOXER):

S. 132. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, I rise to introduce the New Columbia Admissions Act, a bill that seeks to end a longstanding injustice and give full voting representation to the residents of the District of Columbia. More than 600,000 Americans live in Washington, D.C. and bear all the responsibilities of citizenship, yet currently have no vote in either chamber of Congress. This legislation paves the way for the creation of a 51st state from the populated portions of Washington, D.C., giving the citizens who live here in our nation's capital the voice they deserve in our national government.

Washington is not just a collection of government offices, monuments and museums; it is home to more than half a million people who work, study, raise families, and start businesses. These citizens serve in the military and die for our country just like the residents of the 50 States. They pay Federal taxes just like other Americans in fact they pay more per capita than residents of most states. But when it comes to having a voice in our Congress, suddenly these citizens do not count.

We must ask ourselves how we would feel in their place; I think most of us would quickly decide that this is not how we would want to be treated. In fact, the United States is the only democracy in the world that treats the citizens of its capital city this way. We are the only democracy, it is sad to say, that denies voting representation to the people who live in its capital city.

People have been trying to fix this injustice for almost as long as it has existed. In 1801, just one year after residents of the new Federal capital city were denied the vote, a prominent city resident began arguing for a constitutional amendment to give voting rights to residents of the District. Two years later, a House member introduced a bill to ''retrocede,'' or give back to Maryland and Virginia, the land that was ceded to create the District. Support for the proposal was based in large part on the political injustice of denying representation to the residents of the capital city. Even some opponents reportedly argued that the District might be granted Congressional representation once its population became more substantial, a threshold that clearly seems to have been met by a city of more than half a million people, a number comparable to several states. In 1978, the House and Senate approved a constitutional amendment to give the District full voting representation in Congress that was ratified by 16 states, but the measure died when it failed to win support from the required ¾ of the States within 7 years. More recently, in 2009, the Senate approved a bill to give the District a voting representative in the House.

The bill I am introducing today creates a path for the District of Columbia to become the State of ''New Columbia'' with full voting rights in Congress. Under this bill, a federal district called Washington, D.C. would still remain under the control of Congress, as the Constitution mandates. But it would be a smaller area encompassing the White House, the Capitol, the Supreme Court and the National Mall, an area where few people actually live. The rest of the current District of Columbia, diverse neighborhoods that are home to more than half a million U.S. citizens no different from the ones you and I and our colleagues come here to represent would become a new State provided that its residents vote to set that in motion.

The bill is similar to proposals offered by Senator Edward Kennedy in the early 1990s, and by my former colleague Senator Joseph Lieberman in December 2012. Delegate ELEANOR HOLMES NORTON, the District's sole, non-voting representative in the House who has worked tirelessly for voting rights for the residents of the city, has introduced a companion House bill.

I believe we keep proposing and debating different solutions to the injustice imposed on District residents because we know in our hearts that the situation we have now and have tolerated for so long is not right. It is familiar, but it is not fair and not consistent with the values we all share as Americans. It is incumbent upon those of us who enjoy the right and the privilege of full voting rights to take up the cause of our fellow citizens here in the District of Columbia and find a solution.

Earlier this week, we celebrated the birth of Martin Luther King, Jr. and his legacy of working to bring equality and justice to all Americans. It is in that spirit that I introduce this bill, with my colleagues Senators BARBARA BOXER, RICHARD DURBIN and PATTY MURRAY. I hope we can work together to find a way to bring the same rights to the residents of the District of Columbia that all of us living in the 50 states cherish so much.

By Mr. ROCKEFELLER (for himself, Mr. BLUMENTHAL, Mr. COBURN, Mr. JOHANNS, and Mr. HELLER):

S. 134. A bill to arrange for the National Academy of Sciences to study the impact of violent video games and violent video programming on children; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I still well up with deep emotion when I see Newtown parents remembering their lost children, recalling what they wore to school that day or their last sweet words before boarding the school bus. The memory of that horrifying day, and of those children and their teachers, has not waned, nor should it ever. It should be an enduring call to action to do everything we can to save innocent lives.

That is why I have championed a comprehensive approach to combating gun violence, and support the President's plan to protect the Nation's citizens. West Virginians have a proud tradition of hunting and understand the importance of the Second Amendment. I know we can protect those traditions and rights as we look at ways to prevent senseless acts of violence.

One piece of this comprehensive examination concerns violent content, including video games and video programming. I have long had concerns about how the violent content that kids see and interact with every day affects their wellbeing. This is a very important issue, and one that deserves further research, as even the President recognized. That is why, as Chairman of the Senate Commerce Committee, I am introducing today the Violent Content Research Act of 2013. Under this legislation, the National Academy of Sciences would conduct a comprehensive study on the connection between exposure to violent video games and video programming and harmful effects on children.

Recent court decisions demonstrate that some people still do not get it. They believe that violent video games are no more dangerous to young minds than classic literature or Saturday morning cartoons. Parents, pediatricians, and psychologists know better.

These court decisions show we need to conduct additional groundwork on this issue. This report would be a critical resource in this process. It could inform research by other organizations, including the Centers for Disease Control, and provide guidance to lawmakers. I call on my colleagues to join me in passing this important legislation quickly.

Separately, I will be calling on the Federal Trade Commission and the Federal Communications Commission to expand their work in this area. The FTC has reviewed the effectiveness of the video game ratings system. The FCC has looked at the impact of violent programming on children. Changes in technology now allow kids to access violent content on-line and increasingly from mobile platforms with less parental involvement. It is time for these two agencies to take a fresh look at these issues.

Major corporations, including the video game industry, make billions on marketing and selling violent content to children. They have a responsibility to protect our children. If they do not, you can count on the Congress to take a more aggressive role.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Violent Content Research Act of 2013''.

SEC. 2. STUDY; NATIONAL ACADEMY OF SCIENCES.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Federal Trade Commission, the Federal Communications Commission, and the Department of Health and Human Services, jointly, shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of—

(1) whether there is a connection between exposure to violent video games and harmful effects on children; and

(2) whether there is a connection between exposure to violent video programming and harmful effects on children.

(b) CONTENTS OF STUDY AND INVESTIGATION.—

(1) VIOLENT VIDEO GAMES.—The study and investigation under subsection (a) shall include—

(A) whether the exposure listed under subsection (a)(1)—

(i) causes children to act aggressively or causes other measurable harm to children;

(ii) has a disproportionately harmful effect on children already prone to aggressive behavior or on other identifiable groups of children; and

(iii) has a harmful effect that is distinguishable from any negative effects produced by other types of media;

(B) whether any harm identified under subparagraph (A)(i) has a direct and long-lasting impact on a child's well-being; and

(C) whether current or emerging characteristics of video games have a unique impact on children, considering in particular video games' interactive nature and the extraordinarily personal and vivid way violence might be portrayed in such video games.

(2) VIOLENT VIDEO PROGRAMMING.—The study and investigation under subsection (a) shall include—

(A) whether the exposure listed under subsection (a)(2)—

(i) causes children to act aggressively or causes other measurable harm to children;

(ii) has a disproportionately harmful effect on children already prone to aggressive behavior or on other identifiable groups of children; and

(iii) has a harmful effect that is distinguishable from any negative effects produced by other types of media; and

(B) whether any harm identified under subparagraph (A)(i) has a direct and long-lasting impact on a child's well-being.

(3) FUTURE RESEARCH.—The study and investigation under subsection (a) shall identify gaps in the current state of research which, if closed, could provide additional information regarding any causal connection—

(A) between exposure to violent video games and behavior; and

(B) between exposure to violent video programming and behavior.

(c) REPORT.—In entering into any arrangements with the National Academy of Sciences for conducting the study and investigation under this section, the Federal Trade Commission, the Federal Communications Commission, and the Department of Health and Human Services shall request the National Academy of Sciences to submit, not later than 15 months after the date on which such arrangements are completed, a report on the results of the study and investigation to—

(1) Congress;

(2) the Federal Trade Commission;

(3) the Federal Communications Commission; and

(4) the Department of Health and Human Services.

By Mr. BAUCUS (for himself, Ms. STABENOW, and Mr. BLUNT):

S. 141. A bill to make supplemental agricultural disaster assistance available for fiscal years 2012 and 2013, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BAUCUS. Mr. President, last year the U.S. experienced the most severe and extensive drought in at least 25 years.

While the impacts of the drought affected both crop and livestock sectors, our commodity farmers have had some protection under crop insurance. With the House not passing a 5 year reauthorization of the Farm Bill last year, we have left one sector of agriculture to fend for themselves.

Our ranchers across the country and in my home State of Montana have experienced the most extensive drought since the 1950. About 80 percent of agricultural land experienced drought in 2012.

As last year came and went, a drought stretched across the United States.

Wheat and corn fields dried up. Without enough forage, ranchers faced the decision to either to sell their herds or purchase extra feed, cutting into their thin margins.

As of this week, over 2,000 counties have been designated as drought disaster areas by the USDA.

In my state of Montana, 36 counties, or well over half of our State, are in disaster. Compound that with one of the worst droughts in recent history and our cattle and sheep producers are hanging on by a thread.

Where our corn, wheat, and soybean farmers have crop insurance as a backstop, we have left our ranchers without any assistance.

Pastureland last year was scarce and the cost of feed, when it was even available, was often unaffordable. Many ranchers are responding by culling their herds.

That is why I have introduced the supplemental agricultural disaster assistance. This bill takes the three livestock disaster program I created in the 2008 Farm Bill and extends them for 2012 and 2013 losses.

Covering losses from 2012 and 2013 will give our livestock producers some assistance through one of the worst droughts anyone in this chamber can remember. It will also cover our ranchers until the House and Senate can complete the 2013 Farm Bill.

These livestock disaster programs expired in September 2011, leaving our livestock producers with no safety net. For over a year and a half, through one of the worst droughts in recent memory, our producers have been left to fend for themselves.

