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# Senate

The Senate met at 10 a.m. and was called to order by the Honorable HEIDI HEITKAMP, a Senator from the State of North Dakota.

## PRAYER

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

Let us pray.

Architect of the universe, before the mountains were formed and the hills were born and the Earth received its frame, You are God. You fill the universe with the mysteries of Your power, and we are in awe of Your handiwork.

Inspire our Senators to unite with You in the great cause of bringing healing to our Nation and world. May they sense Your presence continually, think of You consistently, and trust You constantly, receiving Your divine guidance for the path ahead. Lord, inspire them to think imaginatively about how to do Your will on Earth even as it is done in Heaven. We pray in Your great Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable HEIDI HEITKAMP 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 13, 2013.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HEIDI HEITKAMP, a Senator from the State of North Dakota, to perform the duties of the Chair.

PATRICK J. LEAHY,
*President pro tempore.*

Ms. HEITKAMP 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. Madam President, following leader remarks, the Senate will be in morning business. The Republicans will control the first 30 minutes and the majority will control the second 30 minutes.

We will seek an agreement for the consideration of the nomination of Senator Hagel to be Secretary of Defense during today's session.

In addition, sometime this afternoon, we hope to have a vote on the Kayatta nomination to be a circuit court judge for the First Circuit.

## VISION OF FAIRNESS

Mr. REID. Madam President, last night the President of the United States laid out an agenda to strengthen the middle class and expand upon our economic progress. He outlined an agenda that will restore the core value that makes this Nation great: fairness.

Senate Democrats stand ready to work with the President to make this vision—a vision in which every American shares the prosperity as well as the responsibility—a reality. President Obama's agenda calls for commonsense investments in our future, investments which will breathe new life into a struggling middle class, investments which will make America a magnet for jobs and manufacturing once more, investments which have been deferred for too long due to the worst recession since the Great Depression.

The President's plan will give American manufacturers the support they need to thrive, while ending giveaways to companies that ship jobs overseas. His plan will create jobs building world-class roadways, railways, and bridges which our economy may rely upon tomorrow.

The plan will prepare current and future workers to compete in a global economy by making K–12 schools the best in the world again and college affordable for every graduate. His plan will break our addiction to foreign oil and encourage investments in reliable energy, a change which will be good for the environment and for the economy.

As he said last night, it will be done without adding a single penny to the deficit. These investments in a strong middle class are not just right for our country, they are right for our economy as well. Our efforts to restore prosperity will mean little unless Congress acts immediately to deal with arbitrary, across-the-board spending cuts set to take effect.

If the looming sequester strikes, 70,000 young children would be kicked off Head Start and 10,000 teaching jobs would be at risk. The Small Business Administration will be forced to reduce loan guarantees to small businesses by up to $540 million. Democrats believe we should replace this harsh austerity with a balanced approach that targets wasteful spending, tax loopholes, and asks the wealthiest among us to contribute a little more to reduce the deficit.

The American people know we can't cut our way to prosperity. They agree. We can't ask the middle class to bear the burden of the entire deficit reduction. Later this week Democrats will release a plan to avert the so-called sequester.

Republicans say they agree the deep cuts they voted for will be damaging to

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



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our economy and to national security. Republicans would rather cut Medicare, education, and medical research than close a single wasteful tax loophole or ask a single millionaire to contribute a little more. The Republicans should stop protecting millionaires, billionaires, and wealthy corporations and start working with us to pass an alternative to these terrible cuts that protect the middle class. We want to start to do something to begin changing this so we protect the middle class. We must not jeopardize the progress of the last 4 years.

Even though our work to restore economic prosperity must continue, we should take pride in the 35 months of private sector job growth and 6.1 million new American jobs. Imagine how many more jobs could be created with just a little cooperation from our Republican colleagues.

Now our friends across the aisle have another opportunity to engage constructively. They have a second chance to work with Democrats to rebuild the middle class by investing in that which in the past has made Americans strong—world-class roads, bridges, dams, peerless schools, industrial factories, and creative entrepreneurs who are the best in the world.

President Ronald Reagan, in his first address of a joint session of Congress, spoke of these building blocks of prosperity. Ronald Reagan said:

> Substance and prosperity of our Nation is built by wages brought home from the factories and the mills, the farms, and the shops. They are the services provided in 10,000 corners of America: the interest on the thrift of our people and the returns for their risk-taking. The production of America is the possession of those who build, serve, create, and produce.

He didn't say the substance of our Nation is built on profits gleaned from shipping jobs overseas. He didn't say the prosperity of America is the possession of investment banks or wealthy oil companies alone. Rather, he said, our substance and prosperity are earned in factories, mills, farms, and shops. The rewards belong to all those who build, serve, create, and produce—not only to the few strong enough or rich enough to take for themselves.

It is time to return to those roots. It is time to remember fairness is not just a principle for which to strive but a powerful engine of growth and prosperity for all Americans.

## RECOGNITION OF THE MINORITY LEADER

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

## STATE OF THE UNION

Mr. MCCONNELL. I would like to say a word about last night's State of the Union. To me, at least, the occasion cried out for bold and courageous leadership from a reelected President who has run his last campaign. It called for a President who was willing to stare down America's challenges, reject the easy choices, and step outside his political comfort zone to unite a deeply divided public behind a common goal.

Sadly, history will record no such moment. An opportunity to bring together the country instead became another retread of lip service and liberalism.

For a Democratic President entering his second term, it was simply unequal to the moment. Following 4 years of this President's unwillingness to challenge liberal dogma, we have more of the same. The President spoke about energy infrastructure but didn't even mention the Keystone Pipeline. He chose the Nation's biggest stage to promote something that is inefficient and costly, such as solar panels, instead of something that is proven, reliable, and domestically produced, such as coal.

He advocated tax reform but mostly as a way to increase the size of government, not as a way to increase our competitiveness. He spoke of workers' minimum wages instead of their maximum potential.

In short, with the exception of his impressive delivery and trademark style, last night's speech was pedestrian, liberal boilerplate that any Democratic lawmaker could have given at any time in recent memory. Gun control, cap and trade, tax increases, and spending programs are exactly what we have come to expect from a liberal President who seems perfectly content to preside over a divided country and a stagnant economy.

Of course, everyone recognizes the President is a very good campaigner. We all acknowledge his skill in that area. He will be doing more of that today down in North Carolina.

A State of the Union Address should be about something bigger. Instead of dividing Americans, it should unite them. Instead of inflaming passions, it should show what is possible when the two parties actually work together.

I am glad he mentioned things such as expanding trade opportunities with Asia and Europe. That is an area where we can cooperate, and I look forward to working with colleagues from both parties to do just that.

Overall, I am disappointed. I am especially disappointed he chose not to seriously address the transcendent issue of our time, which is finding a way to control our spiraling debt before it controls us. If we don't do that, we will not be able to leave our children the kind of country our parents left us; that is, a goal all of us should share.

Take the Obama sequester as just one example. The President had a chance last night to offer a thoughtful alternative to his sequester, one that could reduce spending in a smarter way. That is what Republicans have been calling for all along, and it is the kind of thing the House has already voted to do not once but twice. We want to work with him to actually make that happen.

Instead we just heard gimmicks and tax hikes, just one more plan from the President that is designed to fail so he can blame others when it does fail. It is too bad for the country. It truly is.

The American people, in their collective judgment, decided to send divided government to Washington. I am sure the President wishes that weren't so, but it is the reality, and Americans look to him to use forums such as the State of the Union to bring people together and get things done with the government we have, not the one the President wishes he had. That is what Ronald Reagan did, and he accomplished great things. President Clinton was able to get quite a bit done with divided government too.

Why is it this President can't seem to demonstrate the same kind of leadership? He says he wants balance—balance. His approach so far has been anything but. Just as ''investment'' has become a Washington code word for more spending, ''balance'' has now become a code word for my way or the highway.

Remember, the President already received the additional revenue he wanted in January. He didn't agree to a single cut in spending then, just revenue. Obviously, the balanced thing to do now would be to look at cuts. Last night the President didn't propose any real cuts; he just demanded more and more taxes. With a $16 trillion debt, he actually called for more spending too, although he didn't say how he would pay for it or even how much it would cost. Pretend, for a moment, the Republicans agreed to go along with all those taxes and all that spending. What do you think he would demand the next time and the time after that? Of course, more taxes and more spending. And we all know Washington uses tax increases to fund even more spending on things such as robosquirrels and Solyndra, not to reduce the deficit. That is what history shows us. It is how we got in this mess in the first place.

So we are not going to play the Washington game. The stakes for American families are too high to keep taking the easy way out, with more taxes and more wasteful spending. Republicans believe taking on this massive burden of debt should be more important in this town than winning the next election. That is why we need commonsense reforms, such as a balanced budget amendment. All Republicans support it, and Democrats should too. But we won't get anywhere as a nation if the President refuses to lead. We just can't. So the question is, Will he lead or will he continue this endless campaign?

I want to end on a positive note, so I would like to point out that there were areas of agreement last night, and I particularly appreciated the President's reference to Burma. And Senator RUBIO did a great job with the Republican address. I hope the President

will actually listen to some of the things Senator RUBIO said, and I hope he will come back to Congress with some different ideas. We can get important things done in his second term, and if he is ready to come to the center, to the political center, we will.

Madam President, I yield the floor.

## 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, with Senators permitted to peak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

Mr. MCCONNELL. 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. JOHANNS. Madam 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 remarks of Mr. JOHANNS pertaining to the introduction of S. 317, S. 318, S. 319, and S. 320 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. JOHANNS. Madam 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. Madam 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.

## A CASE OF AMNESIA

Mr. CORNYN. Madam President, after listening to President Obama's State of the Union speech last night, I was left scratching my head. Essentially, the President wants us to pretend the last 4 years never happened. He wants us to pretend his economic policies have delivered a strong recovery from the recession of 2008; he wants us to pretend his administration has made real progress on reducing the national debt; and he wants us to pretend that more taxes, more spending, and more debt are the key to middle-class prosperity. In other words, the President is hoping we all have a case of amnesia.

He wants us to forget about $5.8 trillion in new debt that was racked up during his first term—$5.8 trillion. He wants us to forget our gross national debt is now larger than our entire economy—100 percent of our gross domestic product. He wants us to forget the debt is projected to grow even further, to $26 trillion, by 2023; and he wants us to forget his health care bill will increase taxes by $1 trillion over the next 10 years. He wants us to forget America's credit rating has been downgraded for the first time in our history.

He also wants us to forget we have been suffering through the weakest economic recovery since the Great Depression, as well as the highest, longest period of high unemployment since the Great Depression.

He wants us to forget that nearly 4 out of every 10 unemployed Americans have been jobless for at least 6 months. He wants us to forget that the average family median income has fallen by nearly $2,500 since the official end of the recession. He wants us to forget that the cost of health insurance for the average American family has increased by more than $2,300. And he wants us to forget that as part of the fiscal cliff negotiation, the payroll tax went back up, taking an additional bite out of the check of middle-class workers.

Last night President Obama said we should ask ourselves three questions every day—those of us with the privilege of serving here in the Nation's Capital in the Congress and in the administration. He said: No. 1, how do we attract more jobs to our shores? No. 2, how do we equip people with the skills they need in order to get those jobs? And No. 3, how do we make sure hard work leads to a decent living? I may have my differences with President Obama on a number of policies, but I actually think those are really good questions.

If the President is truly serious about finding the answers to those questions, this may not surprise my colleagues, but he need look only to the model reflected in my home State of Texas.

I ask unanimous consent to have printed in the RECORD an article entitled ''The Texas Growth Machine'' at the end of my remarks.

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

(See exhibit 1.)

Mr. CORNYN. The fact is our State relies on a simple economic model the Federal Government could emulate if it would like to have similar positive results: lower taxes, limited government, sensible regulations, and progrowth energy policies.

I know the occupant of the chair comes from a State that I believe is the second largest producer of oil and gas in the country—second only to Texas—and I know the Presiding Officer has seen the economic engine that is created when we unleash our potential when it comes to our energy resources. These are policies that recently helped Texas turn a $5 billion deficit during the recession into an $8.8 billion surplus. These are the policies that made our State a robust engine of job creation that is attracting Americans from all across the country. The total number of jobs in Texas since 1995 has grown at the rate of 32 percent. When we compare that with the rate of growth of jobs in America nationwide, we see it is 12 percent—32 percent to 12 percent. That is not an accident.

Texas is also a leader in the creation of high-paying jobs. Between 2002 and 2012, our State accounted for close to one-third of all U.S. private sector job growth in industries that pay more than 150 percent of the average wage, even though we have only 8 percent of America's total population.

Last night the President talked about, How do we get middle-class wages up? His prescription was an increase in the minimum wage, but I say why don't we look at ways to achieve a maximum wage by creating private sector, high-paying, good jobs, as we have been successful in doing in Texas and as a few other States have done as well.

After 4 years of trillion-dollar deficits and historically high unemployment—right now our unemployment rate is roughly 7.9 percent, but that doesn't really account for all of the people who have since given up looking for work, and it is estimated that more than 20 million Americans either are out of work or they are working part time when they would like to work full time, but they can't find those kinds of jobs.

I believe it is time for the President and this Congress to try a new approach. The great thing about our system of government—of shared sovereignty between the States and the National Government—is that we have essentially laboratories of democracy all around our country where we can try different things to see what works and what does not work. I only hope the President and Congress will look at those places around the country where the policies actually work in creating jobs and economic growth.

I believe it is time for the President to embrace policies that will encourage private entrepreneurship, private sector job creation, income growth, and greater domestic energy production. In short, it is time for him to embrace the Texas model.

EXHIBIT 1

THE TEXAS GROWTH MACHINE

(By Wendell Cox)

The American economy has had little to cheer about since the 2008 financial meltdown and the resulting recession. Recovery has been feeble, and many states continue to struggle. One bright spot in the general gloom, however, is Texas, which began shining long before 2008. Not only has Texas created jobs at a stunning rate; it has also—pace critics like the New York Times's Paul Krugman—created lots of good jobs. Indeed, the rest of the nation could turn to the Lone Star State as a model for dynamic growth, as a close look at employment data shows.

The first thing to point out is that Texan job creation has far outpaced the national average. The number of jobs in Texas has grown by a truly impressive 31.5 percent since 1995, compared with just 12 percent nationwide, according to Bureau of Labor Statistics data. Texas has also lapped California, an important economic rival and the only state with a larger population. The Texas employment situation after the financial crisis was far less spectacular, of course, with the number of jobs growing just 2.4 percent from 2009 through 2011. But that was still six times the anemic 0.4 percent growth rate of the overall American economy.

The National Establishment Time-Series (NETS) Database, which provides detailed information on job creation and loss for firms headquartered in each state, can tell us more about Texas's employment growth. NETS data are divided into two periods—the first from 1995 to 2002, the second from 2002 to 2009. During the 2002–09 period, small businesses of fewer than ten employees were the Texas employment engine, adding nearly 800,000 new jobs; of those, about three-quarters were in firms with two to nine employees. Larger Texas companies—those with 500 or more employees—lost a significant number of jobs over this span, and medium-size firms likewise shrank, trends that also showed up on the national level.

Bureau of Labor Statistics data shows that many of the new Texas jobs paid well. Indeed, Texas did comparatively better than the rest of the United States from 2002 through 2011. For industries paying over 150 percent of the average American wage, Texas could claim 216,000 extra jobs; the rest of the country added 495,000. In other words, the Lone Star State, with 8 percent of the U.S. population, created nearly a third of the country's highest-paying positions. Texas also added 49,000 positions paying 125 percent to 150 percent of the U.S. average; the rest of the country lost 174,000 jobs in that category. Two sectors in which Texas employment did particularly well during the same period were natural-resource extraction (in fact, the state gained 80 percent of all new jobs in the country in that field) and professional, scientific, and technical positions. Both job categories boast average wages far higher than the national overall average. As happens whenever an economy grows, Texas also added hundreds of thousands of positions in food services, health care, and other lower-paid fields, in addition to the more lucrative jobs. Texas did lose 10,000 construction jobs, but that was a modest downturn, in light of the massive national slowdown in building caused by the crisis of 2008.

Vital to the economic health of Texas is that people are moving to its cities in droves. In 2011, Houston surpassed Philadelphia in population and became the country's fifth-biggest metropolitan region, with 6.1 million people. Dallas-Fort Worth, with 6.5 million, was already the country's fourth-biggest. The two cities trail only New York City, Los Angeles, and Chicago, marking the first time that a single state has had two metros in the country's top five since the Census Bureau began designating these areas a century ago. Meanwhile, of all metropolitan areas in the country with more than 1 million residents, the fastest-growing from 2010 to 2011 was Austin.

Though the national downturn has slowed job creation in Texas's cities, they're still adding jobs, sometimes briskly, unlike many other American metropolitan regions. Austin's strong information-technology sector and government-related work (the city is Texas's state capital) helped propel 4.3 percent job growth from 2009 through 2011 (and 15.3 percent growth from 2002 through 2009). The number of jobs in McAllen, which benefits from increased trade with Mexico under the North American Free Trade Agreement, grew 3.7 percent. Job growth in economically diverse Houston has matched or exceeded the state rate since 1995.

What accounts for the resilience of the Texas economy, which has outperformed the rest of the country not only over the long term but during the Great Recession as well? A pro-business climate has unquestionably been a substantial advantage. In its annual ranking of business environments, Chief Executive has named Texas the most growth-friendly state for eight years in a row. (California has been last for the same eight years.) The reasons included low taxes and sensible regulations; a high-quality workforce (Texas ranked second only to Utah in that category in 2012); and a pleasant living environment (an eighth-place finish, slightly below sixth-place Florida but, perhaps surprisingly, far better than 28th-place California).

Part of the explanation for the high living-environment score is doubtless Texas's low cost of living. In 2011, the U.S. Bureau of Economic Analysis put Texas's ''regional price parity,'' a measurement of the price level of goods in an area, at 97.1, a bit lower than the national level of 100 and far lower than the California level of 114.8. Adjusted for cost of living, Texas's per-capita income is higher than California's and nearly as high as New York's. Factor in state and local taxes, and Texas pulls ahead of New York.

More than three-quarters of the cost-of-living difference between Texas and California can be explained by housing costs. Texas mostly dodged the real-estate bubble of the 2000s: the affordability of houses in large metro areas spiked in America as a whole but rose only modestly in Texas. A major reason that Texas real estate is so affordable is that the state lacks the draconian land-use restrictions that drive California housing prices into the stratosphere. The affordable housing attracts both people and businesses. Since 2000, 1 million more people have moved to Texas from other states than have left.

All these considerations suggest that Texas is poised for further growth. And a final reason for Texans to be optimistic is that a major expansion of the Panama Canal will be completed in 2014. That could bolster the Lone Star State's success by rerouting Asian commerce from West Coast ports to Texas alternatives, which are closer to the nation's major markets.

Mr. CORNYN. With that, Madam President, I yield the floor.

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. DURBIN. Madam 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.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

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

## FOR-PROFIT COLLEGES

Mr. DURBIN. Madam President, the President's State of the Union Address is an annual event where each President comes forward, talks about the agenda, the plans, and what we hope to achieve in Washington during the course of the next year.

There were many elements in the President's State of the Union Address last night. There was one in particular I was struck by. He talked about establishing a college scorecard. He talked about the challenges families are facing across America paying for college education. It has become an enormous expense. It is the fastest growing debt in America—$1 trillion in student loan debt.

Sadly, many students are getting in too deeply. They are getting too far in debt, and they may not be able to get a job to pay it back. Many students are defaulting on those loans because they don't have an income. Sometimes their parents help them go to college and sign the papers. Sometimes the efforts to collect the money go beyond the defaulting student to the parents—in fact, sometimes to grandparents.

There was a case reported of a grandmother who wanted to help her granddaughter, so she signed the student loan application. The granddaughter didn't get a job, perhaps didn't finish school. There came a time when, in collecting the student loan, they actually garnished the Social Security check of the grandmother. That is the most extreme case I have heard.

When it comes to indebtedness and student loan default, there are different categories of debt. Some students are lucky and don't have to borrow a penny. Most do, and those who borrow money, we find, borrow the lowest average amount from public universities—community colleges and public schools. Next come private universities and then a special category—the for-profit colleges. This is an incredible industry of which most Americans are not aware.

When we think of for-profit schools, we should remember three things, three numbers. Twelve percent of students coming out of high school go to for-profit schools. The biggest ones, the most well-known schools, include the University of Phoenix, DeVry University, and Kaplan University. There are a number of names which, when we hear them, we say: I have heard a lot about those. They advertise a lot.

Twelve percent of the students coming out of high school go to those for-profit schools. However, those for-profit schools receive 25 percent of all of the Federal aid to education—12 percent of the students, 25 percent of the Federal aid. Why? Because they are expensive. For-profit schools are very expensive, and the tuition is high. So a student, to be able to go there, may qualify for a Pell grant, which is an actual grant of money for students from low-income families. Then, for loans beyond that—and it turns out that 25 percent of all of the Federal aid to education goes to for-profit colleges that have 12 percent of the students.

That is not the most important number to remember—not 12, not 25, but

this final number: 47 percent of all the student loan defaults come out of for-profit schools, which means that students who start at those schools either don't finish and then can't pay back their loans or finish and can't find a job to pay back their loans. For-profits schools, 47 percent of the student loans default.

The stories are heartbreaking. Imagine, 19, 20, 21 years old, papers are being shoved across the desk in the financial office at a for-profit school, and a student is basically told: Well, you can start school next week; all you have to do is sign up for these loans.

What is a student to think? I have been told my whole life to go to college. Mom and dad are counting on me to go to college. This is the way to get a good job. I will sign up. I want to start.

What the student doesn't know is whether that school is worth the money. How could they know? I think back to those days when I started college. I hate to go back that far in time, but I didn't know whether borrowing $1,000 in those days was a good idea or a bad idea. I knew a lot of my fellow students were borrowing. But now students are getting in much more deeply. It isn't just $1,000 or $5,000 or even $10,000. At the end of the day, it turns out to be much, much more.

I have come to the floor a number of times to tell the stories about these for-profit schools to warn students and their families to be careful. Some of these schools are good; many of them are awful—just plain awful.

Last night the President said he wanted to create a college scorecard. I want to hear more. I hope there will be a scorecard and a Web site, maybe, where students—high school students or others across America—can take a look at every college opportunity, not just their pretty catalogs or their great Web sites but to find out how many of these students who graduate from this college actually get a job, and those who get a job, how much do they actually get paid. Of the students who borrow money to go to this college, how much do they borrow? How many of them fail to make the payments on their student loans later in life?

Oh, there is one important thing I left out. Here is what you are going to learn about loans to students. They are different than other types of loans. You see, if I decide to buy a home and a car and a boat and then lose my job and go broke and cannot pay them back, under the most extreme cases I can go to court and put all my debts on the table in front of a judge and say: Here is all the money I owe and here is all the money I have. I do not know where to turn—and go through something called bankruptcy.

In bankruptcy, the judge says: Well—let's say you have $10,000 in the bank and you owe $50,000. You are going to lose your $10,000. You cannot pay back the $50,000, but you no longer have an obligation to pay it. You are judged bankrupt. You start over, wipe the slate clean.

Not a lot of people do that, but when things get really bad, they have to. Guess what. When it comes to student loans, they are not dischargeable in bankruptcy. The debt that a 19-, 20-, and 21-year-old student signs up for is a debt for life. They pay it back forever—until it is paid. So these are serious debt obligations, and it is hard to imagine that many young people without a great deal of life experience really know what is too much debt, really know whether that school is any good.

Let me tell you a story of one student.

Ramon Nieves attended the American Intercontinental University, a for-profit college owned by Career Education Corporation. Like many who attend for-profit colleges, Ramon was the first person in his family to go to college. The recruiters at these for-profit schools look for these students.

Without guidance from his family—a family that had no experience with college—he trusted the school when they advised him about student loans. He said the school just told him to sign his name. That is all he had to do. They never explained the difference between the kinds of loans that students could take out; that there are government loans, Federal loans, and then there are loans from private financial institutions. He was never told what his balance would be—how much he owed—or what he could expect his monthly payments to be when it was all over.

He signed up. He wanted to get started with college. And he kept signing and signing, semester after semester, year after year, until he graduated. He graduated from this for-profit school with $90,000 of debt—$90,000.

He works several jobs, almost 80 hours a week, so he can pay his monthly student loan payments, which are $1,000 a month, right off the top.

His student debt is a constant burden for him and his family. He owns a home, and he thinks he is going to lose it because of the student loans. He decided to try to file for bankruptcy because he was in debt so deeply, but he learned the hard way that the bankruptcy court cannot help him when it comes to student loans.

Ramon says he wishes he had not gone to college at all; that he was better off before he got that deeply in debt. Now he is at a community college—a community college—trying to get an education because the $90,000 in the for-profit college turned out to be a waste of time. He is now where he should have started.

Students who are not sure, start at a community college. You are near home. You can commute. They offer a lot of options. They are not expensive. You will learn a lot about yourself, about your education, and your dreams by sitting in those classrooms and going through community college courses. After a year or two, if it sounds right and feels good for you, it is time to move on to another college or university, and you will move on to that third year of college without a lot of debt. Start at a community college.

Ramon ended up at a community college finally trying to get the education the for-profit school failed to give him. He says he wishes he had known that at the beginning—starting at that community college instead of the American Intercontinental University. Then, he says, he would have received the same education but without $90,000 of debt.

Why does he have so much debt? According to a recent committee report in the Senate, the American Intercontinental University costs 250 times more than a nearby community college—250 times more.

Federal student aid cannot cover the tuition costs, so students are forced to turn from Federal student aid, government loans, which are low-interest loans, to private student loans, which are high-interest loans. Some students do not know, as they are sitting there, the differences between a 3.2-percent annual rate of interest and an 18-percent annual rate of interest, and that can be the difference between a government loan and a private loan.

To put it in shorthand from someone who has paid off loans, the higher the interest rate, the more your monthly payment is going to the bank rather than reducing the amount of money you owe.

Federal student aid cannot cover the tuition costs. The private loans are signed up for, and they do not come with any consumer protections. Government loans do. Government loans allow you to consolidate. Sometimes they take into consideration the job you end up with in life. Sometimes there is forgiveness of government student loans. It is a much more flexible, low-cost program than private student loans.

Sometimes students will need private student loans, but for-profit colleges are using these private student loans for another important reason to them. For-profit colleges encourage students to take out private loans, at least in part, because private loans allow these schools to continue to get more Federal funds. It is a complicated formula, but in order to get the maximum amount of Federal dollars, the for-profit schools push kids into private loans even when they are still eligible for the better government loans.

The rule I am talking about is the 90/10 rule which requires for-profit colleges to receive at least 10 percent of their revenues from sources other than the Federal Government—10 percent of their revenues from sources other than the Federal Government.

If you took the Federal money we send to for-profit schools in America—roughly $32 billion a year—if you took that money and translated it into a Federal budget, for-profit colleges in America would be the ninth largest Federal agency—$32 billion going to this sector of the economy.

When they push the kids into the private loans that are not as good, not as generous, much more expensive, that covers the 10 percent they have to come up with in real money as opposed to government money. It means that 90 percent of the revenue of these extremely profitable schools comes right out of the Federal Treasury.

Even though for purposes of this rule Federal revenue includes only funds from the Department of Education's Federal student aid programs—GI bill funds, for example, are not even considered Federal funds—many for-profit schools are close to 90 percent of their revenue coming from the Federal Government. If you add in GI bill funds, sometimes it is closer to 100 percent.

Where is the accountability? If these schools are dragging kids deeply into debt, if the kids are defaulting at rates twice as fast and twice as serious as those going to public and private schools, where is our responsibility? How is a student—a high school student in Illinois or in North Dakota—supposed to know whether that Web site about that college is true?

How would they know when that school says ''we are accredited,'' that the accreditation is phony? Most of these for-profit schools belong to an organization that accredits all the schools that are for-profit schools. They take care of one another. They ignore the obvious when these schools are failing the students and their families.

The Federal aid is keeping the doors open for these for-profit schools. Can we afford that? Can we afford to get students across America deeply into debt for a largely worthless education? Do we have that much money sloshing around here in Washington when it comes to helping students get through school?

That is why the President's statement last night about student debt, about the rising college costs, and a scorecard for colleges and universities is right spot on. It is time we tell families across America the truth about colleges and universities, and it is time for those same colleges and universities to wake up to a reality. The reality is the sky is not the limit when it comes to the cost of higher education.

I have talked to a number of them—respected institutions—that give good degrees, good diplomas, and I have told them the same thing: You just cannot keep raising the cost of higher education. Middle-income families, working families do not have a chance. Madam President, $20,000, $30,000, $40,000 a year to go to school? It is just something that ordinary families cannot even consider.

Congress needs to act now to stop this for-profit school industry from exploiting students and their families and taxpayers. Why we are spending so much money—money we can no longer afford—to subsidize these highly profitable schools is beyond me. I cannot explain it.

These schools that leave these kids high and dry break my heart. Every time I fly out to O'Hare Airport, on the Kennedy Expressway in Chicago, right before I get to the Cumberland exit, I look up at one of these office buildings, and up there in big, bold letters is ''Westwood College.'' Wow, the campus of Westwood College.

I know a little bit about that college. I have met students who have gone to that college, and let me tell you, I want to put a sign right under there that says, ''Please Avoid This Ripoff.''

A young lady who went to Westwood College testified in Chicago. She watched a lot of shows on TV about forensic criminal investigation, and she wanted to get into criminal investigation. She signed up at Westwood College. It took her 5 years to finish.

When she finished, she had a debt of $90,000. But she wanted a degree in law enforcement. She wanted to be on CSI in the real world. Guess what happened. She went to every law enforcement agency in the Chicagoland area, and they pushed it back and said: Westwood is not a real college. You have wasted your time—5 years—and your money.

Here she sits now living in her parents' basement at a time in life when she thought she would be starting her own career, her own life. What is she doing? She is paying back a loan for a worthless education from Westwood College.

I have been after these folks for a long time. They exploit these kids day in and day out. Sadly, we subsidize them. We send them millions of dollars in Federal funds to continue this exploitation of students.

This has to come to an end. This is not the kind of thing we need to encourage if America is going to have well-educated and trained students so they have good lives and America continues to prosper.

One of my colleagues, Senator TOM HARKIN of Iowa, has been a leader on this issue. As chairman of the HELP Committee, he has had hearings on for-profit schools, and I commend them to anyone interested in this subject. Take a look at TOM HARKIN's hearings. I could go on for a long time—TOM could too—about the schools across America that are exploiting students.

We owe it to the students to tell them the truth. We owe it to their parents. And we beg teachers and high school counselors and others, who really care about young people: Look long and hard at these for-profit schools before you recommend them to a student.

I encourage all my colleagues to take a look at legislation that TOM HARKIN and I have introduced. We are trying to drop the Federal subsidy to these for-profit schools just a small bit. It will be hard to do. These for-profit schools are pretty powerful in Washington. But if we are going to do our job to protect families and students across America—following the President's lead from his State of the Union address to make sure we are sensitive to student loans, student indebtedness, that we hold colleges and other training institutions accountable for what they are doing to and for students—it is time for us to turn the page and join the President.

The President's speech last night is a challenge to all of us on both sides of the aisle, both sides of the Rotunda, to take this student debt crisis seriously.

Madam President, I yield the floor and 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. BALDWIN). Without objection, it is so ordered.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that at 2 p.m. today the Senate proceed to executive session to consider Calendar No. 8, the nomination of William J. Kayatta, to be circuit judge for the First Circuit, with 30 minutes for debate, equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; the motion to reconsider be considered made and laid on the table, with no intervening action or debate; that no further motions be in order; that President Obama be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## STATE OF THE UNION REACTION

Mr. COATS. Madam President, last night President Obama had the opportunity to present to the American people a plan envisioned for how he plans to strengthen the state of our Union.

While I am pleased he finally turned his focus back to the ongoing jobs crisis in our country, I was left feeling disappointed and frustrated that the President continued to call for higher taxes to pay for more and more government spending.

I don't believe the President acknowledges—or at least he didn't last evening—the seriousness of our debt and fiscal crisis. We are nearly $16.5 trillion in debt, and $6 trillion of that

debt is from the President's spending over the last 4 years—and he now has 4 more years to go.

Yet rather than tell the American people specifically how he will reduce this unsustainable debt, he once again pulled out the same tired playbook and made it clear his basic fiscal plan is ever higher taxes. It's almost an obsession with tax hikes and telling the American people: You are just not taxed enough, when we are practically taxed to death. When you add not just the Federal but the State and the local and the sales and the excise and gasoline and the entertainment and all the other taxes that American people pay in their daily lives, it cuts into their paycheck in a very significant way each week. The real question is, Is the solution to our problems more taxes on the American people?

Mr. President, you got your taxes in the fiscal cliff debate. You had campaigned for this and you won the election. These tax levels were going to expire and hit every American with a massive tax increase. We clawed back a significant amount of that to protect the majority of Americans. But you got your taxes, Mr. President. Now is the time to address the other side of the so-called balanced approach that you have been promising: spending reductions.

Sadly, last night gave us no indication that the President is committed to leading on this critical issue and fixing our economy and, more important, getting more people back to work.

Instead of detailing a plan to reduce the record-high debt, he outlined a liberal laundry list of new government programs and initiatives. I could almost hear the sound of a cash register in the background—ka-ching, ka-ching, ka-ching—with every new program he put forward.

Some of these ideas were worthy ideas, but we cannot afford them. How are we going to pay for them? What is the result? The President said in a most disingenuous way that none of these initiatives would add a dime to the already unsustainable debt. If they do not add a dime to the debt and you are proposing all kinds of programs that are going to cost a lot of money, there is only one way you can pay for them, and that is to raise taxes—either that or to continue to borrow money and put us in an ever-deeper hole of debt, more obligated to our creditors with each day that goes by.

Hoosiers and Americans across the country are taxed enough. Washington cannot keep asking hard-working Americans to dig deeper and pony up more money so that the Federal Government can spend more. The American people no longer are falling for that. Hoosiers tell me they want to do their part to restore the fiscal health of this country. They want to do their part to help America become a better place and a more prosperous nation for their children and their grandchildren. They are willing to step up and do what it takes to help. But Hoosiers and the American people are not willing to be enablers to Washington's spending addiction. They want to see their lawmakers and this administration reform the outrageous, out-of-control spending, not continually call for higher taxes to pay for greater spending coming out of Washington.

I have to say I was somewhat encouraged that the President mentioned he was willing to make modest reforms to programs like Medicare. Both Republicans and Democrats, including the President, agree that Medicare, Medicaid, and Social Security represent the biggest portion and ever-growing percentage of government spending. The nonpartisan Congressional Budget Office recently reported that spending on Medicare, Medicaid, and Social Security and the interest on the debt for that spending will consume 91 percent of all Federal revenues in 10 years. That, then, takes all the wind out of our sails in terms of those necessary functions of the Federal Government, such as preparing adequately for our national security and defense and a number of other things the Federal Government is involved in that are essential functions. But with mandatory spending eating up, in 10 years, 91 percent of all we take in, we still are not going to have the ability to pay for those programs.

With 10,000 baby boomers retiring every day, we know the status quo is unsustainable. We cannot afford to continue the way we are. These programs are in jeopardy. We are not trying to take away the programs, we are trying to save the programs. They are in jeopardy, though, if we do not take steps now to structure them in a way that will control costs and preserve benefits for current and future recipients.

Hard-working Hoosiers and millions of Americans have spent a lifetime paying into these programs, and they rely on the health and security benefits they receive from them. But these benefits will not last if we ignore the facts about the current fiscal status and insolvency these programs are careening toward and do nothing. I was glad the President at least acknowledged that we need to make modest reforms. I think we can do that.

The reason we are dealing with this across-the-board sequester and the reason we are talking about potential cuts that have to be made is we have not had the courage and the will to stand up and recognize and acknowledge that it is the mandatory spending reforms that will put us in a place of fiscal health so we can continue the effective and essential functions of the Federal Government.

According to the International Monetary Fund, to cover current obligations for Social Security, Medicare, and Medicaid, our younger generation—our young people—will either have to pay 35 percent more taxes and receive 35 percent lower benefits. Those are the facts. Do the math, do the arithmetic. This is not ideological. This is not Republicans versus Democrats, liberals versus conservatives. This is pure numbers, pure math. It is an unsustainable course, and it is going to result in a massive decrease in benefits for those who pay into those programs over a lifetime or a massive increase in taxes on those who have to have that deducted from their paychecks and put into these programs in order to keep them solvent.

We have to deal with that problem and deal with it now. We should have been dealing with it years ago. We have seen this train wreck coming, and it is getting ever closer. Now it is time for the President, having recognized the need to address this issue—now is the time that he needs to show the American people he is willing to lead, not from behind but from the front, and offer a specific plan to reform and strengthen our health and retirement security programs.

The President said the sequester—the across-the-board cuts where everyone gets nicked—is a terrible idea. It is his terrible idea, and it is not the best way to address our spending plight. It is not the best way to deal with this because it basically assumes that every program is of equal value, that what is spent to provide security for the American people by having an adequate and strong military is at the same level as some program that has been proven years ago to be totally dysfunctional and efficient. But they would both get cut.

I will be laying out a number of things, as others have—like Senator COBURN to highlight some of those programs that need to be reevaluated. Not that we think all of these ought to be eliminated or trimmed or that they don't fall into an essential category in terms of the role of the Federal Government but there are several programs that nonpartisan agencies, such as the General Accounting Office, or even the President's own Office of Management and Budget have recommended, are not worthy of the support they receive because they are not an essential function or they are even dysfunctional programs altogether.

We do not have to delve into the across-the-board sequester, which we have no choice but to do now because we failed to live up to what we needed to do—and I will be talking about that later, as I said.

I urge us to focus on fixing the country's fiscal health. We do not do that by raising taxes, we do it by enacting broad spending reforms. We do it by reducing our debt. We do it by creating a budget so we can live within our means. And we do it by promoting growth, growing our economy. A growing economy can solve a lot of problems and get a lot of people back to work. This is how we strengthen America, and this is how we get Americans back to work.

It is time we get to work and accomplish this task that lies before us now,

not later—no more deferrals, no more pushing it down the road. It is time to step up now, as the President said, putting the interest of our country ahead of our own personal political interest, rising above the political to do what is right for America.

That is the challenge, and, Mr. President, we need your leadership.

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.

The PRESIDING OFFICER. The Senator from Louisiana.

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

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

Mr. VITTER. Madam President, I ask unanimous consent to enter into a colloquy with my Republican colleague from Alabama, as well as any other Members who may join us.

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

## IMMIGRATION POLICY

Mr. VITTER. Madam President, Senator SESSIONS and I take to the floor to talk about immigration, which is obviously a very important and very hot topic. The first point I would like to make is just a simple statement and suggestion. There has been a lot of activity and a lot of discussion about immigration in the Senate and in the Congress and Washington, DC. If we merely listen to a lot of beltway, so-called mainstream reporting about this, they would give the impression that there is near universal consensus around a model we have tried before, which is a so-called comprehensive approach.

First, I don't think there is anything near universal agreement. I don't think there is consensus. I think there are real questions and concerns among many of us in the Senate and in Congress but, much more importantly, in America and the real world.

I think those fundamental concerns come down to one thing; that is, we have tried this so-called comprehensive approach before. We have tried proposals that marry an immediate amnesty with promises of enforcement. That model has not worked before. In fact, it has failed miserably.

The most notable example was major immigration legislation in 1986. It was the same model. It had comprehensive and immediate amnesty with promises of enforcement. There were promises that we will have to do this just once, never have to look back, and the problem will be solved. Of course, the problem was not solved. It didn't even just continue. The problem has quadrupled.

The amnesty did happen immediately. As soon as the bill passed, that virtually and immediately kicked in. The promises of enforcement were just that, promises. Those promises were not kept, and as a result what happened with that model? The problem of 3 million illegal aliens didn't go away and was not solved once and for all. It quadrupled and became the present problem of 11 or 12 million—or more—illegal aliens. That is the fundamental concern I have with most of the so-called comprehensive proposals being put forward. That is the fundamental concern of Louisianans I talk to every day.

