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Senate

The Senate met at 10 a.m. and was called to order by the Honorable WILLIAM M. COWAN, a Senator from the Commonwealth of Massachusetts.

PRAYER

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

Let us pray.

Answer us, O God, when we call. Be gracious to us and hear our prayers. Look on our Nation with favor, for Your promises are sure. We thank You that so many of our Nation's founders put their trust in You. Make us worthy of this godly heritage.

Lord, don't be far from us during this challenging season of our national history. As we grapple with the challenges of another fiscal standoff, help us to reaffirm each day our conviction that we are indeed one Nation under Your sovereign authority.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WILLIAM M. COWAN 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 26, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM M. COWAN, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. COWAN 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. Following leaders' remarks, the Senate will proceed to executive session to consider the nomination of Senator Chuck Hagel to be Secretary of Defense.

At noon today there will be a cloture vote on the Hagel nomination, upon reconsideration. Following that vote, the Senate will recess until 2:15 p.m. to allow for our weekly caucus meetings.

HAGEL NOMINATION AND SEQUESTRATION

Mr. REID. Mr. President, I just indicated the Senate will vote today for a second time to move forward on the nomination of Senator Chuck Hagel, a Republican, serving as Secretary of Defense. Twelve days ago, the Republicans mounted a first-of-its-kind filibuster of Senator Hagel's confirmation. Senator Hagel is the first nominee for Secretary of Defense in the history of our country to have been filibustered. And what has the filibuster gained my Republican colleagues 12 days later? Nothing. Nothing has changed. Twelve days later Senator Hagel's exemplary record of service to his country remains untarnished.

I can still remember going to visit Senator Hagel in his office. I don't remember what we were to discuss, but it was something dealing with Senate business. As I walked into his office, I saw a picture of two young men on a mechanized vehicle in Vietnam. I asked what that was, and his staff indicated those were the Hagel brothers and their time together serving in Vietnam. They had both been wounded—Senator Chuck Hagel more than once—and Chuck Hagel was also credited with saving his brother's life in Vietnam. And this is the person who is going to be our next Secretary of Defense.

I repeat: His record of service to his country is untarnished. And 12 days later President Obama's support for this qualified nominee is still strong. Twelve days later a majority of Senators still supports his confirmation.

Senate Republicans have delayed for the better part of 2 weeks for one reason: partisanship. At a time when our Nation faces threats abroad—and that is an understatement—the President's nominee for Secretary of Defense deserves a fair and constructive confirmation process. Politically motivated delays send a terrible signal to our allies around the world and they send a terrible signal to the tens of thousands of Americans serving in Afghanistan, other parts of the world, and those valiant people who are serving here in the United States. For the sake of national security, it is time to set aside this partisanship.

In 3 days, across-the-board cuts to the Defense Department are scheduled to take effect. The Pentagon needs a seasoned leader to implement these cuts. Democrats are working hard to avert the worst of these arbitrary cuts—cuts for which an overwhelming majority of Republicans in Congress voted. The so-called sequester was supported by 174 Republicans in the House of Representatives and 28 Republicans here in the Senate—60 percent and 75 percent of the two Republican bodies in this Congress.

We have a balanced proposal to replace those across-the-board cuts for this year with smart spending reductions, which must continue; measures

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

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that would close corporate tax loopholes and wasteful subsidies; and revenue from the very wealthiest among us—Americans making millions of dollars each year.

It is critical Republicans and Democrats come together to find a balanced way to avert these drastic cuts. The consequence of the so-called sequester cuts is real, not only for our national defense but for millions of American families and businesses alike. Three-quarters of a million jobs—750,000 jobs—are at stake. Across the country, tens of thousands of teachers, including thousands who work with disabled children, would be laid off; 70,000 children would be dropped from Head Start; 373,000 adults living with serious mental illnesses and children dealing with severe emotional problems will go untreated.

Airports could close due to a shortage of air traffic controllers and other essential personnel. And lines at airports that do stay open will stretch out the door, as TSA workers are furloughed.

At McCarran Airport in Las Vegas last year more than 40 million people used that airport in coming to visit the bright lights of Las Vegas, the Las Vegas strip and downtown Las Vegas. Those lines are going to get longer, waiting to take off from Las Vegas. That is too bad.

From coast to coast hundreds of thousands of civilian employees from the Department of Defense will face furloughs that will devastate their families and devastate our economy. These cuts will take place.

On Friday, when this kicks in, not everyone is going to see these cuts on Saturday, but they are going to kick in for the people who run these agencies, the people who run the Pentagon. I met with the Chairman of the Joint Chiefs of Staff before we left for our break. These cuts are going to take place. They are going to be felt in Defense more quickly because the civilian agencies have not rehired the people they could have, and they have done other things because of the essential nature of what the military does. They haven't done that, so the cuts in the military are going to kick in more quickly. The other cuts are not going to come immediately, but as the weeks move on, we will see more and more people who have been hurt in the nondefense fields. The effects are cumulative and they are going to hurt and hurt badly.

We want to work with the Republicans to come to a balanced, responsible way to reduce the impact of this sequester, but my Republican colleagues are standing in the way of a solution. They only want cuts and more cuts. They are willing to sacrifice 750,000 American jobs rather than ask multimillionaires to pay a penny more.

Mr. President, 56 percent—almost 60 percent—of the Republicans around the country support this balanced approach we have. Republicans, I repeat, around the country support this, in addition to the Independents and the Democrats. The only Republicans in America who don't support this balanced approach are the Republicans who serve here in Congress—in the Senate and in the House.

Three-quarters of Americans, I repeat, including almost 60 percent of Republicans, are crying out for a balanced approach. With only 3 days left to protect American families and our economic recovery from this latest crisis, it is time for Republicans to work toward a solution instead of being part of the problem.

RECOGNITION OF THE MINORITY LEADER

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

THE SEQUESTER

Mr. MCCONNELL. Mr. President, I wish to say a word about the sequester.

The President's top aides proposed this sequester as a way to help the White House avoid a debt limit debate during last year's campaign. In essence, the deal we struck was that in exchange for avoiding a second vote before the election, the debt limit would be paired with spending cuts only—spending cuts only—and would not involve a tax increase.