Congress must make the responsible decision and pass this standalone bill I introduce today with Senator DEBBIE STABENOW, Chairwomen of the Senate Agriculture Committee, and Senator ROY BLUNT.

We must do our jobs and pass this basic safety net for ranchers.

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Mr. DURBIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. LEVIN, Mr. ROCKEFELLER, Ms. MIKULSKI, Mrs. BOXER, Mr. REED, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mrs. GILLIBRAND, Mr. SCHATZ, Mr. MURPHY, Ms. WARREN, and Mr. CARPER):

S. 150. A bill to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Assault Weapons Ban of 2013. This legislation is urgently needed to help end the mass shootings that have devastated countless families and that lead too many Americans to live their lives in fear.

Imagine that you receive a call from your child's school that there has been a shooting. How would you feel? Panicked? Terror-stricken? Helpless? Those were the feelings experienced by hundreds of parents whose children attend Sandy Hook Elementary School in Newtown, CT.

Now imagine that, after rushing to the school, you receive the terrible news that your child is not coming back. On December 14, 20 sets of parents heard those devastating words. Their lives will never be the same.

I remain horrified by the mass murders that were committed that day in Newtown. But I am even more incensed that our weak gun laws allow mass killings to be carried out again and again in our country. Since 1982, there have been at least 62 mass shootings across the United States. Even worse, the rate of these shootings has been accelerating: Twenty-five of these shootings have occurred since 2006, and 7 took place in 2012.

These massacres don't stop—they just continue on and on. They have become tragically common in our society.

For each shooting that occurs, there are parents and grandparents, brothers and sisters, and aunts and uncles who have forever lost someone special in their lives: In Newtown, 26 families will never hear the laughter of their son or daughter again. In Aurora, Colorado, 12 people who attended a movie on a July night will never be able to enjoy another night out. At Virginia Tech, 32 families will never see their son or daughter again. In Tucson, AZ, 6 people

never returned home from meeting their Congresswoman one Saturday morning 2 years ago. My friend, Gabby Giffords, will never be the same.

The one common thread running through all of these shootings is that the gunman used a semiautomatic assault weapon or large capacity ammunition magazine or drum.

These military-style weapons have but one purpose: to kill as many people as possible as quickly as possible. Since the last assault weapons ban expired in 2004, over 350 people have been killed with assault weapons. Over 450 have been injured.

I do not intend to sit by while these killings continue. That is why today I am joining with my colleagues Senators SCHUMER, DURBIN, WHITEHOUSE, BLUMENTHAL, LEVIN, ROCKEFELLER, MIKULSKI, BOXER, REED, LAUTENBERG, MENENDEZ, CARDIN, GILLIBRAND, SCHATZ, MURPHY, and WARREN to introduce legislation to prohibit the sale, transfer, manufacture, and importation of assault weapons and large capacity ammunition feeding devices that can accept more than 10 rounds.

As the members of this body know, we had an assault weapons ban in place from 1994–2004. I was the author of that ban in the Senate, and Senator SCHUMER carried that ban as the then-Chairman of the House Crime Subcommittee.

The 1994 law was not perfect, but it was working when it expired in 2004. The supply of assault weapons was drying up, and crime committed with those weapons was decreasing. Don't take my word for it; scientific studies bear this about.

The 1994 law required the Justice Department to study and report on its effectiveness. That study, completed in 1997, found that the ban was responsible for a 6.7 percent decrease in total gun murders, holding all other factors equal.

The Justice Department sponsored a subsequent follow-on study in 2004, as the law was getting ready to expire. That study, carried out by the University of Pennsylvania, found that by about 9 years after the law took effect, the use of assault weapons in crime had declined by more than 2/3—70 percent.

The Washington Post found that the percentage of firearms seized by police in Virginia that had high-capacity magazines dropped significantly during the ban. That figure has doubled since the ban expired.

The Police Executive Research Forum found that 37 percent of police departments reported seeing a noticeable increase in criminals' use of assault weapons since the ban expired.

Studies of state-level assault weapons bans also show that these bans DO work. A study of Maryland's State ban on assault pistols found that in the first six months after the ban was enacted, ''the Baltimore City Police Department recovered 55 percent fewer assault pistols than would have been expected had there been no ban.''

Let me just address for a moment the arguments of some of the opponent of this legislation. They point to overall crime rates, and say the 1994 ban did not affect them. But that overstates the purpose of the ban. It was never intended to reduce all crime. It was intended to reduce gun murders, and specifically mass shootings. And the research found that it did just that.

A 6.7 percent decrease is not a complete solution. But if one of the lives saved was your child, your husband, your sister, your parent, it makes all the difference in the world. As President Obama has said, if we can save even one life, then we must try. And a 6.7 percent decrease in total gun murders—that is a lot more than one life.

Our police officers, the men and women who pledge their lives to protect us, are particularly at risk from assault weapons. A study by the Violence Policy Center found that, between 1998 and 2001, one in five law enforcement officers slain in the line of duty was killed with an assault weapon.

Recognizing this, I am proud to have the support of the Major Cities Chiefs of Police Association and several other organizations representing law enforcement. Every day, they must stare down ever-more-powerful military-style assault weapons.

The legislation we are introducing today will strengthen the 1994 law, allowing it to be even more effective:

The 1994 law prohibited semiautomatic weapons that could accept a detachable magazine, and had at least two military characteristics. The bill we are introducing today tightens this test to prohibit semiautomatic rifles, handguns, and shotguns that can accept a detachable magazine and have one military characteristic. One criticism of the 1994 law was that its ''two-characteristic'' test was too easy to ''work around'': a manufacture could simply remove one of the characteristics, and the firearm was legal. The bill we are introducing today will be much more difficult to work around.

The bill also accounts for specific ''work-arounds'' that the gun industry developed to avoid the 1994 law and similar State bans.

The bill prohibits ''thumbhole stocks'', which manufacturers developed to allow a stock to function like a pistol grip, which is a standard military feature in State bans and the expired Federal ban.

It also prohibits ''bullet buttons'', a feature that certain manufacturers developed to evade state restrictions on detachable ammunition magazines. Some state laws describe a ''detachable magazine'' as one that can be removed without the use of a tool. So these gun manufacturers developed so-called ''bullet buttons'' that allow magazines to be removed with the use of the simplest of tools, such as a key, another bullet, or even a magnet. With these ''bullet buttons'', what is supposed to be a fixed magazine becomes in practical application a detachable magazine. Our bill contains tight language to close this loophole.

Other changes to the bill include updating the list of specifically-named military-style firearms that are prohibited, to account for new models that have been developed since 1994. We now prohibit 158 weapons by name.

The bill prohibits semiautomatic rifles and handguns with a fixed magazine that can accept more than 10 rounds.

The bill adds a ban on the importation of assault weapons and large-capacity magazines; and eliminates the 10-year sunset that allowed the original law to expire.

Like the 1994 law, our legislation will prohibit large-capacity ammunition feeding devices capable of accepting more than 10 rounds. These large magazines and drums are so dangerous because they allow a shooter to fire 15, 30, even 100 rounds without having to reload.

Now, let me tell you what the bill will not do.

It will not affect hunting or sporting firearms. Instead, the bill protects legitimate hunters by protecting 2,258 specifically-named firearms used for hunting or sporting purposes, and exempting antique, manually-operated, and permanently disabled weapons.

Let me be clear: the bill will not take away weapons you currently own. Anybody who says otherwise is simply trying to deceive you. Instead, the bill protects the rights of existing gun owners by grandfathering weapons legally possessed on the date of enactment.

An important change from the 1994 law is that we address the millions of assault weapons that currently exist. While, as in 1994, they would remain legal after our bill takes effect, any future sale or transfer of such a weapon would require a background check to be conducted of the purchaser or recipient. We do have an exception for intra-family transfers. Keeping these powerful weapons out of the hands of known criminals and people with adjudicated mental problems is a no-brainer.

The bill also imposes a safe storage requirement for grandfathered firearms to ensure they don't get into the hands of people who would be prohibited from possessing them.

While the bill permits the continued possession of high-capacity ammunition magazines that are legally possessed on the date of enactment, it would ban the future transfer of these magazines.

Finally, the bill allows local jurisdictions to use existing Federal Byrne JAG grant money to support voluntary buy-back programs for grandfathered assault weapons and large-capacity ammunition feeding devices.

Opponents charge that this legislation impinges upon rights protected by the Second Amendment. I recognize that the Supreme Court has clearly held that there is an individual right to possess firearms that is protected by

the Second Amendment to the Constitution, and I respect that right.

However, the Supreme Court was also very clear that, like other rights protected by other amendments in the Bill of Rights, this is not an unlimited right. For instance, the First Amendment's protection of free speech does not allow someone to falsely yell ''Fire!'' in a crowded theater. Justice Scalia, the author of the majority opinion in the seminal case of District of Columbia v. Heller, said this plainly: ''Like most rights, the right secured by the Second Amendment is not unlimited.''

Justice Scalia, no flaming liberal he, went on to say: ''We also recognize another important limitation on the right to keep and carry arms. [United States v.] Miller said, as we have explained, that the sorts of weapons protected were those 'in common use at the time.' We think that limitation is fairly supported by the historical tradition of prohibiting the carrying of 'dangerous and unusual weapons.' ''

The muskets of the 18th Century bear little resemblance to the rapid-fire military-style assault weapons today, and their single-shot weapons are a far cry from the 100-round ammunition drum that was used to inflict such carnage at a movie theater in Aurora, CO. These are particularly dangerous weapons, which the Government is well within its rights to regulate under the Second Amendment and the Heller decision. The Second Amendment protects an individual's ability to own a weapon; it does not protect their ability to own any weapon. Any reasonable person would recognize limitations on this right: an individual should not own a nuclear weapon, they should not own a rocket launcher, and they should not own a military-style assault weapon.