We want to solve the problem. We don't want to perpetuate it, much less quadruple it. I think it is important to discuss alternative, more effective, more workable approaches. I have several ideas about what those approaches might look like, and, in fact, I am introducing a package of immigration bills today. I will talk about that further, but I certainly want to recognize and thank my good friend and colleague, Senator SESSIONS from Alabama, for joining me on the Senate floor today.

Mr. SESSIONS. I thank the Senator for his leadership and in-depth study and knowledge about how these laws are working—and really not working—in America today.

I just left a hearing in the Judiciary Committee. The chairman of that committee, Senator LEAHY, basically said—referring perhaps to me—they want enforcement first, but it seems they don't have any interest in amnesty—or words to that effect. I would say the American people's view is exactly the opposite. What the American people have been asking for and what they are afraid of is that we will have a deal like 1986 where the amnesty provisions become law and were immediately applied, but the promises of enforcement never occurs. So I believe that is a danger again.

It feels to me so much like 2007 when I, Senator VITTER, and others engaged and asked tough questions about the legislation which really resulted in its failure because it would not have done what the authors of it said it would do. So for 30 or 40 years the American people have said: End the lawlessness. That is what they have asked of us first. They will work a way to be compassionate if the lawlessness has ended, but that has not happened.

In fact, in a number of ways we have gone in the opposite direction. Improvement has occurred at the border in real numbers because over the last several years—before President Obama took office—we agreed to increase the number of Border Patrol agents. With the help of Senator VITTER, I forced through legislation to build a fence. I am sure Senator VITTER remembers that debate.

Now everybody talks about how we have a fence, and they are bragging about it. It is only 36 miles of the real fence we asked for. I am sure the Senator from Louisiana remembers how they opposed every foot of it and how they resisted it in every way possible. They didn't favor adding border agents. There was a vote for border agents—and I remember speaking about it—but they never produced the money. So we authorized border agents. People said they were for border agents, but they would not vote for the money to support that. We had a big discussion and debate about that, and eventually we added some border agents. That has helped, but the problem is not fixed.

Internally, this administration has systematically dismantled enforcement inside the United States. Chris Crane, who is head of the Immigration and Customs Enforcement Union, is a marine and a great guy. The ICE union has unanimously voted no confidence in John Morton, the head of the ICE Department. They have sued the ICE Department because Morton blocked them from doing their sworn duty to enforce the law.

Today I asked Crane if he had ever met with Secretary Napolitano. Chris testified about the bad morale that ICE agents have. A little over a year ago I asked Secretary Napolitano about the bad morale that ICE agents have. Crane said he had never met her and has never shaken hands with her. At this point, we don't have the kind of commitment in law enforcement that I think gives the American people confidence that we are moving forward on the right path.

Finally, I would just share with the Senator that I do think that means this is no sure thing. People are awfully confident that as long as some big names are on the bill, it is just going to pass. I am not confident that is so.

Mr. VITTER. I thank the Senator, and I certainly agree. Again, the fundamental issue is, Is the model that has been tried before really going to work—an immediate amnesty with promises of enforcement? Unfortunately, history is littered with examples of that exact model failing and those promises of enforcement never being kept.

What do I mean by that? I mentioned 1986, which is the biggest historical example: An immediate amnesty where we are going to get serious about enforcement, we will never have to look back, and we will have to do this once. We will solve the problem.

Of course, it didn't solve the problem; it quadrupled the problem. There were 3 million illegal aliens back then. There are 11 to 12 million illegal aliens now. There have been promises of a U.S.-VISIT Program with an entry-and-exit system to track everyone entering the country and making sure they exit in time. That was first promised back in 1986. Ten years later, in 1996, Congress passed another act to require a fully integrated entry-exit system with full implementation by 2005. Guess what. 2005 has come and gone. It has been 30 years since that initial promise was made. We still don't have an operational and effective U.S.-VISIT system.

My colleague from Alabama mentioned another glaring example: the

Secure Fence Act of 2006, which we actually passed in legislation. The Secure Fence Act of 2006 promises to achieve operational control for the entire border. It defined ''operational control'' as ''the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.'' We have not achieved that.

In fact, we are so far from that goal, DHS has had to weaken the definition so it only now talks about effective operational control. They had to stick the word ''effective'' in there because we never had operational control. Who knows exactly what that means, but GAO tried to define and tried to measure it in a recent report.

In their recent report they found that only 44 percent of the southern border was under any sort of operational control. Only 15 percent of that is under full operational control. Even if we use the loosey-goosey word ''effective,'' we have less than one-half of the border under that control. More than one-half of the border is under what they call managed control, which often means no control. It means a lot of almost fully unfettered, illegal crosses.

Now we come to today with this debate, and the new promise: If you just give us immediate amnesty, we are going to have this enforcement. We promise, we promise, we promise. Again, we are concerned that we are reliving history in a negative way.

For instance, when the Gang of 8 declares they ''will ensure . . . a successful permanent reform to our immigration system that will not need to be revisited,'' that sure sounds like 1986, with this one fix that we will never have to look back. But, of course, we are looking back because the problem has grown. It is interesting to note that the very day after the Gang of 8 announcement, there was even disagreement between some of the gang members regarding what they announced and what they promised.

Many of the Republican members of that Gang of 8 emphasized that enforcement has to happen; otherwise, nothing else is triggered. Yet on the other side of the political spectrum, Senator SCHUMER—also a member of that Gang of 8—walked back any commitment to fully secure enforcement before citizenship happened. He said: ''We're not using border security as an excuse or a block to the path to citizenship.''

So there we have it. After the announcement, there is apparent inconsistency about how serious they are about ensuring enforcement, and that is the fundamental question. I think that is a very legitimate concern given the past history.

We have proposed a different path forward with a targeted, step-by-step approach to prove to ourselves and the American people that we are serious about these enforcement and related reforms, to do those, and to have them working before we move on anything else.

Today I am introducing a series of bills that fall into that targeted, step-by-step approach. I do not use the word ''comprehensive'' because I think that word is a negative. It is targeted, and it is step by step. I will outline those bills in a minute.

Again, I certainly want to thank and recognize the Senator from Alabama.

Mr. SESSIONS. Would the Senator from Mississippi say the enforcement of immigration laws is an area—based on the Senator's experience in Congress, in the House and in the Senate—where the difference between the promises of what is going to happen and what actually happens is greater than almost any other issue we have dealt with, where people are promising this and only delivering something else?

Mr. VITTER. Absolutely. Unfortunately, that is the history, tried and true: lots of promises. No single major promise has been kept. Whether it is the fence, whether it is the US-VISIT Program, whether it is the overall promise of enforcement in 1986, none of those promises has been kept.

Mr. SESSIONS. According to some news reports—to follow up on the point the Senator made about sending two messages, one promising the people one thing and the other telling special-interest groups another thing—one report said Democratic Senators have assured immigration activists that the so-called enforcement trigger is just a ''talking point'' to give Republicans, who are supporting this scheme, this plan, as cover and there will not ever be an impediment to the achievement of amnesty. Does that make the Senator from Mississippi uneasy, that people who are supposed to be speaking in good faith, telling their Republican colleagues and the American people they have a plan that is going to guarantee enforcement while they are telling, apparently, the activists something quite different?

Mr. VITTER. That makes me very nervous and very uneasy. It is exactly what Senator SCHUMER said the very next day after the announcement: ''We're not using border security as an excuse or a block to the path to citizenship.''

Mr. SESSIONS. In other words—well, the words Senator SCHUMER is saying are quite plain. I have a great deal of respect for him. I know he wants to accomplish something valuable here. But it does seem to me he is saying, Well, if enforcement doesn't occur, we promise there will be a trigger and there will be no amnesty unless enforcement occurs; but if we get there and enforcement doesn't occur, you are still going to get your amnesty.

Mr. VITTER. That is what it sounds like to me. It sounds to me as though the trigger is meaningless. The amnesty and even full citizenship—to me, amnesty is any legal status, but they are actually talking about a path to full citizenship will happen ultimately, no matter what on the enforcement side.

Mr. SESSIONS. I will conclude and yield to my esteemed colleague to lay out some ideas he has to actually improve enforcement so that if we get to the point where we can achieve a legal system that operates effectively in America, we will know it when it happens. We can get there. Without some of these provisions Senator VITTER will recommend, I am confident we will not get there. If people won't support these kinds of provisions, then it raises questions about whether they are serious about their promises to end the lawlessness.

I just left a Judiciary Committee hearing. Mr. VARGAS testified, who was here apparently illegally, came at the age of 12. I asked him: Should a good Nation have a legal system that has clear laws, clear policies, and those laws are in force? And he said yes. So there is nothing wrong, nothing immoral, nothing unconstitutional for the American people to say we should have a lawful system of immigration. Everybody is not able to come. You have to wait in line and wait your turn and meet the qualifications before you come. And if you try to enter illegally, there will be consequences. There is nothing immoral about that. It is only common sense. It is only the right thing to do.

I thank the Senator from Mississippi for his work on this and the ideas he will be presenting to us.

Mr. VITTER. I thank the Senator from Alabama for his leadership on this issue and on the Judiciary Committee.

There is, Madam President, an alternative way forward, a positive, productive way forward, a targeted, step-by-step approach that is appropriate, particularly given all the broken promises of the past.

The American people need to be convinced, and who can blame them? Again, the landscape of this issue is littered with utterly broken promises. We need to rebuild that trust and rebuild that confidence, and we can only do that in a targeted, step-by-step way.

I don't claim to have all the answers, but I am introducing today seven bills—actually, six bills, and I am joining Senator GRASSLEY as a coauthor of a seventh bill—that would be important parts of this targeted, step-by-step approach. Let me briefly mention what those seven bills are.

First of all, the STEM Jobs Act of 2013. This would make up to 55,000 visas available to qualified immigrants whom we need in this economy—well educated, qualified. We have jobs here ready for them, and it would be an enormous economic boost. They would have a doctorate degree in the field of science, engineering, technology, or math from a U.S. doctoral institution and would have taken all doctoral courses in the STEM field while in the United States. We train, we educate

those superqualified folks all the time and then, all too often, we send them back to their native countries and don't allow them to remain here to get on a pathway to citizenship and to contribute, as they would, to our economy.

A child tax credit law. This would amend the IRS Code to simply put in place significant identification requirements for the child tax credit to require taxpayers to provide that valid ID, to cut out what is admitted to be rampant fraud in the system. The IRS itself and its inspector general office have said there is at least $1.3 billion of fraud a year in the child tax credit. These checks from the taxpayer, actual checks going out to illegal recipients who do not qualify under the law, in some cases, dozens, allegedly, at a single address, a single family, are clearly fraud. We must meet some basic requirements to cut out that fraud. The IRS itself, under this administration, has asked for those tools. We should give them those tools under this child tax credit legislation.

Sanctuary cities reform would prohibit appropriated funds from being used in contravention of the Illegal Immigration Reform and Immigrant Responsibility Act of 1986. I am joined by Senator GRASSLEY and Senator FISCHER in that legislation.

Too many jurisdictions in the United States are self-proclaimed sanctuary cities. By doing that, they are in contravention of Federal immigration law when they say they will not cooperate in the enforcement of that law in any way. That is unacceptable, and those cities should not get appropriated funds.

E-Verify I mentioned is an initiative and legislation by Senator GRASSLEY. I am proud to join him as a coauthor. I am an original cosponsor of that bill. It would take the present E-Verify system and make it mandatory and expand it so that is our workforce system of enforcement. E-Verify works. The problem is it is a pilot. It is not mandatory and it is not broad enough. We need to broaden and make mandatory that workable E-Verify system.

The Voter Integrity Protection Act would amend the INA to make voting in a Federal election by an alien who is unlawfully in the United States an aggravated felony, which makes it a deportable offense. If a person is illegally participating in our elections, that is a serious offense to any democracy. That should be a deportable offense.

The Birthright Citizenship Act would also amend the law to consider a person born in the United States ''subject to the jurisdiction'' of the United States for citizenship only if the person is born through at least one parent who is a U.S. citizen or national or a lawful permanent resident alien in the United States or an alien performing active service in the U.S. Armed Forces. Right now it is, in my opinion, an accident of history and a mistake that any child physically born here, even of two parents here illegally and improperly, automatically becomes a U.S. citizen. Virtually no other country in the world has this rule. This reform would simply amend U.S. law to have the same basic rule as virtually every other country in the world I am aware of. A person doesn't automatically become a citizen just because they are physically born here; at least one parent has to have that legal status.

Finally, US-VISIT reform, finally, after decades of promises, after decades of broken promises, to require that the US-VISIT system—the biometric border check-in/check-out system first required in 1996 that is well past its implementation date of 2005—be finished, be done, be fully in place before any of these other triggered aspects of so-called comprehensive reform happen. On that reform, I am proud to be joined by Senator SESSIONS and Senator LEE as coauthors.

Again, I am introducing these six bills today. I am also an original cosponsor of Senator GRASSLEY's E-Verify bill, a seventh bill. I think this is a targeted, step-by-step approach which is the right alternative to so-called comprehensive reform, which historically means immediate amnesty married to promises of enforcement that never happen, that never fully materialize.

I urge my colleagues to look hard at these measures and hopefully support some or all of them. I urge them even more to go back home and listen to their constituents, to listen hard at the neighborhood coffee shop and the town-hall meetings, because I think these sorts of concerns, as Senator SESSIONS and I have expressed today, are the core concerns, the core questions of a great majority of the American people.

Thank you, Madam President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. I ask unanimous consent that the order for the quorum call be rescinded.

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

## EXECUTIVE SESSION

### NOMINATION OF WILLIAM J. KAYATTA, JR., TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT

The PRESIDING OFFICER (Mr. HEINRICH). Under the previous order, the Senate will proceed to executive session and consider the following nomination, which the clerk will report.

The bill clerk read the nomination of William J. Kayatta, Jr., of Maine, to be United States Circuit Judge for the First Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided and controlled in the usual form.

The Senator from Maine.

Ms. COLLINS. Mr. President, I am delighted to rise in strong support of the confirmation of William Kayatta of Maine to serve on the U.S. Court of Appeals for the First Circuit.

Mr. Kayatta was originally nominated to this position more than 1 year ago. He was approved by the Judiciary Committee on a bipartisan vote last April. Unfortunately, despite his exceptional qualifications, his nomination was stalled by election-year politics. That is finally behind us, and I am pleased the President renominated Mr. Kayatta in January.

I wish to thank the chairman of the Judiciary Committee, my colleague from Vermont Senator LEAHY; the ranking member Senator GRASSLEY; and, indeed, all the members of the Senate Judiciary Committee for acting promptly and positively in favor of Mr. Kayatta's renomination.

Let me also express my gratitude to the two leaders, Senator REID and Senator MCCONNELL, for moving his nomination so quickly to the Senate floor.

Mr. Kayatta is an attorney of exceptional intelligence, extensive experience, and demonstrated integrity. I cannot tell you how highly regarded he is in Maine's legal circles. In fact, if you ask virtually any attorney, judge, prosecutor, law professor or anyone involved in the legal profession in Maine, they will tell you the President could not have made a better choice than Bill Kayatta. He graduated magna cum laude from both Amherst College and Harvard University Law School, where he served as a member of the Law Review.

After graduating from law school, Mr. Kayatta clerked for the chief judge of the U.S. Court of Appeals for the First Circuit, Frank Coffin. It is a wonderful symmetry that he now, assuming the confirmation goes well this afternoon, will be joining the court for which he clerked many years ago.

In 1980, he joined the prestigious law firm of Pierce Atwood in Portland, ME, where over the subsequent 32 years Bill specialized in complex civil litigation at both the trial and appellate levels. Bill Kayatta has served as chairman of both the Maine Professional Ethics Commission, the Maine Board of Bar Examiners, and as president of the Maine Bar Association.

In 2002, Mr. Kayatta was inducted into the American College of Trial Lawyers, and in 2010 he was elected by his peers to the college's board of regents.

Mr. Kayatta has simultaneously maintained a very substantial pro bono practice. In the year 2010, he received the Maine Bar Foundation's Howard H. Dana Award for career-long pro bono service on behalf of low-income Mainers.

In 2011, the U.S. Supreme Court appointed him as a special master in Kansas v. Nebraska and Colorado, an original water rights case. That too is an indication of the Court's confidence in Mr. Kayatta's legal abilities.

Finally, Mr. Kayatta has earned the American Bar Association's highest rating: ''unanimously well-qualified,'' reflecting the ABA's assessment of his credentials, experience, and temperament.

Mr. Kayatta's impressive background makes him eminently qualified for a seat on the First Circuit. His 30-plus years of real-world litigation experience would bring a valuable perspective to the court.

The First Circuit has only six authorized judgeships, the fewest of any circuit. It acutely feels any vacancy that arises. The First Circuit has not been at full strength since January 1, 2012, when Judge Kermit Lipez took active senior status. Now the circuit's caseload must be distributed among just five judges who continue to do their best to provide the timely and measured justice for which the First Circuit has long been known.

The State of Maine is very proud of its history of providing superb jurists to the Federal bench. I am confident William Kayatta will continue in that fine tradition, and I urge my colleagues to join me in voting for his confirmation, a vote that is long overdue but has finally arrived.

Again, I wish to thank the chairman of the Judiciary Committee, the ranking member, and the two leaders, Senator REID and Senator MCCONNELL, for moving this important nomination to the Senate floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the senior Senator from Maine for her kind words, and I would note both for William Kayatta and for the people of Maine she has fought long and hard for this nomination. She did last year and she has this year. I am glad we are going to be finally voting on it because every time I would meet her anywhere in the halls or anywhere else it would be: What about Kayatta? She knows he, of course, had my strong support, as did another New Englander, former Justice and now judge, David Souter. I am sorry it has taken so long.

I look at a nominee like this, where the senior Senator from Maine, Ms. COLLINS, her former colleague, Senator Snowe, and now her current colleague, Senator KING, have all supported this person from Maine. In the past, especially with somebody extraordinarily well qualified, as he is, a nomination like that would be out of the committee and off the floor within a week. We have to go back to those times.

If we have a contentious nominee, if we have somebody who needs to be debated, let's debate them. But when we have a person strongly supported by their home State Senators and who has the advantage of being highly qualified by anybody's standards—Republican, Democrat, or anybody else—then they ought to get a vote.

It makes no sense for Senate Republicans to have stalled nominations like that of William Kayatta, but this is their track record and their pattern over the last 4 years. Senate Republicans used to insist that the filibustering of judicial nominations was unconstitutional. The Constitution has not changed, but as soon as President Obama was elected they reversed course and filibustered President Obama's very first judicial nomination. Judge David Hamilton of Indiana was a widely-respected 15-year veteran of the Federal bench nominated to the Seventh Circuit and was supported by Senator Dick Lugar, the longest-serving Republican in the Senate. They delayed his confirmation for 7 months. Senate Republicans then proceeded to obstruct and delay just about every circuit court nominee of this President, filibustering 10 of them. They delayed confirmation of Judge Albert Diaz of North Carolina to the Fourth Circuit for 11 months. They delayed confirmation of Judge Jane Stranch of Tennessee to the Sixth Circuit for 10 months. They delayed confirmation of Judge Ray Lohier of New York to the Second Circuit for 7 months. They delayed confirmation of Judge Scott Matheson of Utah to the Tenth Circuit and Judge James Wynn, Jr. of North Carolina to the Fourth Circuit for 6 months. They delayed confirmation of Judge Andre Davis of Maryland to the Fourth Circuit, Judge Henry Floyd of South Carolina to the Fourth Circuit, Judge Stephanie Thacker of West Virginia to the Fourth Circuit, and Judge Jacqueline Nguyen of California to the Ninth Circuit for 5 months. They delayed confirmation of Judge Adalberto Jordan of Florida to the Eleventh Circuit, Judge Beverly Martin of Georgia to the Eleventh Circuit, Judge Mary Murguia of Arizona to the Ninth Circuit, Judge Bernice Donald of Tennessee to the Sixth Circuit, Judge Barbara Keenan of Virginia to the Fourth Circuit, Judge Thomas Vanaskie of Pennsylvania to the Third Circuit, Judge Joseph Greenaway of New Jersey to the Third Circuit, Judge Denny Chin of New York to the Second Circuit, and Judge Chris Droney of Connecticut to the Second Circuit for 4 months. They delayed confirmation of Judge Paul Watford of California to the Ninth Circuit, Judge Andrew Hurwitz of Arizona to the Ninth Circuit, Judge Morgan Christen of Alaska to the Ninth Circuit, Judge Stephen Higginson of Louisiana to the Fifth Circuit, Judge Gerard Lynch of New York to the Second Circuit, Judge Susan Carney of Connecticut to the Second Circuit, and Judge Kathleen O'Malley of Ohio to the Federal Circuit for 3 months.

The nonpartisan Congressional Research Service has reported that the median time circuit nominees have had to wait before a Senate vote has skyrocketed from 18 days for President Bush's nominees to 132 days for President Obama's. This is the result of Republican obstruction.

This obstruction is also why a damagingly high level of judicial vacancies has persisted for over 4 years. While such tactics are bad for the Senate, they are also bad for our Nation's overburdened courts. Persistent vacancies force fewer judges to take on growing caseloads, and make it harder for Americans to have access to justice. While they have delayed and obstructed, the number of judicial vacancies has remained historically high and it has become more difficult for our courts to provide speedy, quality justice for the American people. There are today 90 judicial vacancies across the country. By way of contrast, that is more than double the number of vacancies that existed at this point in the Bush administration. The 173 circuit and district judges that we have been able to confirm over the last 4 years fall more than 30 short of the total for President Bush's first term.

Over the last 4 years, Senate Republicans have chosen to depart dramatically from Senate traditions in their efforts to delay and obstruct President Obama's judicial nominations. Until 2009, Senators who filibustered circuit court nominees generally had reasons to do so, and were willing to explain those reasons. When Senate Democrats filibustered President Bush's controversial circuit court nominees, it was over substantive concerns about the nominees' records and Republicans' disregard for the rights of Democratic Senators. On the other hand, Senate Republicans have filibustered and delayed nearly all of President Obama's circuit court nominees even when those nominees have the support of their Republican home State Senators.

At the end of each calendar year, Senate Republicans now deliberately refuse to vote on several judicial nominees who could and should be confirmed in order to consume additional time the following year confirming these nominees. At the end of 2009, they left 10 nominations on the Executive Calendar without a vote. Two of those nominations were returned to the President, and it subsequently took 9 months for the Senate to take action on the other eight. This resulted in the lowest 1-year confirmation total in at least 35 years. For the next 2 years, Senate Republicans left 19 nominations on the Senate executive calendar at the end of each year. It then took nearly half the following year for the Senate to confirm these nominees. Last year they insisted on leaving 11 judicial nominees without action and another four have had hearings but they refused to expedite their consideration. William Kayatta is one of those judicial nominees who should have been confirmed last year.

Until 2009, when a judicial nominee had been reported by the Judiciary Committee with bipartisan support, they were generally confirmed quickly. Until 2009, we observed regular order, usually confirmed nominees promptly, and we cleared the Senate Executive Calendar before long recesses. Until 2009, if a nominee was filibustered, it was almost always because of a substantive issue with the nominee's

record. We know what has happened since 2009. The median district nomination is stalled 4.3 times as long as it took to confirm them during the Bush administration, and the median circuit court nomination is stalled 7.3 times as long as it took to confirm them during the Bush administration. Nor has any other President's judicial nominees had to wait an average of over 100 days for a Senate vote after being reported by the Judiciary Committee.

Senate Republicans have also forced the majority leader to file cloture on 30 nominees, which is already more than 50 percent more nominees than had cloture filed during President Bush's 8 years in office. Almost all of these 30 nominations were noncontroversial and were ultimately confirmed overwhelmingly. Barely 80 percent of President Obama's judicial nominees were confirmed during his first 4 years compared to almost 90 percent of President George W. Bush's first term nominees.

While this is not even close to a full account of the precedents broken in the last 4 years, the record is clear: Senate Republicans have engaged in an unprecedented effort to obstruct President Obama's judicial nominations. Pretending it has not taken place is an insult to the American people. The American people know better. Chief Justice Roberts, in his year-end Report on the Federal Judiciary in 2010 pointed to the ''[P]ersistent problem [that] has developed in the process of filling judicial vacancies . . . This has created acute difficulties for some judicial districts. Sitting judges in those districts have been burdened with extraordinary caseloads . . . There remains, however, an urgent need for the political branches to find a long-term solution to this recurring problem.'' Despite bipartisan calls to address the judicial vacancy crisis, Senate Republicans have continued their obstruction of judicial confirmations.

Today, the Senate is finally being allowed to vote on one of the nominees held over from last year. Judicial vacancies right now stand at 90. And I mention that because during President Bush's entire second term—the 4 years from 2004 through 2008—the vacancies never exceeded 60. I worked very hard to keep the vacancies down, but since President Obama's first full month in office, as far as we can see, there have never been fewer than 60 vacancies, and for much of that time many, many more. This is a prescription for overburdened courts and a Federal justice system that does not serve the interests of the American people. It means people who come to our courts looking for impartial justice can't get it because there are no judges.

This is hurting the integrity of the judicial system. I hear this from judges nominated by Republican Presidents and those nominated by Democratic Presidents. They say these delays politicize the courts and destroy the impartiality the Federal courts have to have.

I commend President Obama for nominating such a diverse group of qualified judges. In his first 4 years, President Obama has appointed as many women judges as President Bush did during his entire 8 years in office. In just 4 years, President Obama has also nominated more African Americans, more Asian Americans, and more openly gay Americans than his predecessor did in 8 years. Americans can be proud of President Obama's efforts to increase diversity in the Federal judiciary and to ensure that it better reflects all Americans.

I hope that this year and over the coming 4 years, Senate Republicans will end their misguided and harmful obstruction and work with us in a bipartisan manner to do what is right for the country. President Obama has nominated qualified, mainstream lawyers, and the Senate should consider them in regular order, without unnecessary delays. That is what we had done for as long as I have served in the Senate, whether the nominations came from a Democratic or a Republican president. We should work together to restore and uphold the best traditions of the Senate.

Last Thursday, the Senate Judiciary Committee reported three judicial nominees, William Kayatta, Robert Bacharach, and Richard Taranto. They are all superbly qualified, consensus nominees. All have received the highest possible rating of unanimously well qualified from the ABA's Standing Committee on the Federal Judiciary, and with last Thursday's Judiciary Committee votes, all have twice now received overwhelming, bipartisan support from members of the Judiciary Committee from both sides of the aisle. All have something else in common too: Their nominations were stalled before the Senate for at least 7 months last year without a vote. That is why they each had to be re-nominated by the President this year.

This is sadly typical of how Senate Republicans have treated President Obama's consensus judicial nominees. Even nominees who are supported by Republican home state Senators and by all the Republican members of the Judiciary Committee are stalled for months for no good reason. They are delaying votes on all nominees, including nominees they support. This is unprecedented.

For example, Senator COBURN said that ''[Judge Bacharach] has no opposition in the Senate. . . . There's no reason why he shouldn't be confirmed.'' That was before Senator COBURN joined a filibuster against voting on his nomination last year. Last year's filibuster of the Bacharach nomination was the first time in the history of the Senate that a circuit nominee reported with bipartisan support had been successfully filibustered. When I say unprecedented, I mean unprecedented.

I am glad that William Kayatta is finally getting a vote. The nominee spent the entirety of his 32-year legal career in private practice in the Portland, ME, law firm Pierce Atwood LLP, where he is currently a partner. Over his career, he has personally argued over three dozen appeals, including two before the United States Supreme Court. He graduated magna cum laude from Harvard Law School, where he served on the Harvard Law Review. Upon graduation, he clerked for Chief Judge Frank Coffin on the U.S. Court of Appeals for the First Circuit, the court to which he is nominated.

William Kayatta has held a prominent leadership role in numerous professional organizations, including serving as the lead investigator for the American Bar Association Standing Committee of the Federal Judiciary during its review of Justice Kagan's nomination to the Supreme Court. He was also appointed by the U.S. Supreme Court to serve as Special Master in an interstate dispute, where he was charged with managing proceedings and submitting a report and recommendation to the Court. The ABA's Standing Committee on the Federal Judiciary unanimously rated Mr. Kayatta well qualified to serve on the First Circuit, its highest possible rating.

While it is good that William Kayatta will finally receive a vote today, it is also well past time for the Senate to vote on Robert Bacharach and Richard Taranto. Perpetuating these vacancies on the Tenth and Federal Circuits, and preventing Judge Bacharach and Mr. Taranto from getting to work on behalf of the American people, does not benefit anyone. The Judiciary Committee has again done its work to vet, consider, and vote on these nominations. It is time that the other two circuit nominees who were renominated and considered again by the Judiciary Committee and again reported to the Senate, be given an up-or-down vote.

The Senate could confirm all three nominees this week. In June 2005, the Senate confirmed four circuit court nominees of a Republican President in just 2 days, including highly controversial nominees such as Janice Rogers Brown to the D.C. Circuit and William Pryor to the Eleventh Circuit. In July 2006, the Senate confirmed Bobby Shepherd to the Eighth Circuit, Neil Gorsuch and Jerome Holmes of the Tenth Circuit within 1 week. There is ample recent precedent for confirming Judge Bacharach and Richard Taranto without further delay. Neither is controversial.

William Kayatta is strongly supported by both of Maine's Senators, Republican Senator SUSAN COLLINS and Independent Senator ANGUS KING. When George W. Bush was President, Senate Democrats worked quickly to hold votes on consensus circuit nominees. According to the nonpartisan Congressional Research Service, half of President Bush's circuit nominees received a confirmation vote within just 18 days of being reported by the Judiciary Committee. Not a single one of

President Obama's circuit nominees has received a vote so quickly. In fact, the median wait time for President Obama's circuit nominees is more than seven times that for President Bush's circuit nominees.

This continued obstruction is one of the reasons we remain so far behind the pace set during President Bush's time in office. By February of President Bush's fifth year, the Senate had confirmed 205 of his circuit and district nominees, and judicial vacancies stood at 40. In contrast, just 173 of President Obama's circuit and district nominees have been confirmed, and the vacancy rate has risen again to 90, or more than 10 percent of the Federal bench. Judicial vacancies are nearly back at historically high levels.

Perpetuating these vacancies on the Tenth and Federal Circuits, and preventing Judge Bacharach and Richard Taranto from getting to work on behalf of the American people, does not benefit anyone. The Judiciary Committee has again done its work to vet, consider, and vote on these nominations. It is time for the Senate to act to confirm them.

I will speak more on nominations as we go along, but I do want to congratulate not only the senior Senator from Maine but also Senator KING and the people of Maine, and the people of the First Circuit. The circuit needs to have its vacancies filled, and I am glad we have such a good person.

Mr. President, I yield the floor, and 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. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I yield back all time on both sides.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

All time having been yielded back, the question is, Will the Senate advise and consent to the nomination of William J. Kayatta, Jr., of Maine, to be U.S. circuit judge for the First Circuit?

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 88, nays 12, as follows:

[Rollcall Vote No. 20 Ex.]

YEAS—88

| | | |
|---|---|---|
| Alexander | Burr | Corker |
| Ayotte | Cantwell | Cornyn |
| Baldwin | Cardin | Cowan |
| Barrasso | Carper | Crapo |
| Baucus | Casey | Cruz |
| Begich | Chambliss | Donnelly |
| Bennet | Coats | Durbin |
| Blumenthal | Cochran | Enzi |
| Boxer | Collins | Feinstein |
| Brown | Coons | Fischer |
| Flake | Klobuchar | Reid |
| Franken | Landrieu | Roberts |
| Gillibrand | Lautenberg | Rockefeller |
| Graham | Leahy | Sanders |
| Grassley | Lee | Schatz |
| Hagan | Levin | Schumer |
| Harkin | Manchin | Shaheen |
| Hatch | McCain | Stabenow |
| Heinrich | McCaskill | Tester |
| Heitkamp | Menendez | Thune |
| Heller | Merkley | Toomey |
| Hirono | Mikulski | Udall (CO) |
| Hoeven | Moran | Udall (NM) |
| Isakson | Murkowski | Warner |
| Johanns | Murphy | Warren |
| Johnson (SD) | Murray | Whitehouse |
| Johnson (WI) | Nelson | Wicker |
| Kaine | Portman | Wyden |
| King | Pryor | |
| Kirk | Reed | |

NAYS—12

| | | |
|---|---|---|
| Blunt | McConnell | Scott |
| Boozman | Paul | Sessions |
| Coburn | Risch | Shelby |
| Inhofe | Rubio | Vitter |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Washington.

## MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mrs. MURRAY. 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. MANCHIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

## TRIBUTE TO GENERAL CHUCK YEAGER

Mr. MANCHIN. Mr. President, few Americans have helped this great country reach for the stars more than Gen. Chuck Yeager. Long before there were astronauts there was Chuck Yeager, a fearless test pilot, a true aviation pioneer paving the way for America's exploration of the galaxy. But Chuck Yeager's military career involved so much more than just testing cutting-edge aircraft and, as almost everyone knows, becoming the first man to fly faster than the speed of sound. Few Americans have been as unwavering or as relentless as Chuck Yeager in defense of this great country, in war and in peace, from World War II to Vietnam.

He was part of the ''greatest generation'' of Americans, the generation that fought and won World War II and then came home and made America the world's greatest superpower. Among the greatest in that generation was Chuck Yeager.

Today is Chuck's 90th birthday, and I invite the entire Senate to join me in congratulating him. I am so proud of this man. Not only is he a native son of West Virginia but he is also a dear friend of mine. Chuck lives in California now, with his wife Victoria, but he still comes to West Virginia to hunt with me and roam the hills where he grew up.

He also visits the State from time to time to promote the foundation which bears his name, and which supports a scholarship program at Marshall University.

When I was Governor, Chuck and Victoria would sometimes visit Gayle and me at the Governor's Mansion. Some of you know I am a pilot, and during one of his visits to West Virginia I got him to join me on a flight. We were trying out a new airplane for the State. It was a real honor, but it was a little bit daunting, if you will, that I am flying left seat and Chuck is right behind me, evaluating the entire flight. Looking over my shoulder, having the greatest pilot who ever lived sitting there, was something I will never forget.

Some of the story of Chuck's life you probably know and some of it you may not. Chuck grew up in the small town of Hamlin. That is in Lincoln County, WV, so deep in an Appalachian holler that folks there used to say you had to pump in the sunshine. His father Albert Hal worked as a driller in the gasfields. His mother Susie Mae took care of Chuck, his two brothers, and two sisters.

Chuck and his father went hunting and fishing together. Chuck also worked with his father in the oilfields. He was fascinated by the drilling equipment. He liked cars—real fast cars. He especially liked his old man's Chevy truck. He not only drove it, he studied all of its mechanical details. He could basically take it apart and rebuild it.

Looking back, it is not surprising that in the middle of World War II, a patriotic kid from West Virginia who was good with rifles, mechanical equipment, and fast cars enlisted in the U.S. Air Force as an airplane mechanic—his first step toward becoming the single greatest pilot who has ever lived.

A new ''flying sergeants'' program eventually gave him his first chance to fly. Up until that time it was officers only. His first couple training flights didn't go so well. Some people might not know this, but he had to overcome airsickness. Can you believe that Chuck Yeager got airsick? Before long he found a new home in the sky in the cockpit of an airplane.

During World War II, Chuck flew numerous combat missions over Europe and shot down 13 enemy aircraft—5 in 1 mission. He was shot down over German-occupied France in 1944 but escaped capture to fly another day. But

before he could do that, he had to argue his case against being sent home under a no more combat rule. The rule was basically if a pilot was shot down, they could not let them go back, because if they were captured, they could basically tell who the people who saved them were. He pushed his way all the way up the chain of command to Supreme Allied Commander General Dwight D. Eisenhower. Ike ultimately granted Chuck's request to stay with his men.

After the war, Chuck became a test pilot. On October 14, 1947, he did what no man had done before—he broke the sound barrier in the experimental X–1 plane named the ''Glamorous Glennis,'' after his late wife. His fabled flight ushered in a new era of aviation that prepared America for its greatest leap into space and so began the legend of Chuck Yeager.

Tom Wolfe wrote in ''The Right Stuff''—a movie most of us have seen. If you haven't seen it, I suggest you do. Tom Wolfe wrote:

> There were . . . other pilots with enough Pilot Ego to believe that they were actually better than this drawlin' hot dog.

Chuck had a way with words, if you ever have a chance to speak with him.

> But no one could contest the fact that as of that time, the 1950s, Chuck Yeager was at the top of the pyramid, number one among all the True Brothers.

Throughout his long military career, General Yeager flew more than 10,000 hours in more than 330 models of aircraft. In 1966, he flew 127 missions in South Vietnam. He received numerous awards, including the Distinguished Service Medal, the Silver Star, the Bronze Star, the Purple Heart, the Presidential Medal of Freedom, and the special peacetime Medal of Honor. He was the youngest military pilot to be inducted into the Aviation Hall of Fame in 1973.

Chuck officially retired from the Air Force in 1975 but maintained his status as a test pilot for another three decades, occasionally flying for the Air Force and NASA as a consultant.

In 1997, on the 50th anniversary of his historic flight breaking the sound barrier, he again flew past Mach One in an F–15D Eagle named the ''Glamorous Glennis III.'' It was his last official flight with the Air Force. Of course, nothing stops Chuck Yeager. So last October on the 65th anniversary of breaking the sound barrier, he did it again, in another aircraft, at the age of 89.

Whenever he is asked about all his exploits, Chuck says he was just ''doing his job,'' and that all he is he ''owes to the Air Force.'' He has never ever wavered from that.

In his autobiography, he wrote:

> My beginnings back in West Virginia tell who I am to this day. My accomplishments as a pilot tell more about luck, happenstance, and a person's destiny. But the guy who broke the sound barrier was the kid who swam the Mud River with a swiped watermelon, or shot the head off a squirrel before school.

Tom Wolfe believed Chuck Yeager to be the ''most righteous of all possessors of the right stuff.'' Wolfe himself struggled to explain what he meant by ''the right stuff.'' His best explanation was that ''the right stuff'' is that rare, almost indefinable mix of bravery, heroism, hard work, and focus that someone brings to ''a cause that means something to a people, a nation, to humanity, to God.'' That describes Gen. Chuck Yeager as well as anything else I know.

He is a man of extraordinary skill and legendary courage. He has an unparalleled sense of duty and service to his country. He risked his life over and over. He is a great West Virginian. He is a great American. On his 90th birthday he is still, without a doubt, a man with ''the right stuff.''

I wish my dear friend the happiest of birthdays, and I urge every Senator to join me in saluting Gen. Chuck Yeager for his long and courageous service to this great country.

Thank you, General Yeager.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

Mr. ROBERTS. Mr. President, I rise to speak in morning business for such time as I may consume.

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

## 150TH ANNIVERSARY OF KANSAS STATE UNIVERSITY

Mr. ROBERTS. Mr. President, I rise to commemorate—along with my distinguished friend and colleague Senator JERRY MORAN—the 150th anniversary of Kansas State University—home of the ever-optimistic Wildcats.

Since its beginning—even before Kansas joined the union as a free State—all the way up to today, Kansas State University continues to provide a first-rate education for thousands and thousands of students.

To quote the K-State alma mater lyrics: ''I know a spot that I love full well.'' I—along with more than 200,000 alumni—am proud to call Kansas State University my alma mater, as did my father and also my son.

The year was back in 1858, when Kansas was only a territory—not even a State—that a group of local settlers founded Bluemont Central College. Then, in 1863, only 2 years into statehood, the State legislature and Governor became some of the first to accept the terms and conditions of the Morrill Act, thus creating the land grant system of colleges and universities.

On February 16, 1863, the Kansas State Agriculture College, formally known today as Kansas State University, received a land grant charter and became the first operational land grant institution in the United States. Over the past 150 years, Kansas State University has progressed and expanded to accommodate the students and the people living in the State of Kansas—the people it has served so well.