The President had more than a year and a half to revisit his proposal and to work with us to prevent it. He obviously thought his time and energies would be better spent elsewhere. In fact, I note that today he is off campaigning again in Virginia instead of working with us to resolve the issue.

So here we are. Here we are. The President has been running around acting as though the world is going to end because Congress might actually follow through on an idea he proposed—he proposed—and signed into law, all the while pretending he is somehow powerless to stop it. Well, it is time to put the record straight. As someone who was personally involved in the 2011 budget talks, I think I am in a pretty good position to do that.

On the question of who came up with the idea in the first place, it originated, as I noted, in the White House. I was less than 100 yards from this very spot when Vice President BIDEN called me at my desk to lay it out. He explained the sequester in exquisite detail. And then, as has been reported, the administration stubbornly stuck by those details throughout the negotiations, refusing any effort by Republicans to adjust the design in any meaningful way.

More important than who came up with the idea of the sequester, however, is the fact the bipartisan agreement that included it, and that brought us to this point, envisioned $2.1 trillion in spending cuts. That is what we voted for in August of 2011. Democrats and Republicans agreed to $2.1 trillion in spending reductions as part of the 2011 Budget Control Act.

So we can all go back and talk about what might have been or what the President wanted or what he now wants, but let us be clear about the facts. Those cuts were to come in two steps: First, through an immediate $900 billion spending reduction in the form of budget caps, and then by an additional $1.2 trillion in cuts to be achieved in one of two ways, either by the so-called supercommittee or, if that failed, through the President's sequester proposal, meaning automatic spending cuts to both domestic and defense programs.

While the President tried repeatedly to make tax hikes a part of the backup plan, he ultimately gave up on that in exchange for avoiding a second vote on the debt limit before his election. The President made a deliberate decision to give up on getting any tax hikes or revenue enhancements, or whatever the White House wants to call it, as part of negotiations over the sequester mechanism. He made the calculation that avoiding a second vote on the debt limit before the election was more important.

So any effort to bring taxes into the picture now is a ploy to move the goalpost, as the primary chronicler of this whole episode, Bob Woodward, has noted.

Of course, the White House has tried to refute those historical facts, but it hasn't gotten anywhere because we know what happened.

As the chairman of the Finance Committee helpfully reminded us last week, "The President is part of the sequester" because "the White House recommended it . . . and so now we're feeling the effects of it."

So it is time for the administration to at least accept reality so we can all move forward and focus on what the White House is actually doing right now. It is asking the American people for permission to break its word on spending.

Look, we reached an agreement to cut $2.1 trillion in government spending over 10 years, and we intend to keep our word. Should these cuts be implemented in a smarter way? You bet. But the President and his Cabinet Secretaries had a year and a half to think about that. They just can't show up now at the last minute and expect the American people to bail them out of their own lack of responsibility.

We can either secure these reductions more intelligently or we can do it the President's way with across-the-board cuts. But one thing Americans simply will not accept is another tax increase to replace spending reductions to which we already agreed.

It was my hope that the supercommittee would succeed. The Senators I appointed took their assignments very seriously. They put real skin in the game because they wanted it to work. They didn't like the sequester idea either. Had the President engaged in a

serious and supportive way at that time, the supercommittee may well have succeeded. But he was busy. He was campaigning and, I would argue, undermining the process instead.

But even after the supercommittee failed, Republicans continued to work to find another way to achieve these spending cuts. We repeatedly called for replacing the sequester with smarter cuts rather than tax hikes, according to the original pact. House Republicans actually passed two bills to do just that. But again, instead of engaging with us, the President just set up more roadblocks. For more than 1 year, he resisted and dismissed every Republican attempt at a compromise. He refused to offer any kind of reasonable alternative, and he even threatened to veto other proposals aimed at averting the sequester.

Now here we are, with the President presenting the country with two options: Armageddon or a tax hike. Well, it is a false choice, and he knows it, but the President is a master at creating the impression of chaos as an excuse for government action—do nothing, fan the flames of catastrophe, and then claim the only way out is more government in the form of higher taxes.

Look, the choice we face isn't between the sequester and tax hikes. Remember, we are only talking about cutting 2 to 3 percent of the budget. Any business owner or middle-class parent will tell you it is completely ridiculous to think Washington can't find a better way to cut 2 or 3 percent of the Federal budget at a time when we are $16 trillion in debt. Every single working American had to figure out how to make ends meet with 2 percent less in their paychecks just last month when the payroll tax holiday expired. Are you telling me Washington can't do the same? It is absurd. It is utterly absurd.

There is no reason in the world these cuts need to fall on essential services or emergency responders. After all, even with the sequester, Washington will be spending more than when President Obama got here. We are only talking about cutting one-tenth of what the President spent on the stimulus bill. Enough. Enough.

Step 1 in this process of getting to a serious solution is to end the White House's denial of historical reality. We are starting to get there, slowly but surely. More important, though, is the next step, and that is when the President and his Democratic allies actually come to the table and negotiate in a serious way, without gimmicks and without games, on how best to reduce Washington spending. So let's shelve the tax hikes and the endless campaigning.

Finally, I think there is an even larger point to be made. The President has been going around warning of utter chaos if the sequester takes effect. While I agree that those cuts could be made in a much smarter way and I don't like the fact that they fall disproportionately on defense, what does it say about the size of government that we can't cut it by 2 or 3 percent without inviting disaster? Doesn't that really make our point? Hasn't government gotten too big if just cutting the overall budget by a couple of percentage points could have that kind of an impact? Personally, I don't believe the world will end if the President's sequester takes effect, but our country would be much better served if the Democrats who run Washington would get off the campaign trail and work with us to trim the budget in a more rational way.

Americans are tired of the manufactured crises. I know my constituents in Kentucky are. It is simply time. They want us to work together, and Republicans are ready to do just that.

Mr. President, I yield the floor.

Mr. REID. Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF CHARLES TIMOTHY HAGEL TO BE SECRETARY OF DEFENSE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read as follows:

Department of Defense, Nomination of Charles Timothy Hagel, of Nebraska, to be Secretary.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the nomination is agreed to and the motion to reconsider is agreed to.