Let me conclude with these thoughts:

The most important duty that government has to its citizens is to provide for their safety.

When 20 kindergarteners are slaughtered by an assault weapon, our government has failed to provide for their safety.

When 12 people are gunned down in a movie theater by an assault weapon, our government has failed to provide for their safety.

The firearms used in these massacres are weapons of war. They are weapons designed to kill the maximum number of people in the shortest period of time. We should be outraged by how easy it is for the perpetrators of these horrific crimes to purchase powerful weapons.

Let me say it as plainly as I can: weapons of war do not belong on our streets, in our schools, in our malls, in our theaters, or in our workplaces.

We know the common denominator in these deadly massacres and these daily shootings: easy access to killing machines designed for the battlefield. The circumstances may differ, but the one constant is always the guns.

These weapons not only take away the lives of our loved ones. They also take away our freedom—our freedom to live without fear.

When a child is fearful of walking down the street outside his home, he has lost his freedom.

When Americans wonder whether the next massacre with an assault weapon will take place in their town, they have lost their freedom.

I ask all of my colleagues to join me in this fight.

Join with our chiefs of police who say ''no'' to assault weapons.

Join with teachers from across our nation who say ''no'' to assault weapons.

Join with the emergency room doctors and medical professionals from every corner of our country who say ''no'' to assault weapons.

Join with clergy from all denominations who say ''no'' to assault weapons.

Join with the 58 percent of Americans who support an Assault Weapons Ban.

I am proud that the bill we are introducing has been endorsed by so many organizations and public officials:

Law Enforcement: International Association of Campus Law Enforcement Administrators; International Association of Chiefs of Police; Major Cities Chiefs Association; National Law Enforcement Partnership to Prevent Gun Violence; Police Foundation; Women in Federal Law Enforcement; Charlie Beck, Chief, Los Angeles Police Department; Lee Baca, Sheriff, Los Angeles County; Scott Knight, Chief of Police, Chaska Police Department (MN), and former chair, Firearms Committee, International Association of Chiefs of Police; and Bill Lansdowne, Police Chief, San Diego;

Localities: U.S. Conference of Mayors; Boston City Council; City of Stockton (CA); County of Los Angeles Board of Supervisors; Ventura County Board of Supervisors (CA); Mayor David Glass, Petaluma, CA; Mayor Emmett O'Donnell, Tiburon, CA; Mayor Jill Hunter, Saratoga, CA; Mayor Hilary Bryant, Santa Cruz, CA; Mayor Bob Filner, San Diego, CA; Mayor Bob Foster, Long Beach, CA; Mayor Michael Harris, Pleasant Hill, CA; Mayor Kevin Johnson, Sacramento, CA; Mayor Edwin M. Lee, San Francisco, CA; Mayor Jean Quan, Oakland, CA; Mayor Chuck Reed, San Jose, CA; Mayor Antonio R. Villaraigosa, Los Angeles, CA; Superintendent Anthony Smith, Oakland Unified School District; Mayor Miguel Pulido, Santa Ana, CA; City of Lemon Grove; Mayor Cheryl Cox, Chula Vista, CA; San Diego Unified School District; City of Calabasas; City of Ventura; City of Los Angeles; City of West Hollywood; Mayor Rob Schroder, Martinez, CA; and Mayor Amanda Gilmore, Alameda, CA;

Gun Safety: Brady Campaign to Prevent Gun Violence; Coalition to Stop Gun Violence; Law Center to Prevent Gun Violence; Mayors Against Illegal Guns; Violence Policy Center; and Washington CeaseFire;

Education/Child Welfare: American Academy of Pediatrics; American Federation of Teachers; Boys & Girls Clubs of America; Child Welfare League of America; Children's Defense Fund; Every Child Matters; Moms Rising; National Association of Social Workers; National PTA; National Education Association; and 20 Children;

Religious Community: African Methodist Episcopal Church; Alliance of Baptists; American Baptist Churches of the South; American Baptist Home Mission Societies; American Friends Service Committee; Baptist Peace Fellowship of North America; Camp Brotherhood; Catholic Charities USA; Catholic Health Association; Catholic Health Initiatives; Catholics in Alliance for the Common Good; Catholics United; Church of the Brethren; Church Women United, Inc.; Conference of Major Superiors of Men; Disciples Home Missions, Christian Church (Disciples of Christ); Dominican Sisters of Peace; FaithsAgainstGunViolence.org; Franciscan Action Network; Friends Committee on National Legislation; Health Ministries Association; Heeding God's Call; Hindu American Foundation; Interfaith Alliance of Idaho; Islamic Society of North America; Jewish Council for Public Affairs; Jewish Reconstructionist Movement; Leadership Conference of Women Religious; Mennonite Central Committee, Washington Office; National Advocacy Center of the Sisters of the Good Shepherd; National Council of Churches; National Episcopal Health Ministries; NETWORK, A National Catholic Social Justice Lobby; Pax Christi USA; PICO Network Lifelines to Healing; Presbyterian Church (U.S.A.) Office of Public Witness; Progressive National Baptist Convention; Rabbinical Assembly; Religious Action Center of Reform Judaism; San Francisco Interfaith Council; Sikh Council on Religion and Education, USA; Sisters of Mercy of the Americas; Sojourners; Unitarian Universalist Association of Congregations; United Church of Christ; United Methodist Church; United Methodist Women; United States Conference of Catholic Bishops Committee on Domestic Justice and Human Development; United Synagogue of Conservative Judaism; Washington National Cathedral; and Women of Reform Judaism;

Medical Community: American Academy of Pediatrics; American Congress of Obstetricians and Gynecologists; American College of Surgeons; American Public Health Association; Doctors for America; and National Association of School Nurses;

Other Organizations: Alliance for Business Leadership; American Bar Association; Black American Political Association of California; Grandmothers for Peace International; National Parks Conservation Association; Sierra Club; TASH; Viet Nam Veterans in the Media; VoteVets.org; and Washington Office on Latin America.

But we should have no illusions. This will be a big fight.

It will be an uphill battle—all the way. I know this.

But we need to ask ourselves:

Do we let the gun industry take over and dictate policy to this country? Do we let those who profit from increasing sales of these military style-weapons prevent us from taking commonsense steps to stop the carnage?

Or should we empower our elected representatives to vote their conscience based on their experience, based on their sense of right and wrong and based on their need to protect their schools, their malls, their workplaces and their businesses?

This legislation is my life's goal. As long as I am a member of the Senate, I will work night and day to pass this bill into law. No matter how long it takes, I will fight until assault weapons are taken off our streets.

Put simply, we cannot allow the rights of a few to override the safety of all. That is not the America that our founding fathers envisioned. And that is not the America I want my children and grandchildren to live in.

So I ask everyone watching at home: please get involved and stay involved.

The success or failure of this bill depends not on me, but on you. If the American people rise up and demand action from their elected officials, we will be victorious. If the American people say ''no'' to military-style assault weapons, we will rid our Nation of this scourge.

Please, talk to your senator and your member of Congress.

By Mr. BEGICH (for himself, Mr. BLUMENTHAL, Ms. AYOTTE, Mr. BENNET, Mr. RUBIO, Mrs. SHAHEEN, Mr. REED, Mr. BLUNT, Ms. STABENOW, Mr. TESTER, and Mr. COONS):

S. 153. A bill to amend section 520J of the Public Health Service Act to authorize grants for mental health first aid training programs; to the Committee on Health, Education, Labor, and Pensions.

MR. BEGICH. Mr. President, today I rise to introduce a very important piece of legislation—the Mental Health First Aid Act of 2013. The bill authorizes grants for mental health first aid, similar to the first aid training offered by Red Cross chapters across the United States.

I introduced this bill last Congress and focused on higher education because many common mental illnesses happen at late adolescence or young adulthood. However, as the recent tragedy in Newtown reminded us in horrific detail, violence is not limited to college campuses.

My colleague on the House side, Rep. RON BARBER of Arizona, has already introduced a companion bill in the House of Representatives. As you know, he was critically wounded in a tragic shooting 2 years ago with then Congresswoman Gabrielle Giffords.

Mental health first aid teaches the warning signs and risk factors for schizophrenia, major clinical depression, panic attacks, anxiety disorders, trauma, and other common mental disorders, crisis de-escalation techniques and equips college and university staff with a five-step action plan to help individuals in psychiatric crisis connect to professional mental health care.

One in four adults and 10 percent of children in the United States will suffer from a mental illness this year. We know what to do if someone has a heart attack, but how do we react to someone having a panic disorder? Why do we wait for a tragic event to take notice and then bring out emergency measures?

When I was Mayor of Anchorage, we worked with local mental health organizations to train our police in Crisis Intervention Teams, a great improvement for police officers responding to a crisis. But now we need to go further.

You have heard me say this before, and it is not something to be proud of: In Alaska we have one of the highest suicide prevalence rates in the country. Further, we are a very rural State, where access to mental health care and medical services is often very difficult.

Even today, it is not widely known that fully ⅔ of Alaska can only be accessed by airplane. By educating the general public about the warning signs of common mental disorders, we can intervene early, facilitate access to care, improve clinical outcomes, reduce costs, and maybe save lives.

Mental disorders are more common than heart disease and cancer combined and a recent Governing magazine article reports that many States and localities are moving ahead—teaching their employees how to recognize the signs of mental health problems and how to help. Wouldn't you run to perform the Heimlich maneuver if a person was choking in a restaurant? Of course. We should all learn how to intervene with someone who is having a mental health crisis.