Today, Kansas State University is comprised of nine academic colleges ranging from liberal arts to veterinary medicine. The university expanded its campus in Manhattan to include an aviation and technology school in Salina and an innovation campus in Olathe, KS. Also, Kansas State University Research and Extension has a presence in every county in Kansas—all 105. These offices are a source of vital information to every farmer and rancher in our State. We are staying true to our land grant roots.

Back in 1863, Kansas State University's first enrollment totaled a mere 14 students. This school year Kansas State University reached a record enrollment of more than 24,000 students. These students hail from all 50 States and over 90 countries. Out of this diverse population, the university has produced industry leaders, heads of States, humanitarians, generals, gifted scientists, and a few public servants.

Kansas State University has received national recognition for the exceptional education it provides students year after year. Kansas State continues to have college programs ranked the best in the Nation. The university has been recognized as a leader among public universities in total number of Rhodes, Truman, Marshall, Udall, and Goldwater Scholars.

I cannot talk about my alma mater without mentioning Kansas State University's athletic program, especially over the recent years. Since its first football game way back in 1883, dedicated fans have been coming to the sports arenas to support our athletes and our team. This intercollegiate athletic program has complemented the education provided by the university and has been a great source of purple pride for both alumni and Kansas.

As Kansas State University looks toward the future, it sets new goals for the institution and for its students. Launched by president Kirk Schulz in 2010, K-State 2025, the university's strategic plan, strives to make Kansas State University a top 50 public research institution within 15 years. Thanks to the work that has been done throughout the past 150 years and the research that continues, I have no doubt Kansas State University is on track to achieve this very important goal.

Throughout this week and weekend, students, staff, alumni, and friends of the university will gather in Manhattan, KS—the ''little apple''—to celebrate the history of Kansas State University.

On behalf of the Senate, it is my honor to congratulate Kansas State

University on its accomplishments over the past 150 years. As the alma mater song says, it is truly ''a spot that I love full well.'' Every man a Wildcat.

I yield to my distinguished friend and colleague, Senator MORAN.

Mr. MORAN. Mr. President, I thank the Senator from Kansas.

There is no K State alumni, no individual from our home State who bleeds the color purple more fervently than the senior Senator from Kansas. It is an honor to join him here today to recognize the significant accomplishments on the 150th anniversary of the first land grant university college in the Nation.

Senator ROBERTS comes to the Kansas State University through his family—his father as well as his son.

I have become acquainted with Kansas State University as a citizen of our State in which we see each and every day the benefits that accrue to the citizens of our State because of the academic research, the education, the extension of education across our State that benefits each and every citizen. So it is with great pleasure that we honor the accomplishments today of this university. It has had tremendous leadership.

In my early days in Congress, President Wefald in many ways created a great opportunity for Kansas State University to excel, to become something different than it had been, to move forward into the future. Now, under the leadership of president Kirk Schulz, his leadership only accelerates the opportunity for Kansas State University to provide new and beneficial services, education, and benefits to the people of our State, to our country, and to students around the globe.

Kansas State University is known for its agricultural background, for its support for that significant industry in our State—farmers and ranchers look to Kansas State University for education and for technical support, and we know of their importance in that No. 1 industry in our State—but, as Senator ROBERTS said, engineering and aerospace; now a campus at Salina, KS, dealing with aviation and avionics, with UAVs moving into the future; a campus in Johnson County, the suburbs of Kansas City, in which additional research in bioscience is being accelerated. So in each and every circumstance, Kansas State University contributes to the economy and well-being of our State and our country.

As a parent, I know Kansas State University. Both our daughters attended Kansas State University, and one remains a student there. I remember the first day I wandered with my 17-, 18-year-old daughter onto campus for a campus tour, and at the end of the day—I will admit we had visited other universities as well, but at the end of the day Kelsey said: Dad, there is no place more welcoming, no place more like home, no place where I feel like a part of a family more than Kansas State University.

That is something I think K State exhibits so well and causes Kansas to be so proud of the Wildcat tradition, which is a sense of family; that we are in it together and people are friends. It is a very comfortable and enjoyable learning environment for students, and we have seen it in our family.

Our youngest daughter followed her older sister to Kansas State University and is now a beginning student at the College of Veterinary Medicine. Another area in which Kansas State University is highly regarded is the study of animal science. K State in Manhattan, KS, is the western border of the animal science corridor, the eastern border being that place that all Kansans, regardless of alma mater, despise—the University of Missouri. So from west to east, the animal science corridor is bounded by the research scientists and educators and the schools that increase the likelihood that Americans are going to have nutrition, be well fed, and have a safe and abundant food supply.

It is an honor to be here to pay tribute to the many leaders at Kansas State University, those who have come before and those who will follow President Wefald and President Schulz to make sure Kansas State University remains that place of higher education and learning in our State but also to make certain Kansas State University in Manhattan, KS, is always that place called home where students from across our State and around the globe feel as though they have found family and a place to learn to improve their lives and to make certain they contribute to the betterment of our world.

It is an honor to be here with one of the most distinguished alumni of Kansas State University, my colleague and friend Senator ROBERTS, to wish Kansas State University many more years of success in providing education to our students and moving our State forward in ways that will benefit not only this generation but those that follow us.

So congratulations, Kansas State University, and happy 150th birthday.

Mr. President, I yield back to the Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank my dear friend and colleague more especially for highlighting what K State is all about, and that is family. If one chooses to attend Kansas State, as many do—many come from small town America, and many come from big cities, but I think they are all struck by the family atmosphere.

The thing I think is rather remarkable, even in having the privilege of talking to some of K State's football team and some of the athletes, both basketball and football—all sports at K State—I am always able to tell the thousands and thousands of fans from K State who know their history, know where they are coming from, and always support them regardless of the outcome. So K State is a family.

K State's legendary coach Bill Snyder, who has achieved miracles on the football field with team after team, always stresses family and togetherness and the proper role of athletics in education.

My son David went to K State, and he fell in love with K State. He didn't have much of a choice as far as I was concerned, but he did really enjoy himself at K State. Basically, I am struck by the fact that many of his friends who are graduates—when that day comes when you graduate or when you leave K State, those generations really stick together, and they are friends for life. It is in that vein that I think the Senator's remarks are certainly right on target.

Mr. MORAN. If the Senator would yield.

Mr. ROBERTS. I would be happy to yield.

Mr. MORAN. Mr. President, Senator ROBERTS raises something that I wish to make clear, which is that Kansas State University has been so kind and so beneficial to our two daughters. While they found it to be home and like family, they have excelled and learned, advanced their lives both personally and professionally in ways that are so important to us as parents. We have nothing but commendation to offer to Kansas State University for the kindness and opportunities they have created for our own daughters as they pursue their goals in life.

So it is a very personal opportunity for me to express this gratitude to Kansas State University for making it so good for the things a mom and dad care so much about. For our two daughters Kelsey and Alex, K State is an important component of their lives, and we are so appreciative of the role that university has played in educating our children.

I yield back to the Senator from Kansas.

## 150TH ANNIVERSARY OF EMPORIA STATE UNIVERSITY

Mr. ROBERTS. Mr. President, we have a double privilege here today in that we obviously are celebrating Kansas State University being 150, representing 150 years of outstanding academic service to our people, but also Emporia State University is 150 years old at the same time—a rather remarkable achievement. I know we would like to congratulate Emporia State on its 150th anniversary.

Emporia State University is in the beautiful Flint Hills of Kansas, and it is also very dear to my family. My mother attended Emporia State and studied education. She went on to become a teacher. Emporia State is a teacher's university, second to none. But she, in her day and time, spent a lot of time educating Kansas children up in Atchison, KS, and was very much like the other proud and accomplished alumni from Emporia State.

If a person wants to know about education, all they would have to do—as

well as teacher involvement and teacher progress and some of the very serious challenges we face today in education—is stop by Emporia State. They have many fine programs and nothing but the best in terms of graduates who do such a great job.

Throughout the past 150 years, Emporia State has grown to accommodate the needs of the State and the 6,500 students it currently serves. What was once the Kansas State Teaching College, Emporia State has now expanded greatly, offering a wide range of academic programs.

In true Kansas fashion, the university has faced challenges head-on from its earliest days. Adversity is not uncommon. In fact, our State motto is ''to the stars through difficulty.'' But the outstanding faculty and staff have persevered on behalf of their students to provide a quality education, and that continues today with teachers who also provide a quality education. We can't do any better than that. It is with great pride as a Kansan and as a son of an Emporia State graduate that I recognize and congratulate Emporia State University on its 150th anniversary.

I am more than happy to yield to my friend and colleague, Senator MORAN.

The PRESIDING OFFICER (Mr. COONS). The Senator from Kansas.

Mr. MORAN. Mr. President, I thank the Senator for yielding, and I appreciate being recognized.

It is true that our State places a high priority on education—certainly K–12 but also universities, including public, private, community colleges, technical colleges, and today we honor one of those universities in this milestone in its history, Emporia State University, Emporia, KS, on its 150th anniversary.

Benjamin Franklin said, ''Tell me and I forget. Teach me and I may remember. Involve me and I learn.'' Through learning, students' lives have been changed for the better for more than a century at Emporia State University. This is a historic occasion, their 150th anniversary, and I wish to recognize the significant impact Emporia State has had on our State and on our Nation.

In 1863 Emporia State was founded as a school for training teachers. Back then it was known as Kansas Normal School, and in its first year the President and only teacher, Lyman Kellogg, taught 18 students on the second floor of the district schoolhouse. At the university's first commencement on June 28, 1867, President Kellogg presented diplomas to its two graduates, Mary Jane Watson and Ellen Plumb.

In the years that followed, Emporia State was faced with many challenges, including tornadoes, fires, and a lack of funding, but the university survived and continued each and every year to change the lives of the students.

Today 6,500 students from 45 States and 55 countries are enrolled at Emporia State University. Consistently ranked as a tier 1 regional university by U.S. News and World Report, ESU offers students a wide range of academic programs to choose from and the opportunity to participate in more than 130 student organizations.

Emporia State also remains fully committed to its original mission of training teachers through a nationally acclaimed teacher education program. If a person has somebody who made a difference in their life, nobody ever says: It was my Senator. It is not mom and dad. It is a teacher.

Educating teachers is a noble calling. In fact, the Teachers College holds the International Reading Association Award and Certificate of Distinction for the Reading Preparation of Elementary and Secondary Teachers—one of only five programs honored internationally in 2009. In a national study of teacher education programs, Emporia State was named one of only four postsecondary institutions in the Nation to be identified as an exemplary model teacher education program.

I congratulate Emporia State for their success in equipping our Nation's educators. As we know, the work of a teacher impacts the lives of every American now and in the future.

Given Emporia State's long history and dedication to training teachers, the university, as one might expect, now hosts the National Teachers Hall of Fame. Each year five of the Nation's most outstanding educators are recognized and honored for the jobs they do. By recognizing the difference one teacher can make, the National Teachers Hall of Fame works to promote education and inspire a new generation of teachers.

Whether ESU students pursue a career in education or another field, many students who continue their studies will return to ESU for graduate work. Among the Kansas Regents universities, ESU students earn the highest percentage of graduate degrees. On average, one-third of the degrees earned annually are graduate degrees. So whether students leave Emporia with an undergraduate or graduate degree, they are well prepared in the field they have chosen.

Students today are involved in community service, and Emporia State exemplifies that. Students at Emporia State spend much time giving back to the local communities. Students have cared for the elderly, provided food to the hungry, and built homes for the homeless. They have also spent their free time mentoring young students through a program called YouthFriends. Currently, about 50 Emporia State students are involved in volunteer work once a weak with children.

One of the teachers at a local elementary school said this about that program:

> It is great for children to have a young adult role model to look up to. I have two kids in my class who have YouthFriends, and they both have benefited greatly. Their attitudes about school and life have changed for the better.

What a great way to make a difference in the development of lifelong compassion for others.

The alumni of Emporia State University now number more than 75,000 from 50 States and 80 countries, and they are all proud to be called Emporia State Hornets. Alumni from Emporia State have gone on to accomplish great things. Among the many distinguished alumni are Minnie Grinstead, who was the first woman elected to the Kansas State Legislature in 1918, and Robert Mott, a World War II veteran who later helped create National Public Radio.

For the past 150 years, Emporia State has been changing lives. One alumni said this about the impact on her life:

> I was told by a high school guidance counselor that I would never make it in college. ESU gave me an opportunity to ''try.'' Not only did I earn a bachelor's degree, I earned a masters, and Ph.D. Thank you ESU, you changed my life in a positive way!

On this historic anniversary, it is with great pleasure that I join my colleague from Kansas in submitting a resolution to congratulate the students, faculty, alumni, and the new president of Emporia State University for 150 years of excellence in higher education. May the next 150 years be even brighter than the last.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## FISCAL CHALLENGES

Mr. THUNE. Mr. President, I come to the floor today to talk about the fiscal challenges facing this country, and particularly the spending problem we have and how it impacts not only the economy but also the lives of the American people.

Last week, the nonpartisan Congressional Budget Office released the latest Budget and Economic Outlook, which confirmed the threat that long-term fiscal imbalances pose to the Nation's economy. The Congressional Budget Office found that the national debt will climb by $10 trillion, to $26 trillion, over the next 10 years if Federal spending continues on its current trajectory.

Spending on mandatory programs will remain on auto pilot, resulting in high annual deficits. To kind of put things in perspective, if you go back to 2007 and you look at what the Federal Government spent, it was about $2.7 trillion annually. If you look at what the Federal Government spent in fiscal year 2012, which ended September 30 of last year, it was $3.5 trillion, an increase of nearly 30 percent.

Inflation during that same time period was 10.8 percent, meaning that government grew at almost three times

the rate of inflation. Again, I want to emphasize what I think is an important point here, because in the discussion we are having about spending and debt, there is somehow this assertion that has been made that this is not a spending problem, that actually this is more a revenue issue.

Well, again, if you look at what has happened just in the past 5 years, spending has increased nearly 30 percent, Federal spending, or at a rate of almost three times the rate of inflation. So clearly spending has increased dramatically just in the last 5 years. The trend is projected to continue over the next 10 years and beyond, with spending exceeding its historical average over that time period, and then ballooning in the years beyond that.

Such levels of spending will cause the Federal debt to grow, and according to the Congressional Budget Office, ''Such a large debt would increase the risk of a fiscal crisis during which investors would lose so much confidence in the government's ability to manage its budget that the government would be unable to borrow at affordable rates.''

Again, why is this important? Well, obviously, if the deficits continue to continue year after year, adding more and more to the Federal debt, eventually investors are going to lose confidence in our government. They are going to demand a higher return, higher interest rate when we borrow money. That obviously has an impact all across the economy. Because when interest rates go up, everything else that is pegged to it goes up. If you look at middle-class Americans who are trying to borrow money, for example, to buy a home or to get a college education or for a small business to make investments in order to create and expand jobs, the interest rates go up for everyone. Inflation also goes up if the Nation's fiscal challenges are not addressed, meaning that the hard-earned dollars are not going to go as far. That is going to put further pressure on hard-working middle-class families.

The threat of the budget challenges facing this country and our economy is very real, because of this report that came out last week from the Congressional Budget Office. It confirmed we are headed toward Greece if we do not take the steps that are necessary to change the direction we are on.

A lot of that reality, however, unfortunately, is lost on lots of people here in Washington, DC. As I said earlier, there has been this debate about whether we do, in fact, have a spending problem. Over the weekend, the Democratic leader in the House of Representatives, NANCY PELOSI, repeated what has become doctrine to many in the Democratic Party; that is, the idea that the U.S. Government does not have a spending problem.

She said, ''It is almost a false argument to say we have a spending problem.'' This comes from the top Democrat in the House of Representatives. ''It is almost a false argument to say we have a spending problem.'' Well, obviously the White House scrambled quickly the next day to come out: Yes, yes, we know we have a spending problem.

But there is reporting out there that suggests the President of the United States has also made this assertion, that this is not a spending problem. I do not know how you can examine the Federal budget projections and not come to the conclusion that we have a spending problem. It is driving our national debt, a debt that is very harmful to our economy.

You have to look no farther than the Congressional Budget Office report last week to see that this is a spending problem, not a revenue problem, because that same CBO report said that the revenue—money that is raised by the Federal Government—is returning to its historical average of 17.9 percent of GDP. That is the way we have measured the amount of revenue coming into the Treasury as a percentage of our entire economy. You measure that over time, and getting back to the historical average, the 40-year average would be 17.9 percent.

If you look at the year 2015 as a case in point, the revenues get back to 19.1 percent of GDP, which is a 25-percent increase in 2 years, significantly exceeding the historical average. If you look at the 10-year outlook the CBO came up with, they said revenues would average 18.9 percent over the next decade, which is almost a full percentage point more than the 40-year historical average.

The point is this: Revenues are not only at historic levels, will be there by 2015 and stay there for the next decade, but they will exceed the historic average for revenues over the next 10 years. So clearly, what we are talking about here is not a problem of Washington taxing too little, it is a problem of Washington spending too much.

I know that truth is hard and that math is hard to accept for the people who want to grow government, but we absolutely have to govern in reality. What the math shows is that mandatory spending, which as I said is on auto pilot, continues to squeeze the Federal Government and the Federal budget to a point where we are going to face a Greece-style fiscal crisis if Washington continues to punt on the hard decisions that have to be made.

Mandatory spending comprised roughly 60 percent of Federal spending in fiscal year 2012. If you look at the big drivers of mandatory spending, Medicare, Medicaid, and Social Security represented 40 percent of that total, according to the Congressional Budget Office. Congress and the administration have an opportunity in the coming months to reform these entitlement programs not only to get this country back on a more sustainable fiscal track but also to save and protect these programs not only for current retirees but for future generations of Americans as well.

That is why I was disappointed last night that the President, in his State of the Union Address, failed to lay out a plan to address the fiscal challenges our country faces. I hope the President and my colleagues here in the Congress will come to the table and work with us to solve these problems, particularly as we consider ways to address the sequester, the continuing resolution which follows after that, and the fiscal year 2014 budget resolution.

We cannot simply wait and watch these programs crumble under the weight of looming insolvency. We know Social Security operated at a cash deficit in 2010. The Medicare trustees have told us that Medicare will be insolvent by the year 2024 and the HI trust fund actually as early as the year 2016. If we are going to keep the promises we have made to current retirees and to future generations of Americans, we have to make these programs solvent. That means we have to reform them in a way that saves and protects them and makes sure they are fiscally sustainable not only for today but for the future as well.

I have to say, as I listened to the debate about the issues of spending and debt, there is an argument that is made by those on the other side that this is just because of the two wars, and the two wars drove up spending; you know, they were not paid for and that is the reason we have this $16.4 trillion debt. Well, obviously the wars have contributed to that. But if you look at through 2012, that is about $1.4 trillion. Obviously, I would say, to be fair, Republicans have contributed to this as well as Democrats. When Republicans were in charge of the Congress, we did not do a good enough job of keeping spending under control.

But the fact is even if you count in spending on Iraq and Afghanistan, that is about $1.4 trillion. The total debt now, as I said, is over $16 trillion, scheduled to go to $26 trillion 10 years from now. Over the course of the first 4 years of this President's term, his first term in office, the debt has increased almost $6 trillion. So it is hard to feature any objective analysis of these facts and this data and say it was the wars that somehow caused all of this.

Washington has been overspending for a long time. It is high time for those habits to change. If you look at the war that is winding down, the cost of that, the resources we are putting into these conflicts, those dollars are not going to be showing up again as expenditures in the next few years. We still have the Congressional Budget Office telling us at the end of the next decade we will have added an additional $10 trillion to the debt. So clearly that has certainly been a factor, but it has not been the main factor.

There is again no objective analysis that would suggest spending on the wars has been the driving reason for why we are facing the debt crisis we have today. I would simply say too

that when you are in a hole, it is advisable to quit digging.

Obviously, we continue to look at ways to add more and more spending and, therefore, more and more debt. The health care bill is not something anybody on my side here in the Senate supported when it passed in 2009 and early 2010. But that too is going to drive up spending and is going to drive up debt as we head into the future.

You heard from the President last night a whole new series of new spending initiatives, ''investments,'' he called them, in a whole range of areas. As he was sort of laying that out, those of us who were listening to that message were thinking to ourselves: Okay, if you put a calculator on this thing, it keeps going and going and going. Yet the President said we did not need to add a single dime to the deficit. Well, I do not know how anybody could accept that with a straight face. It flat does not pass the smell test.

We have a spending problem here in Washington, DC. The facts bear that out. The revenues are going up. They are going to go up 25 percent, according to the Congressional Budget Office, in the next 2 years. In 2015 they will be at 19.1 percent of GDP, an average we have not seen—or a number we have not seen in a long time. Then they will stay roughly at that for the next decade. This is not a revenue problem. This is not a problem where Washington taxes too little. This is a problem where Washington spends too much.

If you look at the other side of the equation, spending continues to go up as a percentage of GDP. We see a little bit of relief here in the next few years, but then when the cost of the Affordable Care Act starts hitting, when you start seeing the demographics of the country, as they continue to change, if we do not do something to save and protect Social Security and Medicare for future generations, it is going to bankrupt us.

We are headed for a train wreck. We have to do something about that and recognize what that problem is. That problem purely and simply is that Washington spends too much. It is a spending problem. That is why, again, when I heard the top Democrat, the minority leader in the House of Representatives, say over the weekend that it is a false argument to say this is a spending problem, I was shocked, because I think most Americans would argue, as they look at this, and they can do the math, Washington has a very serious spending problem which needs to be addressed. It needs to be addressed sooner rather than later.

I thought the report that came out from the Congressional Budget Office last week was instructive for a number of reasons. It pointed out the impact that debt is going to have as we face this debt crisis in terms of interest rates, in terms of inflation, in terms of loss of jobs, and a more sluggish economy. We know from history that when you get a certain amount of debt, it becomes such a drag on your economy that it reduces economic growth. So we have seen this anemic, sluggish economic growth which is going to be continued now for the foreseeable future. We have slower growth, fewer jobs, massive amounts of debt. Eventually what that is going to mean for the middle-class American is higher interest rates when it comes to buying a home, when it comes to buying a car, when it comes to financing a college education. It is going to mean lower take-home pay when the economy slows down and there is not the demand for workers out there. There are so many adverse impacts on our economy from carrying the kind of debt load we are carrying today. I think we have a responsibility to lead.

I hope the President of the United States will lead on this issue; that he in his budget will put forward the types of remedies that are necessary not only to deal with our short-term crisis in the sequestration but also to put us long term on a sustainable fiscal path by proposing reforms, reforms to these programs that are driving Federal spending, that are going to add massive amounts to our debt over the course of the next decade and beyond, and at the same time look at things we can be doing that would generate economic growth, that would create jobs in this country. Because when the economy is growing and expanding, then all of these other problems look much smaller by comparison.

Republicans here in the Senate are ready to work with the President, work with Democrats.

We are anxious to go to work on entitlement reform to save Social Security and Medicare. We are anxious to go to work on reforming our Tax Code in a way that would unleash economic growth to obtain the robust growth we need in the economy to create jobs and make the debt crisis we face look much smaller by comparison.

I hope in the days ahead the President of the United States, the leadership on Capitol Hill, and the Congress will do what we should have done a long time ago. It is long overdue for action. It is high time that we become busy and do the work of the American people, which is about providing a more secure, prosperous, and a safer, debt-free future for future generations. Anything less is negating or undermining the responsibility we have to the American people.

Mr. President, I yield the floor.

Mr. REID. I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). We are not in a quorum call.

Mr. REID. Miracles never cease.

The PRESIDING OFFICER. That is true.

The Senator from Nevada.

Mr. REID. Mr. President, I have spoken with Senator INHOFE, the ranking member of the Senate Armed Services Committee. It is very clear that he and a number of Republicans are not willing to enter into an agreement on the Hagel nomination.

## EXECUTIVE SESSION

### NOMINATION OF CHARLES TIMOTHY HAGEL TO BE SECRETARY OF DEFENSE

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 10.

The clerk will report:

The assistant legislative clerk read as follows:

Motion to proceed to the nomination of Charles Timothy Hagel, of Nebraska, to be Secretary of Defense.

The PRESIDING OFFICER. Without objection, the motion to proceed is agreed to.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk and ask the clerk to report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Charles Timothy Hagel, of Nebraska, to be Secretary of Defense.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Barbara Boxer, Al Franken, Christopher A. Coons, Jack Reed, Carl Levin, Kirsten E. Gillibrand, Claire McCaskill, Robert P. Casey, Jr., Richard Blumenthal, Tom Harkin, Dianne Feinstein, Bill Nelson, Jeanne Shaheen, Sherrod Brown.

Mr. REID. This is the first time in the history of our country that a Presidential nominee for Secretary of Defense has been filibustered. What a shame, but that is the way it is.

I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. REID. I also ask that under the rule the cloture vote will occur on Friday. Membership should plan accordingly.

The PRESIDING OFFICER. The senior Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, now that the nomination of Senator Hagel is before us, I want to begin this discussion and debate with a few remarks about him. The committee approved this nomination and sent it to the floor of the Senate yesterday by a vote of 14 to 11.

Senator Hagel has received broad support from a wide array of senior statesmen, defense, and foreign policy

organizations. At his January 31 nomination hearing before the Armed Services Committee, Senator Hagel was enthusiastically introduced and endorsed by two former chairmen of our committee, chairmen who have huge bipartisan support and respect by everybody in this body and everybody outside of this body who knows them. Those two chairmen are Sam Nunn and John Warner.

Senator Hagel's nomination has been endorsed by five former Secretaries of Defense who served under both Democratic and Republican Presidents: Bob Gates, Bill Cohen, Bill Perry, Harold Brown, and Melvin Laird. He has been endorsed by three former Secretaries of State—Madeleine Albright, Colin Powell, and George Shultz—and by six former National Security Advisers who served in that position for more than 20 years under six of the last seven Presidents.

Let me just share with our colleagues a few of the words of Senator Nunn when he introduced Senator Hagel to our committee:

I believe our Nation is fortunate to have a nominee for Secretary of Defense with the character, experience, courage and the leadership that Chuck Hagel would bring to this position. First, Chuck is acutely aware that even in an age of rapid technological advances, our military capability and effectiveness depend on the quality and the morale of the people who serve our Nation in uniform, as well as the families who support them.

Continuing:

Chuck received two Purple Hearts in Vietnam, and when he returned home he continued to fight for veterans and for Active-Duty military personnel. He knows that our people are our strongest asset. Second, Chuck's experience in Vietnam shaped his life and his perspective. War for Chuck Hagel is not abstraction. I am confident, if confirmed, he will ask the hard and smart questions before sending troops into battle. Chuck Hagel knows the United States has vital interests that are worth fighting for and dying for. He also knows that war should be a last resort and that our Nation must effectively use all of our tools, not limited only to our military, to protect our important and our vital interests.

Senator Nunn continued:

Certainly there is a tension in these values, but it is a tension that we should welcome in the thought process and in the advice that our Secretary of Defense gives to our Commander in Chief and to this Congress.

From our service together on the Defense Policy Board in recent years, I know that Chuck Hagel has a clear world view and that it aligns with the mainstream of U.S. foreign and defense policy, and also with President Obama. Chuck Hagel believes that we must build and preserve America's strength as a force for good in the world. He recognizes that protecting our interests requires strong allies and friends, as well as strong American leadership.

Senator WARNER's extraordinarily powerful and warm comments included as follows:

There is an old saying in the combat army infantry and Marine Corps. ''Certain men are asked to take the point.'' Which means to get out and lead in the face of the enemy. Chuck Hagel did that as a sergeant in Vietnam. If confirmed, Chuck Hagel will do it again. This time not before a platoon but before every man and woman and their families in the Armed Services. He will lead them and they will know in their hearts that we have one of our own.

Senator Hagel has received a letter of endorsement from 11 retired senior military officers who say Chuck Hagel is uniquely qualified to meet the challenges facing the Department of Defense and our men and women in uniform.

He has received a letter of endorsement from nine former Ambassadors who worked with him on Middle East issues. That letter says, in part:

Each of us has known the Senator over the past 20 years and has found him invariably one of the best informed leaders in the U.S. Congress on the issues of U.S. national security. . . . Senator Hagel's political courage has impressed us all. . . . Time and again he chose to take the path of standing up for our nation over political expediency. . . . He has invariably demonstrated strong support for Israel and for a two-state solution and has been opposed to those who would undermine or threaten Israel's security. We can think of few more qualified, more nonpartisan, more courageous, or better equipped to head the Department of Defense.

That is from nine former Ambassadors who worked with Senator Hagel on Middle East issues. Let me read who those Ambassadors are: Nicholas Burns, former Under Secretary of State for Political Affairs, Ambassador to NATO and Greece; Ryan Crocker, former Ambassador to Iraq and Afghanistan; Edward Djerejian, former Ambassador to Israel and Syria; William Harrop, former Ambassador to Israel; Daniel Kurtzer, former Ambassador to Israel and to Egypt; Samuel Lewis, former Ambassador to Israel; William Luers, former Ambassador to Venezuela and Czechoslovakia; Tom Pickering, former Under Secretary of State for Political Affairs, Ambassador to Israel and Russia; and Frank Wisner, former Under Secretary of Defense for Policy and Ambassador to Egypt and to India.

Senator Hagel's nomination has been supported by the major groups of American veterans, including the Veterans of Foreign Wars, the Iraq and Afghanistan Veterans of America, AMVETS, Vietnam Veterans of America, and the American Legion. He has received support from the Military Officers Association of America, Foreign Area Officer Association, and the Non Commissioned Officers Association.

Senator Hagel has been endorsed by numerous newspapers, including USA Today, which stated:

Many of the supposed weaknesses that Republican Senators hammered him on are actually proof that Hagel takes thoughtful positions and doesn't bend easily to pressure.

I would like to read just a few quotes from those organizations of veterans who have endorsed him. The Veterans of Foreign Wars says the following:

It is not the place for America's oldest and largest combat veterans organization to advise or recommend to the President who he should nominate for cabinet positions. However, the Veterans of Foreign Wars of the United States considers Chuck Hagel, twice wounded Vietnam War veteran, war infantryman, and former two-term United States Senator from Nebraska, to be uniquely qualified to lead the Department of Defense.

That is signed by Robert Wallace, who is executive director of the VFW.

The Iraq and Afghanistan Veterans of America wrote the following:

Without Senator Hagel's leadership in Washington, there would not be a post 9/11 GI bill. Senator Hagel has always been a strong advocate for veterans at the Department of Defense. There is no doubt he will continue that legacy. Time and time again, from Vietnam to the VA to the USO, Senator Hagel has answered his country's call to serve, demonstrating courage, character and resolve at every turn. We encourage the Senate to approve his nomination swiftly.

Paul Rieckhoff, Founder and Chief Executive Officer.

The AMVETS National Commander Cleve Geer endorsed President Obama's nomination of Chuck Hagel with the following comments:

AMVETS fully supports President Obama's nomination of Chuck Hagel for the future Secretary of Defense. As a veterans service organization, AMVETS' main mission is to serve as an advocate for veterans, their families and the communities in which they live. I am confident that former Senator Hagel will utilize his experience and understanding of America's military to lead this Nation's troops and the Department of Defense.

The organization votevets.org wrote the following in a petition signed by over 8,000 veterans and military families:

Senator Hagel is a tremendous pick for Secretary of Defense who I know very well, and I have little doubt that he will serve President Obama with distinction both as a voice of reason within the administration and as a faithful advocate for carrying out the policies of the Commander in Chief.

That was signed by John Soltz.

The Military Officers Association of America wrote the following:

While the Military Officers Association of America does not endorse or oppose specific candidates for elected or appointed office, we believe Senator Hagel is certainly a candidate who is fully qualified for appointment to this extremely important position. Our past work with Senator Hagel has been very positive, and we believe that he brings an important sensitivity to the human side of budget and operational considerations. His experience as a combat wounded Vietnam veteran, as deputy administrator of the VA, and his two terms in the Senate provide a range of perspectives that would serve any Secretary of Defense well. We previously recognized Senator Hagel's efforts to protect the interests of military beneficiaries with our Arthur T. Marix Congressional Leadership Award. We do not believe that cabinet nominees should be held hostage to political litmus tests.

That was signed by ADM Norbert Ryan, USN, retired, President of the Military Officers Association of America.

The Non Commissioned Officers Association of the United States wrote the following:

We strongly support the appointment of Chuck Hagel to be Secretary of Defense. His

military service, including being twice wounded in action, has instilled the values of service and personal sacrifice for which he knows well the human cost of war. He has been an advocate for soldiers, Marines, sailors, airmen and coasties to ensure the training and equipage of America's 21st military force coincide with a solid revised defense posture to meet conventional and unconventional world challenges. Senator Hagel has also championed personnel issues relating to combat dwell time, force protection, transition issues, including electronic medical issues, preparation for future employment and training, and veterans benefits, including enhancements to post 9/11 educational benefits. He also recognizes the value and the sacrifice of families of the men and women who serve in this Nation's uniformed services.

That was signed by Richard Schneider, executive director for government affairs.

The Vietnam Veterans of America wrote:

We like Hagel. We think he is a great guy, and having a combat veteran in there would be a good thing.

The American Legion wrote:

Hagel is a long-time member of the Legion. He served right after he returned from Vietnam. He is a long-time advocate for veterans in the VA, and especially for veterans exposed to Agent Orange. Our organization has consulted with him, among others, on various national security matters. Having said that, the American Legion is prohibited by our congressional charter from endorsing any candidate for elected or appointed office.

The Vietnam Veterans Memorial Fund, Jan Scruggs, founder and president, wrote the following:

I first met Mr. Hagel in 1981 when he was the No. 2 man at the Veterans Administration. He had just thrown out of his office some people who were demanding that he stop his support for Maya Lin's design for the Vietnam veterans memorial. His integrity and toughness were impressive then. Both qualities have grown since. Long before he became a Senator, Mr. Hagel was an infantryman in Vietnam. He fought the enemy up close, and he had to put Americans in body bags. I am sure as defense secretary he would not hesitate to use military force aggressively if our Nation or its allies are in danger, yet he knows well that war is terribly unpredictable and needs to be avoided. He has shown some fury at those who have never seen war, but encouraged it during the past decade. This is called courage. He has earned his stripes.

Senator Hagel's credentials are underscored by the service in war and in peace that has been described so eloquently in all those letters from those veterans organizations. As a young man, Senator Hagel enlisted in the Army and served in Vietnam, where he received two Purple Hearts, the Army Commendation Medal, and the Combat Infantryman Badge for his service.

He volunteered to go to Vietnam. He answered the question, where are you, by answering, here I am. Senator Hagel served as Deputy Administrator of the Veterans' Administration during the Reagan administration. He was twice elected to the Senate, where he served on the Foreign Relations and Intelligence Committees.

Since he left the Senate 4 years ago, Senator Hagel has served as chairman of the board of directors of the Atlantic Council. The Atlantic Council counts among its other directors and honorary directors seven former Secretaries of State and four former Secretaries of Defense, along with numerous other senior officials from the administrations of both parties. The Atlantic Council is very much a part of the mainstream of the American foreign policy establishment.

Much of the time and attention at our committee hearing was devoted to a handful of statements Senator Hagel made over the course of his career that raised questions about his views on Israel, Iran, and other issues.

Senator Hagel explained and clarified these things and placed them in context. He apologized for one remark, and told the committee he would say other things differently if he had the chance or was making them over. Senator Hagel was clear in the positions he takes today and that he will take if confirmed as Secretary of Defense. In particular, Senator Hagel stated unequivocally, first:

Iran poses a significant threat to the United States, our allies and partners, and our interests in the region and globally. Iran continues to pursue an illicit nuclear program that threatens to provoke a regional arms race and undermine the global non-proliferation regime. Iran is also one of the main state-sponsors of terrorism and could spark conflict, including against U.S. personnel and interests.

Second, he is ''. . . fully committed to the President's goal of preventing Iran from obtaining a nuclear weapon . . . all options must be on the table to achieve that goal . . .'' and his policy, if confirmed, will be ''one of prevention, not of containment.''

Third, while he believes ''engagement is clearly in our interests,'' ''engagement is not negotiation.'' He stated:

I've never thought engagement is weakness. I never thought it was surrender. I never thought it was appeasement. I think it's clearly in our interest. . . . [G]et the international sanctions behind you, keep military options on the table. If the military option is the only option, it's the only option.

Finally, he said that he is ''a strong supporter of Israel,'' and believes that ''we have a special relationship with Israel.'' If confirmed, he ''will ensure our friend and ally Israel maintains its qualitative military edge in the region, and will continue to support systems like Iron Dome, which is today saving Israeli lives from terrorist rocket attacks.''

Senator Hagel has also recognized the very real risks posed to our national security as a result of the unique budgetary pressure arising out of cuts previously agreed upon by Congress, the budgeting by continuing resolution, and the impending threat of a sequester. Senator Hagel told the committee:

[Sequestration] if allowed to occur, would damage our readiness, our people, and our military families. It would result in the grounding of aircraft and returning ships to port, reducing the Department's global presence and ability to rapidly respond to contingencies. Vital training would be reduced by half of current plans and the Department would be unable to reset equipment from Afghanistan in a timely manner. The Department would reduce training and maintenance for non-deploying units and would be forced to reduce procurement of vital weapons systems and suffer the subsequent schedule delays and price increases. Civilian employees would be furloughed for up to 22 days. All of these effects also negatively impact long-term readiness. It would send a terrible signal to our military and civilian workforce, to those we hope to recruit, and to both our allies and adversaries around the world.

One of our colleagues has alleged that Senator Hagel has failed to provide complete financial disclosure and suggested, despite the admitted lack of evidence of any kind, that Senator Hagel may have received money that ''came directly from Saudi Arabia, came directly from North Korea.'' There is no evidence for that, but that is the kind of innuendo which was made and I believe should not have been made.

As a matter of fact, Senator Hagel has provided the exact same financial disclosure the committee requires of all nominees, including at least the last eight Secretaries of Defense. As required by the Armed Services Committee and by the Ethics in Government Act, he has disclosed all compensation over $5,000 that he has received in the last 2 years. As required by the Armed Services Committee, he has received letters from the Director of the Office of Government Ethics and the Acting Department of Defense General Counsel certifying that he has met all applicable financial disclosure and conflict-of-interest requirements. As required by the Armed Services Committee, he has answered a series of questions about possible foreign affiliations. Among other questions, the committee asked whether, during the last 10 years, the nominee or his spouse have ''received any compensation from, or been involved in any financial or business transaction with, a foreign government or an entity controlled by a foreign government.'' Senator Hagel's answer was, ''No.''

Senator Hagel, like all of our nominees, has undergone a thorough FBI background investigation. Senator INHOFE and I have reviewed the FBI file. The innuendo that Senator Hagel could somehow be hiding the fact he is on the payroll of a foreign power is offensive to those of us who have served with him and beneath the dignity of the U.S. Senate.

I ask unanimous consent to have printed in the RECORD a series of letters in which certain Senators requested certain financial disclosure and the letter with which I responded.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
*Washington, DC, February 8, 2013.*

Hon. JIM INHOFE,
*Ranking Minority Member,*
*Committee on Armed Services, U.S. Senate.*

DEAR JIM: I read with some concern a February 6, 2013, letter that you signed with 25 other Republican Senators, demanding that former Senator Chuck Hagel provide additional financial disclosure information in connection with his nomination to serve as Secretary of Defense. This letter appears to insist upon financial disclosure requirements that far exceed the standard practices of the Armed Services Committee and go far beyond the financial disclosure required of previous Secretaries of Defense.

Our committee has a well-defined set of financial disclosure and ethics requirements which apply to all nominees for civilian positions in the Department of Defense. We require each nominee to provide us with the following: a copy of the Nominee Public Financial Disclosure Report required by the Ethics in Government Act—OGE Form 278; a response to a standard committee questionnaire, which includes questions on future employment relationships, potential conflicts of interest, personal financial data, and foreign affiliations; and a formal ethics agreement, which outlines the steps the nominee will take to avoid any potential conflict of interest, including a commitment by the nominee to divest DOD contractor stocks within 90 days of appointment to office, avoid buying DOD contractor stocks while in office, and resign from non-Federal boards and activities.