Under the previous order, the time until 12 noon will be equally divided in the usual form.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe the business before the Senate now is the vote on the reconsideration of the motion to end debate on the Hagel nomination. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEVIN. Mr. President, I believe it is now time for us to vote on the Hagel nomination.

Mr. INHOFE. Excuse me. Would the Senator from Michigan yield for a question?

Mr. LEVIN. Of course.

MR. INHOFE. It is my understanding that we have equally divided our time between now and noon. That is about 1 hour 40 minutes. I ask unanimous consent, on the Republican side, that I be given the first 10 minutes and the last 15 minutes of our Republican time.

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

Mr. LEVIN. Mr. President, it is now time for us to vote up or down on the nomination, for many reasons.

The nomination has been before us for an adequate length of time for us to get the information our colleagues have asked for, but also there is the looming fact of sequestration. We need to have a Secretary of Defense who is not only in office but whose leadership is not in limbo but is there. Our troops need it. Their families need it. Our country needs it.

As of today we have 66,000 military personnel in harm's way in Afghanistan. The President of Afghanistan has just directed the United States to remove its special operations forces from a key Afghan province. Our military faces key decisions about the pace of the drawdown between now and the end of 2014, the size and composition of a residual force, and the terms and conditions for the ongoing presence in Afghanistan of the United States and our coalition partners after 2014.

At the same time we face new and growing threats elsewhere, including the ongoing threat posed by Iran's nuclear weapons program and the increasingly destructive civil war in Syria, with the risk that that conflict could result in the loss of control over that country's substantial stockpile of chemical weapons. There is also the growing instability in other countries affected by the Arab spring; the growth of al-Qaida affiliates in ungoverned regions, including parts of Yemen, Somalia, north Africa; and the continued unpredictable behavior of the nuclear-armed regime in North Korea.

We face these challenges at a time when the Department of Defense budget is under unique pressure as a result of cuts previously agreed upon by Congress, the budgeting by continuing resolution, and the impending threat of a sequester. These across-the-board cuts will affect Defense and just about every other agency we have. Those cuts are going to be disastrous in many ways. I hope we can still find ways to avoid them, but as of right now the threat of a sequester is a real one. It is within a few days.

The Department of Defense has already instituted civilian hiring freezes, reduced or eliminated temporary and term employees, deferred facilities maintenance, and begun canceling or postponing the maintenance of ships, aircraft, and ground vehicles. In the next few days, the Department will begin to implement additional actions, including furloughs for most civilian employees, cutbacks in flying hours, steaming hours and other military training, and cancellation of contracts. And those contracts, when they are cancelled, have major costs to the Treasury. Those are not savings, except in the short term, perhaps. But in

the long term, we not only lose the equipment and the product of the contracts, but we also have these cancellation costs which will hit the Treasury.

The result of these looming cuts is truly devastating and it is serious. For example, the Army informs us that if sequestration continues through the end of the fiscal year, two-thirds of its brigade combat teams will fall below acceptable readiness levels. The Air Force says it will not be able to support requirements outside of Afghanistan and will experience significant degradation in its airdrop and refueling capabilities. The Navy says the *Nimitz* and the *George H.W. Bush* carrier strike groups will not be ready for scheduled deployments later this year, resulting in an indefinite extension of the *Truman* and *Eisenhower* deployments, with the resulting impact on morale and retention.

Hundreds of Department of Defense investment programs, acquisition programs, and research and development projects may become unexecutable because we have insufficient funds to enter needed contracts. By the end of the summer, the Department of Defense says it will be unable to pay its TRICARE bills and will be in a position of having to deny that critical health care service to military members, families, and retirees.

Our men and women in uniform need a Secretary of Defense to lead them through these difficult challenges. They need a Secretary of Defense to defend their interests in the budget battles we know are about to come. They need a Secretary of Defense to speak out and ensure that Congress and the country understand the consequences of sequester and, if the sequester cannot be avoided, to help them avoid the worst of those consequences and to end the impacts as quickly as possible. Now, as much as anytime in the recent past, is not a time when we can afford to leave the Department of Defense with leadership that is in limbo.

Information has been requested, appropriately, by colleagues about the nominee. Information has been provided to the best of the nominee's ability. This information falls into two categories: requests for Senator Hagel's speeches and requests for additional financial disclosure.

With regard to the speeches, Senator Hagel and his team have conducted an exhaustive review and have provided us with all of the speeches available to them—not only the prepared statements requested in our committee questionnaire but also transcripts and even videos of speeches he has been able to obtain from outside sources. Before the recess, I placed in the RECORD links to several other speeches that had surfaced on the Internet.

In recent days, Senator Hagel has received additional requests for speeches in the exclusive control of the Washington Speakers Bureau and for access to his senatorial archives at the University of Nebraska.

On the first point, the Washington Speakers Bureau has informed Senator Hagel and the Department of Defense that all speeches given under its auspices are ''private, off the record, and not recorded''—except in rare cases where a customer requests that a recording be kept for archival purposes only. Further, the Department of Defense informs us that the Washington Speakers Bureau will not provide any recordings of speeches that were given by Senator Hagel or even confirm which of its clients may have recorded speeches. Since neither Senator Hagel nor the Department of Defense has access to these speeches, they cannot be provided to the Senate.

On the second point, the University of Nebraska holds title to Senator Hagel's archives. The University has publicly stated that once the archives are processed and indexed according to the standards of the Society of American Archivists, they will be open to the public. Until that time, the archives will not be open to the public. Again, since neither Senator Hagel nor DOD has access to these materials, they cannot provide them to us. It is also worth noting that these archives cover the period of Senator Hagel's service in the Senate. Senator Hagel has an extensive record of speeches and votes during this period that are readily accessible to the Senate and the public through the CONGRESSIONAL RECORD and other official documents.

With regard to financial disclosure, Senator Hagel has complied with the same disclosure requirements and conflict of interest rules that have applied to at least the last eight Secretaries of Defense and to hundreds of other nominees for senior DOD positions over the course of the last five administrations.