In the Alaska tradition, I seek to work across the aisle and believe this legislation merits bipartisan support. I am honored to be joined by my cosponsors on this bill, Senators BLUMENTHAL, BENNETT, AYOTTE, RUBIO, SHAHEEN, BLUNT, STABENOW and JACK REED. I invite you and all of our colleagues to join me in supporting this vital program. My great hope is it will avert suffering, prevent violence and ultimately save lives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 12—RECOGNIZING THE THIRD ANNIVERSARY OF THE TRAGIC EARTHQUAKE IN HAITI ON JANUARY 12, 2010, HONORING THOSE WHO LOST THEIR LIVES IN THAT EARTHQUAKE, AND EXPRESSING CONTINUED SOLIDARITY WITH THE PEOPLE OF HAITI

Mr. NELSON (for himself, Mrs. GILLIBRAND, Mr. LAUTENBERG, Mr. CARDIN, Mr. DURBIN, Ms. WARREN, Ms. LANDRIEU, and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 12

Whereas, on January 12, 2010, an earthquake measuring 7.0 on the Richter scale struck the country of Haiti, followed by 59 aftershocks measuring 4.5 or greater;

Whereas more than 220,000 people died as a result of the earthquake, more than 300,000 people were injured, and more than 3,000,000 people were directly affected by the disaster;

Whereas the total cost in terms of human lives, infrastructure damage, and economic losses makes the earthquake one of the worst urban disasters in modern history;

Whereas President Barack Obama vowed the ''unwavering support'' of the United States Government and pledged a ''swift, coordinated, and aggressive effort to save lives and support the recovery in Haiti'';

Whereas the initial emergency response of the men and women of the United States Government, led by the United States Agency for International Development and United States Southern Command, was swift and resolute;

Whereas the Haitian diaspora, other individuals, businesses, and philanthropic organizations throughout the United States and the international community overwhelmingly responded to the crisis by sending emergency relief supplies and significant financial contributions;

Whereas the Senate passed 3 successive resolutions expressing its profound sympathy and unwavering support for the people of Haiti and urging all nations to assist the people of Haiti with their long-term needs;

Whereas, 3 years later, significant challenges still remain in Haiti as it works to recover and rebuild;

Whereas, according to the International Organization for Migration, approximately 360,000 people remain in spontaneous and organized camps in Haiti and hundreds of thousands of poor people in Haiti continue to live in non-permanent housing, conditions that make them vulnerable to future natural disasters;

Whereas, according to an independent panel investigation by the United Nations, on October 19, 2010, an imported strain of cholera was detected in the Lower Artibonite region of Haiti;

Whereas, according to the Haitian Ministry of Public Health and Population, as of December 31, 2012, more than 7,900 people in Haiti have died from cholera and more than 635,000 have been infected with the disease since the earthquake on January 12, 2010;

Whereas the United Nations Secretary-General announced a plan to eliminate cholera from the island of Hispaniola through enhanced treatment and prevention efforts and through the development of clean water and sanitation infrastructure that is accessible to all people in Haiti;

Whereas gender-based violence against women and girls in Haiti continues to be a chronic problem, and judicial barriers that have prevented victims from finding redress remain a significant issue of concern;

Whereas, in 2012 alone, Haiti faced a long drought period and 2 major tropical storms that destroyed 70 percent of agricultural crops in Haiti, impacting the lives of millions of people in Haiti facing food insecurity and further crippling the economy of Haiti;

Whereas the sustained assistance to Haiti from the United States and the international community bolsters the efforts of the Government of Haiti to confront these challenges; and

Whereas, since the earthquake on January 12, 2010, the people of Haiti have demonstrated unwavering resilience, dignity, and courage: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of lives as a result of the tragic earthquake in Haiti on January 12, 2010, and the subsequent cholera epidemic;

(2) honors the sacrifice made by the men and women of the Government of Haiti, civil society, the United States Government, the United Nations, and the international community in their response to those affected by the calamity;

(3) reaffirms its solidarity with the Government and people of Haiti as they work to rebuild their country and livelihoods;

(4) supports the long-term reconstruction efforts of the United States Government to improve housing, energy, job creation, food security, health care, education, governance, and rule of law in Haiti in full cooperation with the Government of Haiti and civil society, and with the support of the private sector;

(5) urges the President and the international community to continue—

(A) to focus assistance on increasing the capacity of the public sector of Haiti to sustainably provide services to the people of Haiti;

(B) to develop, improve, and increase communication and participation to more substantially involve civil society in Haiti and the Haitian diaspora at all stages of the post-earthquake response;

(C) to provide programs that protect and involve vulnerable populations, including internally displaced persons, children, women and girls, and persons with disabilities; and

(D) to work to enhance the ability of the Government of Haiti, at all stages of the democratic process, to improve economic development, attract private sector investment, pursue judicial reform, enhance the rule of law, reduce incidences of gender-based violence, improve water and sanitation systems, develop a civil registry, and reform land tenure policies;

(6) welcomes evidence of progress in building a better future for Haiti, including—

(A) significant improvements in agricultural yields via the Feed the Future initiative;

(B) the opening of the Caracol Industrial Park in northern Haiti, which is projected to create approximately 20,000 jobs by 2016;

(C) programs to support economic opportunities for women and survivors of sexual violence through microcredit, short term jobs programs and leadership training, health services, and reintegration and repatriation assistance to Haitian migrants;

(D) the reduction of the cholera mortality rate to lower than one percent, and the provision of sophisticated HIV and AIDS prevention and treatment services; and

(E) the recruitment, training, and provisioning of new officers for the Haitian National Police; and

(7) urges the President—

(A) to continue reconstruction and development efforts, closely coordinated with the Government of Haiti, the Haitian diaspora, and international actors who share in the goal of a better future for Haiti;

(B) to ensure close monitoring of the implementation of aid programs funded by the United States Government; and

(C) to work with the Government of Haiti and private landowners to prevent the forced eviction of internally displaced people and communities and to provide sustainable and safe housing solutions for the most vulnerable people in Haiti.

SENATE RESOLUTION 13—CONGRATULATING THE MEMBERS OF DELTA SIGMA THETA SORORITY, INC. FOR 100 YEARS OF SERVICE TO COMMUNITIES THROUGHOUT THE UNITED STATES AND THE WORLD, AND COMMENDING DELTA SIGMA THETA SORORITY, INC. FOR ITS PROMOTION OF SISTERHOOD, SCHOLARSHIP, AND SERVICE

Mr. BROWN (for himself, Mr. LEAHY, Mr. COCHRAN, Mr. CORNYN, Ms. MIKULSKI, Mr. CARDIN, Ms. LANDRIEU, Mr. MENENDEZ, Mr. WARNER, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 13

Whereas, on January 13, 1913, Delta Sigma Theta Sorority, Inc. was founded at Howard University in the District of Columbia by Osceola Macarthy Adams, Marguerite Young Alexander, Winona Cargile Alexander, Ethel Cuff Black, Bertha Pitts Campbell, Zephyr Chisom Carter, Edna Brown Coleman, Jessie McGuire Dent, Frederica Chase Dodd, Myra Davis Hemmings, Olive Jones, Jimmie Bugg Middleton, Pauline Oberdorfer Minor, Vashti Turley Murphy, Naomi Sewell Richardson, Mamie Reddy Rose, Eliza Pearl Shippen, Florence Letcher Toms, Ethel Carr Watson, Wertie Blackwell Weaver, Madree Penn White, and Edith Motte Young;

Whereas, on January 13, 2013, Delta Sigma Theta Sorority, Inc. celebrated 100 years of thoughtful service to and conscientious leadership in communities throughout the United States and the world in diverse fields relating to public service and the organization's five-point programmatic thrust: economic development, educational development, international awareness and involvement, physical and mental health, and political awareness and involvement;

Whereas, in March 1913, the founders of Delta Sigma Theta Sorority, Inc. participated in the Women's Suffrage March in the District of Columbia, the sorority's first public act;

Whereas, in its infancy, Delta Sigma Theta Sorority, Inc. established its Beta chapter at Wilberforce University in Wilberforce, Ohio, its Gamma chapter at the University of Pennsylvania in Philadelphia, Pennsylvania, its Delta chapter at the University of Iowa in Iowa City, Iowa, and its Epsilon chapter at the Ohio State University in Columbus, Ohio;

Whereas Delta Sigma Theta Sorority, Inc. has more than 900 chapters in the United States, England, Japan, Germany, the Virgin Islands, Bermuda, the Bahamas, and South Korea;

Whereas the women of Delta Sigma Theta Sorority, Inc. have distinguished themselves in the endeavor for civil rights, including Mary McLeod Bethune, Fannie Lou Hamer, Betty Shabazz, Lena Horne, and Dorothy Irene Height;

Whereas the women of Delta Sigma Theta Sorority, Inc. have distinguished themselves as public servants, including—

(1) Stephanie Tubbs-Jones, a Member of the House of Representatives from Ohio;

(2) Marcia Fudge, a Member of the House of Representatives from Ohio;

(3) Joyce Beatty, a Member of the House of Representatives from Ohio;

(4) Carrie P. Meek, a Member of the House of Representatives from Florida;

(5) Shirley Chisholm, the first African-American woman elected to Congress and the first African-American and woman to run as a major party candidate for President of the United States;

(6) Barbara Jordan, the first African-American woman from the South to serve in the House of Representatives;

(7) Carol Mosley Braun, the first and only African-American woman elected to the Senate;

(8) Mary Church Terrell, a founder of the National Association for the Advancement of Colored People and an adviser to the Republican National Committee and the Herbert Hoover presidential campaign;

(9) Jewel Stradford LaFontant, United States Representative to the United Nations and the first female Deputy Solicitor General of the United States in the administration of President Richard M. Nixon, later serving as the United States Coordinator for Refugee Affairs and Ambassador-at-Large in the administration of President George H.W. Bush;

(10) Patricia Roberts Harris, the first African-American woman to serve as an Ambassador of the United States, later serving as Secretary of Housing and Urban Development and Secretary of Health and Human Services under President Jimmy Carter;

(11) The Honorable Ann Claire Williams, the first African-American woman appointed to the United States District Court for the North District of Illinois in 1985 by President Ronald Reagan, the first African-American appointed to the United States Court of Appeals for the Seventh Circuit in 1999 by President William J. Clinton, and the third African-American woman to serve as a judge on a United States Court of Appeals;

(12) Alexis Herman, Secretary of Labor under President William J. Clinton; and

(13) Regina Benjamin, the 18th Surgeon General of the United States, serving in the administration of President Barack Obama; and

Whereas Delta Sigma Theta Sorority, Inc. commemorated its history and promoted service during its centennial celebration, January 11 through January 13, 2013, in the District of Columbia: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Delta Sigma Theta Sorority, Inc. for 100 years of service to communities throughout the United States and the world; and

(2) commends Delta Sigma Theta Sorority, Inc. for its promotion of sisterhood, scholarship, and service.