Before these materials are provided to the committee, they are reviewed by the U.S. Office of Government Ethics (OGE) and the DOD General Counsel's office—both of which are familiar with the unique conflict of interest requirements imposed by our committee—to ensure that the required disclosures of information meet our standards. The leader of each of these offices sends us a letter certifying that the office has reviewed the financial disclosure and determined that the nominee will be in compliance with applicable laws and regulations governing conflicts of interest. Our majority and minority counsels review these materials and work together, through the DOD General Counsel's office, to address any questions that may arise about the completeness of the materials provided or the nominee's compliance with our requirements.

We have applied these disclosure requirements and followed this process for all nominees of both parties throughout the 16 years that I have served as Chairman or Ranking Minority Member of the committee. I understand that the same financial disclosure requirements and processes were followed for at least the previous 10 years, during which Senator Sam Nunn served as Chairman or Ranking Minority Member. During this period, the committee has confirmed eight Secretaries of Defense (Secretaries Carlucci, Cheney, Aspin, Perry, Cohen, Rumsfeld, Gates, and Panetta), as well as hundreds of nominees for other senior civilian positions in the Department.

There are two unprecedented elements to the financial disclosure demanded by the February 6, letter: (1) the disclosure of ''all compensation over $5,000 that [Senator Hagel has] received over the past five years''; and (2) the disclosure of any foreign funding of eight private entities from which Senator Hagel has received compensation since leaving the Senate (including the date, source, and specific amount of each foreign contribution). Each of these demands goes well beyond what the committee has required of any previous nominee.

With regard to the demand that Senator Hagel disclose all compensation over $5,000 that he has received over the past five years, the standard financial disclosure form which the committee requires all nominees to provide calls for the disclosure of all entities from which the nominee has received compensation in excess of $5,000 (including clients for whom the nominee personally provided more than $5,000 in services, even if the payments were made to the nominee's employer, firm, or affiliated business) during the previous two years. The two-year disclosure requirement that has been consistently applied by the committee is established in section 102(b)(1)(A) of the Ethics in Government Act and applies not only to all nominees for Senate-confirmed positions, but also to all candidates for federal elective office.

With regard to the demand that Senator Hagel disclose foreign funding for private entities from which he has received compensation, the February 6 letter asserts that this information is needed because ''If it is the case that [Senator Hagel] personally [has] received substantial financial remuneration—either directly or indirectly—from foreign governments, sovereign wealth funds, lobbyists, corporations, or individuals, that information is at the very minimum relevant to this Committee's assessment of your nomination.''

In fact, the committee questionnaire addresses the issue of foreign affiliations in a manner that is equally applicable to all civilian nominees coming before the committee. Among other questions, the committee questionnaire asks whether, during the last ten years, the nominee or his spouse has ''received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government.'' Senator Hagel's answer to this question was ''No.''

The demands of the February 6 letter go beyond this standard disclosure regime and would subject Senator Hagel to a different requirement from all previous nominees, under which he alone would be required to somehow ascertain whether certain entities with whom he has been employed may have received foreign contributions. In particular:

Senator Hagel serves without compensation as the Chairman of the Board of Directors of the Atlantic Council—a ''think tank'' that includes among its other Directors and Honorary Directors seven former Secretaries of States and four former Secretaries of Defense. The Atlantic Council's public website provides a diverse list of corporate contributors, including both domestic companies (such as Chevron, General Dynamics, Lockheed, Raytheon, Boeing, Citigroup, Duke Energy, and Exxon Mobil) and foreign entities (such as Polish Telecom, Saab, All Nippon Airways, and the Istanbul Stock Exchange). Over the 16 years that I have served as either Chairman or Ranking Minority Member of the committee, we have considered numerous nominations of individuals who were associated with similar think tanks, universities, and other non-profit entities. Even in the many cases where a nominee received compensation from such a nonprofit entity, we did not require the nominee to disclose the sources of funding provided to the nonprofit entity.

Senator Hagel has also served as an Advisory Board Member, Senior Advisor, Director, Special Advisor, or Board Member to seven domestic for-profit entities identified in the February 6 letter since he left the Senate in January 2009. His financial disclosure report and committee questionnaire indicate that he left four of these entities (Wolfensohn & Company, National Interest Security Company, Elite Training & Security, and Kaseman, LLC) in 2010 and has received no compensation from them during the two-year reporting period covered by the Ethics in Government Act. Nonetheless, the February 6 letter demands that Senator Hagel provide ten years of corporate financial data on foreign investments or funding received by these entities. The forms and committee questionnaire indicate that Senator Hagel continues to serve as an Advisory Board Member for Corsair Capital, a Senior Advisor to McCarthy Capital, and a Special Advisor to the Chairman of M.I.C. Industries and that he has received compensation for his service to these three entities. I am doubtful that, as mere advisor to these companies, Senator Hagel has either access to the corporate financial information that is sought in the February 6 letter or the authority to release such information if he were able to get access to it. In any case, over the 16 years that I have served as either Chairman or Ranking Minority Member of the committee, we have considered numerous nominations of individuals who were employed by for-profit entities of every variety. We have considered board members, officers, directors, and employees of companies doing business across the full range of our economy. In this time, we have never required the nominee to attempt to ascertain and disclose the names of investors in such an entity.

The committee cannot have two different sets of financial disclosure standards for nominees, one for Senator Hagel and one for other nominees.

Sincerely,

CARL LEVIN,
*Chairman.*

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U.S. SENATE,
*Washington, DC, February 6, 2013.*

Hon. CHUCK HAGEL,
*Distinguished Professor in the Practice of National Government, Edmund A. Walsh School of Foreign Service, Georgetown University, 37th and O Streets, NW, Washington, DC.*

DEAR SENATOR HAGEL: On January 29, two days before your confirmation hearing, you received a request, via email, from several Senators on the Senate Armed Services Committee for additional information necessary to fairly assess your nomination to be Secretary of Defense. The written copy of the letter (delivered the next day) was signed by six Senators, including the Ranking Member of the Committee. The letter requested that you respond to the request before the hearing, so that you could then answer questions concerning your responses.

You declined to respond to the request for additional financial disclosure.

At the hearing, you were told by Members of the Committee that a response to our request for information would be necessary before the Committee could vote on your nomination. The Chairman of the Committee expressly asked you to submit your response by Monday, February 4.

Monday came and went, and you still did not respond.

At the end of the day on Tuesday, February 5, you submitted a short ''response'' to our request. In that response, you explicitly declined to answer many of the questions asked of you.

You were asked to disclose all compensation over $5,000 that you have received over the past five years. You declined to do so.

You were asked to disclose if—and to what specific extent—the Atlantic Council has received foreign funding in the past five years. You declined to do so.

You were asked to disclose if—and to what specific extent—McCarthy Capital has received foreign funding in the past ten years. You declined to do so,

You were asked to disclose if—and to what specific extent—Corsair Capital has received foreign funding in the past ten years. You declined to do so.

You were asked to disclose if—and to what specific extent—Wolfensohn and Company has received foreign funding in the past ten years. You declined to do so.

You were asked to disclose if—and to what specific extent—M.I.C. Industries has received foreign funding in the past ten years. You declined to do so.

You were asked to disclose if—and to what specific extent—the National Interest Security Company has received foreign funding in the ten years. You declined to do so.

You were asked to disclose if—and to what specific extent—Elite Training and Security, LLC has received foreign funding in the past ten years. You declined to do so.

You were asked to disclose if—and to what specific extent—Kaseman, LLC has received foreign funding in the past ten years. You declined to do so.

Your own financial records are entirely within your own control, and you have flatly refused to comply with the Committee Members' request for supplemental information.

The records from the other firms—more than one of which, you have disclosed, paid you $100,000 or more—are highly relevant to the proper consideration of your nomination. Your letter discloses no affirmative efforts on your part to obtain the needed disclosure, and your lack of effort to provide a substantive response on this issue is deeply troubling.

If it is the case that you personally have received substantial financial remuneration—either directly or indirectly—from foreign governments, sovereign wealth funds, lobbyists, corporations, or individuals, that information is at the very minimum relevant to this Committee's assessment of your nomination. Such remuneration may be entirely appropriate, but that determination cannot be made without disclosure.

If you have not received remuneration—directly or indirectly—from foreign sources, then proper disclosure will easily demonstrate that fact.

Your refusal to respond to this reasonable request suggests either a lack of respect for the Senate's responsibility to advise and consent or that you are for some reason unwilling to allow this financial disclosure to come to light.

This Committee, and the American people, have a right to know if a nominee for Secretary of Defense has received compensation, directly or indirectly, from foreign sources. Until the Committee receives full and complete answers, it cannot in good faith determine whether you should be confirmed as Secretary of Defense.

Therefore, in the judgment of the undersigned, a Committee vote on your nomination should not occur unless and until you provide the requested information.

Sincerely,

(Signed by 26 Senators).

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FEBRUARY 8, 2013.

Hon. CARL LEVIN,
*U.S. Senate,*
*Washington, DC.*
Hon. JAMES INHOFE,
*U.S. Senate,*
*Washington, DC.*

DEAR CHAIRMAN LEVIN AND RANKING MEMBER INHOFE: I appreciate the opportunity to respond to the February 6, 2013, letter from 25 Senators, including several members of the Senate Armed Services Committee. I remain committed to providing the Committee with complete personal financial disclosure, in accordance with the applicable requirements of law and regulation. In the spirit of cooperation, I have gone beyond those requirements in several areas. For example, although the committee questionnaire requires that nominees provide copies of ''any formal speeches,'' I have sought transcripts of informal speeches of which I did not have copies, and provided those transcripts to the committee.

In that same spirit of cooperation, I have reviewed each of the specific requests for information described in your letter. While some of these requests appear to go beyond what is either in my control or is mine to release under the law, I am committed to providing what I can—and when I cannot, to explain why not.

As you know, I previously submitted all of the information required by the Committee's standard financial disclosure processes. This includes information regarding compensation that I received over the past two years, as reported on the Nominee Public Financial Disclosure Report in Schedule D. To assist you in reviewing this information, I have prepared a chart that reflects all compensation over $5,000 I received for that time period.

Further, you asked questions about whether, and the extent to which, eight identified entities (with which I have been affiliated) have received foreign funding in the past. As I explained in my response to the Committee, dated February 5, 2013, my legal and fiduciary obligations prevent me from releasing this kind of corporate financial information for those entities that are privately owned/held. One of the entities that you inquired about, Atlantic Council, is a 501(c)(3) organization which permits greater public disclosure of its funding Streams. While Atlantic Council does not make public a comprehensive list of all its donors, it does publicly acknowledge its foreign corporate and foreign government donors of $5,000 or more. I have attached a copy of Atlantic Council's publicly available list of these foreign donors over the past five years. Because I serve without compensation, I have not been a direct or indirect beneficiary of these contributions. Of the remaining seven companies, McCarthy Capital, Wolfensohn, M.I.C. Industries, National Interest Security Company, Kaseman, and Elite Training & Security have authorized me to inform you that they have not compensated me with any foreign-derived funds. Corsair Capital has been advised by its outside counsel that it cannot provide further information regarding its finances.

I wish to reiterate that I have not received any compensation from or been involved in any financial or business transactions with a foreign government or an entity controlled by a foreign government. This is reflected in my response to the SASC Questionnaire, Question 3, Part E—Foreign Affiliations.

Thank you for the opportunity to respond to your questions.

Sincerely,

CHUCK HAGEL.

Mr. LEVIN. Mr. President, the Department of Defense right now needs its new leader. Its current leader, who has done a great job, has announced he is leaving and has set a time for that departure.

We face a budgetary challenge of immense proportions—not just in the Department of Defense but in all of our agencies. Our military is engaged in combat operations overseas. North Korea has exploded a nuclear device—highly provocative, highly objectionable—and must be countered. The absence of senior leaders in the Department of Defense will harm our national defense, will harm our men and women in uniform, and sends exactly the wrong message to both our friends and our adversaries around the world.

If confirmed, Senator Hagel would be the first former enlisted man and the first veteran of the Vietnam war to serve as Secretary of Defense. This background gives Senator Hagel an invaluable perspective not only with respect to the difficult decisions and recommendations a Secretary of Defense must make regarding the use of force and the commitment of U.S. troops overseas but also with respect to the day-to-day decisions a Secretary must make to ensure our men and women in uniform and their families receive the support and the assistance they need and deserve. It would be a positive message for our soldiers, our sailors, our airmen, and our marines in harm's way around the world to know that one of their own holds the highest office in the Department of Defense and that he has their backs.

The President needs to have a Secretary of Defense in whom he has trust, who will give him unvarnished advice, a person of integrity, and one who has a personal understanding of the consequences of decisions relative to the use of military force. Senator Hagel certainly has those critically important qualifications and he is well qualified to lead the Department of Defense.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN.) The senior Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I ask unanimous consent that when Senator LEE concludes his remarks, I be recognized.

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

The Senator from Utah is recognized.

(The remarks of Mr. LEE are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The senior Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise today to express my support for the nomination of Senator Chuck Hagel to be the next Secretary of Defense. He comes to this job at an extraordinarily challenging time for the Department and for our Nation. Among the many issues he will confront, Senator Hagel will oversee the drawdown of our forces out of Afghanistan, the enhancement of our cyber defenses, and the management of various fiscal constraints on the defense budget. In fact, I cannot think of a more critical juncture of national security issues, budget issues, and technology issues, all coming together, facing the next Secretary of Defense.

I have known Chuck for many years, and I know he is particularly well-suited to tackle these challenges. Chuck was born and raised in Nebraska, the oldest of four sons of a World War II veteran. Public service, military service is in that family's core. When his father died suddenly at the age of 39,

Chuck quickly shouldered the responsibility of helping his mother raise his brothers. And when our Nation was in the midst of a bitter and divisive fight in Vietnam, he volunteered to fight, serving alongside his brother Tom. This was an era when there were many people who were looking for ways through deferments to avoid service, to avoid wearing the uniform of the United States. He was unusual in that he not only sought service, but he sought service in Vietnam alongside his brother.

He rose to be an infantry sergeant, and both he and his brother were wounded twice, with each saving the other's life. In that experience as a combat infantryman, he knows, perhaps better than anyone who has been nominated for this office, the ultimate cost of our policies that are made here in Washington.

When he returned home, Chuck used the GI bill to attend the University of Nebraska in Omaha, and after graduating from there, he went to Washington to work for a freshman Congressman from his home State.

In 1980 President Reagan, recognizing his skill, his talent, his patriotism, and his devotion to the country, nominated him to be Deputy Administrator of the Veterans Administration. He ultimately left that post on a matter of principle. He thought there was inadequate support from that department for veterans suffering from exposure to Agent Orange. At that time, the effects of Agent Orange were being dismissed by some as nonconsequential, as something that was just a made-up malady by these veterans.

Chuck knew differently, and later the science would prove him right. He continued to fight as he left the Veterans Administration, helping to ensure that these veterans who were physically affected by their service in Vietnam received compensation as the victims of Agent Orange.

In that tenure as the Deputy Administrator of the Veterans Administration, he had the responsibility of running a large Federal department. So he is now bringing not only his service as a common infantryman but his service running a large department devoted to the veterans of these United States. That will serve him well as Secretary of Defense. Again, it makes him singularly if not uniquely qualified.

But it doesn't stop there because he has extraordinary experience in the private sector. In the mid-1980s he cofounded Vanguard Cellular Systems, which became one of the largest independent cellular systems in the country. Again, someone from modest means with great imagination, after serving his country both as a soldier and as an administrator under the Reagan administration, went back and started a business and made it successful—so successful that he was able to devote himself to other public activities.

He served as deputy commissioner general of the United States for the 1982 World's Fair. He was president and chief executive officer of the USO, the agency devoted to helping servicemembers and their families. Again, his commitment to the American soldier, sailor, airman, and marine has been consistent, constant, and unrelenting.

Then he became chief operating officer of the 1990 Economic Summit of Industrialized Nations—the G7 summit—in Houston, the president of an investment bank, and he was on the board of some of the world's largest companies.

So you already have at this juncture a soldier, a successful entrepreneur, and a successful Federal administrator.

Then in 1996 he came to the Senate to represent the people of Nebraska. He was the first Republican Senator from Nebraska in a generation. We came here together. He came with all of these skills, and he added more skills, understanding the political process from the inside and from the outside that helped shaped national security policy, the budgets and the policies of the Department of Defense and every other Federal agency.

During his time in the Senate as a member of the Senate Foreign Relations and Intelligence Committees, he championed national security policies with the goal of ensuring that our military remains the strongest in the world. Senator Hagel believes in working closely with our allies and partners and that, in his words, ''a nation must strategically employ all instruments of its power—diplomatic, military, economic—to defend its interests.'' So he brings a broad, comprehensive approach to national security, which is essential for our next Secretary of Defense because so many of the national security challenges we face are not simply military; they are diplomatic, they are economic, and they are environmental. They require the kind of broad-ranging approach that he takes to national security policy.

As he stated during his nomination hearing 2 weeks ago, he has one fundamental question he has asked himself on every vote he took while serving in the Senate: Is the policy worthy of the men and women we were sending into battle and surely to their deaths? Is this going to be worth the sacrifice, because there will be sacrifices.

It is one thing to study the art of war in lecture halls and to speak profoundly as a pundit. It is something else to be in the mud, under fire, seeing others fall. I have not had that experience. I served 12 years in the U.S. Army, but very few people, very few people in this Chamber, very few people who would be considered for Secretary of Defense, have been under fire, have seen comrades fall, know that ultimately what we do here is borne by what those brave young Americans do across the globe. He knows it intellectually and viscerally. I know he will bring that perspective, that concern for our men and women in uniform, to every decision before him as Secretary of Defense.

In this role, he will continue to focus our efforts on fighting terrorism in Afghanistan and throughout that region. We are facing a crucial turning point. In his State of the Union Address last night, the President announced his plan to further reduce our force levels in Afghanistan next year as the Afghan National Security Forces will take full responsibility for securing their nation. I think Senator Hagel is very well positioned to carry out this policy, to ensure it is done effectively, to ensure that our forces are protected and that we are able to help enable the Afghan forces to carry the burden to defend their country and provide stability.

Senator Hagel will also lead the Department in preparing for emerging threats to our national security, such as attacks on our cyber infrastructure. We are at a critical point in our history, perhaps akin to the 1920s when air power first began to emerge as a credible military dimension, then later as space became a possible military dimension. Cyber is now a new dimension in warfare.

We are at a similar juncture to the one when some of our colleagues in the 1920s were wondering how we use these contraptions that fly around the sky. But in a short period of time, air power made a profound difference on the world. The attack on Pearl Harbor was launched by aircraft from aircraft carriers, not by the bombardment of battleships and not by the landing of military forces. You can see the effect it had not only through World War II but in every conflict to today.

We are at another critical juncture, and that is with respect to cyber security. How will we defend ourselves? What policies will we adopt to use this new technology to protect the United States and our allies? It will require integration across our government. It will require thoughtful, conscious deliberation. I believe he is prepared to do that and will do that very well.

I am pleased that President Obama has just issued an Executive order that will improve coordination and information sharing with our industry partners so we can better protect our Nation's critical infrastructure, but there is more to be done, and I believe that in the context of a Secretary of Defense, Chuck Hagel can do it.

Perhaps most challenging of all, Senator Hagel will lead the Department in a time of great fiscal constraints and uncertainty. As our Nation continues to find a path forward to rebound from the economic challenges of the last few years, there is an ever-growing pressure to reduce the size of the defense budget, which has nearly doubled over the past 10 years. But we must be very careful to do so in a way that eliminates unsustainable and unproductive costs without losing vital capabilities. That is a great challenge. As a result of the high operations tempo of our services, the multiple operations and deployments, all of our services are facing serious reset and recapitalization

needs in terms of equipment and also significant efforts to help our military members and their families readjust, retrain, reequip, and prepare for a challenging future.

Serious decisions will have to be made about the threats we face and as we anticipate new and emerging threats. Again, he is well prepared through his entire life of public service, military service, private service, administrative and business activity to confront this extraordinary range of challenges.

A lot has been made about some comments Senator Hagel has made in the last years, going back 5, 7, 8, or more years. But I know, indeed, which was reflected in his testimony, that he did not seek out this position. President Obama chose to nominate Chuck Hagel because he knew of his record, of his service to our country. He knew of his incredible commitment to the men and women who wear the uniform of the United States. He knew about his experience in the private sector. He knew about his experience as a governmental leader. He knew there was an ability to rely upon his judgments, Senator Hagel's judgments, with confidence in times of crisis. I expect that the President of the United States is not going to turn to Chuck Hagel, particularly among crises, and ask him if can he quote verbatim what he said 10 years ago. He is going to say: What are my options? What is your advice? You know about war better than anyone. You know about military policy. You know about international security. You know about the interaction of diplomacy, economics, and environmental policy. Give me your judgment. I have to make a decision.

I believe, reflecting what the Senator, my chairman, CARL LEVIN, has said, that in this difficult moment, the President of the United States needs a Secretary of Defense to provide that kind of perspective, and the men and women of the Department of Defense have to have the ability to have their voice heard decisively and definitively in those serious discussions, particularly about the deployment of military force.

As I said, I am extremely confident he can do this. Let me also say I am impressed with those who have served our country in diplomatic and military roles who have endorsed Chuck Hagel strongly and enthusiastically. These endorsements are from men and women who have served in both Democratic and Republican administrations. Among them are Bob Gates, William Cohen, Madeleine Albright, William Perry, Brent Scowcroft, Ryan Crocker, and Thomas Pickering. These men and women have devoted themselves to protecting the United States, and they have done it with extraordinary energy and effectiveness. This list of Secretaries of Defense will rank as some of the best we have ever had, and they are absolutely confident Chuck Hagel can and should do this job.

There are Ambassadors on this list who have handled delicate and difficult issues involving international law. There are several Ambassadors who have been Ambassadors to the State of Israel and strongly support Senator Hagel. All of these individuals know him. They also know as well—if not better than I and many of my colleagues—of the threats, dangers, and opportunities which face this country, and they are strongly supporting Chuck Hagel. In fact, they have concluded in a letter that he is ''uniquely qualified to meet the challenges facing the Department of Defense and our men and women in uniform.''

There has been a lot of discussion about Chuck Hagel's appreciation of the strong, important, and critical relationship between the United States and State of Israel. All I can say is I was so impressed by the comments of the Israeli Deputy Foreign Minister Danny Ayalon, who was also the Ambassador to Washington, and who has met and dealt with Senator Hagel on a number of issues involving the relationship with the United States. The Deputy Foreign Minister said: ''I have met him many times, and he certainly regards Israel as a true and natural U.S. ally.''

In another quote he said:

> I know Hagel personally. . . . I think he believes in the relationship, in the natural partnership between Israel and the United States.

Here is an Israeli patriot who understands and has spent a great deal of time devoted to the relationship of the United States and Israel. In his own words, he concludes that Chuck Hagel regards Israel as a true and natural U.S. ally and will act accordingly. He is a dedicated patriot. He is an individual who has served this country in so many different ways. I support his nomination, and I urge my colleagues to do the same.

Also, I think it is important to state that this nomination—as we have done with every Secretary of Defense for decades—deserves an up-or-down vote on the floor of the Senate. People may choose to cast a vote against him for many reasons, and that is the prerogative of that Senator. I strongly believe, if we want to stay true to the traditions of this body and to the presumption that the President should be allowed to at least have his nominee voted up or down, then we have to bring this vote to the floor of the Senate for an up-or-down vote as quickly as possible.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to enter into a colloquy with my colleague, the Senator from Maine, Ms. COLLINS.

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

SEQUESTRATION

Mrs. SHAHEEN. Mr. President, Senator COLLINS and I are here because we agree we must take action in this body and in this Congress to avoid sequestration. Sequestration is a term we have all been throwing around, and it refers to the automatic cuts that are scheduled to take effect on March 1. Those cuts were designed to force Congress to make a tough decision and to take comprehensive action on our debt and deficits.

I think we all agree there is no question we need a comprehensive and balanced plan to put us on a more sustainable fiscal path. I think that plan should look at all areas of spending. It should look at domestic, mandatory, and defense as well as comprehensive tax reform. I think there are many areas of bipartisan agreement on deficit reduction, including controlling the long-term cost of health care.

Unfortunately, Congress has missed several opportunities to enact a long-term plan to get our debt and deficits under control. That is why we are again facing a deadline at the end of this month to address those automatic cuts. As a result of that, we are starting to see the very real and negative consequences of our inaction. We are seeing it on our national security, and we are seeing it on our economy as businesses and agencies alike begin to prepare for the automatic cuts under sequestration.

Last week, Senator COLLINS and I wrote to the leadership in the Senate urging bipartisan action on sequestration and the need to find a better approach. In our letter, we talked about the impacts we are starting to see in New Hampshire and Maine, including the threat to jobs, our national security, and to the Portsmouth Naval Shipyard, which is critical not only to New Hampshire and Maine but also to this country's national security. We called attention to the drastic effects we face for our economy, for our jobs, and for our national security.

Today we are here to reiterate the importance of addressing sequestration and doing it now.

I wish to thank the senior Senator from Maine, my colleague, for joining me to talk about this important issue, and I am looking forward to hearing her remarks. I know it is something she cares about as much as I do and as much as I think most of the Members of this Chamber do.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, first, let me say, I am very pleased to join with my friend and colleague from New Hampshire to speak out against the indiscriminate meat-ax cuts known in Washington as sequestration that are scheduled to take effect in just 2 weeks' time. We simply must take action to avoid this self-inflicted harm to our economy and to our national security. But what I find inexplicable is a growing acceptance that sequestration is going to go into effect despite the fact that virtually everyone should concede that across-the-board cuts

where we don't set priorities do not make sense.

There are good programs that deserve to be preserved, there are programs that have outlived their usefulness and should be eliminated, and then there are programs that could be cut and reduced. That is not the approach we are taking. We are not going through the budget in a careful way by identifying programs that could be eliminated or reduced, setting priorities, and making investments. No, we are allowing to go into effect across-the-board cuts that fall disproportionately on the Department of Defense.

Indeed, we are already seeing the effects of these cuts on our military because each of the military services has begun planning for the likelihood of deep budget cuts. The Navy is preparing for a civilian hiring freeze and cutting workers at shipyards and base-operated support facilities.

I wish to be clear exactly who these employees are. These are the nuclear engineers, the welders, the metal trades workers repairing submarines and ships at the Navy's four public shipyards, including the Portsmouth Naval Shipyard in my home State of Maine, which employs half of its workforce from my colleague's State of New Hampshire. I know the senior Senator from New Hampshire shares the concern about this particular installation on the border we share. But, of course, the damage of sequestration extends far beyond just one installation or two States.

Just this morning I was over at the Pentagon, and I took advantage of the opportunity to sit down with the Navy's top shipbuilding official to discuss what the impact of sequestration would be for our naval fleet. Well, one example we have already seen. The Navy will keep the USS *Abraham Lincoln*, a nuclear-powered aircraft carrier, in port rather than repairing and deploying it. Across the fleet, the Navy is being forced to reduce deployments, maintenance, and overhauls for critical repairs. When we look at the shipbuilding budget, it is evident that sequestration and the continuation of a partial-year funding resolution, known as the continuing resolution, would be absolutely devastating for our Navy, for shipbuilding, and for our skilled industrial base. That includes Bath Iron Works in Maine, which I am so proud of, which builds the best destroyers in the world. This has consequences not only for our workforce, but also for our national security.

It is important to note Secretary Panetta has made clear that allowing these sweeping cuts to go into effect would be ''devastating,'' in his words, and would badly damage the readiness of the U.S. military.

The fact is defense has already taken a huge reduction in future spending. The defense budget has been slated to be cut by $460 billion over 10 years, and that is before sequestration. When this number is added to the defense cuts scheduled to begin on March 1, we are looking at an enormous impact on our national security.

Now, it is important to recognize we are not saying the national debt is not a problem. Certainly, when we have a $16.4 trillion debt, that is not sustainable, and the national debt is a security concern in its own right. Just last year, in 2012, the Federal Government spent $223 billion in interest payments alone. That means we are spending more on interest on the national debt each month than we spent in an entire year on naval shipbuilding and the Coast Guard budget.

Just think about that. The interest payment in one month exceeds the entire Coast Guard budget and the entire budget for shipbuilding in the Navy. The estimates are that by the middle of this decade—not some distant year—our interest payments to China, our largest foreign creditor at $1.2 trillion, will be covering the entire cost of that Communist country's military. Think of the horrific irony of that. At the same time America is bound by treaties to defend our allies in Asia against Chinese aggression, the American taxpayers are bankrolling the threat through the interest payments we are paying to the Chinese.

Neither the Senator from New Hampshire nor I am saying the Pentagon should be exempt from budget scrutiny or even future cuts, but the disproportionate impact that sequestration would have on our troops and on our national security is dangerous and it must be averted. The Department cannot continue to operate on a continuing resolution that increases costs, prevents long-term planning, and makes it impossible for the Department to function effectively.

I yield to my colleague from New Hampshire to expand on some of these points. Then we will talk further about the impact.

Mrs. SHAHEEN. Mr. President, I thank the Senator from Maine for laying out what we are seeing in terms of the potential impact of those automatic cuts. The comments and the statistics the Senator from Maine had about China and what they are going to be able to do with the money we are paying is really eye-opening and scary.

The Senator from Maine spoke about some of the impacts we are beginning to see at the ports of naval shipyards. As the Senator pointed out, it is something very important to both Maine and New Hampshire. It employs about 4,000 workers, almost evenly split between our two States. As a result of the sequester, starting March 1, one of their major projects, the repair of the USS *Miami*, which was damaged in a fire, is going to be halted immediately. Just stopped—16 days from now. The Navy is going to cut over 1,100 temporary civilian workers, mostly from shipyards such as Portsmouth. The needed maintenance and military construction will be postponed indefinitely. It is not just about those jobs at the Portsmouth Naval Shipyard or at the shipyards across the country, but that has a ripple effect across our economy, and it affects the grocery stores and the restaurants and all of the small contractors and small businesses doing work at those shipyards.

There will be ramifications for our national defense across the services. Yesterday, we had some harrowing testimony in front of the Armed Services Committee from all of the chiefs of the military outlining what they see coming as a result of the consequences of the sequester and the continuing resolution the Senator from Maine spoke about.

DOD-wide—so across the Department—they expect to lay off a significant portion of the 46,000 temporary and term employees. All services and agencies will likely have to furlough most DOD civilian employees for up to 22 working days. Imagine that. That is a whole month of paychecks that those workers are not going to have to support their families, to be able to spend into the economy, and that is going to have a huge impact.

It is possible that DOD might not have enough funds to pay for TRICARE, health care coverage for our veterans through the end of the fiscal year. As we saw on the front pages of the paper this week, the Department delayed the deployment of the USS *Harry Truman*, the carrier strike group that was headed to the Persian Gulf. If sequestration goes into full effect, the Navy will shrink by about 50 ships and at least two carrier groups.

By the end of the year, the Navy, if we do nothing, will lose about 350 workers a week or 1,400 a month from our civilian industrial base. That will have a huge impact in New Hampshire, as I know it will in Maine as well.

So there are real, significant impacts, as the Senator from Maine pointed out, on the defense industry, on this country's national security, and on the domestic side of the budget. It is already starting to have ramifications on our economy and job growth. We saw in the last quarter of 2012 that our economy contracted for the first time since 2009, and much of that decline was due to sharp reductions in government spending in anticipation of the sequester coming into effect.

We saw it in New Hampshire, in some of our businesses that are dependent on government contracts, particularly in the defense industry. So our failure to act is not only irresponsible, but it is beginning to have a real impact in slowing down this economy.

It is simply unacceptable that we are not addressing this issue. We need to act. If we let the sequester go into effect, we stand to lose, according to the Congressional Budget Office, up to 1.4 million jobs. A recent forecast from Macroeconomic Advisers suggests that sequestration would reduce our gross domestic product by .7 percentage points this year.

We can't risk putting our economic recovery in jeopardy with these indiscriminate cuts. They are going to have an impact on research and education vital to our ability to grow this economy and remain competitive.

The National Institutes of Health would face a $2.5 billion cut. They would have to halt or curtail scientific research, including needed research in cancer and childhood diseases. The Centers for Disease Control and Prevention would see a $464 million cut. States and local communities would lose billions of Federal education funding for title I, for special education grants, and for other programs.

As many as 100,000 children will lose their places in Head Start, 25,000 teachers could lose their jobs, and we will see those impacts immediately in Maine and in New Hampshire.

I wish to turn back to the Senator from Maine to share what she is seeing in Maine.

Ms. COLLINS. Mr. President, first I wish to commend the Senator from New Hampshire for broadening the debate and reminding all of us of the macroeconomic impact, as well as the impact on our two States.

The estimate is that Maine's defense industry—which includes not just the Portsmouth Naval Shipyard, Bath Iron Works, and our Pratt & Whitney plant, but a lot of smaller contractors and suppliers—could lose as many as 4,000 jobs as a result of sequestration. Think about that. That means, as the Senator from New Hampshire pointed out, these are people who are supporting their families and who are supporting other businesses in the community. The impact, the ripple effect, is just devastating.

That is why it does not surprise me that the Congressional Budget Office has pointed to sequestration as the primary cause for the slow growth we have seen already, and CBO projects as well; that our economy would grow at a faster rate—at 2 percent—if we averted sequestration. These aren't meaningless numbers. They affect real people. The estimates are that we would lose between 1.4 million and 2 million jobs if this is allowed to go into effect nationwide.

It is also a failure on the part of Washington to make decisions. If we are going to allow these mindless, indiscriminate cuts to go into effect, why are we here? We might as well have computers or robots making decisions for us. Our job is to do the hard, painful work of setting priorities and making decisions. That is why I am so frustrated by the approach we appear to be on the verge of taking.

The Senator from New Hampshire makes a very important point. While the Department of Defense would take a disproportionate impact from sequestration, and I am extremely concerned about that, there are other important programs that would be affected as well. The superintendents groups have met with me and talked about what it would mean for schoolchildren in Maine if halfway through the school year—more than halfway through the school year—all of a sudden they get a reduction in title I money that goes to low-income schools, to special education grants, to other important programs such as Head Start, and the TRIO Program, which helps low-income and first-generation students attend and excel in college.

Think about the Low-Income Home Energy Assistance Program, biomedical research that is so critical, cuts in the FAA workforce that could reduce air traffic control, disrupting air traffic during the busy summer months.

The list goes on and on: essential education, health care, research, transportation programs that deserve support that do not deserve to all be treated the same.

Again, I want to emphasize that we recognize spending must be cut and the debt, at $16.4 trillion, is way out of control. That amounts to something like $52,000 for each man, woman, and child in this country.

We are committed to seeking pragmatic solutions through compromise and to avoiding this devastation of our economy and our national security. We recognize we have to look at all areas of spending and that we need to overhaul our Tax Code and make it more pro-growth, simpler, and fairer. If ever there were a moment when Members of Congress and the President should put aside their politics for the greater good of the Nation, now is the time.

So I, for one, want to thank the Senator from New Hampshire for caring so much about this issue. We have agreed to work together—and continue to work together—to address this. These automatic cuts were never supposed to take effect. I remember being told: Do not worry. It is never going to happen. It is too unpalatable. It will just never occur.

Well, they were supposed to force us to make the difficult decisions necessary to put our economy on a sound footing and to deal with our unsustainable debt. Our Nation's leaders—the President, Democrats and Republicans alike—have denounced sequestration for the most part, and yet here we are.

So I hope we can work together to avoid this fiscal cliff which will have such damaging effects for the people of this Nation.

Thank you, Mr. President.

Mrs. SHAHEEN. Mr. President, I thank Senator COLLINS very much for her kind words. I know we both care a great deal about this situation we are in, as I think most of the Members of the body do. What is so frustrating is that it is avoidable. This is not something that has to happen because we are facing a crisis. This is happening because of what we have done in our actions. So we can undo these actions, as the Senator points out.

I share the Senator's belief that we need a comprehensive solution. We have to look at all aspects of the budget. We need to look at domestic, defense spending, mandatory programs, and we need to look at revenues. Comprehensive tax reform—that is a way we can address that.

There are areas of bipartisan agreement that we ought to be able to take action on right away. We have had a number of GAO reports that make recommendations on duplicative programs within government. We are already working to control the long-term costs of health care, to close tax loopholes, and on defense spending, we all know there are still reforms that can be done, as the Senator pointed out. We can get better physical controls. We can end some of the fraud and abuse in contracting. That is just the beginning of a list that, I am sure, if we all dedicated ourselves to coming up with a compromise on how we avoid the sequester, we could do.

We should not delay because our failure to resolve this issue is having damaging effects on our economy, and it is only going to get worse if we do not find the solution.

So, again, I thank Senator COLLINS for her commitment to address this challenge we face, for her willingness to come down and engage with me, and for us to work together, along with our colleagues, to try to get a resolution so we do not have these devastating cuts going into effect.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LEVIN. Mr. President, I wonder if the Senator would yield for one moment, without losing his right to the floor.

Mr. INHOFE. Yes, I will.

Mr. LEVIN. Before the Senators from New Hampshire and Maine leave the floor, I just want to commend them for their statements, for their conversation. It is so critically important we avoid sequester. The more Senators and the more Members of the House who look for ways on a bipartisan basis to avoid it, the better. We only have 2 weeks left to go. With the kind of energy and creativity that these two Senators bring to this body, it makes me a little bit more hopeful that we are going to be able to avoid this unbelievably bad outcome.

So I just want to thank both Senators and thank my friend from Oklahoma for yielding for a moment.

Mr. INHOFE. Mr. President, let me, first of all, respond to the chairman of the Armed Services Committee. I agree. We have talked about the anguish.

We had a hearing yesterday where the service chiefs discussed the disaster facing our armed forces if we go through sequestration. I do not think most Members of this body fully understand what it means, not just to the defense of our country as a whole, but to each of the individual States.

In my State of Oklahoma, I am very concerned about Tinker Air Force Base

and its 16,000 civilian employees. What is going to happen there?

Anyway, let me just wind up this part by saying I have been ranked as the most conservative Member for many years. But I have always said: I am a big supporter of using our resources in two areas: One is national defense and the other is transportation and infrastructure.

A short while ago, the majority leader was kind enough to call my office and tell me I would be objecting to the consideration of the nomination of former Senator Hagel to be Secretary of Defense.

However, this is not a filibuster. I keep getting stopped by people out in the hall: Oh, we are going to filibuster. Who is going to filibuster?

What we are doing is not a filibuster. We are seeking a 60 vote threshold for a controversial nomination. If the majority really wanted to move forward quickly, all they have to do is agree to a 60-vote margin, like they did with the Sebelius and Bryson nominations.

In addition, as ranking member of the Senate Armed Services Committee, I am obligated to assist the members of the committee.

First of all, the vote in the committee was a 100-percent partisan vote. Every Republican there voted against moving the Hagel nomination out of committee. Well, there has to be a reason for that.

One of the reasons—the major reason, I would say—and if you do not believe this, go back and look at the tape of the meeting yesterday where many of our members said: Why is it we are rushing to confirm Chuck Hagel to be Secretary of Defense when he has not given us the information we have requested? One such Member is the junior Senator from Texas, who is in the Chamber with me right now.

But let me first clarify there is nothing unusual about requesting a 60-vote threshold. This happens all the time. I can remember when the majority leader agreed to a 60-vote threshold in the 2009 nomination of Kathleen Sebelius. She was confirmed.

There is nothing unusual about a 60-vote threshold.

John Bryson was nominated to be the Secretary of Commerce. Several of us had concerns about this nomination. Ultimately, he was confirmed. But once again the entire Senate agreed to a confirmation vote by a 60-vote margin.