Despite his compliance with the same disclosure rules that apply to everybody else, we have heard innuendos that Senator Hagel is trying to hide something. Senator Hagel serves with a number of distinguished individuals on the Board of Advisors of a private equity firm. We had one Senator suggest, without any evidence, that ''it is, at a minimum, relevant to know'' if the fees that Senator Hagel received for his service on this Board ''came directly from Saudi Arabia, [or] . . . from North Korea.'' Another Senator suggested that we should postpone a vote on the nomination because ''FOX News is going to run a story tomorrow regarding some speeches . . . which were made and paid for by foreign governments . . . [that] may not be friendly to us.'' This story apparently died before it was aired, because it was apparently based on a hoax.

These are unfair innuendos and they have been answered even though they are unfair.

Senator Hagel has an extensive record of service to his country. As a young man, he enlisted in the Army and served with distinction in Vietnam. He served as the head of the USO, and as the Deputy Administrator of the VA during the Reagan Administration. He was a businessman. Many of us served with him during his two terms in the Senate. Since he left the Senate, he has continued to serve, as co-chairman of the President's Foreign Intelligence Advisory Board, a member of the Defense Policy Board, and a member of the Energy Department's Blue Ribbon Commission on America's Nuclear Future.

Senator Hagel has been endorsed by five former Secretaries of Defense, three former Secretaries of State, and six former National Security Advisors, who served under both Democratic and Republican Presidents. He has been endorsed by the Veterans of Foreign Wars, the Iraq and Afghanistan Veterans of America, AMVETS, Vietnam Veterans of America, and the American Legion. He has received the support of the Military Officers Association of America, the Foreign Area Officers Association, and the Non Commissioned Officers Association.

Last month, Senator Hagel was endorsed in a letter signed by six former U.S. Ambassadors to Israel, along with dozens of other retired senior diplomats. The letter stated:

> We support, strongly and without qualification, President Obama's nomination of Chuck Hagel to be the next Secretary of Defense. Most of us have known the Senator for a decade or more and consistently have found him to be one of the best informed leaders in the U.S. Congress on national security issues.
>
> Senator Hagel's political courage has impressed us all. He has stood and argued publicly for what he believes is best for the United States. Time and again, he has chosen to take the path of standing up for our nation, rather than the path of political expediency. He has always supported the pillars of American foreign policy: a strong military; a robust Atlantic partnership; a commitment to the security of Israel, as a friend and ally; a determination to stop the proliferation of nuclear weapons; and the defense of human rights as a core principle of America's role in the world. . . .
>
> We urge speedy confirmation of this outstanding American patriot to be the next Secretary of Defense.

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 that 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 that our men and women in uniform and their families receive the support and assistance that they need and deserve. It would be a positive message for our soldiers, sailors, airmen, and marines in harm's way around the world to know that one of their own holds the highest office in the Department of Defense.

The President needs to have a Secretary of Defense in whom he has trust, who will give him independent 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.

The vote which is coming at noon is a vote to invoke cloture to end the debate so we can finally, later on today, hopefully, but at some future hour, finally vote on this important nomination and end the situation where this nominee is in limbo and the leadership of the Department of Defense is uncertain and in limbo as well. The time has come to vote on the nomination of Senator Hagel, and to do that we must end debate and invoke cloture.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I agree with a lot of what the distinguished chairman of the Senate Armed Services Committee has said. Certainly Senator Hagel has had a brilliant military career. I sometimes look at my time in the Army and his time in the Army and mine is very unimpressive. That is not what the issue is.

I do think it is interesting in the debate we have had on the floor, all the time from the Democrats has been talking about his military record. Nobody disagrees with that. That is a fact. But there are some things that have to come out because they are very significant.

First of all, what we are going to vote on at noon is the vote. There is not any other vote. The vote after that is merely a simple majority and that would be automatic. Those who are expressing where they are on the Hagel nomination must be reflected in the vote that takes place now, the cloture vote at noon today. Our time is equally divided. Leadership time did take up some of that so we are a little bit scarce on time. First, let me make it real clear this is the one vote that makes a difference. If they are able to get 60 votes for the Hagel nomination, it is history. It is over.

I do wish to say a couple things for clarification before others on our side start speaking. One is about the whole idea of a 60-vote threshold. I have been listening to some of the pundits on television. One of my favorites—I will not mention her by name, but she is kind of the leader of the far left on television. I was watching her a couple days ago and she was talking about how this is something that never happened before, we have never had a 60-vote margin on a Cabinet-level position.

This is not true. It happens all the time. It is normal. This is how significant this confirmation vote is. It is not something that would make it go for a long period of time. Actually, I have lists. Later on, if there is time, I am going to go over some of these. Kathleen Sebelius, for example, that was a 60-vote margin; John Bryson for Secretary of Commerce, 60-vote margin.

Here is an interesting one. Back when President Bush, who was a Republican, was President, he nominated Stephen Johnson to be the EPA Administrator. He was a Republican. The President was a Republican. Stephen Johnson was a Democrat. Of course the other side was saying, no, we are going to demand to have cloture, and they finally did get 61 votes on that; Dirk Kempthorne, same thing, Secretary of the Interior.

This idea that this is the first time is just not right. I would appreciate it if people would be a little more honest when they are looking at that issue.

They also have said we are in the middle of the wars, which we are. I am the ranking member on the Armed Services Committee. No one is more sensitive to it, no one spends more time talking to the troops than I do, and we do need to have confirmed a Secretary of Defense. Leon Panetta has said he will serve until such time as one is confirmed. But if we go ahead and if this should for some reason not be able to come up with 60 votes, I suggest they go ahead and nominate someone else and we will run it through. I would even help them.

I called Leon Panetta not too long ago—I guess I should not say this on the floor—and asked: Why don't you agree to serve again? He has, of course, family reasons, and I certainly understand he was unable to do it. Michele Flournoy, I commented, would be one. I don't agree with her philosophically on a lot of things, but I think she is one who would not be controversial. Ash Carter—we have a number who could be confirmed in a matter of minutes, and I would be right there with them in order to help that take place.