SENATE RESOLUTION 14—RAISING AWARENESS AND ENCOURAGING PREVENTION OF STALKING BY DESIGNATING JANUARY 2013 AS ''NATIONAL STALKING AWARENESS MONTH''

Ms. KLOBUCHAR (for herself, Mr. CHAMBLISS, Mr. WHITEHOUSE, and Mr. FRANKEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 14

Whereas 1 in 6, or 19,200,000, women in the United States have at some point during their lifetime experienced stalking victimization, during which they felt very fearful or believed that they or someone close to them would be harmed or killed;

Whereas, during a 1-year period, an estimated 3,400,000 persons in the United States reported that they had been victims of stalking, and 75 percent of those victims reported that they had been stalked by someone they knew;

Whereas 11 percent of victims reported having been stalked for more than 5 years,

and 23 percent of victims reported having been stalked almost every day;

Whereas 1 in 4 victims reported that stalkers had used email, instant messaging, blogs, bulletin boards, Internet sites, chat rooms, or other forms of electronic monitoring against them, and 1 in 13 victims reported that stalkers had used electronic devices to monitor them;

Whereas stalking victims are forced to take drastic measures to protect themselves, including changing identity, relocating, changing jobs, and obtaining protection orders;

Whereas 1 in 7 victims reported having relocated in an effort to escape a stalker;

Whereas approximately 1 in 8 employed victims of stalking missed work because they feared for their safety or were taking steps to protect themselves, such as by seeking a restraining order;

Whereas less than 50 percent of victims reported stalking to police, and only 7 percent of victims contacted a victim service provider, shelter, or hotline;

Whereas stalking is a crime under Federal law and under the laws of all 50 States, the District of Columbia, and the territories of the United States;

Whereas stalking affects victims of every race, age, culture, gender, sexual orientation, physical and mental ability, and economic status;

Whereas national organizations, local victim service organizations, campuses, prosecutor's offices, and police departments stand ready to assist stalking victims and are working diligently to develop effective and innovative responses to stalking;

Whereas there is a need to improve the response of the criminal justice system to stalking through more aggressive investigation and prosecution;

Whereas there is a need for increased availability of victim services across the United States, and such services must include programs tailored to meet the needs of stalking victims;

Whereas persons aged 18 to 24 experience the highest rates of stalking victimization, and rates of stalking among college students exceed the prevalence rates found in the general population;

Whereas as many as 75 percent of women in college who experience stalking-related behavior experience other forms of victimization, including sexual or physical victimization, or both;

Whereas there is a need for effective responses to stalking on campuses; and

Whereas the Senate finds that "National Stalking Awareness Month" provides an opportunity to educate the people of the United States about stalking: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 2013 as "National Stalking Awareness Month";

(2) applauds the efforts of the many stalking victim service providers, police, prosecutors, national and community organizations, campuses, and private sector supporters to promote awareness of stalking;

(3) encourages policymakers, criminal justice officials, victim service and human service agencies, college campuses and universities, and nonprofit organizations to increase awareness of stalking and the availability of services for stalking victims; and

(4) urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through "National Stalking Awareness Month".

SENATE RESOLUTION 15—TO IMPROVE PROCEDURES FOR THE CONSIDERATION OF LEGISLATION AND NOMINATIONS IN THE SENATE

Mr. REID of Nevada (for himself, Mr. LEVIN, and Mr. MCCAIN) submitted the following resolution; which was submitted and read:

S. RES. 15

Resolved,

SECTION 1. CONSIDERATION OF LEGISLATION.

(a) MOTION TO PROCEED AND CONSIDERATION OF AMENDMENTS.—A motion to proceed to the consideration of a measure or matter made pursuant to this section shall be debatable for no more than 4 hours, equally divided in the usual form. If the motion to proceed is agreed to the following conditions shall apply:

(1) The first amendments in order to the measure or matter shall be one first-degree amendment each offered by the minority, the majority, the minority, and the majority, in that order. If an amendment is not offered in its designated order under this paragraph, the right to offer that amendment is forfeited.

(2) If a cloture motion has been filed pursuant to rule XXII of the Standing Rules of the Senate on a measure or matter proceeded to under this section, it shall not be in order for the minority to propose its first amendment unless it has been submitted to the Senate Journal Clerk by 1:00 p.m. on the day following the filing of that cloture motion, for the majority to propose its first amendment unless it has been submitted to the Senate Journal Clerk by 3:00 p.m. on the day following the filing of that cloture motion, for the minority to propose its second amendment unless it has been submitted to the Senate Journal Clerk by 5:00 p.m. on the day following the filing of that cloture motion, or for the majority to propose its second amendment unless it has been submitted to the Senate Journal Clerk by 7:00 p.m. on the day following the filing of that cloture motion. If an amendment is not timely submitted under this paragraph, the right to offer that amendment is forfeited.

(3) An amendment offered under paragraph (1) shall be disposed of before the next amendment in order under paragraph (1) may be offered.

(4) An amendment offered under paragraph (1) is not divisible or subject to amendment while pending.

(5) An amendment offered under paragraph (1), if adopted, shall be considered original text for purpose of further amendment.

(6) No points of order shall be waived by virtue of this section.

(7) No motion to commit or recommit shall be in order during the pendency of any amendment offered pursuant to paragraph (1).

(8) Notwithstanding rule XXII of the Standing Rules of the Senate, if cloture is invoked on the measure or matter before all amendments offered under paragraph (1) are disposed of, any amendment in order under paragraph (1) but not actually pending upon the expiration of post-cloture time may be offered and may be debated for not to exceed 1 hour, equally divided in the usual form. Any amendment offered under paragraph (1) that is ruled non-germane on a point of order shall not fall upon that ruling, but instead shall remain pending and shall require 60 votes in the affirmative to be agreed to.

(b) SUNSET.—This section shall expire on the day after the date of the sine die adjournment of the 113th Congress.

SEC. 2. CONSIDERATION OF NOMINATIONS.

(a) IN GENERAL.—

(1) POST-CLOTURE CONSIDERATION.—If cloture is invoked in accordance with rule XXII of the Standing Rules of the Senate on a nomination described in paragraph (2), there shall be no more than 8 hours of post-cloture consideration equally divided in the usual form.

(2) NOMINATIONS COVERED.—A nomination described in this paragraph is any nomination except for the nomination of an individual—

(A) to a position at level I of the Executive Schedule under section 5312 of title 5, United States Code; or

(B) to serve as a judge or justice appointed to hold office during good behavior.

(b) SPECIAL RULE FOR DISTRICT COURT NOMINEES.—If cloture is invoked in accordance with rule XXII of the Standing Rules of the Senate on a nomination of an individual to serve as a judge of a district court of the United States, there shall be no more than 2 hours of post-cloture consideration equally divided in the usual form.

(c) SUNSET.—This section shall expire on the day after the date of the sine die adjournment of the 113th Congress.

SENATE RESOLUTION 16—AMENDING THE STANDING RULES OF THE SENATE

Mr. REID of Nevada (for himself, Mr. MCCONNELL, Mr. LEVIN, and Mr. MCCAIN) submitted the following resolution; which was submitted and read:

S. RES. 16

SECTION 1. BIPARTISAN CLOTURE ON THE MOTION TO PROCEED.

Rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

"3. If a cloture motion on a motion to proceed to a measure or matter is presented in accordance with this rule and is signed by 16 Senators, including the Majority Leader, the Minority Leader, 7 additional Senators not affiliated with the majority, and 7 additional Senators not affiliated with the minority, one hour after the Senate meets on the following calendar day, the Presiding Officer, or the clerk at the direction of the Presiding Officer, shall lay the motion before the Senate. If cloture is then invoked on the motion to proceed, the question shall be on the motion to proceed, without further debate.".

SEC. 2. CONFERENCE MOTIONS.

Rule XXVIII of the Standing Rules of the Senate is amended—

(1) by redesignating paragraphs 2 through 9 as paragraphs 3 through 10, respectively;

(2) in paragraph 3(c), as so redesignated, by striking "paragraph 4" and inserting "paragraph 5";

(3) in paragraph 4(b), as so redesignated, by striking "paragraph 4" and inserting "paragraph 5";

(4) in paragraph 5(a), as so redesignated, by striking "paragraph 2 or paragraph 3" and inserting "paragraph 3 or paragraph 4";

(5) in paragraph 6, as so redesignated—

(A) in subparagraph (a), by striking "paragraph 2 or 3" and inserting "paragraph 3 or paragraph 4";

(B) in subparagraph (b), by striking "paragraph (4)" each place it appears and inserting "paragraph (5)"; and

(6) inserting after paragraph 1 the following:

"2. (a) When a message from the House of Representatives is laid before the Senate, it shall be in order for a single, non-divisible motion to be made that includes—

"(1) a motion to disagree to a House amendment or insist upon a Senate amendment;

''(2) a motion to request a committee of conference with the House or to agree to a request by the House for a committee of conference; and

''(3) a motion to authorize the Presiding Officer to appoint conferees (or a motion to appoint conferees).