I can remember when the majority leader—let me say this about the majority leader. He has been exceptionally good to me on things I have been involved in. I have two major bills that were my bills. One was in concert with BARBARA BOXER—the highway bill. Frankly, I could not have gotten it passed without them. Another was my pilots' bill of rights. I could not get a hearing on it in committee. I tried for a year. He stepped in and helped me. I have said in national publications I could not have gotten it passed without Leader HARRY REID. So we have a very good relationship, and one which will continue.

However, Senator REID, on numerous occasions, was concerned about Republican nominations. During the Bush Presidency, Stephen Johnson—who, incidentally, was a Democrat—was nominated to be EPA Administrator. I thought he would be good Administrator. There were several Democrats who thought he would not be good Administrator. So HARRY REID did what he is supposed to do, and he interceded on behalf of the Democrats who opposed him. As result, cloture was filed and, therefore, the nomination needed 60 votes to proceed. Well, the Administrator got 61 votes.

Another example was Dirk Kempthorne. He was nominated to be Secretary of the Interior. My colleagues will remember he is a former Senator from Idaho. Some objected to his confirmation. Of course, this was during the Bush administration. Senator Kempthorne was nominated, and he went ahead and was confirmed. It was a 60-vote margin. There is nothing unusual about this.

Getting back to Stephen Johnson, this is even more analogous to what we have right now because he was a Democrat who was nominated by a Republican President. Unfortunately, once again we were forced by the Democrats to have a cloture vote which requires 60 votes.

Stephen Johnson was a Democrat. So here we had the Republicans wanting Stephen Johnson and the Democrats not wanting Stephen Johnson. It is very analogous to what we have today. Today, we have former Senator Chuck Hagel, who is a Republican.

But in this case, we have a situation where cloture has been filed by the majority leader. I have no objection to voting. I do not want to wait. I do not want to string this out. I have other places to go other than hanging around here. I would vote tonight if we could just get the information that has been requested by the Republican members of the Senate Armed Services Committee.

Keep in mind, the Hagel nomination was reported out of committee by a 100-percent partisan vote. All Republicans voted against sending him out. Why did they do it? They did it because we have not gotten the information we want.

I have a letter. This is a letter that is signed by 25 Republicans stating that we have not received the information necessary for a proper vetting of the Hagel nomination.

Mr. President, I ask unanimous consent it be printed in the RECORD.

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

U.S. SENATE,
*Washington, DC, February 6, 2013.*

The Hon. CHUCK HAGEL,
*Distinguished Professor in the Practice of National Government, Edmund A. Walsh School of Foreign Service, Gerorgetown University, Washington, DC.*

DEAR SENATOR HAGEL, On January 29, two days before your confirmation hearing, you received a request, via email, from several Senators on the Senate Armed Services Committee for additional information necessary to fairly assess your nomination to be Secretary of Defense. The written copy of the letter (delivered the next day) was signed by six Senators, including the Ranking Member of the Committee. The letter requested that you respond to the request before the hearing, so that you could then answer questions concerning your responses.

You declined to respond to the request for additional financial disclosure.

At the hearing, you were told by Members of the Committee that a response to our request for information would be necessary before the Committee could vote on your nomination. The Chairman of the Committee expressly asked you to submit your response by Monday, February 4.

Monday came and went, and you still did not respond.

At the end of the day on Tuesday, February 5, you submitted a short ''response'' to our request. In that response, you explicitly declined to answer many of the questions asked of you.

You were asked to disclose all compensation over $5,000 that you have received over the past five years. You declined to do so.

You were asked to disclose if—and to what specific extent—the Atlantic Council has received foreign funding in the past five years. You declined to do so.

You were asked to disclose if—and to what specific extent—McCarthy Capital has received foreign funding in the past ten years. You declined to do so.

You were asked to disclose if—and to what specific extent—Corsair Capital has received foreign funding in the past ten years. You declined to do so.

You were asked to disclose if—and to what specific extent—Wolfensohn and Company has received foreign funding in the past ten years. You declined to do so.

You were asked to disclose if—and to what specific extent—M.I.C. Industries has received foreign funding in the past ten years. You declined to do so.

You were asked to disclose if—and to what specific extent—the National Interest Security Company has received foreign funding in the ten years. You declined to do so.

You were asked to disclose if—and to what specific extent—Elite Training and Security, LLC has received foreign funding in the past ten years. You declined to do so.

You were asked to disclose if—and to what specific extent—Kaseman, LLC has received foreign funding in the past ten years. You declined to do so.

Your own financial records are entirely within your own control, and you have flatly refused to comply with the Committee Members' request for supplemental information.

The records from the other firms—more than one of which, you have disclosed, paid you $100,000 or more—are highly relevant to the proper consideration of your nomination. Your letter discloses no affirmative efforts on your part to obtain the needed disclosure, and your lack of effort to provide a substantive response on this issue is deeply troubling.

If it is the case that you personally have received substantial financial remuneration—either directly or indirectly—from foreign governments, sovereign wealth funds,

lobbyists, corporations, or individuals, that information is at the very minimum relevant to this Committee's assessment of your nomination. Such remuneration may be entirely appropriate, but that determination cannot be made without disclosure.

If you have not received remuneration—directly or indirectly—from foreign sources, then proper disclosure will easily demonstrate that fact.

Your refusal to respond to this reasonable request suggests either a lack of respect for the Senate's responsibility to advise and consent or that you are for some reason unwilling to allow this financial disclosure to come to light.

This Committee, and the American people, have a right to know if a nominee for Secretary of Defense has received compensation, directly or indirectly, from foreign sources. Until the Committee receives full and complete answers, it cannot in good faith determine whether you should be confirmed as Secretary of Defense.

Therefore, in the judgment of the undersigned, a Committee vote on your nomination should not occur unless and until you provide the requested information.

Sincerely,

(Signed by 26 Senators).

Mr. INHOFE. This letter is signed by several Senators, but it was promoted, more than by anyone else, by the Senator from Texas. The Senator has repeatedly requested this information. I have personally heard Senator CRUZ request this information, just yesterday, and on several previous occasions.

In a previous letter, he said: We express our concern—several Senators also signed this letter—on the unnecessary rush to force through a vote on Chuck Hagel's nomination before he has been able to respond adequately to multiple requests from members of the Armed Services Committee for additional information.

I'm reading now from the letter: Those requests have included a request to Chuck Hagel for the disclosure of his personal compensation he has received over the past 5 years.

We are talking about Chuck Hagel.

This is information which he controls. He can provide this information. It is there.

The letter also requests the disclosure of foreign funds he may have received indirectly. This is important because some have raised questions of a potential conflict of interest.

Why does he not want to disclose this? Somehow he would like to be confirmed without disclosing this information.

As Senators we have a responsibility here. I do not care if you are a Democrat or Republican. If a member of the Armed Services Committee requests this information and the information is available and he is able to obtain it and does not provide it, we have a process problem.

Mr. President, my primary objection to Chuck Hagel's confirmation is for policy reasons. That is why I think he is not qualified for that job. Others do not agree with that. That is fine. But they have to agree on the process.

In fact, I cannot remember—and I have been on the Armed Services Committee in both the House and Senate for 25 years. I do not remember one time when information that was requested, which was perfectly within the purview of the committee was not provided. This has not happened. This is unprecedented.

I heard some people say: you are filibustering a Cabinet appointee. That is not what we are doing. What we are trying to prevent is an unprecedented event where committee members do not receive information which is important for Members to have in order to consider a nomination.

So I will continue to read the letter.

The letter includes a request for a complete list of his prior public speeches, notably, multiple additional speeches on controversial topics that have been made public by the press.

For example, I understand FOX News is going to run a story tomorrow regarding some speeches made by former Senator Hagel. If so, these speeches would certainly give rise to a lot of interest because, I have been informed, we are talking about speeches which were made and paid for by foreign governments. I have also been told, some of these foreign governments may not be friendly to us.

Therefore, I believe Senators are entitled to review this information. Are we entitled to that? Yes; we are entitled to that.

So this letter includes a request for a complete list of his prior public speeches, notably, additional speeches on controversial topics that have been made public in the press, despite those speeches having been omitted from his own disclosure.

I remember in the early stages of the confirmation process, requests were made of Senator Hagel about information we knew existed because the press had written about it in the past. Some may argue that Senators are not entitled to review these speeches. I disagree. A member of the Armed Services Committee has a responsibility to review that information.

The letter also makes the critical request from the administration for additional information on their precise actions during and immediately following the tragic murder of four Americans in Benghazi, Libya on September 11, 2012.

Regardless, if the administration has answered these questions, the Senate is entitled to review speeches that have been made by the person who is up for confirmation to be Secretary of Defense.

I would say to the majority leader, the request for a 60 vote threshold is based on precedent. It is what the majority leader agreed to on the John Bryson and Kathleen Sebelius nominations. It is what he insisted upon when the Democrats forced cloture to be filed on the Dirk Kempthorne and Stephen Johnson nominations. There are several others. Michael Leavitt was one. John Bolton went through this twice. We all remember Miguel Estrada. We remember ROBERT PORTMAN, now one of our fellow Senators.

So there is nothing unusual about this. But there is a problem with the process we are entering now. That process is, we have made requests—I am talking about Members such as Senator CRUZ from Texas and other members of the Senate Armed Services Committee who have made perfectly reasonable requests for information. In this case, it is on speeches reportedly made to foreign audiences. However, these concerns can be clarified in a matter of minutes.

That is why we should not rush. If this information is provided we could resolve this matter tonight. The information is out there. I have personally talked to Senator CRUZ. He said: Look, if they will just give us that information we have been requesting now for weeks, we can have the vote tonight.

That is our reasonable request. We are not talking about merits. We are not talking about substance. We are talking about a process. Never before in my memory has a Senate Armed Services member's reasonable request been denied before someone has come up for a confirmation. It is a simple request. It has been done on a regular basis. A 60-vote margin is not a filibuster. We are merely saying the Senate is entitled to this information. Hopefully, this will jar some of the information loose. Maybe we can get it now. I hope we do.

I want to move this on and move it as rapidly as possible.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here again to talk about the effects of climate change on the health of our families and our communities. Just as we know that secondhand smoke and too much sun exposure are bad for human health, we know pollution and variations in climate conditions are as well.

I wish to thank our chairman on the Environment and Public Works Committee, Mrs. BOXER, for the briefing she held today with a number of scientists, including one who spoke specifically about the human health effects we can see from climate change. Climate change is threatening to erode the improvements in air quality we have achieved through the Clean Air Act.

EPA-enforced emissions reductions have led to a decline in the number and

severity of bad air days in the United States. These are the days I know the Presiding Officer is familiar with because I am sure they happen in Connecticut as well as in Rhode Island, where the air quality is so poor that it is unhealthy for sensitive individuals: the elderly, infants, people with breathing difficulties to be outdoors. Even healthy people are urged to limit their activities when out-of-doors.

In Rhode Island, about 12 percent of children and 11 percent of adults suffer from asthma. Both are higher than the national average. Our Rhode Island Public Transit Authority runs free buses on bad ozone days to try to keep car traffic down because these days are so dangerous to the public. Of course, the major air pollutant behind bad air days is ozone, commonly known as smog. Ground-level ozone or smog makes it difficult to breathe, causes coughing, inflames airways, aggravates asthma, emphysema and bronchitis and makes lungs more susceptible to infection.

That all means asthma attacks, emergency room visits, hospitalizations, which, in turn, result in missed school and work and a burden not only of worry but also a burden on the economy. Smog, of course, forms more quickly during hot and sunny days. So as climate change drives more heat, it increases the number of warm days and the conditions for smog and for bad air days become more common.

Climate change is also prolonging the allergy season. I am sure there are a number of people listening who suffer from hay fever in the late summer and early fall. Some people suffer from it most acutely. It is most often caused by ragweed pollen. Since 1995, ragweed season has increased across the country. It has increased by 13 days in Madison, WI. It has increased by 20 days in Minneapolis, MN. It has increased by almost 25 days in Fargo, ND. The further north you go, the greater the increase in the ragweed season. So for folks in Fargo, for instance, it is 25 more days of sniffling and sneezing and 25 more days that ragweed pollen might trigger a child's asthma attack.

Not only does more carbon dioxide in the atmosphere mean warmer weather and therefore longer pollen seasons, it also means a higher pollen count. At 280 parts per million, which was the concentration of atmospheric carbon back in the year 1900, each ragweed plant would produce about 5 grams of pollen.

At 370 parts per million, which is where we are now—year 2000 levels to be precise—pollen production more than doubles. It doubles again at 72 parts per million, which is the concentration that is now projected for the year 2075. So as we work to improve air quality and to reduce respiratory illnesses and the allergic conditions that trigger respiratory distress, we need to fight the growing trigger, climate change.

Warming oceans and lakes can also harm our health. Higher water surface temperature is associated with harmful blooms of various species of algae. These blooms are often referred to as ''red tide.'' They deplete oxygen, block sunlight, and they produce toxins. The toxins are very often captured by clams and oysters and other shellfish.

When they are consumed, it can result in neurotoxic shellfish poisoning, which causes debilitating respiratory and gastrointestinal symptoms. A warming climate also is predicted to change the range of disease-spreading parasites, such as ticks and mosquitoes. With longer summers and shorter winters, we will face more exposure to these pests and to the diseases they can carry.

We in New England and Connecticut and Rhode Island and Massachusetts, of course, are very familiar with lyme disease, which is a tick-borne illness that can have very grave and serious effects.

Slow and steady warming is also causing sea levels to rise, which threatens coastal infrastructure and human safety as well. In South Kingstown, RI, Matunuck Beach Road is the only means of access to approximately 500 homes. That road also covers the public water main. For years, the sand erosion has eaten away at the beach. Now the road is immediately vulnerable to storms. Indeed it has been overwashed in recent storms. A breach in Matunuck Beach Road cuts off those 500 homes from emergency services. If it were damaging enough, it could cut off their water.

Our water quality is also threatened. Many of Rhode Island's wastewater treatment plants are in low-lying areas and flood zones near the coast. It is the story in many other States. In California, for example, the rising sea level has put 29 wastewater treatment plants, responsible for 530 million gallons of sewage processing every day, at increased risk for flooding.

As we know, climate change loads the dice for more extreme weather: heat waves, droughts, storms, all serious threats to human health and safety. Climate change has led to an increase in the likelihood of severe heat waves. Extreme heat causes heat exhaustion. It can cause heat stroke. The need for air-conditioning in heat waves also strains the power infrastructure, which can cause electrical brownouts and blackouts. This hinders emergency services and exacerbates wildfires and drought. These are the kinds of conditions—from extreme heat—that led to literally tens of thousands of deaths in the record-setting Russian heat wave of 2010.

Heavy rainfall can cause physical damage, flooding erosion, and sewage overflow. The Environmental Protection Agency estimates that 118,000 sanitary sewer overflows occur annually from storms overwashing through combined sewer systems, overloading those systems, and being released directly into the open, releasing up to actually 860 billion gallons of untreated sewage and wastewater. In 2010, heavy rainfall and flooding caused millions of dollars in damage in spilled raw sewage in Warwick, RI, my home State. The flood led to the temporary shutdown of the local wastewater treatment facility. These overflows, like the one in Warwick, can result in beach closures, shellfish bed closures, contamination of drinking water supplies, and other environmental and public health problems.

Extreme rainfall, meaning both way too little and way too much rainfall, promotes waterborne outbreaks of disease. In the northeast United States, heavy rainfall has increased by 74 percent since my childhood in the 1950s.

As we have seen with Superstorm Sandy, Hurricane Irene, and Hurricane Katrina, storms can very quickly affect millions of people and require tens of billions of dollars to clean up. The threat gets worse as sea-level rise allows storm surges to reach farther inland and create more damage than just a few decades ago. Much of the east coast was fearful of flooding during Superstorm Sandy last year, including, of course, southern Rhode Island. Because of erosion and sea-level rise, the storm surges on our shores can reach homes that were originally built hundreds of feet from the coastline.

I had the experience of standing with a man who had a childhood home that had been through at least three generations of his family. He was now actually older than me, and that childhood home—which had stood well back from the beach—was canting toward the sea and tumbling into the ocean. The ocean had claimed his home of multiple generations as its victim.

This map shows by ZIP code where the 800,000 people displaced by Hurricane Katrina sought refuge after that terrible storm. Hundreds of thousands of people were strewn across every corner of the country. Hundreds of thousands of lives were disrupted as a result.

Thankfully, not everybody is sleepwalking through these alarming realities. In 2010, Rhode Island created our Climate Change Commission, which has identified risks to key infrastructure and is analyzing data from events such as Hurricane Sandy and the 2010 flood. Other States have formed similar commissions.

I brought last night to our President's State of the Union Address Grover Fugate, who is executive director of our Coastal Resources Management Council, which has to look at and address every day and plan for the effects of our rising sea level, increased storm activity, and the risk that that portends to the shores of our ocean State.

For the past 3 years, Rhode Island has also been part of a regional greenhouse gas initiative nicknamed ReGGie, along with our neighbors in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire,

New York, and Vermont. Our region caps carbon emissions and sells permits to emit greenhouses gases to powerplants. This has created economic incentives for both the States and our utilities to invest in energy efficiency and in renewable energy development. And consumers have reaped the benefit of lower prices. In 2012, regional emissions were 45 percent below the annual cap, so just last week the State announced an agreement to cap future emissions at the 2012 rate.

I am proud of the work done in my State, and I know the Presiding Officer's home State of Connecticut is working equally hard on this issue. We are working to both slow climate change and to prepare for what are now its inevitable effects. But sadly, when it comes to this particular threat to our national security and our prosperity, Congress is asleep. It is time for us to wake up. The health and safety of Americans and of people all over the world is at risk. We must awaken to what is happening in the world around us and to the fact that the carbon pollution we are emitting is causing it. This is our responsibility. This is our generation's responsibility. It is, indeed, our duty. It is time for us to wake up.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## EXECUTIVE CALENDAR

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate consider the following nominations, Calendar Nos. 2, 3, 4, 5 and 6, and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that the President be immediately notified of the Senate's action, and that the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. William H. Etter

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Kenneth E. Tovo

The following named officer for appointment in the United States Army Nurse Corps to the grade indicated under title 10, U.S.C., sections 624 and 3064:

*To be brigadier general*

Col. Barbara R. Holcomb

The following named officer for appointment in the United States Army Medical Service Corps to the grade indicated under title 10, U.S.C., sections 624 and 3064:

*To be brigadier general*

Col. Patrick D. Sargent

The following named officers for appointment in the United States Army Medical Corps to the grade indicated under title 10, U.S.C., sections 624 and 3064:

*To be major general*

Brig. Gen. Brian C. Lein
Brig. Gen. Nadja Y. West

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN70 AIR FORCE nomination of Kory D. Bingham, which was received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN71 AIR FORCE nominations (3) beginning MICHAEL A. COOPER, and ending SUSAN MICHELLE MILLER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN72 AIR FORCE nominations (4) beginning VICTOR DOUGLAS BROWN, and ending RODNEY M. WAITE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN73 AIR FORCE nominations (4) beginning WALTER S. ADAMS, and ending CARL E. SUPPLEE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN74 AIR FORCE nominations (6) beginning JOHN J. BARTRUM, and ending GEORGE L. VALENTINE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN75 AIR FORCE nominations (8) beginning KIMBERLY L. BARBER, and ending JANET L. SETNOR, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN76 AIR FORCE nominations (11) beginning DINA L. BERNSTEIN, and ending WILLIAM R. YOUNGBLOOD, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN77 AIR FORCE nominations (12) beginning TIMOTHY LEE BRININGER, and ending CHRISTOPHER J. RYAN, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN78 AIR FORCE nominations (198) beginning FRANCIS XAVIER ALTIERI, and ending KEVIN M. ZELLER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

IN THE ARMY

PN79 ARMY nomination of Jonathan A. Foskey, which was received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN80 ARMY nomination of Marion J. Parks, which was received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN81 ARMY nomination of Karen A. Pike, which was received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN82 ARMY nominations (2) beginning Derek S. Reynolds, and ending Brian D. Vogt, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN83 ARMY nominations (2) beginning Edward A. Figueroa, and ending Michael C. Vanhoven, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN84 ARMY nominations (2) beginning JACK C. MASON, and ending TODD B. WAYTASHEK, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN85 ARMY nominations (79) beginning RUTH E. APONTE, and ending MICHAEL J. ZINNO, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN86 ARMY nominations (88) beginning LESLIE E. AKINS, and ending MARC W. ZELNICK, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN87 ARMY nominations (217) beginning TIMOTHY G. ABRELL, and ending JOHN A. ZULFER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN88 ARMY nominations (225) beginning RAFAEL E. ABREU, and ending R010075, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

IN THE MARINE CORPS

PN91 MARINE CORPS nomination of Jackie W. Morgan, Jr., which was received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN92 MARINE CORPS nomination of Dana R. Fike, which was received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN93 MARINE CORPS nomination of Samuel W. Spencer, III, which was received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN94 MARINE CORPS nomination of Larry Miyamoto, which was received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN97 MARINE CORPS nominations (2) beginning GEORGE L. ROBERTS, and ending PAUL A. SHIRLEY, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN98 MARINE CORPS nominations (2) beginning RICHARD D. KOHLER, and ending GARY J. SPINELLI, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN100 MARINE CORPS nominations (2) beginning ERIC T. CLINE, and ending ROBERT S. SCHMIDT, JR., which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN101 MARINE CORPS nominations (2) beginning JOSE L. SADA, and ending BRIAN J. SPOONER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN102 MARINE CORPS nominations (3) beginning FREDERICK L. HUNT, and ending CHAD E. TIDWELL, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN103 MARINE CORPS nominations (3) beginning TODD E. LOTSPEICH, and ending DONALD E. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN104 MARINE CORPS nominations (3) beginning JASON B. DAVIS, and ending JOHN F. REYNOLDS, JR., which nominations were

received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN105 MARINE CORPS nominations (3) beginning TRAVIS M. FULTON, and ending GARY S. LIDDELL, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN106 MARINE CORPS nominations (4) beginning BRYAN DELGADO, and ending RODOLFO D. QUISPE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN107 MARINE CORPS nominations (4) beginning DAVID B. BLANN, and ending ALLEN L. LEWIS, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN108 MARINE CORPS nominations (5) beginning MICHAEL GASPERINI, and ending TIMOTHY W. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN109 MARINE CORPS nominations (6) beginning STEPHEN R. BYRNES, and ending JAMES N. TIMMER, JR., which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN110 MARINE CORPS nominations (7) beginning PETER K. BASABE, JR., and ending MICHAEL A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

IN THE NAVY

PN115 NAVY nomination of Harry E. Hayes, which was received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN116 NAVY nomination of Shemeya L. Grant, which was received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN117 NAVY nominations (2) beginning CHRISTOPHER J. KANE, and ending LUKE C. SUBER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

PN118 NAVY nominations (29) beginning JEANINE F. BENJAMIN, and ending BENJAMIN F. VISGER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2013.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

## MORNING BUSINESS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

## TRIBUTE TO SPENCER STOKES

Mr. LEE. Mr. President, I rise today to pay tribute to a special class of people who are critical to the success of any U.S. Senator.

During the recent Super Bowl game, one advertisement stood out among all the others. It was an advertisement based on a tribute taken from the great American Paul Harvey. It was entitled ''So God Made a Farmer.'' While I respect and admire farmers greatly, especially those I know from Utah, I am also certain that my colleagues in this Chamber will agree that when it comes to this institution, we can rightly change that statement ever so slightly to say, ''So God Made a Chief of Staff.''

My first chief of staff Spencer Stokes is returning to Utah. He is also returning to his family and to private life after 2 extraordinary years serving me in my office. I offer this in tribute to him and to all great chiefs of staff who labor here on Capitol Hill.

When God looked down on the Senate, He realized that Senators alone could never keep things running and He said, I need a caretaker. So God made a chief of staff. He needed someone whose first thought in the morning and last thought at night would be about helping and serving a Senator; who would rise before dawn and organize the day, set the strategy, deal with the thick and thin of things, and steer the Senator away from bad meetings, bad policy, and bad people; someone who would work all day in and out of the office, would skip holidays, birthdays, and parties in pursuit of their service, who would stay past midnight waiting for a vote, and then be willing to get up at the crack of dawn the next morning to do it all again. So God made a chief of staff.

He needed someone with thick skin, strong will, and at the same time a soft touch; strong enough to herd cats, yet gentle enough to comfort a grieving constituent or staff member; someone to call BS, tame the cantankerous bureaucracy of government, creatively solve problems big and small, and patiently listen to a hostile constituent with an axe to grind, and then tell that same constituent to come back again real soon—and mean it. So God made a chief of staff.

God said, I need someone who can shape a staff, shine shoes, horse trade for furniture and office space, navigate a litany of ethics and rules requirements, and play the role of cruise director for countless constituent tours of Washington, DC; someone who will put in a full 40 hours by Tuesday at noon, and then put in another 72 hours on top of that by the end of the week. So God made a chief of staff.

He had to have someone willing to sprint at double speed to stay ahead of a news story, and yet stop on a dime and pivot to help the real people of this country, no matter the consequences, no matter the circumstances, and regardless of what the press might be doing at the moment. He needed someone who, when the Senator becomes surrounded by ''yes'' men is willing to say humbly yet firmly and resolutely, ''No, sir.'' So God made a chief of staff.

He said, I need somebody strong enough to catch arrows, take heat, endure withering criticism, and patiently listen to angry voices; somebody who is just fine with little prominence, praise, prestige, or perks, and who above all is fiercely loyal and forever has the Senator's back. So God made a chief of staff.

I am fairly certain that when God looked down on a newly elected Senator from Utah during the final months of 2010, He knew that any old chief of staff wouldn't do. So, in my case, he actually chose a farmer—a turkey farmer, to be specific—from Bothwell, UT, named Spencer Stokes.

Spencer has been a truly outstanding chief of staff. Doing the heavy lifting and providing the Herculean effort required to set up an office and build a staff from scratch proved to be Spencer's forte. It proved to be easy for him—or at least he made it look easy. He has an eye for detail like no other, though we occasionally need to remind him to ''zoom out.'' Straight chairs in the conference room, straight desks, and even straight ties all set the stage for straight talk about issues and policy and serving constituents.

Spencer's love of Utah and its people is unequaled. As a first order of business, he set out to make my office something of an embassy for my State. So when you walk into our office, you are actually walking quite literally into Utah. From the art on the walls to the naming of the conference rooms, from our legendary JELL-O Wednesday to the staff reading of the smalltown Utah newspapers each week—everything leads to an experience in our office, and everything in our office is an experience of Utah.

Spencer will long be remembered and appreciated for his handwritten notes, the best night tour in DC—a true story—bringing people together, confetti cannons, Utah fry sauce, lots of laughter, and a tireless commitment to make bad things good and good things even better.

From Spencer's perspective, there are no small players in this great institution that is the Senate. He did not just preach that philosophy, he lived it every single day he was here. As a testament to that, we noted that when we asked him to provide a list of all the people he wanted invited to his farewell party, at the top of Spencer's list there were people who were not necessarily of high status. No, the top of the list was reserved for the people who really make this place go: cashiers and cooks, security personnel, guides and junior staff from nearly every corner of this building.

I salute Spencer Stokes for his service to this Nation, to this institution, and to the people of Utah. I salute Spencer for his service to me and my family. I will forever be thankful that God made a chief of staff and especially thankful for a particularly extraordinary chief of staff, Spencer Stokes.

## TRIBUTE TO U.S. MARSHAL DAVID DEMAG

Mr. LEAHY. Mr. President, one of the great privileges in serving in the U.S. Senate is the ability to make recommendations to the President with respect to important nominations for posts in our States. I was pleased 4

years ago to recommend to President Obama the nomination of David Demag to be Vermont's U.S. Marshal, and to help move his nomination through the Judiciary Committee and Senate confirmation. In fact, he was the first U.S. Marshal to be confirmed during the Obama administration.

Since his confirmation, Marshal Demag's tireless devotion to reducing crime rates in Vermont has helped make my home State a safe and comfortable home for its residents.

Marshal Demag began his career in 1971 as a patrol officer for the Burlington Police Department, where he rose through the ranks as corporal, detective, sergeant, lieutenant, and later, commander. I have known Marshal Demag throughout his career. He served as chief of police for both the Essex and St. Albans Police Departments. He also was a member of the Burlington Police Department. He has been a leader in Vermont in the fight against rural crime, and has spent his life and career devoted to public service.

As a U.S. Marshal for Vermont, Dave Demag has remained dedicated to arresting the State's most wanted fugitives and sex offenders and his work in establishing the Vermont Violent Offender Task Force has expanded the ability of the U.S. Marshal's office to catch violent and habitual sex offenders. The task force has not only served as a tool for bringing law enforcement officials throughout the State together, but has also improved Vermont's track record for fugitive arrests to 70 percent while reinvesting assets seized from criminals to address the needs of State and local law enforcement. These results are making a real difference in the lives of Vermonters across the State and should serve as a model for how Federal and State law enforcement can work together around the country.

One of Vermont's local news stations, WCAX, recently ran a story highlighting these accomplishments, and I ask unanimous consent that a copy of that story be printed in the RECORD at the conclusion of my remarks. I look forward to Marshal Demag's continued partnership with state and local law enforcement in Vermont.

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

(See exhibit 1.)

Mr. LEAHY. I look forward to Marshal Demag's continued partnership with State and local law enforcement in Vermont.

EXHIBIT 1

[WCAX—Vermont, January 28, 2013]

U.S. MARSHALS MAKING AN IMPACT IN VERMONT

(By Jennifer Reading)

BURLINGTON, VT.—Five faces represent Vermont's most wanted. Two have been caught, but the remaining three fugitives are prime targets for the U.S. Marshals Service.

''It's a real good area to attack to make our communities safer here in Vermont,'' said David Demag, who was appointed by President Obama to head the U.S. Marshals Service's Vermont Division.

Three months ago he created the Vermont Violent Offender Task Force. The operation expanded the Marshals' mission to include tracking down violent and habitual sex offenders. Statistically—these criminals pose a greater risk to the public. ''The ones who are out of compliance top that list and are more likely to re-offend,'' Demag said.

Demag said dedicating a full time team to taking down non-compliant sex offenders—on top of its regular fugitive finding mission—meant adding a state trooper and a UVM police officer to the task force. But he said the plan is working. Since October they've arrested 39 federal and 40 state fugitives. In 2012 fugitive arrests for state offenses jumped by 70 percent. ''This is not a place where fugitives or sex offenders can come and hide,'' said Chief Deputy U.S. Marshal Bill Gerke.

That's the message the task force sent to three high profile out-of-state fugitives on the run in Vermont. The Marshals found Philip Barr hiding out in Hardwick. He was wanted for a Florida murder. Robert Mulkern was arrested in Windsor for a Maryland sex assault and 149 counts of child pornography. And Clifford Moore was nabbed on his way to the airport, fleeing murder, sex assault and terrorism charges. Although the task force gives priority to federal fugitives identified as the ''worst-of-the-worst,'' they'll also adopt state and local cases if there's a violent component to the crime. The Marshals have the tools, expertise and time that their state counterparts lack. ''We are here as a resource for them,'' Demag said.

Two weeks ago they helped local authorities locate Shane Phillips, a Johnson man wanted for more than a decade for various violent crimes. He was hiding behind a false wall in his family's home. ''The spirit and the actual cooperation has never been better than it is presently,'' Gerke said. The lifelong Deputy Marshal said interagency cooperation is the key to slowing down the state's ongoing violent crime and preventing out-of-state organized crime from getting a foothold in Vermont. ''Vermont will not harbor that type of activity,'' he added.

The task force is funded by the federal government. Assets seized from the criminals are then reinvested in state and local law enforcement—paying overtime if they help with compliance checks—as well as outfitting them with critical safety equipment and vehicles.

## TRIBUTE TO PATTY STONESIFER

Mr. LEAHY. Mr. President, it is easy from our perch on Capitol Hill to sometimes forget about the city that surrounds us. Like so many communities across the country, urban and rural, Washington, D.C. wrestles with a population in poverty. Soon, those people will have a new advocate at the head of one of the Nation's capital's leading organizations focused on ending the cycle of poverty among local youth and adults. Starting in April, Patty Stonesifer will become the new C.E.O. and President of Martha's Table.

Patty devoted 9 years of her life to the work of the Gates Foundation. As its chief executive officer, she helped the foundation become the largest philanthropic institution in the world while taking no salary for herself. After her time at the Gates Foundation, Patty's passion for change led her to become part of the U.S. delegation to the United Nations General Assembly Special Sessions on AIDS, and was later appointed by President Obama in 2010 to chair the White House Council for Community Solutions. We have become friends through our shared service on the Smithsonian Board of Regents, and she is active on the board of the Center for Global Development, and is a member of the Circle of Allies and Champions for the National Council of Youth Leaders.

Patty's dedication to philanthropy aligns perfectly with the mission of Martha's Table. This nonprofit is more than a food pantry. Not only does Martha's Table supply more than 1,000 meals each day to hungry Washingtonians, it also works to develop long-term solutions to hunger and nutrition issues, seeking an end to poverty. Martha's Table helps to break the cycle of poverty by providing education, nutrition, and family support services to hundreds of children and families. Martha's Table is lucky to have someone like Patty at the helm. I have no doubt she will successfully prepare the next generation of young people for a bright future. Patty's self sacrifice and dedication to ending poverty and hunger in our Nation's Capital is to be commended, and I wish her the best of luck in her new role.

I ask unanimous consent that an article from The Washington Post entitled, ''Patty Stonesifer, former CEO of Gates Foundation, to lead D.C. food pantry,'' be printed in the RECORD.

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

[The Washington Post, January 29, 2013]

PATTY STONESIFER, FORMER CEO OF GATES FOUNDATION, TO LEAD D.C. FOOD PANTRY

(By Steve Hendrix)

It took about six months after moving to Washington for Patty Stonesifer to find her new job. As the former chief executive of the Bill and Melinda Gates Foundation, she had a lot of corner-office options to sift through, including a university presidency and the top jobs at a national charity and an international development agency.

Her choice? She's going to run Martha's Table on 14th Street NW. Starting April 1, she will take over the well-regarded but decidedly local food pantry and family-services nonprofit organization.

Stonesifer, 56, who oversaw the Gates Foundation endowment of $39 billion and a staff of more than 500 for nine years, will manage the D.C. charity's $6 million budget, 81 paid employees, three vans and thrift shop.

Martha's Table plans an official announcement Wednesday. But as word of Stonesifer's unexpected career move began to circulate in recent days, it inspired twin reactions: ''Wow!'' and ''Why?''

Overachievers usually work their way from small to big. Having Stonesifer come run a small local charity is like General Electric business titan Jack Welch showing up to manage the corner appliance store, or one of the Super Bowl-bound Harbaugh brothers deciding to coach high school football.

''If you just look at my résumé, I find that I have to explain this,'' Stonesifer said last

week at the temporary office she'd established at a Busboys and Poets table across the street from her new home base. In between a series of briefings from Martha's Table managers, she tried to explain how a top-of-the-charts philanthropy pro came to match fates with an ambitious local charity.

''But if you know me, I don't have to explain it at all,'' she said. ''I absolutely think I can help Martha's Table, but this is going to be wonderful for me.''

A shift in scale

Cathy Sulzberger, the head of the Martha's Table board of directors, was in a taxicab last fall when she got a call from the headhunter leading the board's search for a new leader: A surprising—and exciting—candidate had applied.

''Honestly, my first response was, 'Is Patty Stonesifer sure she wants this kind of job?' '' recalled Sulzberger.

Running the 33-year-old nonprofit group will certainly be a shift in scale. Under Stonesifer, the Gates Foundation became the largest philanthropic institution in the world. It has set colossal, planet-shifting goals for itself: eradicating polio and malaria, transforming American high schools, and more.

Before that, Stonesifer was a senior vice president at Microsoft responsible for developing MSNBC, Encarta and Slate magazine (now owned by The Washington Post Co.).

More recently, President Obama asked her to chair his White House Council for Community Solutions, and she has just wrapped up a stint as chairman of the Smithsonian Institution's Board of Regents. Stonesifer has appeared on Time magazine's annual list of the 25 Most Influential People. She is married to journalist and founding Slate editor Michael Kinsley. She is a boldface name.

''There is no phone call that Patty would make that wouldn't be returned, none at all,'' said Diana Aviv, president of Independent Sector, a Washington-based coalition of nonprofit groups and foundations.

Soon after leaving the Gates Foundation in 2008, Stonesifer and Kinsley began splitting their time between Seattle and the District, where he used to live and where she has a daughter from a previous marriage working at USAID. Last year, Kinsley accepted an editor's job at the New Republic magazine, and they decided to make the District their full-time home.

Stonesifer has been wealthy since piling up tens of millions in Microsoft stock in the company's early years. (She also became a director at Amazon.com before it went public and remains on that company's board.) But she retains the modest bent of the Indiana Catholic who grew up with eight siblings in a house where volunteerism was as regular as making the bed. She took no salary while running the Gates Foundation.

After the couple bought a restored brownstone near Dupont Circle, Stonesifer began exploring Washington by foot and Metro.

''I was amazed at how there is a city within a city here,'' she said, reeling off the stats: 110,000 households live in poverty, one in three households with children can't afford enough food. ''This idea that the District has so much child hunger, it's mind-boggling.''

Stonesifer decided she needed some time in the trenches. Nothing would teach her, and her peers in the foundation world, more about these intractable problems than confronting them, year after year, in the faces of the people who suffer them.

And then she saw the CEO-wanted ad for Martha's Table.

''I decided to raise my hand,'' she said.

Her husband said he was surprised, at first.

''I said, 'Are you going to be adding the salt to the soup?' '' Kinsley recalled, sitting with Stonesifer in their living room after her coffee-shop meetings were over. The walls were covered with paintings by Seattle artists, misty mountain ranges and tulip fields. ''But I shouldn't have been surprised. You said you wanted to do something hands-on.''

''You didn't really believe me,'' she said. ''You thought I should be a university head.''

''Yes, run a college,'' he said, ''maybe the World Bank.''

''It's nice to have a husband who thinks you can do anything.'' She leaned over to pat his leg.

''You'll get your turn at running Hewlett-Packard, I assume,'' Kinsley said.

She shot him a look.

''Joke! Joke!'' he said.

The right person

First she had to get this job.

''Even if she comes from a major philanthropy and is so well-known, we had to make sure we were hiring the right person for Martha's Table,'' Sulzberger said of the long vetting Stonesifer went through. ''This may be a smaller stage, but it's not a small job for anybody.''

Martha's Table started in 1980 as a place for hungry students to get an after-school sandwich. Its ''McKenna's Wagon'' food vans have been mealtime fixtures at McPherson Square and other gathering spots for the homeless for decades. Now, it serves more than 1,100 people a day with meals and early-childhood and after-school programs.

The group's legion of volunteers is legendary: A roll of more than 10,000 school kids, poor people and the occasional president who chop vegetables and build sandwiches.

Now, the organization wants to make a leap.

''I think Martha's Table is ready for the next stage,'' said Linda Moore, founder of the E.W. Stokes Charter School in Northeast Washington and longtime board member. ''Even though I'm not sure what that is, we were looking for a leader to take us there.''

Stonesifer got the job. The head of the Gates Foundation U.S. programs, Allan Golston, sent congratulations. So did Sylvia Burwell, president of the Walmart Foundation. Even Stonesifer's old boss thought it was a good move.

''I think it blends all the elements she loves in philanthropy,'' Melinda Gates said by e-mail. ''Even when living in Seattle, she did hands-on work at a local charity—anonymously. That type of work keeps you grounded in the real issues in people's lives.''

Again, she will work for free, but she will also work for real. She expects long hours. This is not, she insisted (with some heat) a ''retirement'' job.

She's heard that one before, after she left Microsoft and agreed to run Bill Gates's library initiative.

''Oh, she's going to convert libraries to the Internet, how sweet.' Well, it wasn't sweet at all,'' Stonesifer said. ''We added 11,000 libraries to the Web, and that group went on to become the Bill and Melinda Gates Foundation.''

No stepping back.