I do wish to say something about advice and consent. Sometimes people do not understand it. I had someone go back and research this. It started back in 1787. At the Constitutional Convention they talked about it. Back then they used the term ''approbation or rejection of the Senate.'' It means the same thing. This has been going on for a long period of time. Certainly, in the Federalist Papers, Hamilton talked about it as long as he talked about any other subject. So ''approbation or rejection of the Senate'' is the rejection language that was used at that time that is advice and consent today.

Where are we today? Certainly, the distinguished chairman of the Armed Services Committee, from whom we just heard, is one of the strongest supporters of advice and consent who has said: ''It is shocking and sad to me that the Senate may vote on this nominee''—it doesn't matter, it could be any nominee—''while Senators are being denied critical, relevant information.''

The leader of the Senate has also said many times, he said ''raising the impression that the nominee and the White House have something to hide.''

This is exactly what now is going on in reverse. It goes on and on with different ones who have stated over and over again the significance of the role that the Senate has in advice and consent.

John Kerry said: What the Senate has to decide is whether it is going to stand for the rights of the committees, the rights of advice and consent. The Senators ought to respect the fact that both the chairman and ranking members had requests and those requests had not been fulfilled.

That is exactly what happened. We have one of the new Senators for whom I have a great deal of respect, Senator CRUZ. I was talking to him last night. I said: You ought to come down and let them know why it is you are not speaking on this. He said: Look, what else can I do? I have requested over and over and over again for information on our nominee for Secretary of Defense and I have been denied. I have been stonewalled. What else can I say?

I said—maybe it sounded a little extreme the other day when I said I would walk through fire for the ability of our members on the committee to get all the information they are entitled to. Senator CRUZ has not received that information. That is something that I think is very critical.

What I want to do, in the short time I have left over—by the way, I ask unanimous consent, if following me, if Senator COATS could be acknowledged for 5 minutes.

Mr. DURBIN. Reserving the right to object, I have been waiting to speak on this subject.

Mr. INHOFE. After the remarks of the Senator from Illinois, I have no objection.

Mr. LEVIN. I have no objection after the Senator from Illinois is recognized.

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

Mr. INHOFE. The problem I had is not with information I had. I didn't need any additional information. I didn't request additional information. Many of the members on the Republican side of our committee did not receive the information they asked for. That was the case with Senator CRUZ.

I had a different reason. My reason is that while I think so highly of Senator Hagel and the work he did while he was in the Vietnam war—he was, in fact, a hero—I have to also look at nominees and ask what their philosophy is. Senator Hagel was one of only two who voted against sanctions for Iran. He was one of only four who voted against an effort to designate the Iran Revolutionary Guard a terrorist group, and one of only four who refused to sign a letter of solidarity with Israel.

The Global Zero movement advocates a nuke-free world. That sounds so good, and it is something President Obama has talked about. He wistfully looks to the day when we have a nuke-free world. That sounded good back in the days of the Cold War. I look wistfully

back at the days of the Cold War. Back then we had two superpowers. They were predictable. We knew what they had. Mutual assured destruction meant something to them. Mutually assured destruction doesn't mean much to some people in the Middle East, and I think we all understand that. So Global Zero sounds good until we realize that we have countries such as Iran—even our nonclassified intelligence says it is going to have the nuclear capability and delivery system by 2015. I am concerned with that.

I was in shock—and, first of all, I have to thank the chairman of the committee because in the years I served on the Armed Services Committee, I have never seen this done before—when the chairman agreed to allow Senator CRUZ, a member of the committee, to use a video that had the Al Jazeera interview where Senator Hagel agreed with Al Jazeera's position that Israel has committed war crimes, that Israel has committed sickening slaughter, and that America is the world's bully. These are things which concern me about the attitude toward Israel. I understand we can go back and get a lot of people in the past to sign a letter, but I have to say that is still very much a concern of mine.

With that, I will yield the floor to my good friend from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Oklahoma and the Senator from Indiana. I rise today to express my support for our former colleague Chuck Hagel to be America's 24th Secretary of Defense. We hoped Chuck Hagel would have been named Secretary of Defense 2 weeks ago and could have led the delegation to Brussels last week to meet with our NATO partners on the challenges we face in Afghanistan and around the world.

Instead, he was subjected to a rare and historic filibuster by the other side of the aisle. What a way to give an opportunity to a man of Chuck Hagel's background to serve our Nation. What we have seen over the past 2 weeks is the cost of apostasy, the cost of breaking with a party, or a leadership, and what it means when their name comes up again for consideration.

There is no question that there are some who bear some negative feelings toward Chuck Hagel because of his independence and some of his votes in the past—even his support of President Obama in the last Presidential election. But this has been taken to a level I never expected.

Chuck Hagel is no stranger to most of us in the Senate. We served with him. I served with him on the Intelligence Committee for 4 years. Not once did I have any question about this man's commitment to America and its national defense—not once. I watched votes being taken behind closed doors on some very sensitive issues, and I saw Chuck Hagel respond in a nonpartisan way to those votes. I believe, as many have said on the floor, he is an extraordinary individual who has proven with his life his commitment to this Nation and its defense.

He has big shoes to fill with Secretary Leon Panetta leaving. Leon Panetta has been an extraordinary public servant and a very close personal friend of mine for years now. The fact that he received a unanimous vote to be Secretary of Defense is as solid a tribute as anyone can expect in this life of public service. I believe Chuck Hagel is up to this task.

There is an expression that adversity doesn't build character, it reveals it.

Chuck Hagel enlisted in the Army and served in Vietnam. He received two Purple Hearts, the Army Commendation Medal, and the Combat Infantryman Badge for his service. Less well known is how he got there. Hagel was drafted and immediately volunteered for the Army, but he lucked out. He was assigned to Europe during the Vietnam war. There wasn't much of a war going on in Europe, so this brave, future nominee to head the Department of Defense literally told his commanders: I want to volunteer to actually go to Vietnam and risk my life.

As he recounted it to me, he said: ''The room just stopped.'' This wasn't something that many people in Europe saw—in those days an enlisted man, who received a safe assignment in Europe, would volunteer to go to war. He convinced his leaders to give him that chance and he served alongside his brother Tom in the same unit. He said they saved each other's lives more than once, and thankfully they both came home safe to Nebraska. That was the first chapter of Chuck Hagel's public service and his commitment to servicemembers and veterans.