''(b) If a cloture motion is presented on a motion made pursuant to subparagraph (a), the motion shall be debatable for no more than 2 hours, equally divided in the usual form, after which the Presiding Officer, or the clerk at the direction of the Presiding Officer, shall lay the motion before the Senate. If cloture is then invoked on the motion, the question shall be on the motion, without further debate.''.

SENATE RESOLUTION 17—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED THIRTEENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID of Nevada submitted the following resolution; which was considered and agreed to:

S. RES. 17

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Thirteenth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Ms. Stabenow (Chairman), Mr. Leahy, Mr. Harkin, Mr. Baucus, Mr. Brown, Mr. Casey, Ms. Klobuchar, Mr. Bennet, Mrs. Gillibrand, Mr. Donnelly, and Ms. Heitkamp.

COMMITTEE ON APPROPRIATIONS: Ms. Mikulski (Chairman), Mr. Leahy, Mr. Harkin, Mrs. Murray, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, Mr. Pryor, Mr. Tester, Mr. Udall of New Mexico, Mrs. Shaheen, Mr. Merkley, and Mr. Begich.

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Reed, Mr. Nelson, Mrs. McCaskill, Mr. Udall of Colorado, Mrs. Hagan, Mr. Manchin, Mrs. Shaheen, Mrs. Gillibrand, Mr. Blumenthal, Mr. Donnelly, Ms. Hirono, Mr. Kaine, and Mr. King.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Johnson (Chairman), Mr. Reed, Mr. Schumer, Mr. Menendez, Mr. Brown, Mr. Tester, Mr. Warner, Mr. Merkley, Mrs. Hagan, Mr. Manchin, Ms. Warren, and Ms. Heitkamp.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Rockefeller (Chairman), Mr. Kerry, Mrs. Boxer, Mr. Nelson, Ms. Cantwell, Mr. Lautenberg, Mr. Pryor, Mrs. McCaskill, Ms. Klobuchar, Mr. Warner, Mr. Begich, Mr. Blumenthal, and Mr. Schatz.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Wyden (Chairman), Mr. Johnson, Ms. Landrieu, Ms. Cantwell, Mr. Sanders, Ms. Stabenow, Mr. Udall of Colorado, Mr. Franken, Mr. Manchin, Mr. Coons, Mr. Schatz, and Mr. Heinrich.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Carper, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Udall of New Mexico, Mr. Merkley, and Mrs. Gillibrand.

COMMITTEE ON FINANCE: Mr. Baucus (Chairman), Mr. Rockefeller, Mr. Kerry, Mr. Wyden, Mr. Schumer, Ms. Stabenow, Ms. Cantwell, Mr. Nelson, Mr. Menendez, Mr. Carper, Mr. Cardin, Mr. Brown, and Mr. Bennet.

COMMITTEE ON FOREIGN RELATIONS: Mr. Kerry (Chairman), Mrs. Boxer, Mr. Menendez, Mr. Cardin, Mr. Casey, Mrs. Shaheen, Mr. Coons, Mr. Udall of New Mexico, Mr. Murphy, and Mr. Kaine.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Harkin (Chairman), Ms. Mikulski, Mrs. Murray, Mr. Sanders, Mr. Casey, Mrs. Hagan, Mr. Franken, Mr. Bennet, Mr. Whitehouse, Ms. Baldwin, Mr. Murphy, and Ms. Warren.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Carper (Chairman), Mr. Levin, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Begich, Ms. Baldwin, and Ms. Heitkamp.

SELECT COMMITTEE ON INTELLIGENCE: Mrs. Feinstein (Chairman), Mr. Rockefeller, Mr. Wyden, Ms. Mikulski, Mr. Udall of Colorado, Mr. Warner, Mr. Heinrich, Mr. King, and Mr. Levin (ex officio).

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mrs. Feinstein, Mr. Schumer, Mr. Durbin, Mr. Whitehouse, Ms. Klobuchar, Mr. Franken, Mr. Coons, Mr. Blumenthal, and Ms. Hirono.

COMMITTEE ON THE BUDGET: Mrs. Murray (Chairman), Mr. Wyden, Mr. Nelson, Ms. Stabenow, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Coons, Ms. Baldwin, Mr. Kaine, and Mr. King.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mrs. Feinstein, Mr. Durbin, Mrs. Murray, Mr. Pryor, Mr. Udall of New Mexico, Mr. Warner, Mr. Leahy, Ms. Klobuchar, and Mr. King.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Landrieu (Chairman), Mr. Levin, Mr. Harkin, Mr. Kerry, Ms. Cantwell, Mr. Pryor, Mr. Cardin, Mrs. Shaheen, Mrs. Hagan, and Ms. Heitkamp.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Sanders (Chairman), Mr. Rockefeller, Mrs. Murray, Mr. Brown, Mr. Tester, Mr. Begich, Mr. Blumenthal, and Ms. Hirono.

SPECIAL COMMITTEE ON AGING: Mr. Nelson (Chairman), Mr. Wyden, Mr. Casey, Mrs. McCaskill, Mr. Whitehouse, Mrs. Gillibrand, Mr. Manchin, Mr. Blumenthal, Ms. Baldwin, Mr. Donnelly, and Ms. Warren.

JOINT ECONOMIC COMMITTEE: Mr. Casey (Vice Chairman), Ms. Klobuchar, Mr. Warner, Mr. Sanders, Mr. Murphy, and Mr. Heinrich.

SELECT COMMITTEE ON ETHICS: Mrs. Boxer (Chairman), Mr. Pryor, and Mr. Brown.

COMMITTEE ON INDIAN AFFAIRS: Ms. Cantwell (Chairman), Mr. Johnson, Mr. Tester, Mr. Udall of New Mexico, Mr. Franken, Mr. Begich, Mr. Schatz, and Ms. Heitkamp.

SENATE RESOLUTION 18—MAKING MINORITY PARTY APPOINTMENTS FOR THE 113TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 18

Resolved, That the following be the minority membership on the following committees for the remainder of the 113th Congress or until their successors are appointed:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Chambliss, Mr. Boozman, Mr. Hoeven, Mr. Johanns, Mr. Grassley, and Mr. Thune.

COMMITTEE ON APPROPRIATIONS: Mr. Shelby, Mr. Cochran, Mr. McConnell, Mr. Alexander, Ms. Collins, Ms. Murkowski, Mr. Graham, Mr. Kirk, Mr. Coats, Mr. Blunt, Mr. Moran, Mr. Hoeven, Mr. Johanns, and Mr. Boozman.

COMMITTEE ON ARMED SERVICES: Mr. Inhofe, Mr. McCain, Mr. Sessions, Mr. Chambliss, Mr. Wicker, Ms. Ayotte, Mrs. Fischer, Mr. Graham, Mr. Vitter, Mr. Blunt, Mr. Lee, and Mr. Cruz.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Crapo, Mr. Shelby, Mr. Corker, Mr. Vitter, Mr. Johanns, Mr. Toomey, Mr. Kirk, Mr. Moran, Mr. Coburn, and Mr. Heller.

COMMITTEE ON THE BUDGET: Mr. Sessions, Mr. Grassley, Mr. Enzi, Mr. Crapo, Mr. Graham, Mr. Portman, Mr. Toomey, Mr. Johnson, Ms. Ayotte, and Mr. Wicker.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Thune, Mr. Wicker, Mr. Blunt, Mr. Rubio, Ms. Ayotte, Mr. Heller, Mr. Coats, Mr. Scott, Mr. Cruz, Mrs. Fischer, and Mr. Johnson.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Ms. Murkowski, Mr. Barrasso, Mr. Risch, Mr. Lee, Mr. Heller, Mr. Flake, Mr. Scott, Mr. Alexander, Mr. Portman, and Mr. Hoeven.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Vitter, Mr. Inhofe, Mr. Barrasso, Mr. Sessions, Mr. Crapo, Mr. Wicker, Mr. Boozman, and Mrs. Fischer.

COMMITTEE ON FINANCE: Mr. Hatch, Mr. Grassley, Mr. Crapo, Mr. Roberts, Mr. Enzi, Mr. Cornyn, Mr. Thune, Mr. Burr, Mr. Isakson, Mr. Portman, and Mr. Toomey.

COMMITTEE ON FOREIGN RELATIONS: Mr. Corker, Mr. Risch, Mr. Rubio, Mr. Johnson, Mr. Flake, Mr. McCain, Mr. Barrasso, and Mr. Paul.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Alexander, Mr. Enzi, Mr. Burr, Mr. Isakson, Mr. Paul, Mr. Hatch, Mr. Roberts, Ms. Murkowski, Mr. Kirk, and Mr. Scott.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Coburn, Mr. McCain, Mr. Johnson, Mr. Portman, Mr. Paul, Mr. Enzi, and Ms. Ayotte.

COMMITTEE ON THE JUDICIARY: Mr. Grassley, Mr. Hatch, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Lee, Mr. Cruz, and Mr. Flake.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Roberts, Mr. McConnell, Mr. Cochran, Mr. Chambliss, Mr. Alexander, Mr. Shelby, Mr. Blunt, and Mr. Cruz.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Risch, Mr. Vitter, Mr. Rubio, Mr. Paul, Mr. Scott, Mrs. Fischer, Mr. Enzi, and Mr. Johnson.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Johanns, Mr. Moran, Mr. Boozman, and Mr. Heller.

COMMITTEE ON INDIAN AFFAIRS: Mr. Barrasso, Mr. McCain, Ms. Murkowski, Mr. Hoeven, Mr. Crapo, and Mrs. Fischer.

SELECT COMMITTEE ON ETHICS: Mr. Isakson, Mr. Roberts, and Mr. Risch.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Chambliss, Mr. Burr, Mr. Risch, Mr. Coats, Mr. Rubio, Ms. Collins, and Mr. Coburn.