On a taxi ride from her house to a meeting of philanthropy leaders at the Hotel Monaco, she described her biggest concern: that people will assume she can connect a funding hose from Martha's Table to the Gates Foundation and the coffers will be full forever.

Not gonna happen.

''That's not what they do, and that's not what Martha's Table needs,'' she said. ''The strength of Martha's Table is in the thousands of small donors and volunteers that ensure we deliver services every day. I don't want my coming here to make people step back in any way.''

The cabdriver leaned back. ''You work for Martha's Table?'' he asked in a strong Ethiopian accent.

Stonesifer hesitated. ''I'm going to.''

''It's a good charity,'' the man said. He picks up volunteers there all the time, he explained, young people who need a ride home. Thinking of his own two children in Virginia colleges, he doesn't take their money.

''You'd have to be mentally handicapped to charge somebody doing what they do,'' he said. ''You work for Martha's Table, I won't charge you, either.''

Stonesifer put a hand on his shoulder, even as she insisted he take the money from her hand. ''You dear, sweet man,'' she said. ''God bless you.''

On the curb, she exulted.

''That's the power of Martha's Table,'' she said. ''A man driving a cab and putting two kids through school. That's what we have to work with. I'm so excited.''

## TRIBUTE TO DR. LARRY D. TYLER

Mr. McCONNELL. Mr. President, I rise today to recognize a distinguished Kentuckian, a pillar of the Louisville community and a fixture at the University of Louisville, and a very good friend of mine. Dr. Larry D. Tyler is a professor of engineering fundamentals, and this year he celebrates 50 years of service with UofL's J.B. Speed School of Engineering.

Dr. Tyler earned his original appointment at UofL as an engineering instructor in 1963. He received tenure in 1970. He has taught more than 30 different courses in the fields of engineering mathematics and mechanical, industrial, chemical, and civil engineering. He has created innovative instructional methodologies for core engineering mathematics courses, including early detection of prerequisite weaknesses.

Dr. Tyler has earned all of his degrees at the University of Louisville: his undergraduate degree in mechanical engineering, a master's in mathematics, a master's of mechanical engineering, and a Ph.D. in engineering and physics. Along the way he has been published in peer-review journals and presented at international conferences on engineering design and automation. He won the Speed School's Outstanding Teacher Award in 1975, 1980, and 1983, the University Faculty Favorite Award in 2007, the Speed School Alumni Outstanding Teaching Award in 2007, the University of Louisville's Distinguished Teaching Award in 2008, and the Departmental Professor of the Year Award in 2012.

Larry has served as a faculty advisor to many fraternity student chapters, and here I should mention that Larry and I are old friends. Not only did we attend UofL together as undergraduates, we were both members of Phi Tau fraternity together; in fact, we were in the same pledge class. So I've had the pleasure of seeing Larry grow into the incredibly accomplished and respected professor that we knew he was always meant to be.

Larry, it has been a privilege to walk alongside you for these many years. I know that we both care deeply about our wonderful hometown of Louisville, and we have both dedicated our careers

to serving the people of Louisville and giving back to this city by our own contribution. On this occasion to celebrate your success, I say, well done.

Larry's teaching philosophy is to be both student- and content-centered, in order to instill the qualities of desire, determination, and dedication in his students because, as he says, ''success in any endeavor requires all three.'' The life and career of Dr. Tyler is certainly proof that if you have those three qualities, you can go very far.

Mr. President, I would ask my U.S. Senate colleagues to join me in recognizing the accomplishments of Dr. Larry D. Tyler, and congratulating him upon his 50 years of successful service with UofL's J.B. Speed School of Engineering. I hope he continues to lead our university and our city onward and upward for many years to come.

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

### RULES OF PROCEDURE

Mr. HARKIN. Mr. President, in accordance with rule XXVI.2 of the Standing Rules of the Senate, I submit for publication in the CONGRESSIONAL RECORD the Rules of Procedure for the Committee on Health, Education, Labor, and Pensions, as unanimously adopted by the Committee on February 13, 2013.

I ask unanimous consent that the text of the Rules of Procedure be printed in the RECORD.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

UNITED STATES SENATE, RULES OF PROCEDURE, 113TH CONGRESS

*Rule 1.*—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD–430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

*Rule 2.*—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

*Rule 3.*—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

*Rule 4.*—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

*(b)* A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

*(c)* No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is physically present.

*Rule 5.*—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

*Rule 6.*—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

*Rule 7.*—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a ''yea and nay'' vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

*Rule 8.*—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing or executive session it intends to hold at least one week prior to the commencement of such hearing or executive session. In the case of an executive session, the text of any bill or joint resolution to be considered must be provided to the chairman for prompt electronic distribution to the members of the committee.

*Rule 9.*—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. Testimony may be filed electronically. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

*Rule 10.*—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

*Rule 11.*—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

*Rule 12.*—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

*Rule 13.*—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

*Rule 14.*—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

*Rule 15.*—Whenever a bill or joint resolution shall be before the committee or a subcommittee for final consideration, the clerk shall distribute to each member of the committee or subcommittee a document, prepared by the sponsor of the bill or joint resolution. If the bill or joint resolution has no underlying statutory language, the document shall consist of a detailed summary of the purpose and impact of each section. If the bill or joint resolution repeals or amends any statute or part thereof, the document shall consist of a detailed summary of the underlying statute and the proposed changes in each section of the underlying law and either a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and, in italics, the matter proposed to be added, along with a summary of the proposed changes; or a side-by-side document showing a comparison of current law, the proposed legislative changes, and a detailed description of the proposed changes.

*Rule 16.*—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

*Rule 17.*—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

*(b)* For the purpose of holding a hearing to take sworn testimony or hear subpoenaed

witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

*(c)* The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

*(d)* Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

*(e)* No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

*Rule 18.*—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts— (I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

*Rule 19.*—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

*Rule 20.*—When the ratio of members on the committee is even, the term ''majority'' as used in the committee's rules and guidelines shall refer to the party of the chairman for purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

*Rule 21.*—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments electronically to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

*Rule 22.*—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A(*a*) of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A(*a*) and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.

3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.

4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. Witnesses will be urged to submit testimony even earlier whenever possible. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members. Witness testimony may be submitted and distributed electronically.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed date for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(*a*) a copy of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(*b*) a copy of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session including, whenever possible, an explanation of changes to existing law proposed to be made.

2. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

## TRIBUTE TO ARIZONA VA MEDICAL STAFF

Mr. HARKIN. Mr. President, on January 31, one of the most unique and interesting individuals I have ever known passed away while receiving hospice care at the Southern Arizona VA Health Care System. He was my brother-in-law, Joe McQuaid, a 92-year-old veteran of the Second World War.

I will have more to say about this unique individual at a later date. But, today, I want to express my deep gratitude to all of the wonderful professionals at the Southern Arizona VA Health Care System for the extraordinary care they gave to him in the last 2 months of his life.

Joe McQuaid was a strapping 6 feet 4 inches. He was healthy all of his life until last November 15. On that day, after his daily exercise, he fell in a freak accident and broke his hip. He was operated on at the Tucson VA hospital, and his hip seemed to be healing just fine. But after being transferred to a local rehabilitation facility, Joe fell again and re-broke his hip. He was readmitted to the VA hospital, but his condition deteriorated rapidly and he passed away on January 31.

The personnel at the VA medical center in Tucson could not have been more professional, skilled, and compassionate in the care they gave to Joe McQuaid in those final two months. They did everything possible to treat his injury and help him to recover. But once it became clear that recovery was not possible, they took wonderful care of him, admitting him to hospice care, attending to his needs, and ensuring that he had a gentle passing.

As a veteran myself, during all my years in Congress I have always been very supportive of our VA system and

our veterans. I have long believed that our nation has a sacred obligation to those who have borne the burdens of battle and national defense, and we must ensure that they have access to first-rate health care.

So it was with great pride that I had this opportunity to witness firsthand the extraordinary care and attention that staff members at the Tucson VA center were giving to this 92-year-old veteran.

At the risk of leaving out the names of others who cared for my brother-in-law, I specifically want to thank and salute Jonathan Gardner, the director of the Southern Arizona VA Health Care System, for his leadership of that institution and for his many years of distinguished service to the VA system. Also Julianne French, a registered nurse and administrative assistant to the chief medical officer, who was so responsive to my inquiries and calls. Also Dr. David Emelity, the acting chief of staff, Dr. Richard Hoffman, and Dr. Joao Ferreira, all of who took a deep personal interest in Joe's medical condition.

And a special thank you to Glenda Riggs, clinical nurse leader in the intensive care unit, who cared for Joe and went out of her way to keep me and members of Joe's family informed at every step of his treatment and care. I can't speak too highly of Nurse Riggs' skill and compassion, and her tireless attention to all of her patients and their families.

The Southern Arizona VA Health Care System has a wonderful team, with great leadership from Jonathan Gardner. It is clear to me that any veteran who comes through the doors of that center is going to get superb treatment.

I am proud of all the people who work in America's VA system, and I am grateful for the care they give to our veterans. My recent experience, seeing firsthand the quality of care and the quality of staff at the center in Tucson, reaffirms my faith in the VA system and my respect for the great work they do.

Again, I just want to thank the entire team at the Southern Arizona VA Health Care System. Thank you for all you did for this 92-year-old World War II veteran, Joe McQuaid. And thank you for the same high-quality care you give to all of the veterans at the Tucson center.

## COMMITTEE ON FOREIGN RELATIONS

### RULES OF PROCEDURE

Mr. MENENDEZ. Mr. President, pursuant to the requirements of paragraph 2 of Senate Rule XXVI, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Foreign Relations for the 113th Congress adopted by the Committee on February 13, 2013.

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

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 13, 2013)

RULE 1—JURISDICTION

(a) *Substantive*.—In accordance with Senate Rule XXV.1(j), the jurisdiction of the committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight*.—The committee also has a responsibility under Senate Rule XXVI.8, which provides that ". . . . each standing committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee."

(c) *"Advice And Consent" Clauses*.—The committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) *Creation*.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the committee and shall deal with such legislation and oversight of programs and policies as the committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the chairman or by vote of a majority of the committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the chairman or the committee may refer the matter to two or more subcommittees for joint consideration.

(b) *Assignments*.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the committee may receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the committee may serve on more than four subcommittees at any one time.

The chairman and ranking member of the committee shall be *ex officio* members, without vote, of each subcommittee.

(c) *Meetings*.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the chairman of the full committee or by decision of the full committee. Meetings of subcommittees shall be scheduled after consultation with the chairman of the committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full committee.

The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 3—MEETINGS

(a) *Regular Meeting Day*.—The regular meeting day of the Committee on Foreign Relations for the transaction of committee business shall be on Tuesday of each week, unless otherwise directed by the chairman.

(b) *Additional Meetings*.—Additional meetings and hearings of the committee may be called by the chairman as he may deem necessary. If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon filing of the request, the chief clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk shall notify all members of the committee that such special meeting will be held and inform them of its date and hour.

(c) *Hearings, Selection of Witnesses*.—To ensure that the issue which is the subject of the hearing is presented as fully and fairly as

possible, whenever a hearing is conducted by the committee or a subcommittee upon any measure or matter, the ranking member of the committee or subcommittee may call an equal number of non-governmental witnesses selected by the ranking member to testify at that hearing.

(d) *Public Announcement.*—Except as provided in paragraph (1), the committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any meeting or hearing to be conducted on any measure or matter at least one week in advance of such meetings or hearings, unless the chairman of the committee, or subcommittee, in consultation with the ranking member, determines that there is good cause to begin such meeting or hearing at an earlier date.

(1) The committee shall make public announcement of a meeting on nominations at least three business days in advance of the meeting unless the chairman of the committee, in consultation with the ranking member, determines that there is good cause to begin such meeting at an earlier date.

(e) *Procedure.*—Insofar as possible, proceedings of the committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the chairman, in consultation with the ranking member. The chairman, in consultation with the ranking member, may also propose special procedures to govern the consideration of particular matters by the committee.

(f) *Closed Sessions.*—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by government officers and employees; or

(B) the information has been obtained by the government on a confidential basis, other than through an application by such person for a specific government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or government regulations.

A closed meeting may be opened by a majority vote of the committee.

(g) *Staff Attendance.*—A member of the committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at committee meetings. The chairman or ranking member may authorize the attendance and seating of such a staff member at committee meetings and hearings where the member of the committee is not present.

Each member of the committee may designate members of his or her personal staff, for whom that member assumes personal responsibility, who holds, at minimum, a top secret security clearance, for the purpose of their eligibility to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14.

In addition, the majority leader and the minority leader of the Senate, if they are not otherwise members of the committee, may designate one member of their staff, for whom they assume personal responsibility, and who holds, at minimum, a top secret security clearance to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the committee may not attend closed sessions of the committee.

Attendance of committee staff at meetings shall be limited to those designated by the staff director or the minority staff director.

The committee, by majority vote, or the chairman, with the concurrence of the ranking member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) *Testimony.*—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the committee and each subcommittee thereof shall consist of one member.

(b) *Business.*—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

(c) *Reporting.*—A majority of the membership of the committee, including at least one member from each party, shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members is physically present, and a majority of those present concurs.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

RULE 6—WITNESSES

(a) *General.*—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the committee.

(b) *Presentation.*—If the chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) *Filing of Statements.*—A witness appearing before the committee, or any subcommittee thereof, shall submit an electronic copy of the written statement of his proposed testimony at least 24 hours prior to his appearance, unless this requirement is waived by the chairman and the ranking member following their determination that there is good cause for failure to file such a statement.

(d) *Expenses.*—Only the chairman may authorize expenditures of funds for the expenses of witnesses appearing before the committee or its subcommittees.

(e) *Requests.*—Any witness called for a hearing may submit a written request to the chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The chairman shall determine whether to grant any such request and shall notify the committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) *Authorization.*—The chairman or any other member of the committee, when authorized by a majority vote of the committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. At the request of any member of the committee, the committee shall authorize the issuance of a subpoena only at a meeting of the committee. When the committee authorizes a subpoena, it may be issued upon the signature of the chairman or any other member designated by the committee.

(b) *Return.*—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the chairman or any other member designated by him may convene a hearing by giving 2 hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) *Depositions.*—At the direction of the committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) *Filing.*—When the committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) *Supplemental, Minority and Additional Views.*—A member of the committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee, with the 3 days to begin at 11:00 p.m. on the same day that the committee has ordered a measure or matter reported. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

(c) *Rollcall Votes.*—The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee.

RULE 9—TREATIES

(a) The committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent to ratification. Because the House of Representatives has no role in the approval of treaties, the committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the committee and remains on its calendar from Congress to Congress until the committee takes action to report it to the Senate or recommend its return to the President, or until the committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress ''shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.''

(d) Insofar as possible, the committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) *Waiting Requirement.*—Unless otherwise directed by the chairman and the ranking member, the Committee on Foreign Relations shall not consider any nomination until 3 business days after it has been formally submitted to the Senate.

(b) *Public Consideration.*—Nominees for any post who are invited to appear before the committee shall be heard in public session, unless a majority of the committee decrees otherwise, consistent with Rule 3(f).

(c) *Required Data.*—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) the nominee has filed a financial disclosure report and a related ethics undertaking with the committee; (3) the committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, the report required by Section 304(a)(4) of the Foreign Service Act of 1980 on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) *Foreign Travel.*—No member of the Committee on Foreign Relations or its staff shall travel abroad on committee business unless specifically authorized by the chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the ranking member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the committee within 30 days. This report shall be furnished to all members of the committee and shall not be otherwise disseminated without authorization of the chairman or the ranking member. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded to consult the Senate Code of Conduct, and, as appropriate, the Senate Select Committee on Ethics, in the case of travel sponsored by non-U.S. Government sources.

Any proposed travel by committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking member prior to submission of the request to the chairman and ranking member of the full committee.

(b) *Domestic Travel.*—All official travel in the United States by the committee staff shall be approved in advance by the staff director, or in the case of minority staff, by the minority staff director.

(c) *Personal Staff.*—As a general rule, no more than one member of the personal staff of a member of the committee may travel with that member with the approval of the chairman and the ranking member of the committee. During such travel, the personal staff member shall be considered to be an employee of the committee.

(d) *Personal Representatives of the Member (PRM).*—For the purposes of this rule regarding staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations. Furthermore, for the purposes of this section, each member of the committee may designate one personal staff member as the ''Personal Representative of the Member.''

RULE 12—TRANSCRIPTS

(a) *General.*—The Committee on Foreign Relations shall keep verbatim transcripts of all committee and subcommittee meetings and such transcripts shall remain in the custody of the committee, unless a majority of the committee decides otherwise. Transcripts of public hearings by the committee shall be published unless the chairman, with the concurrence of the ranking member, determines otherwise.

(b) *Classified or Restricted Transcripts.*—

(1) The chief clerk of the committee shall have responsibility for the maintenance and security of classified or restricted transcripts, and shall ensure that such transcripts are handled in a manner consistent with the requirements of the United States Senate Security Manual.

(2) A record shall be maintained of each use of classified or restricted transcripts as required by the Senate Security Manual.

(3) Classified transcripts may not leave the committee offices, or SVC–217 of the Capitol Visitors Center, except for the purpose of declassification or archiving, consistent with these rules.

(4) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(5) Subject to any additional restrictions imposed by the chairman with the concurrence of the ranking member, only the following persons are authorized to have access to classified or restricted transcripts.

(A) Members and staff of the committee in the committee offices or in SVC–217 of the Capitol Visitors Center;

(B) Designated personal representatives of members of the committee, and of the majority and minority leaders, with appropriate security clearances, in the committee offices or in SVC–217 of the Capitol Visitors Center;

(C) Senators not members of the committee, by permission of the chairman, in the committee offices or in SVC–217 of the Capitol Visitors Center; and

(D) Officials of the executive departments involved in the meeting, in the committee offices or SVC–217 of the Capitol Visitors Center.

(6) Any restrictions imposed upon access to a meeting of the committee shall also apply to the transcript of such meeting, except by special permission of the chairman and ranking member.

(7) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a committee meeting, members and staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the chairman, the ranking member, or in the case of staff, by the staff director or minority staff director. A record shall be kept of all such authorizations.

(c) *Declassification.*—

(1) All noncurrent records of the committee are governed by Rule XI of the Standing Rules of the Senate and by S. Res. 474 (96th Congress). Any classified transcripts transferred to the National Archives and Records Administration under Rule XI may not be made available for public use unless they have been subject to declassification review in accordance with applicable laws or Executive orders.

(2) Any transcript or classified committee report, or any portion thereof, may be declassified, in accordance with applicable laws or Executive orders, sooner than the time period provided for under S. Res. 474 if:

(A) the chairman originates such action, with the concurrence of the ranking member;

(B) the other current members of the committee who participated in such meeting or report have been notified of the proposed declassification, and have not objected thereto, except that the committee by majority vote may overrule any objections thereby raised to early declassification; and

(C) the executive departments that participated in the meeting or originated the classified information have been consulted and consented to the declassification.

RULE 13—CLASSIFIED INFORMATION

(a) The handling of classified information in the Senate is governed by S. Res. 243 (100th Congress), which established the Office of Senate Security. All handling of classified information by the committee shall be consistent with the procedures set forth in the United States Senate Security Manual issued by the Office of Senate Security.

(b) The chief clerk is the security manager for the committee. The chief clerk shall be responsible for implementing the provisions of the Senate Security Manual and for serving as the committee liaison to the Office of Senate Security. The staff director, in consultation with the minority staff director, may appoint an alternate security manager as circumstances warrant.

(c) Classified material may only be transported between Senate offices by appropriately cleared staff members who have been specifically authorized to do so by the security manager.

(d) In general, Senators and staff undertake to confine their access to classified information on the basis of a ''need to know'' such information related to their committee responsibilities.

(e) The staff director is authorized to make such administrative regulations as may be necessary to carry out the provisions of this rule.

RULE 14—STAFF

(a) *Responsibilities.*—

(1) The staff works for the committee as a whole, under the general supervision of the chairman of the committee, and the immediate direction of the staff director, except that such part of the staff as is designated minority staff shall be under the general supervision of the ranking member and under the immediate direction of the minority staff director.

(2) Any member of the committee should feel free to call upon the staff at any time for assistance in connection with committee business. Members of the Senate not members of the committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations and other matters within the jurisdiction of the committee. In addition to carrying out assignments from the committee and its individual members, the staff has a responsibility to originate suggestions for committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and national security and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) *Restrictions.*—

(1) The staff shall regard its relationship to the committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(A) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(B) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the staff director, or, in the case of minority staff, from the minority staff director. In the case of the staff director and the minority staff director, such advance permission shall be obtained from the chairman or the ranking member, as appropriate; and

(C) staff shall not discuss their private conversations with members of the committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the staff director or minority staff director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) *Status.*—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate, which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the committee with respect to certain matters, as well as the timing and procedure for their consideration in committee, may be governed by statute.

(b) *Amendment.*—These rules may be modified, amended, or repealed by a majority of the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, rules of the committee which are based upon Senate rules may not be superseded by committee vote alone.

## VOTE EXPLANATION

Mr. JOHNSON of Wisconsin. Mr. President, on February 11, 2013, I was unavoidably detained in Wisconsin due to hazardous weather conditions and was unable to vote on amendment No. 13 in regard to S. 47, the Violence Against Women Act. Had I been able to vote, I would have voted ''aye.''

## ADDITIONAL STATEMENTS

### REMEMBERING JOHN QUIMBY

• Mrs. FEINSTEIN. Mr. President, I would like to recognize and honor the incredible life of John Quimby, an inspirational leader that guided and touched the lives of so many.

John Quimby was born on February 12, 1935, in Prescott, AZ, to parents Henrietta and Merle Quimby. The family later moved to California and resided in Banning and Riverside. Mr. Quimby was hired as a radio announcer for a brief period of time before being elected to the San Bernardino City Council in 1957. He was the youngest person to ever serve on that body.

In 1962, John Quimby was elected to the California State Assembly, representing parts of Riverside and San Bernardino counties. Mr. Quimby became the first paraplegic to serve in the California Legislature. He contracted polio at a young age and as a result spent the majority of his life in a wheelchair. Mr. Quimby did not allow his limited mobility to prevent him from pursuing his dreams and fighting fervently for the residents of California.

Over the course of his 12 years in the Assembly, John Quimby helped pass numerous laws. Most famously, he drafted the Quimby Act in 1965, which allowed cities to require developers to donate land for recreational use. As a result of this piece of legislation, hundreds of parks now exist in California that might otherwise have not.

Apart from being a dedicated assemblyman, John Quimby was also a beloved figure in California politics who thrived on personal and community interaction. He had the ability to make everyone feel special and cared for.

Please join me in expressing the sympathies of this body to John Quimby's brother Merle, daughter Kimberly, son John Jr., stepdaughters Mary and Virginia George, stepson Kenny, his seven grandchildren, and his seven great-grandchildren. On this day, we celebrate him, his life, and his exemplary contributions to California and the Nation.•

### REMEMBERING MONSIGNOR LEO McFADDEN

• Mr. HELLER. Mr. President, I rise today to honor the life of Monsignor Leo McFadden, a priest, an Air National Guardsman, and a spiritual leader for thousands of Nevadans whose recent passing is a saddening loss to the Silver State. Monsignor McFadden was a beloved member of our community, and I am grateful for his work as a priest and chaplain for the less fortunate and spiritually needy in northern Nevada.

Not only was Monsignor McFadden a man of God, but he was also a Pulitzer Prize-nominated columnist who spent 20 years writing and editing for the Nevada Register. He also served in the Nevada Air National Guard for decades, and he was the first Guardsman chaplain to be a general line officer.

Monsignor McFadden was a priest at Saint Teresa of Avila Catholic Church in Carson City and at Reno's Our Lady of the Snows Catholic Church. In 1977, Leo McFadden was given the distinct designation as a monsignor. His work included the formation of the Catholic Newman Club at the University of Nevada, Las Vegas and serving as a chaplain at the University of Nevada, Reno.

Monsignor McFadden dedicated his entire life to his faith and to the members of his parish. He was an important figure in our State, and he will be missed. My thoughts and prayers are with his family and friends during this difficult time.•

## 50TH ANNIVERSARY OF PORTAGE, MICHIGAN

• Mr. LEVIN. Mr. President, one-half century ago this month the residents of Portage Township made a significant and lasting decision. They voted in February 1963 to incorporate, becoming the city of Portage. This decision provided many opportunities for this nascent, vibrant community to grow, enabling city leaders and residents alike to chart a course for future prosperity. This milestone will be commemorated in a number of ways throughout the year, including at Portage's city council meeting last night.

The city of Portage is a part of Michigan's rapidly evolving story. Historically, residents and community leaders relied on fertile farmland for agriculture production. In fact, in the late 1880s and early 1900s, this area was known as ''Celery City.'' Today, it is home to thriving businesses, welcoming neighborhoods and abundant natural beauty. The population of Portage has more than doubled in the past half century, and a number of new businesses, large and small, have helped to transform the city's economic base.

As part of the celebration, Portage recently unveiled its new motto, ''A Natural Place to Move.'' It speaks to the city's continued commitment to preserving its many parks, lakes, and trails in a way that encourages residents to stay active and healthy.

It is fitting that the celebrations planned this year include a mix of activities. A commemorative newsletter in February will highlight the city's rich history; a half-marathon and 5K road race later this month will showcase the city's extensive and impressive park system; volunteer opportunities spread throughout the year offer residents a number of ways to give back to their community; and a 50th anniversary concert this summer as part of the 2013 summer concert series will bring families and friends together to celebrate this important anniversary.

The city of Portage and its residents have much to be proud of. Together, they have steadily moved forward. This year is a moment to pause and reflect on the past, and to ensure that the next 50 years continues to be marked by growth and progress.•

## VERMONT ESSAY FINALISTS

• Mr. SANDERS. Mr. President, I ask to have printed in the RECORD finalist essays written by Vermont High School students as part of the Third Annual ''What is the State of the Union?'' Essay contest conducted by my office. These 21 finalists were selected from over 300 entries.

The essays follow.

### SYDNEY ALDERMAN, MT. ABRAHAM UNION HIGH SCHOOL (FINALIST)

Today we often face the problem of excessive violence between people, starvation, and economic problems. People aren't all getting what they need and something needs to be done. What would fix everything, broaden our universal communications skills and get things done quicker would be to unite globally. By working as an entire unit we can all communicate and work toward the same goal we all crave: peace. Uniting globally can solve conflicts causing violence, starvation, and economic problems.

Uniting globally will benefit the people of the world immensely. By uniting globally it would be much easier to distribute the necessary resources to sustain everyone, such as food, water, and energy. When everyone is on the same page and communicating thoroughly between territories, you can maintain fair trade and further discuss what laws and human rights need to be established as well. When we're all united for a common goal, let's assume peace amongst all people, discussion is more productive and conclusive and proper action can be taken at a faster pace. Actions such as bringing food and water to those who have none, and also getting the area with these conditions re-established for suitable living conditions. Everyone benefits from a united world.

The U.S. economy will be heavily benefitted by uniting globally. When we unite globally, trade is faster and we can simply work faster because communication is quicker and more conclusive than when we're all thinking separately. Trade will therefore be quicker and we can be more productive about it with such open communication. It would be easier to discuss the distribution of currency amongst countries and people and how we can fix the current economic problems. Uniting globally will solve the biggest problems of the world. It will broaden the communication between territories and will help us resolve conflicts causing famine, violence, and economic problems universally. When we all band together we can accomplish anything and finally bring a new era of peace.

### TYLER BRADLEY, SOUTH BURLINGTON HIGH SCHOOL (FINALIST)

Our country needs to invest in clean sustainable energy and decrease our dependence for oil from other nations. Our nation should be investing in wind and solar power. Wind is a renewable source of energy, which will last forever. It does not pollute our environment and is all natural. Solar energy also provides us with clean energy, with no combustion. It too is renewable and causes no greenhouse gases. Although wind and solar, as energy sources, may prove to be expensive, it is a small price to pay for the health and safety of our environment. In contrast, we are eventually going to run out of oil and the high cost of transporting oil and our dependency on other nations needs to be eliminated.

We need to stop relying on foreign nations for our energy supply. If foreign governments continue to control oil profits they can use that money to fund terrorism mischief. In addition, these energy rich countries can restrict the oil supply and therefore make the United States a hostage to their demands. We need to end this cycle and invest in more sustainable energy sources.

We need Congress to work harder to obtain sustainable energy tax incentives like the Investment Tax Credit and Production Tax Credits. These credits will help reduce the cost of wind and solar projects and in the long run help reduce global warming. All across our earth we currently see record heat waves, melting glaciers, rising sea levels and extreme droughts and floods. The United States must lead the world in reversing global warming, to preserve a safe planet for our children and grandchildren.

### ANNIE ARTHUR, WOODSTOCK UNION HIGH SCHOOL (FINALIST)

To be a democracy, our country must be able to hear the voices of every citizen individually and the population as a whole. People all over the world are sacrificing their lives for the hope of the right to vote. In the United States, eligibility is simple. To vote, one must be a citizen of the United States and be 18 or older. However, a country as great as ours does not seem able to succeed in a very seemingly simple task: vote freely. The State of our Union is teetering on the edge.

In the 2012 Presidential Election, only 57.5% of the entire eligible population cast their ballots. About 93 million citizens did not participate in this most basic foundation of democracy. How is the United States supposed to run as an effective democracy if so many citizens remain silent in such a crucial time to make their voices heard? Granted, part of this lack of voting is caused by laziness, indifference or belief that one vote will not change the outcome. However, there are many citizens who want to vote but restrictions imposed at the state level have either attempted or succeeded to suppress participation in this election. In this recent election there were laws passed to hinder voter participation by making it difficult to register to vote, requiring voter photo identifications, miscommunication of date and times, and threatening voters with imprisonment for voter fraud. Officials also succeeded in cutting early voting periods, voting by mail, polling hours and number of locations. Even though courts temporarily struck down many of these efforts, there is no reason to believe that state officials will be deterred from imposing more voting restrictions in the future.

This national issue should not be determined at state level. Restriction on voting is a federal problem and should be addressed by federal powers. This is too important an issue to leave to individual state governments as clearly demonstrated by the blatant attempts to deny citizens their right to vote. The solution is to simply create basic standards on voting. The federal government could pass a bill with minimum guidelines for states to follow on voting laws. This legislation does not need to be a complex list of restrictions; this bill would be freeing up voting laws by listing only what needs to happen to achieve successful voting. Each state would then have the freedom to expand on these basic requirements. This bill could facilitate registration, polling hours and ability to mail in votes. It is an American's right to be able to vote. As the world's greatest democracy, no political party should be able to obstruct voting. The United States, a nation for the people, of the people, by the people needs to set a better example as the standard bearer of democracy.

### JEANNINE BISSONETTE, CHAMPLAIN VALLEY UNION HIGH SCHOOL (FINALIST)

Ever since Woodrow Wilson was elected in 1913, it has been a tradition for Presidents to address the nation with their State of the Union report. As President Obama prepares to present his State of the Union address, many politically concerned citizens begin to ponder the thoughts of what will be produced in the next four years.

With a current national unemployment rate of 7.9%, the numbers appear to be much lower than the 10% that the United States endured during October of 2009. Although these rates suggest a recuperating recession, they have not yet reached a level in which the nation can sit back comfortably. These high unemployment rates understandably result in a greater necessity for more families to reach out to social welfare services such

as food stamps and local food shelves. According to a local press interview with food shelf coordinator Mary Ann Castimore, the Vergennes Congregational Church found themselves serving a total of approximately fifty to sixty new families. People are struggling to find and hold steady jobs; feeding their families continues to be growing concern.

Corresponding with the current economy, the United States could certainly do more to address the concerns of the young people. With the lack of vacant positions in the working world, young adults are learning quickly that it does not matter so much what they've majored in, but what is available. As a high school student of Vermont, I have become increasingly aware of my school advisor's push for me to look into which fields are in need of laborers, rather than those that suit me best when determining an occupation. As the pursuit for jobs lengthens, it is important that the government restricts outsourcing jobs to other countries and create said jobs within the nation. Instead of outsourcing jobs, the United States should provide incentives to retain these positions in America.

As the United States adapts to the most severe recession since the Great Depression, the American citizens' fear of a failing economy is justified. Major issues such as the nearing fiscal cliff or changes in Social Security are becoming more common parts of American conversation. As January approaches, politicians in D.C. are running out to time to make the decision of who will be taxed in the coming years. By taxing Americans making over two hundred and fifty-thousand dollars, more taxes can be gleaned by the federal government. Additionally, more citizens being taxed results in more equitable terms. As a federal insurance program, Social Security is praised highly for the benefits it provides the retired population. Since American citizens are now living into their eighties, a shortage in Social Security money has materialized. The inadequacy of funds has led to an extended retirement age which is predicted to continue increasing into the future. The United States must continue to raise the retirement age in order for Social Security to continue operating. It takes time and multiple strategies to solve any major issue: there is no one perfect solution.

JONAH BLATT, MILTON HIGH SCHOOL (FINALIST)

Good Evening America,

There are several issues that need to be addressed here tonight that will benefit our nation in one way or another. First off, I'd like to touch on the topic of unemployment. The unemployment rate has dropped significantly. The rate was 10% in November of 2009, which was the highest from January 1st 2009 to January 1st 2013. In the middle of that, the rate bounced up and down between 9% and 9.5% from 2010 to 2011. Now here we sit today on a continuous, steady decline all the way down to 7.7%, and I assure you it is not over. Jobs were being created at a rate of 151,000 per month in 2012 and we look to raise that number this coming year. My new plan allows workers who have lost their job to be placed on temporary jobs as trainees for short periods to retain their skills or gain new ones while still receiving benefits. This was released on April 19th where the unemployment rate was 8.2% and now it is 7.7%. It's working, America.

Cannabis, or better known as marijuana has become a major topic of discussion these days in America. Is it a medical miracle or an addiction amongst many? The Office of National Drug Control Policy and I have stated that we oppose the legalization of marijuana and other drugs since legalization would increase the availability and use of other illegal drugs. Their legalization would bring more health and safety risks closer to your homes. The legalization and selling of marijuana could bring some positive to our attention. A potential boost for the economy if it was sold and taxed heavily. However in the end I strongly oppose the legalization process and it should only remain available for medical use only. The risks strongly outweigh the positives.

Over 50 years ago we created a strong, close relationship with Israel. We have done joint military planning along with military research and weapons development. We have continuously assisted Israel with $3.1 billion in security assistance and I will not be the president to stop that trend. The only way for Israel to achieve peace with their neighbors is to begin with a clear and strong commitment to the security of Israel. They are also a big export consumer to our economy. We must stand by our ally through these tough times between them and the Palestinians. We will look to both sides to find a common ground to install peace back into the world between these rival nations. I am in support of resumption of the aid to the Palestinian government with a condition that the government renounce terrorism. Israel has a right to defend themselves from these Palestinian rocket attacks, but we will look to peace first in order to draw this to an end. Israel is an important ally in all perspectives. We must help them.

Thank you and good night America.

ALLIE BULL, CHAMPLAIN VALLEY UNION HIGH SCHOOL (FINALIST)

The United States of America is known as the land of profuse opportunity for all who come here. Throughout the history of this country, there have been events to be proud of and events that were not too glorious. As the world prepares for the new year of 2013, it is a good idea to reflect as we explore the state of this union, and gain insight into how this country is running.

Congress is seemingly dysfunctional right now. The current Congress has passed the least number of bills in history. This statistic is shocking and embarrassing. The system of checks and balances within our democracy is designed to prevent an abuse of power. It is also a known fact that our system takes longer to pass bills and get things done; however, the current state of gridlock is not okay. The nation is frustrated with the leaders and the lack of compromise in Washington. Congress needs to become a leader of the whole nation, and not individual leaders of each political party. The wall between each party needs to be let down and national issues need to be addressed. It is hard for congressmen to make decisions that could affect reelection; yet, the lack of progress being made is not making the constituents any happier. It is better for these leaders to leave the nation stronger and prosperous than when they arrived, as opposed to an unchanged, struggling country.

In the shadow of the Sandy Hook Massacre, gun control debates have resurfaced. This is a topic that needs to be addressed, swiftly and promptly. Semi-automatic weapons are completely and utterly unnecessary in the United States of America. There is no reason that a person should need or desire to own one. These weapons are killing machines and should be banned. Americans have the right to bear arms, but there is no need for weapons other than hunting weapons. Any weapons that do remain legal in this country need to be regulated and controlled with very thorough background checks. However, the fact that semi-automatic weapons are available isn't the only cause of these tragedies. Hollywood portrays gun violence as exciting and desirable. That, in combination with violent video games, leaves imprints in the brains of impressionable young people (including the mentally ill). Semi-automatic weapons should be banned, and violence movies and games should be regulated. In this country there is freedom of speech and expression, but the production of these movies and games results in harm to other citizens. All of these factors need to be addressed. Politicians who agree with this stance need to step up and speak out despite the possible damage to their reelection. The safety of the people should be more important than reelection.

America is a bright and prosperous place. There are a few issues dragging it down, but with the known strength of this nation, these problems can be solved. The only way to fix big problems is to lay down political barriers and work together, hand-in-hand.

EMMA DAVITT, CHAMPLAIN VALLEY UNION HIGH SCHOOL (FINALIST)

The current state of our Union is multifaceted, filled with diverse opinions and numerous obstacles. Our Union faces an interesting future ahead, either a prosperous and promising future, or a destructive and deleterious future. It is up to us, the people of the United States, to do everything we can to ensure a brilliant future, to promise fortuitous and successful lives for our succeeding generations.

We are currently coping with the most intense, severe recession in our country since the Great Depression. 7.9% of the people in the United States are out of work, struggling to find jobs and earn a living. Detrimental taxes are traumatizing families, college graduates' degrees are rarely helping them secure jobs and, throughout these unfortunate situations, many Americans are still focusing on abortions and gay marriage rights. It is time for our nation to accept individuality, embrace the freedom our country was founded upon, and fix the major problems facing the people of the United States of America.

The unemployment rate is uncomfortably high. In 2008, many businesses closed, numerous workers were laid off and the unemployment rate began to rise. As a result, jobs have become more valuable, and at a time where few were comfortable with their living situations and current bank accounts, taxes rose. To address this situation, taxes must be lowered for the lower and middle-class families while returning the economy to a peaceful state, encouraging businesses to grow and expand in the United States.

The economy is not only affecting the working class of our nation, but also the children—the future. If children watch their parents and older siblings with college degrees struggle to find a job, what will make them want to go to college? What will convince them that attending college is a wonderful and beneficial experience? The young members of our national community will one day be responsible for our country and our only option to ensure a bright and promising future is to nurture, teach and help this younger generation. With this in mind, it should be of great importance to the United States to make college education more affordable for the young population. Through grants, aid and scholarships, many more students will have the opportunities to attend universities, and with an economy on the mend, we can look to the future with great hope in the highly educated body that will one day run the country.

Contemplating these issues, our Union has a lot to focus on. We have run ourselves into a deep economic and educational rut and it is our job to work together to climb out of

it. The future of our country rests solely in the hands of the upcoming generation, however, how can we have faith in the subsequent decades if our current society struggles to find jobs and attend college? The answer is rather simple, the young people of our country have the chance to make groundbreaking decisions and be amazing leaders, if given the opportunities.

TARYN DRUGE, CHAMPLAIN VALLEY UNION HIGH SCHOOL (FINALIST)

In an idealistic world we would work for a common good. Countries wouldn't consider money, land, or rivalry. They would only see how they could create peace and maintain it. As Franklin D. Roosevelt said, ''A point has been reached where the peoples of the Americas must take cognizance of growing ill-will, of marked trends toward aggression, of increasing armaments, of shortening tempers—a situation which has in it many of the elements that lead to the tragedy of general war . . . Peace is threatened by those who seek selfish power.'' It is my opinion that, in this world, we are not driven by the ambition for peace but instead by the ambition for wealth and power. We, the U.S., are no different, as much as we would love to believe otherwise and see ourselves as the peace bearers of the world. We must open our eyes to the truth. Wealth and power must be relevant in our dealings with foreign nations because these are some of the only factors that will drive negotiation.