A second chapter came in 1981 when President Ronald Reagan appointed Chuck Hagel Deputy Administrator of the Veterans' Administration. The Washington Post speculated at the time of his appointment that Hagel ''might be expected to toe the company line.'' How wrong they were. He went to work immediately to be an advocate for veterans. He quickly ran into roadblocks while serving Vietnam vets. At one point the head of the VA publicly called Vietnam vets ''crybabies.''

After months of unsuccessful attempts to bring attention to the care of our veterans, as they deserved, including repeatedly raising the issue to the White House, he did the right thing. As a matter of principle, he resigned in order to bring the poor treatment of veterans to light in America.

He went on to start Vanguard Cellular, a very large multimillion-dollar mobile phone company. He served as president and CEO of the USO, which brings a smile, a laugh, and some comfort and entertainment to our servicemembers around the world.

Later, as a U.S. Senator, he shepherded the post-9/11 GI Bill into law along with fellow veteran Jim Webb. It was a substantial and overdue update of the law to ensure that we continue to keep our commitment to veterans. It should not surprise any of us that this commitment is among the reasons so many organizations back Senator Hagel's nomination, including the Veterans of Foreign Wars, the Iraq and Afghanistan Veterans of America, the AMVETS, Vietnam Veterans of America, the American Legion, Military Officers Association of America, and the Noncommissioned Officers Association. They recognize that a person of his character is precisely the person we need to head the Department of Defense.

When I spoke with Senator Hagel in my office a few weeks ago, he discussed his views on security challenges around the world, including the challenges to the Pentagon's budget and the Iran nuclear program and its threat to peace in the world. It included safeguarding our rock-solid commitments to allies such as Israel.

I am firmly convinced that Senator Hagel shares President Obama's commitment to addressing these challenges and supporting our allies. He is committed to the President's Iran strategy and he voted for many multilateral sanction packages against their nuclear program.

My friend from Oklahoma raised one vote when it comes to Iran, but I wish to make a record of the fact that Chuck Hagel voted for the Iran Missile Proliferation Sanctions Act of 1998, the Iran Nonproliferation Act of 2000, and the Iran Freedom Support Act of 2006.

In his book ''America: Our Next Chapter,'' Chuck Hagel stated that Iran is a ''state sponsor of terrorism,'' and that it ''provides material support to Hezbollah and Hamas.'' Chuck Hagel's public statements and voting record in the Senate demonstrate a strong commitment to Israel, a commitment that the United States-Israeli relationship will grow even stronger in the future.

As he said in his book in 2008:

> [a]t its core, there will always be a special and historic bond with Israel exemplified by our continued commitment to Israel's defense.

He also understands the budget challenges facing the Pentagon. During his testimony to the Armed Services Committee, he said that sequestration ''would send a terrible signal to our military and civilian workforce.''

On this, and many other issues, Senator Hagel continues to demonstrate a clear-eyed commitment to our core national security interests and a nuanced, personal understanding of the gravity of the use of force. This is not just my judgment; 13 former Secretaries of State and Defense and former National Security Advisors wrote to the Senate recently, urging Senator Hagel's swift confirmation. The signatories included senior leaders from both parties across several decades of Presidential administrations, such as Robert Gates, Colin Powell, Brent Scowcroft, and William Cohen. These

men—all of whom have been part of the responsibility of keeping America safe—believe Chuck Hagel, as Secretary of Defense, will do exactly that. There are some here who may question that, and this is their right. But men who have had that responsibility trust Chuck Hagel, as do I.

Let me quote from their letter:

> His approach to national security debates about the use of American power is marked by a disciplined habit of thoughtfulness that is sorely needed and these qualities will serve him well as Secretary of Defense at a time when the United States must address a range of international security issues that are unprecedented in scope.

Allow me to conclude by pointing to the 2002 interview Chuck Hagel gave to the Library of Congress Vietnam History Project. He discussed how he and his brother Tom would volunteer to ''walk point.'' In other words, to watch, be out in front watching for ambushes, booby traps, leading his men safely through the day. He said, ''You know what happens to a lot of point men, but I always felt a little better if I was up front than somebody else.''

Forty-five years after first walking point for our servicemen in Vietnam, I hope Chuck Hagel may be out in front again walking point as our next Secretary of Defense. We need his wise counsel on matters of war and peace and his rock-solid commitment to our men and women in uniform.

Let me conclude by saying that over this past week, in my new capacity as chairman of the Defense Appropriations Subcommittee, I traveled to Africa and the Middle East. While I was there, I met with some of our great men and women in uniform. It was humbling to see the sacrifice they are making personally for the safety of the United States. I visited places where people we don't even know are working on the job every single day to protect this great Nation. I am confident that Chuck Hagel, as Secretary of Defense, will keep them in mind and keep our national security in his heart.

I hope my colleagues on the other side will relent and spare us this filibuster on Chuck Hagel, and will, in fact, give him an opportunity to continue to serve this Nation in the capacity of Secretary of Defense. I look forward to working with him when that happens.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Mr. President, normally I would be talking about the sequester and the Nation's fiscal health, but we are about to vote on a critical nomination for a very critical position in this government. I wish to spend a few minutes defining why I came to the decision I have to oppose the confirmation of Senator Hagel to be Secretary of Defense.

Chuck Hagel is a former colleague. He is someone I respect for his honorable service to this country, both in uniform and out of uniform. I respect him as a human being and as a person and, as I said, a colleague. I also recognize that elections have consequences, and in most situations the President has the right to choose his own advisers, but this is no ordinary Cabinet position. This is Secretary of Defense and one of the most critical positions in this government to protect the American people and to deal with national security issues.

Based on a number of positions Senator Hagel has taken and a number of statements he has made throughout his career, I have serious concern that his nomination and confirmation will send the wrong signal and could have a very adverse effect on our national security. I will list those.

First, and the primary reason, goes to the question of Iran and its relentless pursuit of nuclear weapons capability. As a Senator, Chuck Hagel repeatedly voted against sanctions legislation. He even opposed sanctions aimed at the Iranian Revolutionary Guard Corps who were killing and maiming our troops in Iraq.