SPECIAL COMMITTEE ON AGING: Ms. Collins, Mr. Corker, Mr. Hatch, Mr. Kirk, Mr. Heller, Mr. Flake, Ms. Ayotte, Mr. Scott, and Mr. Cruz.

JOINT ECONOMIC COMMITTEE: Mr. Coats, Mr. Lee, Mr. Wicker, and Mr. Toomey.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3. Mr. LEE proposed an amendment to the resolution S. Res. 15, to improve procedures for the consideration of legislation and nominations in the Senate.

SA 4. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 152, making supplemental appropriations for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3. Mr. LEE proposed an amendment to the resolution S. Res. 15, to

improve procedures for the consideration of legislation and nominations in the Senate; as follows:

At the end of the resolution, insert the following:

SEC. _____. REFORM THE FILIBUSTER RULES.

(a) MOTIONS TO PROCEED.—Paragraph 2 of rule VIII of the Standing Rules of the Senate is amended by striking ''to proceed to the consideration of bills and resolutions are debatable.'' and inserting the following: ''to proceed to the consideration of any matter, and any debatable motion or appeal in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees except for—

''(a) a motion to proceed to a proposal to change the Standing Rules which shall be debatable; and

''(b) a motion to proceed to executive session to consider a specified item of executive business and a motion to proceed to consider any privileged matter which shall not be debatable.''.

(b) NO FILIBUSTER AFTER COMPLETE SUBSTITUTE IS AGREED TO.—Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by adding at the end the following:

''If a complete substitute amendment for a measure is agreed to after consideration under cloture, the Senate shall proceed to the disposition of the measure without intervening action or debate except one quorum call if requested.''.

(c) ONE MOTION RELATED TO COMMITTEES ON CONFERENCE.—Rule XXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

''10. (a) A single motion to disagree with a House amendment or amendments or insist on a Senate amendment or amendments, request a conference with the House, or agree to the conference requested by the House on the disagreeing votes of the two Houses, and authorize the Chair to appoint conferees on the part of the Senate shall be in order, shall not be divisible, and shall not be subject to amendment.''.

(d) TIME PRE-CLOTURE.—Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) in the first undesignated subparagraph—

(A) by inserting ''for a measure, motion, or other matter that is subject to amendment, at any time after the end of the 12-hour period beginning at the time the Senate proceeds to consideration of the measure, motion, or other matter and, for any other measure, motion, or other matter,'' before ''at any time'';

(B) by striking ''any measure'' and inserting ''the measure''; and

(C) by striking ''one hour after the Senate meets on the following calendar day but one'' and inserting ''24 hours after the filing of the motion''; and

(2) in the third undesignated subparagraph, by striking the second sentence and inserting ''Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk 12 hours following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least 1 hour prior to the beginning of the cloture vote if an amendment in the second degree.''.

(e) ABILITY OF SENATORS TO OFFER AMENDMENTS.—Rule XV of the Standing Rules of the Senate is amended by adding at the end the following:

''6. (a) If cloture is invoked on a measure or matter that is subject to amendment, each Senator who has not offered an amendment during consideration of the measure or matter may offer 1 amendment to the measure or matter (without regard to whether the amendment is actually pending and notwithstanding the expiration of the time for consideration of the measure or matter under paragraph 2 of rule XXII or any other rule of the Senate) if—

''(1) the Senator submitted written notice of the intent of the Senator to offer an amendment in accordance with this paragraph not later than 12 hours after the filing of the motion to invoke cloture on the measure or matter; and

''(2) the amendment is timely filed, germane, and otherwise meets the requirements for an amendment under paragraph 2 of rule XXII.

''(b) If a Senator fails to submit written notice in accordance with subparagraph (a), the right to offer an amendment under this paragraph is forfeited.

''(c) An affirmative vote of three-fifths of the Senators duly chosen and sworn shall be required to sustain an appeal of a ruling by the Chair that an amendment offered under this paragraph is not germane.''.

SA 4. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 152, making supplemental appropriations for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a)(1) There is hereby rescinded an amount equal to .49 percent of—

(A) the budget authority provided (or obligation limitation imposed) for fiscal year 2013 for any discretionary account in any fiscal year 2013 appropriation Act;

(B) the budget authority provided in any advance appropriation for fiscal year 2013 for any discretionary account in any prior fiscal year appropriation Act; and

(C) the contract authority provided in fiscal year 2013 for any program that is subject to a limitation contained in any fiscal year 2013 appropriation Act for any discretionary account.

(2) Any rescission made by paragraph (1) shall be applied proportionately—

(A) to each discretionary account and each item of budget authority described in such paragraph; and

(B) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(3) In the case of any fiscal year 2013 appropriation Act enacted after the date of enactment of this section, any rescission required by paragraph (1) shall take effect immediately after the enactment of such Act.

(4) Within 30 days after the date of enactment of this subsection (or, if later, 30 days after the enactment of any fiscal year 2013 appropriation Act), the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to paragraph (1).

(b) The discretionary caps provided in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as modified by section 251A of such Act, are reduced as follows for the respective fiscal year and the respective category:

(1) for fiscal year 2014—
(A) $2,704,800,000 in security; and
(B) $2,497,400,000 in non-security;
(2) for fiscal year 2015—
(A) $2,773,400,000 in security; and
(B) $2,548,000,000 in non-security;
(3) for fiscal year 2016—
(A) $2,827,300,000 in security; and
(B) $2,597,000,000 in non-security;
(4) fiscal year 2017—
(A) $2,891,000,000 in security; and
(B) $2,650,900,000 in non-security;
(5) for fiscal year 2018—
(A) $2,954,700,000 in security; and
(B) $2,709,700,000 in non-security;
(6) for fiscal year 2019—
(A) $3,018,400,000 in security; and
(B) $2,773,400,000 in non-security;
(7) for fiscal year 2020—
(A) $3,087,000,000 in security; and
(B) $2,832,200,000 in non-security; and
(8) for fiscal year 2021—
(A) $3,155,600,000 in security; and
(B) $2,891,000,000 in non-security;

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Assessing the State of America's Mental Health System'' on January 24, 2013, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 24, 2013, at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 24, 2013, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. BENNET. Mr. President, I ask unanimous consent that Laura Pence, Rina Shah, and Stephanie Aarthun, legislative fellows in my office, be granted the privilege of the floor for the remainder of this session.

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that an Army fellow in Senator CORNYN's office, MAJ Malcolm Warbrick, be granted floor privileges for the remainder of this legislative session.

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

Mr. WHITEHOUSE. I also ask unanimous consent that two fellows in my

office, Mr. Todd Bianco and Mr. Benjamin Cady, be granted floor privileges for the remainder of this Congress.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Stephanie Lin and Justin Clayton, law clerks, be granted the privilege of the floor for the duration of today's session.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 152

Mr. REID. Mr. President, I ask unanimous consent that at 4:30 p.m. Monday, January 28, the Senate proceed to the consideration of H.R. 152, the supplemental appropriations bill to provide disaster assistance for Hurricane Sandy; that the only amendment in order to the bill be a Lee amendment, the text of which is at the desk; that there be 1 hour of debate on the amendment and the bill, to run concurrently, equally divided between the two leaders or their designees prior to a vote in relation to the Lee amendment; that upon disposition of the Lee amendment, the Senate proceed to vote on passage of the bill as amended, if amended; that the Lee amendment and the bill be subject to a 60-affirmative-vote threshold; and finally that no other amendments be in order.

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

MAKING MAJORITY PARTY APPOINTMENTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 17, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 17) to constitute the majority party's membership on certain committees for the 113th Congress, or until their successors are chosen.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 17) was agreed to, as follows:

S. RES. 17

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Thirteenth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Ms. Stabenow (Chairman), Mr. Leahy, Mr. Harkin, Mr. Baucus, Mr. Brown, Mr. Casey, Ms. Klobuchar, Mr. Bennet, Mrs. Gillibrand, Mr. Donnelly, and Ms. Heitkamp.

COMMITTEE ON APPROPRIATIONS: Ms. Mikulski (Chairman), Mr. Leahy, Mr. Harkin, Mrs. Murray, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, Mr. Pryor, Mr. Tester, Mr. Udall of New Mexico, Mrs. Shaheen, Mr. Merkley, and Mr. Begich.

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Reed, Mr. Nelson, Mrs. McCaskill, Mr. Udall of Colorado, Mrs. Hagan, Mr. Manchin, Mrs. Shaheen, Mrs. Gillibrand, Mr. Blumenthal, Mr. Donnelly, Ms. Hirono, Mr. Kaine, and Mr. King.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Johnson (Chairman), Mr. Reed, Mr. Schumer, Mr. Menendez, Mr. Brown, Mr. Tester, Mr. Warner, Mr. Merkley, Mrs. Hagan, Mr. Manchin, Ms. Warren, and Ms. Heitkamp.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Rockefeller (Chairman), Mr. Kerry, Mrs. Boxer, Mr. Nelson, Ms. Cantwell, Mr. Lautenberg, Mr. Pryor, Mrs. McCaskill, Ms. Klobuchar, Mr. Warner, Mr. Begich, Mr. Blumenthal, and Mr. Schatz.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Wyden (Chairman), Mr. Johnson, Ms. Landrieu, Ms. Cantwell, Mr. Sanders, Ms. Stabenow, Mr. Udall of Colorado, Mr. Franken, Mr. Manchin, Mr. Coons, Mr. Schatz, and Mr. Heinrich.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Carper, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Udall of New Mexico, Mr. Merkley, and Mrs. Gillibrand.

COMMITTEE ON FINANCE: Mr. Baucus (Chairman), Mr. Rockefeller, Mr. Kerry, Mr. Wyden, Mr. Schumer, Ms. Stabenow, Ms. Cantwell, Mr. Nelson, Mr. Menendez, Mr. Carper, Mr. Cardin, Mr. Brown, and Mr. Bennet.