An example of the struggle for wealth and power is the United States relationship with China. Currently, the U.S. is deeply uneasy about China, to whom we are deeply indebted, for they are our greatest supplier of goods. It is frightening to think that China's withdrawal could destroy our entire economy, yet our withdrawal from China would cripple them as well. Instead of the dependence creating unity among our nations, it has created discomfort and hostility. The power complex each country has creates the belief that dependence upon one another weakens us. When Thomas Jefferson said, ''Dependence begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition,'' Jefferson could never foresee that U.S. dependence would extend overseas due to our economies' desire to manufacture cheaper and thus more profitable products.

China and the U.S are two great superpowers, and each is just as self-destructive as the other. Without a strong and desirable alliance with China, the U.S. becomes weakened to possible foreign attacks and a collapse of the economy. The U.S. is feeling out of balance right now: so many goods are being manufactured overseas at the expense of U.S. jobs being taken away. This balance could be found when the U.S comes to the realization that we cannot completely isolate China, and, at the same time, we must create a political environment that nurtures U.S. businesses that manufacture products domestically.

In an ideal world the bonds and alliances of countries would surpass the separation of race, religion, class and culture. We must work towards this ideal world, because in it we will find a far better future we could not possibly foresee today.●

## TRIBUTE TO TECHNICAL SERGEANT GREGORY M. GRUTTER

● Mr. WHITEHOUSE. Mr. President, I rise today to recognize the heroic service of Rhode Island Air National Guard TSgt. Gregory M. Grutter. Technical Sergeant Grutter was awarded the Bronze Medal Star with Valor and the Purple Heart, and I honor him for the courageous actions he took to earn these awards.

In 2008, Technical Sergeant Grutter was assigned as a security officer for the Defense Intelligence Support Office-Afghanistan. On March 20, 2008, while driving a convoy vehicle for the Guard, Technical Sergeant Grutter twice risked his own life to thwart enemy ambushes and save the lives of others.

In the first instance, Technical Sergeant Grutter used his own vehicle as a shield to protect Afghan National Police officers driving an unarmored vehicle. Then, noticing the Afghan National Police's machine gun crew in distress, he dismounted from his own vehicle, ran through intense fire, and helped the police repair their weapons.

While Technical Sergeant Grutter was working with the machine gun crew, enemy insurgents moved in to flank the convoy and began to prepare an attack. With great bravery, Sergeant Grutter ran approximately 200 meters over exposed terrain to engage the insurgents, which forced them to retreat. Shortly thereafter, the enemy disengaged and left the area.

Unfortunately, a second ambush was already in the making. A large number of civilians became trapped by small arms fire from enemy forces. Without regard for his personal safety, Technical Sergeant Grutter provided suppressing fire from an exposed position, which allowed the Afghan National Police to evacuate the civilians to safety.

As a result of the courageous actions taken by Technical Sergeant Grutter, lives were saved and the convoy continued its mission.

I thank Technical Sergeant Grutter for his brave actions and honor his distinguished service and meritorious achievement in earning the Bronze Medal Star with Valor and the Purple Heart. The courage he demonstrated during his combat mission brings great honor to our country, the Air National Guard and the state of Rhode Island.

Along with his fellow Guardsmen, I thank Technical Sergeant Grutter for his outstanding commitment to serving and protecting our country. We in Rhode Island are lucky to call him one of our own, and we are proud of him.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, 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.)

## SIX-MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO LIBYA THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13566 OF FEBRUARY 25, 2011—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13566 of February 25, 2011, is to continue in effect beyond February 25, 2013.

Colonel Muammar Qadhafi, his government, and close associates took extreme measures against the people of Libya, including by using weapons of war, mercenaries, and wanton violence against unarmed civilians. In addition, there was a serious risk that Libyan state assets would be misappropriated by Qadhafi, members of his government, members of his family, or his close associates if those assets were not protected. The foregoing circumstances, the prolonged attacks, and the increased numbers of Libyans seeking refuge in other countries caused a deterioration in the security of Libya, posed a serious risk to its stability, and led me to declare a national emergency to deal with this threat to the national security and foreign policy of the United States.

We are in the process of winding down the sanctions in response to developments in Libya, including the fall of Qadhafi and his government and the establishment of a democratically elected government. We are working closely with the new Libyan government and with the international community to effectively and appropriately ease restrictions on sanctioned entities, including by taking actions consistent with the U.N. Security Council's decision to lift sanctions against the Central Bank of Libya and two other entities on December 16, 2011. The situation in Libya, however, continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States and we need to protect against this threat and the diversion of assets or other abuse by certain members of Qadhafi's family and other former regime officials. Therefore, I have determined that it is necessary to continue

the national emergency with respect to Libya.

BARACK OBAMA.

THE WHITE HOUSE, *February 13, 2013.*

## MESSAGE FROM THE HOUSE

At 12:57 p.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 bills, in which it requests the concurrence of the Senate:

H.R. 235. An act to amend the Public Health Service Act to provide grants to States to streamline State requirements and procedures for veterans with military emergency medical training to become civilian emergency medical technicians.

H.R. 316. An act to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 235. An act to amend the Public Health Service Act to provide grants to States to streamline State requirements and procedures for veterans with military emergency medical training to become civilian emergency medical technicians; to the Committee on Health, Education, Labor, and Pensions.

H.R. 316. An act to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; to the Committee on Energy and Natural Resources.

## 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–372. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Environmental Impact and Related Procedures'' (RIN2132–AB03) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–373. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Children's Online Privacy Protection Rule'' (RIN3084–AB20) received in the Office of the President of the Senate on February 7, 2013; to the Committee on Commerce, Science, and Transportation.

EC–374. A communication from the Federal Register and Regulatory Liaison Officer, Office of Protective Services, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Security and Protective Services Enforcement'' (RIN2700–AD89) received in the Office of the President of the Senate on February 7, 2013; to the Committee on Commerce, Science, and Transportation.

EC–375. A communication from the Federal Register and Regulatory Liaison Officer, Office of Protective Services, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Information Security Protection'' (RIN2700–AD61) received in the Office of the President of the Senate on February 7, 2013; to the Committee on Commerce, Science, and Transportation.

EC–376. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Motorcycle Brake Systems'' (RIN2127–AK16) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–377. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Side Impact Protection'' (RIN2127–AK82) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–378. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalties'' (RIN2127–AL16) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–379. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment'' (RIN2127–AK99) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–380. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; New Pneumatic and Certain Specialty Tires'' (RIN2127–AK42) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–381. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 567—Certification Authorized by 49 U.S.C. 30115'' (RIN2127–AL18) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–382. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''List of Nonconforming Vehicles Decided to be Eligible for Importation'' (Docket No. NHTSA–2011–0127) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–383. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Consumer Information Regulations: Fees for Use of Traction Skid Pads'' (RIN2127–AK06) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–384. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Event Data Recorders'' (RIN2127–AL14) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–385. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Make Inoperative Exemptions; Retrofit On-Off Switches for Air Bags'' (RIN2127–AL19) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–386. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Uniform Procedures for State Highway Safety Grant Programs'' (RIN2127–AL30) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–387. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Matters Incorporated by Reference'' (RIN2127–AK89) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–388. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Tire Fuel Efficiency Consumer Information Program'' (RIN2127–AK83) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–389. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2013 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2013'' (RIN2127–AL21) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–390. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees Authorized'' (RIN2127–AL09) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–391. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0530)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–392. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0488)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–393. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0643)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–394. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0829)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–395. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0846)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–396. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0493)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–397. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0830)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–398. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–1128)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–399. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0794)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–400. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0340)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–401. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1104)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–402. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0143)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–403. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0216)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–404. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0679)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–405. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0806)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–406. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0428)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–407. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0518)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–408. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0498)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–409. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1168)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–410. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0652)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–411. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–1188)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–412. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0728)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–413. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0427)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–414. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0642)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–415. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0592)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–416. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0719)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–417. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0726)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–418. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0146)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–419. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Division Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2012–0546)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–420. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0640)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–421. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alpha Aviation Concept Limited Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0798)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–422. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0856)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–423. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–0619)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–424. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0144)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–425. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0596)) received in the Office of the President of the Senate on February 11, 2013; 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. REED (for himself, Mr. JOHANNS, Mrs. BOXER, and Mr. FRANKEN):

S. 290. A bill to reduce housing-related health hazards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REED (for himself, Mr. JOHANNS, Mrs. BOXER, and Mr. FRANKEN):

S. 291. A bill to establish the Council on Healthy Housing and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEE:

S. 292. A bill to amend the Immigration and Nationality Act to provide a special rule for the period of admission of H–2A nonimmigrants employed as sheepherders, goat herders, or dairy farmers, and for other purposes; to the Committee on the Judiciary.

By Mr. LEE:

S. 293. A bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. TESTER (for himself, Mr. BAUCUS, Mr. BEGICH, Mr. BLUMENTHAL, Mrs. GILLIBRAND, and Mrs. SHAHEEN):

S. 294. A bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG:

S. 295. A bill to allow certain Indonesian citizens to file a motion to reopen their asylum claims; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Ms. COLLINS, Mr. SCHUMER, Ms. KLOBUCHAR, Mr. BLUMENTHAL, and Ms. BALDWIN):

S. 296. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

By Mr. RUBIO:

S. 297. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified elementary and secondary education tuition; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. CORKER, Mr. CARDIN, Mr. RUBIO, Mrs. FEINSTEIN, Mrs. BOXER, Mr. INHOFE, and Mr. DONNELLY):

S. 298. A bill to prevent nuclear proliferation in North Korea, and for other purposes; to the Committee on Foreign Relations.

By Mr. VITTER (for himself, Mr. GRASSLEY, Mrs. FISCHER, and Mr. SESSIONS):

S. 299. A bill to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. VITTER (for himself, Mr. SESSIONS, and Mr. LEE):

S. 300. A bill to prohibit the implementation of any program that grants temporary legal status to, or adjusts the status of, any individual who is unlawfully present in the United States until the Secretary of Homeland Security certifies that the US–VISIT system has been fully implemented at every land, sea, and air port of entry; to the Committee on the Judiciary.

By Mr. VITTER (for himself, Mr. LEE, and Mr. BOOZMAN):

S. 301. A bill to amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United States at birth; to the Committee on the Judiciary.

By Mr. VITTER:

S. 302. A bill to amend the Immigration and Nationality Act to make voting in a Federal election by an unlawfully present alien an aggravated felony and for other purposes; to the Committee on the Judiciary.

By Mr. VITTER:

S. 303. A bill to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 304. A bill to direct the Secretary of the Interior to convey to the State of Mississippi 2 parcels of surplus land within the boundary of the Natchez Trace Parkway, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 305. A bill to authorize the acquisition of core battlefield land at Champion Hill, Port Gibson, and Raymond for addition to Vicksburg National Military Park; to the Committee on Energy and Natural Resources.

By Mr. BARRASSO (for himself, Mr. RISCH, Mr. ENZI, and Mr. CRAPO):

S. 306. A bill to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. DURBIN, Mr. SCHUMER, Ms. STABENOW, Mr. CARDIN, Mrs. MCCASKILL, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mrs. SHAHEEN, Mr. FRANKEN, Mr. REED, Mr. NELSON, Ms. KLOBUCHAR, Mr. BROWN, Mr. LEAHY, and Mr. MERKLEY):

S. 307. A bill to reduce the Federal budget deficit by closing big oil tax loopholes, and for other purposes; to the Committee on Finance.

By Mr. BEGICH:

S. 308. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to make improvements in the old-age, survivors, and disability insurance program, to provide for cash relief for years for which annual COLAs do not take effect under certain cash benefit programs, and to provide for Social Security benefit protection; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. COCHRAN, Mr. BEGICH, and Mr. WYDEN):

S. 309. A bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MORAN (for himself, Mr. WARNER, Mr. COONS, and Mr. BLUNT):

S. 310. A bill to jump-start economic recovery through the formation and growth of new businesses, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU:

S. 311. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and

for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of New Mexico (for himself and Mr. HEINRICH):

S. 312. A bill to adjust the boundary of the Carson National Forest, New Mexico; to the Committee on Energy and Natural Resources.

By Mr. CASEY (for himself, Mr. BURR, Mr. HARKIN, Mr. CARDIN, Mr. RUBIO, Mr. FRANKEN, Mr. MORAN, Mr. REED, Mr. LEAHY, Mrs. BOXER, Mr. BROWN, Mr. SANDERS, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. BLUNT, Mr. COONS, Mr. JOHANNS, and Mrs. GILLIBRAND):

S. 313. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 314. A bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself, Mr. WICKER, Mr. SANDERS, Ms. COLLINS, Mr. MENENDEZ, Mr. ISAKSON, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, and Mr. NELSON):

S. 315. A bill to reauthorize and extend the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mr. LEAHY, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. WYDEN, Mr. MERKLEY, Mr. UDALL of New Mexico, and Mr. BROWN):

S. 316. A bill to recalculate and restore retirement annuity obligations of the United States Postal Service, to eliminate the requirement that the United States Postal Service prefund the Postal Service Retiree Health Benefits Fund, to place restrictions on the closure of postal facilities, to create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHANNS (for himself and Mrs. FISCHER):

S. 317. A bill to require the Inspector General of the Environmental Protection Agency to include certain assessments in reports; to the Committee on Environment and Public Works.

By Mr. JOHANNS:

S. 318. A bill to rescind funds made available to the Administrator of the Environmental Protection Agency if the Administrator fails to meet certain deadlines; to the Committee on Environment and Public Works.

By Mr. JOHANNS:

S. 319. A bill to require the Administrator of the Environmental Protection Agency to provide adequate data, modeling, and support in the development of a State implementation plan under the Clean Air Act; to the Committee on Environment and Public Works.

By Mr. JOHANNS (for himself, Mr. BARRASSO, Mr. PAUL, Ms. COLLINS, Mr. GRASSLEY, Mr. COATS, Mr. JOHNSON of Wisconsin, and Mrs. FISCHER):

S. 320. A bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of agency guidance documents; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE (for himself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. LEAHY, Mr. REED, Mr. LAUTENBERG, Mr. LEVIN, Mr. SANDERS, Mr. ROCKEFELLER, Mr. HARKIN, and Mr. FRANKEN):

S. 321. A bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. FRANKEN, Mr. BEGICH, and Ms. HIRONO):

S. 322. A bill to set the United States on track to ensure children are ready to learn when they begin kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 323. A bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. MCCONNELL, Mr. ROBERTS, Mr. HATCH, Mr. COCHRAN, Mr. GRASSLEY, Mr. SHELBY, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Ms. COLLINS, Mr. ENZI, Mr. CRAPO, Ms. MURKOWSKI, Mr. CHAMBLISS, Mr. GRAHAM, Mr. ALEXANDER, Mr. BURR, Mr. COBURN, Mr. THUNE, Mr. ISAKSON, Mr. VITTER, Mr. CORKER, Mr. BARRASSO, Mr. WICKER, Mr. JOHANNS, Mr. RISCH, Mr. KIRK, Mr. COATS, Mr. BLUNT, Mr. MORAN, Mr. PORTMAN, Mr. BOOZMAN, Mr. TOOMEY, Mr. HOEVEN, Mr. RUBIO, Mr. JOHNSON of Wisconsin, Mr. PAUL, Mr. LEE, Ms. AYOTTE, Mr. HELLER, Mr. SCOTT, Mr. FLAKE, Mr. CRUZ, and Mrs. FISCHER):

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. GILLIBRAND (for herself, Ms. MIKULSKI, Mr. FRANKEN, Ms. LANDRIEU, Mrs. BOXER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. COCHRAN, Mr. LEVIN, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. COONS, Mr. SCHATZ, Mr. BEGICH, Mr. MANCHIN, Mrs. HAGAN, Mrs. SHAHEEN, Mr. CASEY, Mr. BROWN, Mr. WICKER, Mr. UDALL of Colorado, Mr. NELSON, Mr. SCHUMER, Mr. PRYOR, Ms. CANTWELL, Mr. PORTMAN, Mr. ISAKSON, Mr. WYDEN, Mr. WARNER, Mr. MERKLEY, Mr. DURBIN, Mrs. MCCASKILL, Ms. STABENOW, Mrs. FEINSTEIN, Mr. COWAN, and Mr. REED):

S. Res. 31. A resolution celebrating Black History Month; considered and agreed to.

By Mr. HOEVEN (for himself and Ms. HEITKAMP):

S. Res. 32. A resolution congratulating the North Dakota State University football team for winning the 2012 National Collegiate Athletic Association Division I Football Championship Subdivision title; considered and agreed to.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. Res. 33. A resolution commemorating the 150th anniversary of Emporia State University; considered and agreed to.

By Mr. ROBERTS (for himself and Mr. MORAN):

S. Res. 34. A resolution commemorating the 150th anniversary of Kansas State University; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 37

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 37, a bill to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, and for other purposes.

S. 119

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 119, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 153

At the request of Mr. BEGICH, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 153, a bill to amend section 520J of the Public Health Service Act to authorize grants for mental health first aid training programs.

S. 169

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 169, a bill to amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes.

S. 183

At the request of Mrs. MCCASKILL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 183, a bill to amend title XVIII of the Social Security Act to provide for fairness in hospital payments under the Medicare program.

S. 210

At the request of Mr. HELLER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 210, a bill to amend title 18, United States Code, with respect to fraudulent representations about having received military declarations or medals.

S. 234

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 234, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 264

At the request of Ms. STABENOW, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 264, a bill to expand access to community mental health centers and improve the quality of mental health care for all Americans.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mr. JOHANNS, Mrs. BOXER, and Mr. FRANKEN):

S. 290. A bill to reduce housing-related health hazards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I am introducing two bipartisan bills pertaining to healthy housing, the Healthy Housing Council Act and the Title X Amendments Act. These bills seek to improve federal coordination of healthy housing efforts and better integrate healthy housing activities into the ongoing lead poisoning prevention work at the Department of Housing and Urban Development.

The presence of housing-related health hazards is often overlooked or is unable to be addressed, and yet these hazards are sometimes the cause of a variety of preventable diseases and conditions like cancer, lead poisoning, and asthma. While I have been working to address these hazards throughout my tenure in Congress, I was pleased that the Administration last week released its Strategy for Action to Advance Healthy Housing, a multi-department and agency effort to develop consensus-based criteria to address housing hazards that impact the health and habitation of children and families.

This new Strategy for Action calls on Federal agencies to address barriers and disincentives to the delivery of services to improve housing conditions, particularly among low-income families with young children; replicate successful local healthy housing programs on a larger scale; and conduct more research into cost-effective advances in healthy housing programming.

The Title X Amendments Act, S. 290, which I am introducing with Senators JOHANNS, FRANKEN, and BOXER, and has been in the drafting stages for many months, responds to these calls for action. It would provide HUD with the necessary authority to continue to carry out healthy housing activities while protecting important ongoing lead remediation efforts, allow grantees to improve the conditions in zero-bedroom units, and streamline eligibility for assistance. These are simple, yet necessary reforms designed to improve and expand cost-effective services, and I look forward to working with my colleagues to see them enacted.

It is also vital that we continue the type of collaboration and coordination among Federal departments and agencies, like HUD, HHS, EPA, and CDC, that resulted in the Strategy for Action to Advance Healthy Homes. Indeed, there are many programs fragmented across multiple agencies that are responsible for addressing housing-related health hazards like lead and radon, and we should strive to improve the efficiency and efficacy of these efforts by ensuring that these agencies continue to work together.

The Healthy Housing Council Act, S. 291, which Senator JOHANNS, FRANKEN, and BOXER have also cosponsored, would establish an independent interagency Council on Healthy Housing in the executive branch in order to improve coordination, bring existing efforts out of their respective silos, and reduce duplication.

The bill calls for the council to convene periodic meetings with experts in the public and private sectors to discuss ways to educate individuals and families on how to recognize housing-related health hazards and access the necessary services and preventive measures to combat these hazards. The council would also be required to hold biannual stakeholder meetings, maintain an updated website, and work to unify healthy housing data collection and maintenance.

Our goal for these bills is to help reduce the more than 5.7 million households living in conditions with moderate or severe health hazards, 23 million additional homes with lead-based paint hazards, 14,000 unintentional injury and fire deaths every year that result from housing-related hazards, and 21,000 radon-associated lung cancer deaths every year. Indeed, these numbers contribute to increasing health care costs for individuals and families, as well as for federal, state, and local governments.

Promoting low-cost measures to eliminate subpar housing can make a dramatic and meaningful difference in the lives of children and families and help reduce health care costs. I urge our colleagues to join in supporting these bipartisan bills.

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By Mr. LEAHY (for himself, Ms. COLLINS, Mr. SCHUMER, Ms. KLOBUCHAR, Mr. BLUMENTHAL, and Ms. BALDWIN):

S. 296. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am reintroducing the Uniting American Families Act, UAFA, which grants same-sex bi-national couples the same immigration benefits heterosexual couples have long enjoyed. This is the sixth Congress in which I have introduced this legislation, and I am proud to be joined this year by Senator COLLINS, a strong champion for American families. She cosponsored this bill last Congress, and I thank her for her leadership as she joins me as an original cosponsor today.

Preserving family unity is central to our immigration policy. President Obama understands that, which is why I was so pleased to see that he included UAFA as a core tenet of the immigration principles he outlined last month.

Even as American attitudes are changing about the civil rights of gay and lesbian Americans, the so-called Defense of Marriage Act forces many Americans to choose between the country they love and being with the people they love. This destructive policy tears families apart and forces hardworking Americans to make the heart-wrenching choice no American should have to make. Families from Maine to California experience this hardship. In Vermont, I have seen firsthand the unfairness that couples have endured as a result of our current laws and have spoken at length on their struggles in this Chamber. I have heard from a number of Vermonters who have had to make the difficult decision to leave their work and homes in Vermont in order to be able to live with their spouses in more welcoming countries; some whole spouses are legally in the U.S. temporarily but worry daily when they will be required to leave the U.S.; and some who suffer the heartbreak of a long-distance marriage when their spouses are denied even a visitor visa to spend some time with their spouses in the U.S. The Senate Judiciary Committee heard directly from families like these as well.

Over the past decade, Americans have begun to reject the notion that U.S. citizens who are gay or lesbian should not have their committed relationships recognized by the law and the protections that provides. As of last month, the District of Columbia and nine states, including Connecticut, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New York, Washington, and my home state of Vermont, have legalized same-sex marriage. At the end of the 111th Congress, bipartisan votes in both the Senate and the House reversed the Military's ''Don't Ask, Don't Tell'' policy, a 17-year-old stricture that barred gay and lesbian service men and women from openly serving in the military. Consistent with the repeal of the ''Don't Ask, Don't Tell'' policy, just last week the Pentagon signaled that it will begin providing benefits to the same-sex spouses of military personnel. As they have many times in our past and will continue in the future, prevailing American attitudes are progressing toward fairness and justice. The Supreme Court is poised to decide the fate of the Defense of Marriage Act and whether that law, which deprives same-sex couples of over 1,000 Federal benefits and responsibilities, is consistent with our constitutional values.

Many of our friends around the world have embraced immigration equality for same-sex families. Today at least 25 nations, including some of our closest allies, offer immigration benefits to same-sex couples. America should join Argentina, Australia, Belgium, Brazil, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greenland, Hungary, Iceland, Israel, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Romania, South Africa, Spain, Sweden, Switzerland, and the United Kingdom in leading on this issue of civil rights and respect for the dignity of all families. I hope that Senators who supported this important advancement in our military policy will join me in calling for similar fairness and equality in our immigration laws.

Some opponents of the United American Families Act have argued that it would increase the potential for visa fraud. Of course I share the belief that all immigration applications should be screened for fraud, but I am confident that U.S. Citizenship and Immigration Services will have no more difficulty identifying fraud in same-sex relationships than they do in heterosexual marriages. The penalties for fraud under this bill would be the same as the penalties for marriage fraud. These are very strict penalties: a sentence of up to 5 years in prison, $250,000 in fines for the U.S. citizen partner, and deportation for the foreign partner. In addition, in order to qualify as a bi-national couple under UAFA, petitioners must prove that they are at least 18 years of age and in a committed, lifelong relationship with another adult. The advancement of American ideals that respect human relationships and family bonds need not and should not be impeded by such fears.

Among developed countries with cultures of respect for human rights and fairness, the United States policy in this regard is not living up to our great traditions of equal treatment under the law. We can and should do better. I hope all Senators will agree that the United States should not have a policy that forces Americans to choose between their country and the ones they love, and I urge members of this body to join Senator COLLINS and me in this effort.

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. 296

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Uniting American Families Act of 2013''.

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, if an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendments to Immigration and Nationality Act; table of contents.
Sec. 2. Definitions of permanent partner and permanent partnership.
Sec. 3. Worldwide level of immigration.
Sec. 4. Numerical limitations on individual foreign states.
Sec. 5. Allocation of immigrant visas.
Sec. 6. Procedure for granting immigrant status.
Sec. 7. Annual admission of refugees and admission of emergency situation refugees.
Sec. 8. Asylum.
Sec. 9. Adjustment of status of refugees.
Sec. 10. Inadmissible aliens.
Sec. 11. Nonimmigrant status for permanent partners awaiting the availability of an immigrant visa.
Sec. 12. Conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.
Sec. 13. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.
Sec. 14. Deportable aliens.
Sec. 15. Removal proceedings.
Sec. 16. Cancellation of removal; adjustment of status.
Sec. 17. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.
Sec. 18. Application of criminal penalties to for misrepresentation and concealment of facts regarding permanent partnerships.
Sec. 19. Requirements as to residence, good moral character, attachment to the principles of the Constitution.
Sec. 20. Naturalization for permanent partners of citizens.
Sec. 21. Application of family unity provisions to permanent partners of certain LIFE Act beneficiaries.
Sec. 22. Application to Cuban Adjustment Act.

**SEC. 2. DEFINITIONS OF PERMANENT PARTNER AND PERMANENT PARTNERSHIP.**

Section 101(a) (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(K)(ii), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(52) The term 'permanent partner' means an individual 18 years of age or older who—

''(A) is in a committed, intimate relationship with another individual 18 years of age or older in which both individuals intend a lifelong commitment;

''(B) is financially interdependent with that other individual;

''(C) is not married to, or in a permanent partnership with, any individual other than that other individual;

''(D) is unable to contract with that other individual a marriage cognizable under this Act; and

''(E) is not a first, second, or third degree blood relation of that other individual.

''(53) The term 'permanent partnership' means the relationship that exists between 2 permanent partners.''.

**SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.**

Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) by ''spouse'' each place it appears and inserting ''spouse or permanent partner'';

(2) by striking ''spouses'' and inserting ''spouse, permanent partner,'';

(3) by inserting ''(or, in the case of a permanent partnership, whose permanent partnership was not terminated)'' after ''was not legally separated from the citizen''; and

(4) by striking ''remarries.'' and inserting ''remarries or enters a permanent partnership with another person.''.

**SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.**

(a) PER COUNTRY LEVELS.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(1) in the paragraph heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES'';

(2) in the heading of subparagraph (A), by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(3) in the heading of subparagraph (C), by striking ''AND DAUGHTERS'' inserting ''WITHOUT PERMANENT PARTNERS AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS''.

(b) RULES FOR CHARGEABILITY.—Section 202(b)(2) (8 U.S.C. 1152(b)(2)) is amended—

(1) by striking ''his spouse'' and inserting ''his or her spouse or permanent partner'';

(2) by striking ''such spouse'' each place it appears and inserting ''such spouse or permanent partner''; and

(3) by inserting ''or permanent partners'' after ''husband and wife''.

**SEC. 5. ALLOCATION OF IMMIGRANT VISAS.**

(a) PREFERENCE ALLOCATION FOR FAMILY MEMBERS OF PERMANENT RESIDENT ALIENS.—Section 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

(1) by striking the paragraph heading and inserting the following:

''(2) SPOUSES, PERMANENT PARTNERS, UNMARRIED SONS WITHOUT PERMANENT PARTNERS, AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS OF PERMANENT RESIDENT ALIENS.—'';

(2) in subparagraph (A), by inserting '', permanent partners,'' after ''spouses''; and

(3) in subparagraph (B), by striking ''or unmarried daughters'' and inserting ''without permanent partners or the unmarried daughters without permanent partners''.

(b) PREFERENCE ALLOCATION FOR SONS AND DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C. 1153(a)(3)) is amended—

(1) by striking the paragraph heading and inserting the following:

''(2) MARRIED SONS AND DAUGHTERS OF CITIZENS AND SONS AND DAUGHTERS WITH PERMANENT PARTNERS OF CITIZENS.—''; and

(2) by inserting '', or sons or daughters with permanent partners,'' after ''daughters''.

(c) EMPLOYMENT CREATION.—Section 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(d) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended—

(1) by inserting ''or permanent partner'' after ''section 101(b)(1)''; and

(2) by inserting '', permanent partner,'' after ''the spouse''.

**SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.**

(a) CLASSIFICATION PETITIONS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by inserting ''or permanent partner'' after ''spouse'';

(B) in clause (iii)—

(i) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(ii) in subclause (I), by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(C) in clause (v)(I), by inserting ''permanent partner,'' after ''is the spouse,''; and

(D) in clause (vi)—

(i) by inserting ''or termination of the permanent partnership'' after ''divorce''; and

(ii) by inserting '', permanent partner,'' after ''spouse''; and

(2) in subparagraph (B)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) in clause (ii)—

(i) in subclause (I)(aa), by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I)(bb), by inserting ''or permanent partnership'' after ''marriage'' the first place it appears; and

(iii) in subclause (II)(aa), by inserting ''(or the termination of the permanent partnership)'' after ''termination of the marriage''.

(b) IMMIGRATION FRAUD PREVENTION.—Section 204(c) (8 U.S.C. 1154(c)) is amended—

(1) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

**SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES.**

Section 207(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2)—

(A) by inserting '', permanent partner,'' after ''spouse'' each place it appears; and

(B) by inserting '', permanent partner's,'' after ''spouse's''; and

(2) in paragraph (4), by inserting '', permanent partner,'' after ''spouse''.

**SEC. 8. ASYLUM.**

Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph heading, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(2) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse''.

**SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.**

Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended by inserting '', permanent partner,'' after ''spouse''.

**SEC. 10. INADMISSIBLE ALIENS.**

(a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (3)(D)(iv), by inserting ''permanent partner,'' after ''spouse,'';

(2) in paragraph (4)(C)(i)(I), by inserting '', permanent partner,'' after ''spouse'';

(3) in paragraph (6)(E)(ii), by inserting ''permanent partner,'' after ''spouse,''; and

(4) in paragraph (9)(B)(v), by inserting '', permanent partner,'' after ''spouse''.

(b) WAIVERS.—Section 212(d) (8 U.S.C. 1182(d)) is amended—

(1) in paragraph (11), by inserting ''permanent partner,'' after ''spouse,''; and

(2) in paragraph (12), by inserting '', permanent partner,'' after ''spouse''.

(c) WAIVERS OF INADMISSIBILITY ON HEALTH-RELATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is amended by inserting '', permanent partner,'' after ''spouse''.

(d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended by inserting ''permanent partner,'' after ''spouse,''.

**SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PARTNERS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.**

Section 214(r) (8 U.S.C. 1184(r)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

**SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES, PERMANENT PARTNERS, AND SONS AND DAUGHTERS.**

(a) SECTION HEADING.—

(1) IN GENERAL.—The heading for section 216 (8 U.S.C. 1186a) is amended by striking ''AND SONS'' and inserting '', PERMANENT PARTNERS, SONS,''.

(2) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216 to read as follows:

''Sec. 216. Conditional permanent resident status for certain alien spouses, permanent partners, sons, and daughters.''.

(b) IN GENERAL.—Section 216(a) (8 U.S.C. 1186a(a)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''or permanent partner'' after ''spouse'';

(B) in subparagraph (B), by inserting ''permanent partner,'' after ''spouse,''; and

(C) in subparagraph (C), by inserting ''permanent partner,'' after ''spouse,''.

(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING MARRIAGE IMPROPER.—Section 216(b) (8 U.S.C. 1186a(b)) is amended—

(1) in the subsection heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE''; and

(2) in paragraph (1)(A)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) in clause (ii)—

(i) by inserting ''or has ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(ii) by inserting ''or permanent partner'' after ''spouse''.

(d) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216(c) (8 U.S.C. 1186a(c)) is amended—

(1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii), (3)(C), (4)(B), and (4)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) in paragraph (3)(A), (3)(D), (4)(B), and (4)(C), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

(e) CONTENTS OF PETITION.—Section 216(d)(1) (8 U.S.C. 1186a(d)(1)) is amended—

(1) in subparagraph (A)—

(A) in the heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE'';

(B) in clause (i)—

(i) by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I), by inserting before the comma at the end '', or is a permanent partnership recognized under this Act''; and

(iii) in subclause (II)—

(I) by inserting ''or has not ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(II) by inserting ''or permanent partner'' after ''spouse''; and

(C) in clause (ii), by inserting ''or permanent partner'' after ''spouse''; and

(2) in subparagraph (B)(i)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) by inserting ''or permanent partner'' after ''spouse''.

(f) DEFINITIONS.—Section 216(g) (8 U.S.C. 1186a(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'';

(3) in paragraph (3), by inserting ''or permanent partnership'' after ''marriage''; and

(4) in paragraph (4)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage''.

**SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.**

(a) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended—

(1) in the section heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(2) in paragraphs (1), (2)(A), (2)(B), and (2)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by inserting ''or permanent partner'' after ''spouse'' in the matter following subparagraph (C).

(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs (1), (2)(A)(ii), and (3)(C), by inserting ''or permanent partner'' after ''spouse''.

(d) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C. 1186b(f)(2)) is amended by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(e) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216A to read as follows:

''Sec. 216A. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.''.

**SEC. 14. DEPORTABLE ALIENS.**

Section 237(a)(1) (8 U.S.C. 1227(a)(1)) is amended—

(1) in subparagraph (D)(i), by inserting ''or permanent partners'' after ''spouses'' each place it appears;

(2) in subparagraphs (E)(ii), (E)(iii), and (H)(i)(I), by inserting ''or permanent partner'' after ''spouse'';

(3) by inserting after subparagraph (E) the following:

''(F) PERMANENT PARTNERSHIP FRAUD.—An alien shall be considered to be deportable as having procured a visa or other documentation by fraud (within the meaning of section 212(a)(6)(C)(i)) and to be in the United States in violation of this Act (within the meaning of subparagraph (B)) if—

''(i) the alien obtains any admission to the United States with an immigrant visa or other documentation procured on the basis of a permanent partnership entered into less than 2 years before such admission and which, within 2 years subsequent to such admission, is terminated because the criteria for permanent partnership are no longer fulfilled, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that such permanent partnership was not contracted for the purpose of evading any provision of the immigration laws; or

''(ii) it appears to the satisfaction of the Secretary of Homeland Security that the alien has failed or refused to fulfill the alien's permanent partnership, which the Secretary of Homeland Security determines was made for the purpose of procuring the alien's admission as an immigrant.''; and

(4) in paragraphs (2)(E)(i) and (3)(C)(ii), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

**SEC. 15. REMOVAL PROCEEDINGS.**

Section 240 (8 U.S.C. 1229a) is amended—

(1) in the heading of subsection (c)(7)(C)(iv), by inserting ''PERMANENT PARTNERS,'' after ''SPOUSES,''; and

(2) in subsection (e)(1), by inserting ''permanent partner,'' after ''spouse,''.

**SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.**

Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (1)(D), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(B) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse'' each place it appears.

**SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE.**

(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 245(d) (8 U.S.C. 1255(d)) is amended by inserting ''or permanent partnership'' after ''marriage''.

(b) AVOIDING IMMIGRATION FRAUD.—Section 245(e) (8 U.S.C. 1255(e)) is amended—

(1) in paragraph (1), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(4)(A) Paragraph (1) and section 204(g) shall not apply with respect to a permanent partnership if the alien establishes by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that—

''(i) the permanent partnership was entered into in good faith and in accordance with section 101(a)(52);

''(ii) the permanent partnership was not entered into for the purpose of procuring the alien's admission as an immigrant; and

''(iii) no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) or 214(d) with respect to the alien permanent partner.

''(B) The Secretary shall promulgate regulations that provide for only 1 level of administrative appellate review for each alien under subparagraph (A).''.

(c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)) is amended by inserting '', permanent partner,'' after ''spouse''.

**SEC. 18. APPLICATION OF CRIMINAL PENALTIES TO FOR MISREPRESENTATION AND CONCEALMENT OF FACTS REGARDING PERMANENT PARTNERSHIPS.**

Section 275(c) (8 U.S.C. 1325(c)) is amended to read as follows:

''(c) Any individual who knowingly enters into a marriage or permanent partnership for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, fined not more than $250,000, or both.''.

**SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION.**

Section 316(b) (8 U.S.C. 1427(b)) is amended by inserting '', permanent partner,'' after ''spouse''.

**SEC. 20. NATURALIZATION FOR PERMANENT PARTNERS OF CITIZENS.**

(a) IN GENERAL.—Section 319 (8 U.S.C. 1430) is amended—

(1) in subsection (a)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marital union'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(B) in paragraph (3), by inserting ''or permanent partner'' after ''spouse'';

(3) in subsection (d)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marital union'';

(4) in subsection (e)(1)—

(A) by inserting ''or permanent partner'' after ''spouse'';

(B) by inserting ''by the Secretary of Defense'' after ''is authorized''; and

(C) by inserting ''or permanent partnership'' after ''marital union''; and

(5) in subsection (e)(2), by inserting ''or permanent partner'' after ''spouse''.

(b) SAVINGS PROVISION.—Section 319(e) (8 U.S.C. 1430(e)) is amended by adding at the end the following:

''(3) Nothing in this subsection may be construed to confer a right for an alien to accompany a member of the Armed Forces of the United States or to reside abroad with such member, except as authorized by the Secretary of Defense in the member's official orders.''.

**SEC. 21. APPLICATION OF FAMILY UNITY PROVISIONS TO PERMANENT PARTNERS OF CERTAIN LIFE ACT BENEFICIARIES.**

Section 1504 of the LIFE Act Amendments of 2000 (division B of Public Law 106–554; 114 Stat. 2763–325) is amended—

(1) in the heading, by inserting ''**, PERMANENT PARTNERS,**'' after ''**SPOUSES**'';

(2) in subsection (a), by inserting '', permanent partner,'' after ''spouse''; and

(3) in each of subsections (b) and (c)—

(A) in each of the subsection headings, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(B) by inserting '', permanent partner,'' after ''spouse'' each place it appears.

**SEC. 22. APPLICATION TO CUBAN ADJUSTMENT ACT.**

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended—

(1) in the next to last sentence, by inserting '', permanent partner,'' after ''spouse'' the first 2 places it appears; and

(2) in the last sentence, by inserting '', permanent partners,'' after ''spouses''.

(b) CONFORMING AMENDMENT.—Section 101(a)(51)(D) (8 U.S.C. 1101(a)(51)(D)) is amended by striking ''or spouse'' and inserting '', spouse, or permanent partner''.

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By Ms. LANDRIEU:

S. 311. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I rise today to introduce legislation entitled the Lower Mississippi River National Historic Site Study Act. This bill will direct the Secretary of the Interior to study the suitability and feasibility of designating sites in Plaquemines Parish along the Lower Mississippi River Area as units of the National Park System. I know there are several of my colleagues across the aisle that do not want to authorize such studies because they only target one area, or because it potentially will cost the Federal Government a modest amount to conduct such a study. I can appreciate those sentiments, but the good news with this particular study, is that the local government feels this is so important to get done, they are willing to pay for all or some of the study if necessary, because they know these sites deserve Federal recognition as a unit of the National Park Service.