As someone who, as ambassador to Germany, made many trips to Landstuhl, the first stop for those maimed by improvised explosive devices supported by the Iranian Revolutionary Guard Corps, I saw the tragic consequences of their action. I could not come to grips with how it is possible to vote against efforts to try to sanction and punish those who were injuring and maiming our soldiers. During his recent testimony before the Senate Armed Services Committee, Senator Hagel also proclaimed the legitimacy of the current regime in Tehran which has violently repressed its own citizens. We have seen that played out before our very eyes. They have rigged recent elections, provided material support for terrorism and denied the Holocaust.

Regarding U.S. policy in Iran's pursuit of nuclear weapons, Senator Hagel displayed an embarrassing lack of knowledge and confusion regarding our official policy toward Iran—a well-understood policy. One of the most critical topics facing our Nation is Iran's threat to world stability by the possession of nuclear capability and weapons. Senator Hagel had to be handed a note by an aide, indicating he was not aware his answer was contrary to even the administration's position. And his attempt to correct his answer had to be further clarified by the chairman of the Armed Services Committee. This is central to our position, to our policy relative to how we deal with Iran. Yet our next Secretary of Defense stated a position exactly opposite from what that current policy is.

The second issue of concern to me is that it is widely accepted, I think in a bipartisan way, that any sound strategy on Iran must be underpinned by the highly credible threat of U.S. military force if all other efforts fail; if diplomacy fails, if our ever-ratcheting sanctions fail as they have to this particular point. They may have had an impact on the Iranian public, but it has not had an impact on those leaders who are making the decisions about the pursuit of nuclear weapons. This has broad bipartisan support: Four U.S. Presidents, including President Obama, has declared that an Iranian nuclear arms capability is ''unacceptable.'' Use of military force as the last option, if all other options fail, is central to our ability to success in preventing Iran from achieving this capability.

Senator Hagel's previous statements and record contradict all that. He has publicly stated that military action to stop Iran's weapons programs is—and I quote his statement: ''Not viable, feasible, or reasonable.'' Not reasonable? Is it not reasonable to have a policy the administration has adopted and four U.S. Presidents have endorsed? When asked about this at the hearing, he again failed to offer, in my opinion, a coherent response.

Senator Hagel has long called for direct, unconditional talks with the Iranian regime, not to mention direct talks with Hamas, Hezbollah, and Syria as well. He has pressed that such talks should proceed without the backing gained from other more forceful, credible options. This approach is far too weak, in my opinion, to be effective and reveals a person less committed to results than this critical moment—particularly regarding the Iranian intentions—demands. In fact, I fear a military option will have virtually zero credibility if Senator Hagel becomes Secretary of Defense because it sends a dangerous message to the regime in Tehran and undermines our efforts to prevent their intentions as it seeks to obtain the means necessary to harm both the United States and the country of Israel.

Lastly, and the third reason I have problems with this nomination, is that it does not have bipartisan support. Over the last half century, no Secretary of Defense has been confirmed and taken office with more than three Senators voting against him. Further, in the history of this Nation, in this position, none has ever been confirmed with more than 11 opposing votes.

The occupant of this critical office should be someone whose candidacy is neither controversial nor divisive. It would be unprecedented for a Secretary of Defense to take office without the broad base of bipartisan support and confidence needed to serve effectively in this critical position.

At this critical time in our Nation's history, we need a Secretary of Defense who commands bipartisan support and is willing to take every action necessary to defend the United States if the need arises. Based on the years of public statements and actions taken during his career, I cannot say Chuck Hagel meets the criteria needed for this position that is so critical—the position of Secretary of Defense; therefore, I will oppose his nomination when the vote comes before us.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know the distinguished Senator from Delaware, Mr. CARPER, wishes to be heard. He is not on the floor now, so I think it is acceptable to go ahead with another Republican now; is that correct?

Mr. LEVIN. Yes.

Mr. INHOFE. I recognize the senior Senator from Texas, Mr. CORNYN.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, we all know the Chamber is about to hold a cloture vote on the President's nominee to be the next Secretary of Defense. If former Senator Chuck Hagel is eventually confirmed, he will take office with the weakest support of any Defense Secretary in modern history, which will make him less effective on his job.

I ask unanimous consent to have printed in the RECORD a letter regarding this nomination following my remarks. It is a letter dated February 21, signed by 15 Senators, to the President asking him to withdraw the nomination, noting that no Secretary of Defense since that position has been created has received more than 11 opposing votes. I am confident this vote will eclipse that former record demonstrating what the Senator from Indiana was just talking about, and that is a lack of bipartisan support for this critical position in the President's Cabinet.

What should we expect from Senator Hagel if he is confirmed as Secretary of Defense? Well, it is hard to say. Over the last 2 months he has repudiated many of his past votes and stated positions related to the Middle East and the Defense Department. During his confirmation hearings, he actually said the Defense Secretary was not a policymaking position. I had to scratch my head at that one.

I also had to scratch my head when Senator Hagel described President Obama's policy toward Iran and its nuclear program as containment. When he tried to correct himself, he said President Obama does not have a position on containment, but that is not true either. The U.S. position—as the distinguished chairman of the Armed Services Committee reminded Senator Hagel during that hearing, and which reflects a wide bipartisan consensus—is that we oppose containment and will prevent Iran from getting nuclear weapons. That is the U.S. policy, one that people would think the nominee for Secretary of Defense would be aware of.

Unfortunately, I fear Senator Hagel is actually expressing his own personal views. I fear he really does think a nuclear Iran could be contained. He suggested as much in the book he wrote in 2008.

At another point during the hearing, Senator Hagel described the murderous, terror-sponsoring Iranian theocracy as an ''elected, legitimate government.'' That comment is a slap in the face to all of the courageous Iranian democracy activists who have risked their lives and, in many cases, given their lives to oppose the dictatorship and promote freedom.

There is simply no way to sugarcoat it. Senator Hagel's performance before the Senate Armed Services Committee was remarkably inept, and we should not be installing a Defense Secretary who is obviously not qualified for the job and who holds dangerously misguided views on some of the most important issues facing national security policy for our country. For that matter, Senator Hagel was candid to admit there are many things about the Department he doesn't really know. He has assured us he will learn on the job. That doesn't inspire a lot of confidence in me because I don't think we want a Secretary of Defense who has to learn on the job.