COMMITTEE ON FOREIGN RELATIONS: Mr. Kerry (Chairman), Mrs. Boxer, Mr. Menendez, Mr. Cardin, Mr. Casey, Mrs. Shaheen, Mr. Coons, Mr. Udall of New Mexico, Mr. Murphy, and Mr. Kaine.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Harkin (Chairman), Ms. Mikulski, Mrs. Murray, Mr. Sanders, Mr. Casey, Mrs. Hagan, Mr. Franken, Mr. Bennet, Mr. Whitehouse, Ms. Baldwin, Mr. Murphy, and Ms. Warren.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Carper (Chairman), Mr. Levin, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Begich, Ms. Baldwin, and Ms. Heitkamp.

SELECT COMMITTEE ON INTELLIGENCE: Mrs. Feinstein (Chairman), Mr. Rockefeller, Mr. Wyden, Ms. Mikulski, Mr. Udall of Colorado, Mr. Warner, Mr. Heinrich, Mr. King, and Mr. Levin (ex officio).

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mrs. Feinstein, Mr. Schumer, Mr. Durbin, Mr. Whitehouse, Ms. Klobuchar, Mr. Franken, Mr. Coons, Mr. Blumenthal, and Ms. Hirono.

COMMITTEE ON THE BUDGET: Mrs. Murray (Chairman), Mr. Wyden, Mr. Nelson, Ms. Stabenow, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Coons, Ms. Baldwin, Mr. Kaine, and Mr. King.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mrs. Feinstein, Mr. Durbin, Mrs. Murray, Mr. Pryor, Mr. Udall of New Mexico, Mr. Warner, Mr. Leahy, Ms. Klobuchar, and Mr. King.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Landrieu (Chairman), Mr. Levin, Mr. Harkin, Mr. Kerry, Ms. Cantwell, Mr. Pryor, Mr. Cardin, Mrs. Shaheen, Mrs. Hagan, and Ms. Heitkamp.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Sanders (Chairman), Mr. Rockefeller, Mrs. Murray, Mr. Brown, Mr. Tester, Mr. Begich, Mr. Blumenthal, and Ms. Hirono.

SPECIAL COMMITTEE ON AGING: Mr. Nelson (Chairman), Mr. Wyden, Mr. Casey, Mrs. McCaskill, Mr. Whitehouse, Mrs. Gillibrand, Mr. Manchin, Mr. Blumenthal, Ms. Baldwin, Mr. Donnelly, and Ms. Warren.

JOINT ECONOMIC COMMITTEE: Mr. Casey (Vice Chairman), Ms. Klobuchar, Mr. Warner, Mr. Sanders, Mr. Murphy, and Mr. Heinrich.

SELECT COMMITTEE ON ETHICS: Mrs. Boxer (Chairman), Mr. Pryor, and Mr. Brown.

COMMITTEE ON INDIAN AFFAIRS: Ms. Cantwell (Chairman), Mr. Johnson, Mr. Tester, Mr. Udall of New Mexico, Mr. Franken, Mr. Begich, Mr. Schatz, and Ms. Heitkamp.

MAKING MINORITY PARTY APPOINTMENTS

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 18.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 18) making minority party appointments for the 113th Congress.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 18) was agreed to, as follows:

S. RES. 18

Resolved, That the following be the minority membership on the following committees for the remainder of the 113th Congress or until their successors are appointed:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Chambliss, Mr. Boozman, Mr. Hoeven, Mr. Johanns, Mr. Grassley, and Mr. Thune.

COMMITTEE ON APPROPRIATIONS: Mr. Shelby, Mr. Cochran, Mr. McConnell, Mr. Alexander, Ms. Collins, Ms. Murkowski, Mr. Graham, Mr. Kirk, Mr. Coats, Mr. Blunt, Mr. Moran, Mr. Hoeven, Mr. Johanns, and Mr. Boozman.

COMMITTEE ON ARMED SERVICES: Mr. Inhofe, Mr. McCain, Mr. Sessions, Mr. Chambliss, Mr. Wicker, Ms. Ayotte, Mrs. Fischer, Mr. Graham, Mr. Vitter, Mr. Blunt, Mr. Lee, and Mr. Cruz.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Crapo, Mr. Shelby, Mr. Corker, Mr. Vitter, Mr. Johanns, Mr. Toomey, Mr. Kirk, Mr. Moran, Mr. Coburn, and Mr. Heller.

COMMITTEE ON THE BUDGET: Mr. Sessions, Mr. Grassley, Mr. Enzi, Mr. Crapo, Mr. Graham, Mr. Portman, Mr. Toomey, Mr. Johnson, Ms. Ayotte, and Mr. Wicker.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Thune, Mr. Wicker, Mr. Blunt, Mr. Rubio, Ms. Ayotte, Mr. Heller, Mr. Coats, Mr. Scott, Mr. Cruz, Mrs. Fischer, and Mr. Johnson.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Ms. Murkowski, Mr. Barrasso, Mr. Risch, Mr. Lee, Mr. Heller, Mr. Flake, Mr. Scott, Mr. Alexander, Mr. Portman, and Mr. Hoeven.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Vitter, Mr. Inhofe, Mr. Barrasso, Mr. Sessions, Mr. Crapo, Mr. Wicker, Mr. Boozman, and Mrs. Fischer.

COMMITTEE ON FINANCE: Mr. Hatch, Mr. Grassley, Mr. Crapo, Mr. Roberts, Mr. Enzi, Mr. Cornyn, Mr. Thune, Mr. Burr, Mr. Isakson, Mr. Portman, and Mr. Toomey.

COMMITTEE ON FOREIGN RELATIONS: Mr. Corker, Mr. Risch, Mr. Rubio, Mr. Johnson, Mr. Flake, Mr. McCain, Mr. Barrasso, and Mr. Paul.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Alexander, Mr. Enzi, Mr. Burr, Mr. Isakson, Mr. Paul, Mr. Hatch, Mr. Roberts, Ms. Murkowski, Mr. Kirk, and Mr. Scott.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Coburn, Mr. McCain, Mr. Johnson, Mr. Portman, Mr. Paul, Mr. Enzi, and Ms. Ayotte.

COMMITTEE ON THE JUDICIARY: Mr. Grassley, Mr. Hatch, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Lee, Mr. Cruz, and Mr. Flake.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Roberts, Mr. McConnell, Mr. Cochran, Mr. Chambliss, Mr. Alexander, Mr. Shelby, Mr. Blunt, and Mr. Cruz.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Risch, Mr. Vitter, Mr. Rubio, Mr. Paul, Mr. Scott, Mrs. Fischer, Mr. Enzi, and Mr. Johnson.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Johanns, Mr. Moran, Mr. Boozman, and Mr. Heller.

COMMITTEE ON INDIAN AFFAIRS: Mr. Barrasso, Mr. McCain, Ms. Murkowski, Mr. Hoeven, Mr. Crapo, and Mrs. Fischer.

SELECT COMMITTEE ON ETHICS: Mr. Isakson, Mr. Roberts, and Mr. Risch.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Chambliss, Mr. Burr, Mr. Risch, Mr. Coats, Mr. Rubio, Ms. Collins, and Mr. Coburn.

SPECIAL COMMITTEE ON AGING: Ms. Collins, Mr. Corker, Mr. Hatch, Mr. Kirk, Mr. Heller, Mr. Flake, Ms. Ayotte, Mr. Scott, and Mr. Cruz.

JOINT ECONOMIC COMMITTEE: Mr. Coats, Mr. Lee, Mr. Wicker, and Mr. Toomey.

MEASURE READ THE FIRST TIME—H.R. 325

Mr. REID. Mr. President, H.R. 325 has been received from the House and is at the desk. I would ask the clerk to read this matter if the Presiding Officer so advises.

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. 325) to ensure the complete and timely payment of the obligations of the United States Government until May 19, 2013, and for other purposes.

Mr. REID. Mr. President, I now ask for a second reading but 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.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and in consultation with the Chairman of the Senate Committee on Finance, pursuant to Public Law 103–296, appoints Bernadette Franks-Ongoy, vice Marsha Katz, as a member of the Social Security Advisory Board.

The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the following Senators as members of the Commission on Security and Cooperation in Europe during the 113th Congress: the Honorable BENJAMIN L. CARDIN of Maryland (Chairman); the Honorable SHELDON WHITEHOUSE of Rhode Island; the Honorable TOM UDALL of New Mexico; the Honorable JEANNE SHAHEEN of New Hampshire; and the Honorable RICHARD BLUMENTHAL of Connecticut.

The Chair, on behalf of the Majority Leader, pursuant to Public Law 96–114, as amended, appoints the following individuals to the Congressional Award Board: Rita Vaswani of Nevada, vice Patrick Murphy, and Raul Magdaleno of Texas, vice Andrew Ortiz.

ORDERS FOR MONDAY, JANUARY 28, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, January 28, 2013; that following the prayer and the 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 the Senate proceed to a period of morning business until 4:30 p.m., with Senators permitted to speak during that period of time for up to 10 minutes; further, that following morning business, the Senate proceed to H.R. 152 under the previous order.

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

PROGRAM

Mr. REID. There will be two rollcall votes at 5:30 p.m. on Monday to complete action on Hurricane Sandy.

ADJOURNMENT UNTIL MONDAY, JANUARY 28, 2013, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9 p.m., adjourned until Monday, January 28, 2013, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL MEDIATION BOARD

NICHOLAS CHRISTOPHER GEALE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2013, VICE ELIZABETH DOUGHERTY, RESIGNED.

DEPARTMENT OF JUSTICE

BYRON TODD JONES, OF MINNESOTA, TO BE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES. (NEW POSITION)

CONSUMER PRODUCT SAFETY COMMISSION

MARIETTA S. ROBINSON, OF MICHIGAN, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2010, VICE THOMAS HILL MOORE, TERM EXPIRED.