This area in Southeastern Louisiana has contributed much to our Nation's history, and there are many stories that have yet to be preserved for future generations. Unless Congress acts to preserve these historical assets, they will be lost forever. That is why I am again for the fourth time, introducing this legislation. It is important that this legislation become law and I look forward to working with my colleagues to enact it.

In order to be designated as a unit in the National Park System, the Department of the Interior must first conduct a special resources study to determine whether an area possesses nationally significant natural, cultural or recreational resources to be eligible for favorable consideration.

This is exactly what my bill does—it asks the Department of the Interior to take the first step in determining what I already know—that the Lower Mississippi River Area would be a suitable and feasible asset to the National Park Service.

As many from Louisiana are already aware, this area has vast historical significance with cultural history. In the 1500s, Spanish explorers traveled along the banks of the river. In 1682, Robert de LaSalle claimed all the land drained by the area. In 1699, the site of the first fortification on the Lower Mississippi river, known as Fort Mississippi. Since then, it has been home to ten different fortifications, including Fort St. Phillip and Fort Jackson.

Fort St. Philip, which was originally built in 1749, played a key role during the Battle of New Orleans when American soldiers blocked the British Navy from going upriver. Fort Jackson was built at the request of General Andrew Jackson and partially constructed by famous local Civil War General, P.G.T. Beauregard. This fort was the site of the famous Civil War battle known as the ''Battle of Forts'' which is also referred to as the ''night the war was lost.'' As you can see, from a historical perspective, this area has many treasures that provide a glimpse into our past. These are treasures that have national significance and they should be maintained and preserved.

In addition, there are many other important and unique attributes to this area. This area is home to the longest continuous river road and levee system in the U.S. It is also home to the ancient Head of Passes site, to the Plaquemines Bend, and to two National Wildlife Refuges.

Finally, this area has a rich cultural heritage. Over the years, many different cultures have made this area home, including Creoles, Europeans, Indians, Yugoslavs, African-Americans and Vietnamese. These cultures have worked together to create the infrastructure for the transport of our Nation's energy, which is being produced by these same people off our shores in the Gulf of Mexico. They have also created a vibrant fishing industry that contributes to Louisiana's economy.

I think it is easy to see why this area would make an excellent addition to the National Park Service. However, the longer Congress takes to act, the greater the opportunity for these treasures and their rich history to erode away. Unfortunately, this area has weathered the passing of several hurricanes, including Katrina and most recently Isaac, and is now suffering from the impacts of the BP oil spill. All of these events threaten to destroy these historical assets, but this need not be the case. These assets need protection and this is the first step in securing it. That is why I am re-introducing this bill—to conduct a study to determine the suitability and feasibility of including this area in the system and ultimately to begin the process of adding this area as a unit of the National Park Service. I look forward to working with my colleagues to quickly enact this bill.

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By Mr. JOHANNS (for himself and Mrs. FISCHER):

S. 317. A bill to require the Inspector General of the Environmental Protection Agency to include certain assessments in reports; to the Committee on Environment and Public Works.

Mr. JOHANNS. Mr. President, I rise today to discuss changes needed at the Environmental Protection Agency to rebuild public trust and transparency.

The reviews of this agency are almost unanimous from my constituents in Nebraska. Quite frankly, my constituents are frustrated, and sometimes just plain angry. While the details and specific issues will vary from one industry to another, the theme seems to always be the same: Nebraskans think EPA doesn't understand domestic businesses, nor do they understand job creation—from specific industries, to their employees, to their customers. They think the agency is not transparent, is arrogant, and oftentimes unresponsive. I hear this from ag producers, I hear it from the construction industry, I hear it from electricity providers, I hear it from city managers and mayors.

Do you know what else. These folks don't speak with an R or a D beside their name but, rather, an A for American. Their message is loud, it is very clear, and it is unmistakable: EPA is overreaching, overbearing, and overstepping boundaries that have long existed. The request is always the same. They ask: Senator, what can you do? What can you do to change how they act?

Nebraskans' frustration is driven by both what EPA is trying to do—meaning the content of their rules and standards—as well as how the agency is making its decisions. So today I will be introducing several proposals to address these two areas.

My first proposal addresses how EPA conducts business by increasing transparency in policy decisions. I am introducing a bill that brings agency guidance documents under the coverage of the Congressional Review Act. As currently written, the CRA covers only substantial agency rules. Meanwhile, EPA has made use of what they call guidance documents to simply circumvent the accountability that comes with the rulemaking process, while still making major policy changes. Using guidance documents also shields the policy change from being reversed by Congress under the Congressional Review Act.

Perhaps, though, the most obvious example was the use of a guidance document to expand the regulatory reach of EPA and the Corps of Engineers over bodies of water not currently covered. They did this by expanding the definition of ''waters of the United States'' under the Clean Water Act. The changes are extremely controversial, so the agencies chose a path that intentionally minimized oversight and legal responsibility. In other words, they did an end-run around us—they did an end-run around the American people and Congress.

My bill closes this loophole by ensuring that guidance documents are covered by the Congressional Review Act just as similar regulations would be.

Senators Barrasso, Grassley, Paul, Coats, and Fischer have agreed to cosponsor this commonsense change, and I want to say thank you to them for this critical support.

The idea behind this is simple and straightforward: Major policy changes pursued through the use of guidance documents need to come here. They need to have our scrutiny, the scrutiny of the public, and the congressional oversight rules need to apply. It is that straightforward.

My second proposal likewise promotes transparency by addressing how the agency responds to our States. It says simply this: If a State is developing its plan to implement a rule or a standard established by the EPA under the Clean Air Act, any reasonable request that a State makes to the agency for technical support, data, or modeling must be honored.

Here is why this is important: State governments are equal partners in much of the work the EPA does. That is the law. In fact, the law specifically recognizes the prominent role States have. Section 101 of the Clean Air Act, for example, notes that:

> . . . air pollution control at its source is the primary responsibility of States and local governments.

The law further declares that its purpose is, in part:

> . . . to provide technical and financial assistance to State and local governments in connection with the development and execution of their air pollution prevention and control programs.

Also, section 101 of the Federal Water Pollution Control Act declares:

> It is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution . . .

Unfortunately, the EPA is not honoring that language—although it is abundantly clear—and is instead treating State agencies as second-class citizens. For evidence of this, we need look no farther than the text of a recent court opinion.

In a case last year involving the Clean Air Act, the DC Circuit Court of Appeals ultimately struck down an EPA rule known as the Cross-State Air Pollution Rule or the transport rule. Here is what the court said:

> (t)he Federal Government sets air quality standards for pollutants. The States have the primary responsibility for determining how to meet those standards and regulating sources within their borders.

Well, the trouble, according to the opinion, is that the EPA ignored the law. That is truly what the court ruled: EPA snubbed their nose at us, Congress, and therefore the law. It did not give the States the time needed to develop a plan to meet the standards. Instead, EPA tried to force-feed States the implementation plan EPA developed.

I can say with some certainty that my home State of Nebraska is much better off when allowed to develop a plan tailored to our State, rather than to accept a ''one size fits all,'' ''my way or the highway,'' overreaching Federal plan.

The court explained it this way:

> . . . (t)he Clean Air Act affords States the initial opportunity to implement reductions required by EPA under the good neighbor provision. But here, where EPA quantified States' good neighbor obligations, it did not allow the States the initial opportunity to implement the required reductions with respect to sources within their borders.

The court's conclusion in turn was absolutely and abundantly clear:

> . . . EPA's Transport Rule violates federal law. Therefore, the rule must be vacated.

That is the holding of the court.

My bill targets the relationship between EPA and the States, and takes steps to restore the equal footing that has been eroded over the past several years by the EPA. My bill says, very simply, if a State has a question about the data or the modeling driving a standard, the EPA cannot shut them out or slow-walk their request. They have to be responsive. So no more hiding the ball, as the saying goes, just simple transparency and a true partner working relationship.

The third good government bill I am introducing addresses broad frustration with what I would call the EPA bombshells. By that I mean the agency's failure to obey current law directing them to publish regulatory agendas. This is remarkable. It is remarkable that EPA continues to struggle with telling the public what rules are coming. But they do.

As a child, I always enjoyed birthday parties and all the surprises. But EPA regulations are no party for people, and they shouldn't come as a surprise.

Well, it turns out that several executive orders and existing statutes instruct EPA to tell the public what exactly is on its regulatory agenda. Section 602 of the Regulatory Flexibility

Act, for example, requires the agencies to publish:

During the months of October and April of each year . . . a regulatory flexibility agenda which shall contain a brief description of the subject area of any rule which the agency expects to propose . . .

Also, Executive Order 12866 requires the EPA to update its regulatory agenda twice a year.

These updates are supposed to be published in a document known as the Unified Agenda. It seems clear to me; unfortunately, not clear to EPA. EPA has ignored these requirements. It failed to publish an agenda in the spring of 2012, it published nothing in October, and then waited until December 2012 to publish anything at all. That is not acceptable. The administration simply played hide-the-ball until after the election.

My bill instructs the EPA Office of Inspector General—known as EPA's OIG—to assess whether EPA obeys the law and publishes its regulatory agenda according to deadlines. The OIG is tasked with reviewing what EPA does and reporting on problems, abuses, and efficiencies. My legislation simply directs the OIG to include in its reports a tally of whether EPA has met its legal requirements to publish planned regulations.

My point here is that EPA simply needs to meet its legal requirements. It needs to be transparent, which means simply to be honest with the American people about new regulations it is planning.

My fourth and final EPA bill puts some teeth behind my request that the agency deal with the American people in an honest way. It shouldn't be needed, but it is. It simply says we will reduce EPA's budget if the agency fails to meet its legal deadlines for regulatory agenda setting. If a deadline passes and the agency has not published its agenda, then the Office of the Administrator loses $20,000 per week until the deadline is met. If this approach sounds familiar, that is because this bill is modeled after a provision in the highway bill that passed with substantial bipartisan margins in both the Senate and the House last year. Section 1306 of the highway bill authorizes the rescission of $20,000 per week from agencies that fail to complete documents required by transportation projects. The rationale is straightforward and accepted by Congress: If an agency does not complete its work according to reasonable schedules, then the budget gets decreased.

I have outlined four commonsense solutions designed to respond to reasonable concerns of real people and to respond to their heartfelt frustration with this agency. But, above all, they promote transparency and they promote responsible government.

I urge my colleagues to assist and cosponsor these proposals that bring transparency and a dose of reality to an out-of-control Federal agency.

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By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 323. A bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions; to the Committee on Finance.

Mr. DURBIN. Mr. President, today I am introducing the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act with my colleague Senator THAD COCHRAN.

More than 26 million American adults are living with chronic kidney disease. Fortunately, many of these individuals are able to improve their condition through medication and lifestyle change.

But more than half of a million Americans live with irreversible kidney failure or end-stage renal disease. They have only two choices to survive—both of them hard. They can receive regular and frequent dialysis or they can receive a kidney transplant.

In 1972, Congress made a commitment to individuals with end-stage renal disease, or ERSD, to cover the treatment they needed, including possible transplants, under Medicare, regardless of their age.

Organ transplantation is a medical success story. Thousands of kidney transplants are done every year, and for the patients fortunate enough to receive a donated organ, the quality and length of their lives can be dramatically improved.

But not everyone who needs a donated kidney receives one. There are currently more than 100,000 Americans on the waiting list for a kidney transplant.

Last year, 15,000 transplants were performed while more than 30,000 people were added to that waitlist.

Derek Haney is one of the lucky ones who beat those odds and received a kidney transplant.

Derek is a brave young man raised in Effingham, IL, a small city in central Illinois.

In 2008 the unexpected happened. Derek became chronically ill. After regular trips to the hospital, Derek's doctors discovered that his kidneys were only functioning at 10 percent. At the age of 23, Derek was diagnosed with end stage renal disease.

For the next two and a half years of his life, Derek underwent dialysis. Three times a week he would go in a 4-hour dialysis treatment, while he waited for a kidney. The dialysis treatments meant that Derek had to put his college plans on hold, but he continued to work full-time and never gave up hope.

On July 15, 2010, Derek got his new kidney.

Two and a half years later, Derek is still healthy. He is pursuing a degree in business administration at a local community college. He hopes to transfer soon to a university where he can work toward a CPA license.

Fortunately for Derek and his family, Medicare covered the expense of dialysis—more than $75,000 a year for 2½ years. Medicare also paid for Derek's kidney transplant at a cost of about $110,000.

For the last two and a half years, Medicare has covered the expensive immunosuppressive medication Derek must take for the rest of his life to ensure that his body doesn't reject his new kidney.

Here's the problem: Derek's Medicare coverage runs out in July.

Without Medicare coverage, Derek will be burdened with prescription drug costs of roughly $1500 per month—more than he and almost any family could afford.

There is an unfair and unrealistic gap in coverage for people with end stage renal disease who, like Derek, are neither elderly nor disabled.

For those transplant recipients, Medicare coverage, including coverage of immunosuppressive drugs, ends 36 months after transplantation.

If only the need to continue the immunosuppressive drugs also ended 36 months after transplantation. But it doesn't.

Without immunosuppressive drugs to prevent rejection, many patients find themselves back in a risky and frightening place—in need of a new kidney.

A recent New England Journal of Medicine report estimates that extending immunosuppressive drug coverage to people who now lose it after 36 months will save Medicare approximately $200 million a year by helping to prevent kidney rejections.

Extending immunosuppressive drug coverage saves lives and it saves money.

Sadly, Derek isn't alone. It is estimated that over 45,000 successful transplant recipients are at risk of losing their immunosuppressive drug coverage.

This makes no sense morally, medically or economically.

I am pleased to join my Republican colleague, Senator COCHRAN, in introducing the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act.

This bipartisan legislation would allow kidney transplant recipients to continue Medicare coverage for the purpose of immunosuppressive drugs only. All other Medicare coverage would end 36 months after the transplant.

Our legislation will reduce the need for dialysis and repeated kidney transplants. It will provide reliable, sustained access to critically important, life-saving medications for thousands of Americans.

In both moral and economic terms, this is the right decision and I urge our colleagues to join us in passing this reasonable, targeted, lifesaving bill.

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. 323

*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 ''Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2013''.

**SEC. 2. EXTENDED MONTHS OF COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT PATIENTS AND OTHER RENAL DIALYSIS PROVISIONS.**

(a) MEDICARE ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.—

(1) KIDNEY TRANSPLANT RECIPIENTS.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426–1(b)(2)) is amended by inserting ''(except for eligibility for enrollment under part B solely for purposes of coverage of immunosuppressive drugs described in section 1861(s)(2)(J))'' before '', with the thirty-sixth month''.

(2) INDIVIDUALS ELIGIBLE ONLY FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

(A) Section 1836 of the Social Security Act (42 U.S.C. 1395o) is amended—

(i) by striking ''Every'' and inserting ''(a) IN GENERAL.—Every''; and

(ii) by inserting at the end the following new subsection:

''(b) INDIVIDUALS ELIGIBLE FOR IMMUNOSUPPRESSIVE DRUG COVERAGE.—Beginning on January 1, 2014, every individual whose insurance benefits under part A have ended (whether before, on, or after such date) by reason of section 226A(b)(2) is eligible for enrollment in the insurance program established by this part solely for purposes of coverage of immunosuppressive drugs.''.

(B) CONFORMING AMENDMENT.—Sections 1837, 1838, and 1839 of the Social Security Act (42 U.S.C. 1395(p), 42 U.S.C. 1395(q), 42 U.S.C. 1395(r)) are each amended by striking ''1836'' and inserting ''1836(a)'' each place it appears.

(3) ENROLLMENT FOR INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—Section 1837 of the Social Security Act (42 U.S.C. 1395(p)) is amended by adding at the end the following new subsection:

''(m)(1) Any individual who is eligible under section 1836(b) to enroll in the medical insurance program established under this part for purposes of coverage of immunosuppressive drugs may enroll only in such manner and form as may be prescribed by regulations, and only during an enrollment period described in this subsection.

''(2) An individual described in paragraph (1) may enroll beginning on the first day of the third month before the month in which the individual first satisfies section 1836(b).

''(3) An individual described in paragraph (1) whose entitlement for hospital insurance benefits under part A ends by reason of section 226A(b)(2) on or after January 1, 2014, shall be deemed to have enrolled in the medical insurance program established by this part for purposes of coverage of immunosuppressive drugs.''.

(4) COVERAGE PERIOD FOR INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

(A) IN GENERAL.—Section 1838 of the Social Security Act (42 U.S.C. 1395q) is amended by adding at the end the following new subsection:

''(g) In the case of an individual described in section 1836(b), the following rules shall apply:

''(1) In the case of such an individual who is deemed to have enrolled in part B for coverage of immunosuppressive drugs under section 1837(m)(3), such individual's coverage period shall begin on the first day of the month in which the individual first satisfies section 1836(b).

''(2) In the case of such an individual who enrolls in part B for coverage of immunosuppressive drugs under section 1837(m)(2), such individual's coverage period shall begin on the first day of the month in which the individual first satisfies section 1836(b) or the month following the month in which the individual so enrolls, whichever is later.

''(3) The provisions of subsections (b) and (d) shall apply with respect to an individual described in paragraph (1) or (2).

''(4) In addition to the reasons for termination under subsection (b), the coverage period of an individual described in paragraph (1) or (2) shall end when the individual becomes entitled to benefits under this title under section 226(a), 226(b), or 226A.''.

(B) CONFORMING AMENDMENTS.—Section 1838(b) of the Social Security Act (42 U.S.C. 1395q(b)) is amended, in the matter following paragraph (2), by adding ''or section 1837(m)(3)'' after ''section 1837(f)'' each place it appears.

(5) PREMIUMS FOR INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended—

(A) in subsection (b), by adding at the end the following new sentence: ''No increase in the premium shall be effected for individuals who are enrolled pursuant to section 1836(b) for coverage only of immunosuppressive drugs.''; and

(B) by adding at the end the following new subsection:

''(j) DETERMINATION OF PREMIUM FOR INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—The Secretary shall, during September of each year, determine and promulgate a monthly premium rate for the succeeding calendar year for individuals who enroll only for the purpose of coverage of immunosuppressive drugs under section 1836(b). Such premium shall be equal to 35 percent of the monthly actuarial rate for enrollees age 65 and over, determined according to paragraph (1), for that succeeding calendar year. The monthly premium of each individual enrolled for coverage of immunosuppressive drugs under section 1836(b) for each month shall be the amount promulgated in this subsection. Such amount shall be adjusted in accordance with subsections (c) and (f).''.

(6) GOVERNMENT CONTRIBUTION.—Section 1844(a) of the Social Security Act (42 U.S.C. 1395w(a)) is amended—

(A) in paragraph (3), by striking the period at the end and inserting ''; plus'';

(B) by adding at the end the following new paragraph:

''(4) a Government contribution equal to the estimated aggregate reduction in premiums payable under part B that results from establishing the premium at 35 percent of the actuarial rate under section 1839(j) instead of 50 percent of the actuarial rate for individuals who enroll only for the purpose of coverage of immunosuppressive drugs under section 1836(b).''; and

(C) by adding at the end the following flush matter:

''The Government contribution under paragraph (4) shall be treated as premiums payable and deposited for purposes of subparagraphs (A) and (B) of paragraph (1).''.

(7) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395(y)(b)(1)) is amended by adding at the end the following new sentence: ''With regard to immunosuppressive drugs furnished to an individual who enrolls for the purpose of coverage of immunosuppressive drugs under section 1836(b) on or after January 1, 2014, this subparagraph shall apply without regard to any time limitation, except that when such individual becomes entitled to benefits under this title under sections 226(a) or 226(b), or entitled to or eligible for benefits under this title under section 226A, the provisions of subparagraphs (A) and (B), and the time limitations under this subparagraph, respectively, shall apply.''.

(8) ENSURING COVERAGE UNDER THE MEDICARE SAVINGS PROGRAM.—Section 1905(p)(1)(A) of the Social Security Act (42 U.S.C. 1396d(p)(1)(A)) is amended by inserting ''or an individual who is enrolled under part B for the purpose of coverage of immunosuppressive drugs under section 1836(b)'' after ''section 1818''.

(9) PART D.—Section 1860D–1(a)(3)(A) of the Social Security Act (42 U.S.C. 1395w–101(a)(3)(A)) is amended by inserting ''(but not including an individual enrolled solely for coverage of immunosuppressive drugs under section 1836(b))'' before the period at the end.

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By Mr. CORNYN (for himself, Mr. MCCONNELL, Mr. ROBERTS, Mr. HATCH, Mr. COCHRAN, Mr. GRASSLEY, Mr. SHELBY, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Ms. COLLINS, Mr. ENZI, Mr. CRAPO, Ms. MURKOWSKI, Mr. CHAMBLISS, Mr. GRAHAM, Mr. ALEXANDER, Mr. BURR, Mr. COBURN, Mr. THUNE, Mr. ISAKSON, Mr. VITTER, Mr. CORKER, Mr. BARRASSO, Mr. WICKER, Mr. JOHANNS, Mr. RISCH, Mr. KIRK, Mr. COATS, Mr. BLUNT, Mr. MORAN, Mr. PORTMAN, Mr. BOOZMAN, Mr. TOOMEY, Mr. HOEVEN, Mr. RUBIO, Mr. JOHNSON of Wisconsin, Mr. PAUL, Mr. LEE, Ms. AYOTTE, Mr. HELLER, Mr. SCOTT, Mr. FLAKE, Mr. CRUZ, and Mrs. FISCHER):

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 7

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''ARTICLE—

''SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless two-thirds of the duly chosen and sworn Members of each House of Congress shall provide by law for a specific excess of outlays over receipts by a roll call vote.

''SECTION 2. Total outlays for any fiscal year shall not exceed 18 percent of the gross domestic product of the United States for the calendar year ending before the beginning of such fiscal year, unless two-thirds of the duly chosen and sworn Members of each House of Congress shall provide by law for a specific amount in excess of such 18 percent by a roll call vote.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which—

''(1) total outlays do not exceed total receipts; and

''(2) total outlays do not exceed 18 percent of the gross domestic product of the United States for the calendar year ending before the beginning of such fiscal year.

''SECTION 4. Any bill that imposes a new tax or increases the statutory rate of any tax or the aggregate amount of revenue may pass only by a two-thirds majority of the duly chosen and sworn Members of each House of Congress by a roll call vote. For the purpose of determining any increase in revenue under this section, there shall be excluded any increase resulting from the lowering of the statutory rate of any tax.

''SECTION 5. The limit on the debt of the United States shall not be increased, unless three-fifths of the duly chosen and sworn Members of each House of Congress shall provide for such an increase by a roll call vote.

''SECTION 6. The Congress may waive the provisions of sections 1, 2, 3, and 5 of this article for any fiscal year in which a declaration of war against a nation-state is in effect and in which a majority of the duly chosen and sworn Members of each House of Congress shall provide for a specific excess by a roll call vote.

''SECTION 7. The Congress may waive the provisions of sections 1, 2, 3, and 5 of this article in any fiscal year in which the United States is engaged in a military conflict that causes an imminent and serious military threat to national security and is so declared by three-fifths of the duly chosen and sworn Members of each House of Congress by a roll call vote. Such suspension must identify and be limited to the specific excess of outlays for that fiscal year made necessary by the identified military conflict.

''SECTION 8. No court of the United States or of any State shall order any increase in revenue to enforce this article.

''SECTION 9. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except those for repayment of debt principal.

''SECTION 10. The Congress shall have power to enforce and implement this article by appropriate legislation, which may rely on estimates of outlays, receipts, and gross domestic product.

''SECTION 11. This article shall take effect beginning with the fifth fiscal year beginning after its ratification.''.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 31—CELEBRATING BLACK HISTORY MONTH

Mrs. GILLIBRAND (for herself, Ms. MIKULSKI, Mr. FRANKEN, Ms. LANDRIEU, Mrs. BOXER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. COCHRAN, Mr. LEVIN, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. COONS, Mr. SCHATZ, Mr. BEGICH, Mr. MANCHIN, Mrs. HAGAN, Mrs. SHAHEEN, Mr. CASEY, Mr. BROWN, Mr. WICKER, Mr. UDALL of Colorado, Mr. NELSON, Mr. SCHUMER, Mr. PRYOR, Ms. CANTWELL, Mr. PORTMAN, Mr. ISAKSON, Mr. WYDEN, Mr. WARNER, Mr. MERKLEY, Mr. DURBIN, Mrs. MCCASKILL, Ms. STABENOW, Mrs. FEINSTEIN, Mr. COWAN, and Mr. REED of Rhode Island) submitted the following resolution; which was considered and agreed to:

S. RES. 31

Whereas, in 1776, the United States of America was imagined, as stated in the Declaration of Independence, as a new nation dedicated to the proposition that ''all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness'';

Whereas, on November 19, 1863, President Abraham Lincoln, in reference to the Declaration of Independence, stated, ''Four score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.'';

Whereas the history of the United States includes injustices and the denial of basic, fundamental rights at odds with the words of the founders of the United States and the sacrifices commemorated at Gettysburg, Pennsylvania;

Whereas the injustices committed in the United States include approximately 250 years of slavery, 100 years of lynchings, denial of both fundamental human and civil rights, and withholding of the basic rights of citizenship;

Whereas inequalities and injustices in our society still exist today;

Whereas Sojourner Truth, Frederick Douglass, Harriet Tubman, W.E.B. Dubois, Booker T. Washington, Charles Hamilton Houston, the Tuskegee Airmen, Lena Horne, Ralph Bunche, Jackie Robinson, Constance Baker Motley, James Baldwin, Dorothy Height, Thurgood Marshall, and Shirley Chisholm each lived a life of incandescent greatness while many African Americans lived, toiled, and died in obscurity, never achieving the recognition they deserved, but paved the way for future generations to succeed;

Whereas many African-American men and women worked against racism to achieve success, such as James Beckwourth, Bill Pickett, Colonel Allen Allensworth, Clara Brown, and many others who were pivotal in the exploration and westward expansion of the United States;

Whereas pioneers such as David Dinkins, Mae Jemison, Arthur Ashe, Oprah Winfrey, James Earl Jones, Clarence Thomas, Ursula Burns, Alice Walker, Ronald Brown, Alexis Herman, Kenneth Chenault, and Magic Johnson have all served as positive beneficiaries of our forefathers and as great role models and leaders for future generations;

Whereas, on November 4, 2008, and again on November 6, 2012, the people of the United States elected an African-American man, Barack Obama, as President of the United States, and African Americans continue to serve the United States at the highest levels of the government and Armed Forces;

Whereas Carter G. Woodson, the ''Father of Black History'', stated, ''We have a wonderful history behind us. . . . If you are unable to demonstrate to the world that you have this record, the world will say to you, 'You are not worthy to enjoy the blessings of democracy or anything else.' '';

Whereas Black History Month, celebrated during the month of February, dates back to 1926 when Carter G. Woodson set aside a special period of time in February to recognize the heritage and achievement of black Americans;

Whereas, on February 22, 2012, President Barack Obama and First Lady Michelle Obama, along with former First Lady Laura Bush, celebrated the groundbreaking of the National Museum of African American History and Culture on the National Mall in Washington, D.C.;

Whereas Hiram Rhodes Revels, Blanche Kelso Bruce, Edward William Brooke, Carol Moseley Braun, Barack Obama, and Roland Burris have all served as African-American firsts in the exclusive body known as the United States Senate; and

Whereas, on January 2, 2013, Tim Scott became the first African American to serve as Senator of South Carolina, and on February 7, 2013, William ''Mo'' Cowan became the first African American to represent Massachusetts in the Senate since 1978: Now, therefore, be it

*Resolved,* That the Senate—

(1) acknowledges that all of the people of the United States are the recipients of the wealth of history given to us by black culture;

(2) recognizes the importance of Black History Month as an opportunity to reflect on the complex history of the United States, while remaining hopeful and confident about the path that lies ahead;

(3) acknowledges the significance of Black History Month as an important opportunity to recognize the tremendous contributions of African Americans to the history of the United States;

(4) encourages the celebration of Black History Month to provide a continuing opportunity for all people in the United States to learn from the past and to understand the experiences that have shaped the United States;

(5) remembers the injustices that African Americans have endured and commends the African-American community for overcoming those injustices and changing the course and nature of history by forging the fight for equality; and

(6) agrees that while the United States began in division, the United States must now move forward with purpose, united tirelessly as one Nation, indivisible, with liberty and justice for all, and honor the contribution of all pioneers who help ensure the legacy of these great United States.

### SENATE RESOLUTION 32—CONGRATULATING THE NORTH DAKOTA STATE UNIVERSITY FOOTBALL TEAM FOR WINNING THE 2012 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I FOOTBALL CHAMPIONSHIP SUBDIVISION TITLE

Mr. HOEVEN (for himself and Ms. HEITKAMP) submitted the following resolution; which was considered and agreed to:

S. RES. 32

Whereas the North Dakota State University (referred to in this preamble as ''NDSU'') Bison won the 2012 National Collegiate Athletic Association (referred to in this preamble as the ''NCAA'') Division I Football Championship Subdivision title game in Frisco, Texas, on January 5, 2013, in a hard fought victory over the Sam Houston State University Bearkats by a score of 39 to 13;

Whereas the NDSU Bison and coach Craig Bohl had an incredible 2012 season with 14 wins and 1 defeat;

Whereas NDSU has won 10 NCAA Football Championships;

Whereas, during the championship game, the NDSU Bison offense scored 39 points against the Sam Houston State Bearkats;

Whereas Coach Bohl and his staff have instilled character and confidence in the NDSU players and have done an outstanding job with the Bison football program;

Whereas the leadership of President Dean Bresciani and Athletic Director Gene Taylor

has helped bring both academic and athletic excellence to NDSU; and

Whereas the 2012 NCAA Division I Football Championship Subdivision title was a victory not only for the NDSU football team, but also for the entire State of North Dakota: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the North Dakota State University football team, the 2012 National Collegiate Athletic Association Division I Football Championship Subdivision champions;

(2) commends the North Dakota State University players, coaches, and staff for their hard work and dedication; and

(3) recognizes the students, alumni, and loyal fans for supporting the Bison on their successful quest to capture another Division I trophy for North Dakota State University.

## SENATE RESOLUTION 33—COMMEMORATING THE 150TH ANNIVERSARY OF EMPORIA STATE UNIVERSITY

Mr. MORAN (for himself and Mr. ROBERTS) submitted the following resolution; which was considered and agreed to:

S. RES. 33

Whereas, in 1863, the State of Kansas founded the Kansas State Normal School to provide opportunities for higher education in the fields of teaching, mechanic arts, agriculture, and various other arts and sciences;

Whereas the Kansas State Normal School became the Kansas State Teachers College in 1923, Emporia Kansas State College in 1974, and Emporia State University in 1977;

Whereas Emporia State University has prepared thousands of teachers in the United States through its nationally acclaimed teacher education programs;

Whereas Emporia State University is the host of the National Teachers Hall of Fame, which recognizes and honors exceptional career educators from throughout the United States;

Whereas Emporia State University offers outstanding and highly accredited programs, including programs in education, business, and library and information management;

Whereas Emporia State University is the alma mater of more than 75,000 proud alumni; and

Whereas the quality of Emporia State University as an institution of higher learning is a reflection of the extraordinary caliber of its educational professionals and students: Now, therefore, be it

*Resolved*, That the Senate recognizes and extends its congratulations to the educational professionals, students, and alumni of Emporia State University for 150 years of excellence in higher education.

## SENATE RESOLUTION 34—COMMEMORATING THE 150TH ANNIVERSARY OF KANSAS STATE UNIVERSITY

Mr. ROBERTS (for himself and Mr. MORAN) submitted the following resolution; which was considered and agreed to:

S. RES. 34

Whereas Kansas State University was established by the Territory of Kansas on February 9, 1858, as the Bluemont Central College Association, in response to the desire to provide higher education opportunities to farm families and working class individuals in Kansas;

Whereas on February 3, 1863, Kansas became one of the first States to accept the terms and conditions of the Act of July 2, 1862 (commonly known as the ''First Morrill Act'') (7 U.S.C. 301 et seq.), which created the land-grant system of colleges and universities;

Whereas Kansas State Agricultural College, which is known today as Kansas State University, received a land-grant charter on February 16, 1863, making it the first operational land-grant institution in the United States;

Whereas since the inception of Kansas State University, the university has expanded the main campus in Manhattan to include campuses in Olathe and Salina;

Whereas students attending Kansas State University hale from all 50 States and 90 countries;

Whereas more than 200,000 alumni are proud to call Kansas State University their alma mater;

Whereas the commitment of Kansas State University to education is unparalleled; and

Whereas the history and stature of Kansas State University are secured by the exceptional caliber of the educational professionals and students: Now, therefore, be it

*Resolved*, That the Senate recognizes and congratulates Kansas State University for 150 years of fulfilling the mission of a land-grant university.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 13, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 13, 2013, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 13, 2013, at 3 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. 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 on February 13, 2013, at 10 a.m. in SD–430.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 13, 2013, at 10 a.m. to conduct a hearing entitled ''Solutions to the Crisis Facing the U.S. Postal Service.''

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 13, 2013, at 9:30 a.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing entitled ''Comprehensive Immigration Reform.''

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 13, 2013, at 3:15 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Judicial Nominations.''

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on February 13, 2013, at 10 a.m.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on February 13, 2013, at 4 p.m. in room 432 of the Russell Senate Office building.

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

## PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that Brian Huysman and Mellissa Duru, fellows in my office, be granted the privilege of the floor for this session of the 113th Congress.

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

## RESOLUTIONS SUBMITTED TODAY

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 31, S. Res. 32, S. Res. 33, and S. Res. 34.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. BLUMENTHAL. I ask unanimous consent the resolutions by agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements relating to the resolutions be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, are printed in today's RECORD under ''Resolutions Submitted.''

## ORDERS FOR THURSDAY, FEBRUARY 14, 2013

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, February 14, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate resume executive session and consideration of the nomination of Senator Hagel to be Secretary of Defense.

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

## PROGRAM

Mr. BLUMENTHAL. Mr. President, earlier today cloture was filed on the Hagel nomination. That cloture vote is expected on Friday.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BLUMENTHAL. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 6:46 p.m., adjourned until Thursday, February 14, 2013, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### BUREAU OF CONSUMER FINANCIAL PROTECTION

RICHARD CORDRAY, OF OHIO, TO BE DIRECTOR, BUREAU OF CONSUMER FINANCIAL PROTECTION FOR A TERM OF FIVE YEARS. (NEW POSITION)

### NATIONAL LABOR RELATIONS BOARD

RICHARD F. GRIFFIN, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2016, VICE WILMA B. LIEBMAN, TERM EXPIRED.

SHARON BLOCK, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE CRAIG BECKER.

### DEPARTMENT OF JUSTICE

KAROL VIRGINIA MASON, OF GEORGIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE LAURIE O. ROBINSON, RESIGNED.

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. JOSEPH P. AUCOIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. BRIAN S. PECHA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. VICTOR W. HALL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. PRISCILLA B. COE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. CHRISTINA M. ALVARADO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. JAMES R. MCNEAL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. DANIEL L. GARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. MARK J. FUNG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. ALMA M.O.L. GROCKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. WILLIAM K. DAVIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. DANIEL J. MACDONNELL

## CONFIRMATIONS

Executive nominations confirmed by the Senate February 13, 2013:

### IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. WILLIAM H. ETTER

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. KENNETH E. TOVO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY NURSE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be brigadier general*

COL. BARBARA R. HOLCOMB

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be brigadier general*

COL. PATRICK D. SARGENT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY MEDICAL CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major general*

BRIG. GEN. BRIAN C. LEIN
BRIG. GEN. NADJA Y. WEST

### THE JUDICIARY

WILLIAM J. KAYATTA, JR., OF MAINE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT.

### IN THE AIR FORCE

AIR FORCE NOMINATION OF KORY D. BINGHAM, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL A. COOPER AND ENDING WITH SUSAN MICHELLE MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH VICTOR DOUGLAS BROWN AND ENDING WITH RODNEY M. WAITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH WALTER S. ADAMS AND ENDING WITH CARL E. SUPPLEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN J. BARTRUM AND ENDING WITH GEORGE L. VALENTINE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH KIMBERLY L. BARBER AND ENDING WITH JANET L. SETNOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH DINA L. BERNSTEIN AND ENDING WITH WILLIAM R. YOUNGBLOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH TIMOTHY LEE BRININGER AND ENDING WITH CHRISTOPHER J. RYAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH FRANCIS XAVIER ALTIERI AND ENDING WITH KEVIN M. ZELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

### IN THE ARMY

ARMY NOMINATION OF JONATHAN A. FOSKEY, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF MARION J. PARKS, TO BE COLONEL.

ARMY NOMINATION OF KAREN A. PIKE, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH DEREK S. REYNOLDS AND ENDING WITH BRIAN D. VOGT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

ARMY NOMINATIONS BEGINNING WITH EDWARD A. FIGUEROA AND ENDING WITH MICHAEL C. VANHOVEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

ARMY NOMINATIONS BEGINNING WITH JACK C. MASON AND ENDING WITH TODD B. WAYTASHEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

ARMY NOMINATIONS BEGINNING WITH RUTH E. APONTE AND ENDING WITH MICHAEL J. ZINNO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

ARMY NOMINATIONS BEGINNING WITH LESLIE E. AKINS AND ENDING WITH MARC W. ZELNICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

ARMY NOMINATIONS BEGINNING WITH TIMOTHY G. ABRELL AND ENDING WITH JOHN A. ZULFER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

ARMY NOMINATIONS BEGINNING WITH RAFAEL E. ABREU AND ENDING WITH R010075, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

### IN THE MARINE CORPS

MARINE CORPS NOMINATION OF JACKIE W. MORGAN, JR., TO BE MAJOR.

MARINE CORPS NOMINATION OF DANA R. FIKE, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF SAMUEL W. SPENCER III, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF LARRY MIYAMOTO, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH GEORGE L. ROBERTS AND ENDING WITH PAUL A. SHIRLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

MARINE CORPS NOMINATIONS BEGINNING WITH RICHARD D. KOHLER AND ENDING WITH GARY J. SPINELLI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

MARINE CORPS NOMINATIONS BEGINNING WITH ERIC T. CLINE AND ENDING WITH ROBERT S. SCHMIDT, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

MARINE CORPS NOMINATIONS BEGINNING WITH JOSE L. SADA AND ENDING WITH BRIAN J. SPOONER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

MARINE CORPS NOMINATIONS BEGINNING WITH FREDERICK L. HUNT AND ENDING WITH CHAD E. TIDWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

MARINE CORPS NOMINATIONS BEGINNING WITH TODD E. LOTSPEICH AND ENDING WITH DONALD E. WILLIAMS,

WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

MARINE CORPS NOMINATIONS BEGINNING WITH JASON B. DAVIS AND ENDING WITH JOHN F. REYNOLDS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

MARINE CORPS NOMINATIONS BEGINNING WITH TRAVIS M. FULTON AND ENDING WITH GARY S. LIDDELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

MARINE CORPS NOMINATIONS BEGINNING WITH BRYAN DELGADO AND ENDING WITH RODOLFO D. QUISPE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

MARINE CORPS NOMINATIONS BEGINNING WITH DAVID B. BLANN AND ENDING WITH ALLEN L. LEWIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

MARINE CORPS NOMINATIONS BEGINNING WITH MICHAEL GASPERINI AND ENDING WITH TIMOTHY W. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

MARINE CORPS NOMINATIONS BEGINNING WITH STEPHEN R. BYRNES AND ENDING WITH JAMES N. TIMMER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

MARINE CORPS NOMINATIONS BEGINNING WITH PETER K. BASABE, JR. AND ENDING WITH MICHAEL A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

## IN THE NAVY

NAVY NOMINATION OF HARRY E. HAYES, TO BE COMMANDER.

NAVY NOMINATION OF SHEMEYA L. GRANT, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER J. KANE AND ENDING WITH LUKE C. SUBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.

NAVY NOMINATIONS BEGINNING WITH JEANINE F. BENJAMIN AND ENDING WITH BENJAMIN F. VISGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2013.