A moment ago I mentioned Senator Hagel holds dangerously misguided views about many critical issues. His supporters have called him a realist. In fact, there is nothing realistic about his world view.

It is not realistic to think that by offering unconditional talks or establishing a new U.S. diplomatic post in Iran it will change the character of a regime that has spent the past 34 years waging war against America and our allies—a regime that was recently discovered to have been plotting to assassinate a Saudi diplomat by blowing up a crowded restaurant in Washington, DC. Likewise, it is not realistic to think that further engagement with Hamas will dissuade it from pursuing Israel's destruction. A terrorist organization that promotes genocidal violence is never going to be reformed by dialogue or concessions.

Finally, it is not realistic to think that browbeating Israel will jumpstart the Middle East peace process. President Obama tried that approach himself during his first term, and it was a spectacular failure. We are further from a lasting peace agreement today than we were in January 2009, and many Israelis, along with many Arabs, believe the United States is no longer a reliable ally.

When we look around the Middle East, not only do we see a theocratic dictatorship trying to acquire nuclear weapons, we see a terrible civil war raging in Syria which is led by a desperate, pro-Iranian regime with massive stockpiles of chemical weapons that has no reservation whatsoever at killing tens of thousands of its own civilians. We see the Muslim Brotherhood attempting to create a new dictatorship in Egypt. We see rising sectarian violence in Iraq because of our withdrawal without a status of forces agreement that would stabilize the country and a democracy earned by the blood and treasure of so many Americans. We see a substantial al-Qaida presence in countries such as Libya and Yemen.

President Obama would like to pivot away from the Middle East, but the region isn't cooperating. Now, more than ever, we need a Secretary of Defense who understands the disastrous consequences of a nuclear Iran.

We need a Defense Secretary who understands the importance of a robust U.S.-Israeli alliance.

We need a Defense Secretary who understands Hamas for what it is: a genocidal terrorist group sworn to Israel's destruction.

In a larger sense, we need a Secretary of Defense who understands why U.S. leadership is indispensable to solving our greatest challenges in the Middle East and beyond.

Senator Hagel is clearly the wrong man for the job. This isn't about personality, this isn't about politics, but I will be voting against his confirmation for that reason: because he is clearly the wrong man for the job.

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

U.S. SENATE,
Washington, DC, February 21, 2013.

President BARACK H. OBAMA,
The White House, 1600 Pennsylvania Avenue NW., Washington, DC.

DEAR PRESIDENT OBAMA: Last Thursday, the Senate voted to continue its consideration of your nomination of former Senator Chuck Hagel to serve as our nation's next Secretary of Defense. While we respect Senator Hagel's honorable military service, in the interest of national security, we respectfully request that you withdraw his nomination.

It would be unprecedented for a Secretary of Defense to take office without the broad base of bipartisan support and confidence needed to serve effectively in this critical position. Over the last half-century, no Secretary of Defense has been confirmed and taken office with more than three Senators voting against him. Further, in the history of this position, none has ever been confirmed with more than 11 opposing votes. The occupant of this critical office should be someone whose candidacy is neither controversial nor divisive.

In contrast, in 2011, you nominated Leon Panetta, who was confirmed by the Senate with unanimous support. His Pentagon tenure has been a huge success, due in part to the high degree of trust and confidence that Senators on both sides of the aisle have placed in him. The next Secretary of Defense should have a similar level of broad-based bipartisan support and confidence in order to succeed at a time when the Department of Defense faces monumental challenges, including Iran's relentless drive to obtain nuclear weapons, a heightened threat of nuclear attack from North Korea, potentially deep budget cuts, a strategic pivot to the Asia-Pacific region, military operations in Afghanistan, the ongoing Global War on Terror, the continued slaughter of Syrian civilians at the hands of their own government, and other aftermath of the Arab Spring.

Likewise, Senator Hagel's performance at his confirmation hearing was deeply concerning, leading to serious doubts about his basic competence to meet the substantial demands of the office. While Senator Hagel's erratic record and myriad conversions on key national security issues are troubling enough, his statements regarding Iran were disconcerting. More than once during the hearing, he proclaimed the legitimacy of the

current regime in Tehran, which has violently repressed its own citizens, rigged recent elections, provided material support for terrorism, and denied the Holocaust.

Regarding U.S. policy on Iran's pursuit of nuclear weapons, Senator Hagel displayed a seeming ambivalence about whether containment or prevention is the best approach, which gives us great concern. Any sound strategy on Iran must be underpinned by the highly credible threat of U.S. military force, and there is broad bipartisan agreement on that point. If Senator Hagel becomes Secretary of Defense, the military option will have near zero credibility. This sends a dangerous message to the regime in Tehran, as it seeks to obtain the means necessary to harm both the United States and Israel.

We have concluded that Senator Hagel is not the right candidate to hold the office of Secretary of Defense, and we respectfully request that you withdraw his nomination. Thank you for your consideration.

Sincerely.

John Cornyn; Lindsey Graham; David Vitter; Mike Lee; Marco Rubio; Ron Johnson; Tom Coburn; Tim Scott; James Inhofe; Roger Wicker; Ted Cruz; Patrick Toomey; Daniel Coats; James E. Risch; John Barrasso.

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

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, it is rare that I disagree with the Senator from Texas—maybe once or twice in the last half a dozen years. Seriously, we disagree from time to time, but we do it in a way that we are not disagreeable with one another.

I support the President's nomination of Chuck Hagel to be our Secretary of Defense, and I wish to take a couple of minutes to explain why.

For folks who might be watching this from afar, this body used to operate very differently than it does today. The President would nominate people to serve in a cabinet or to serve as judges and there would be hearings. There would be debate. Sometimes people would disagree. But, certainly, for Cabinet appointments and for sub-Cabinet level appointments, for the most part, the President got the team he, or someday she, asked for. That is the way we have done it as Governors across the country, and it is the way we still do it. The idea of 4 years of this administration to still be playing a game of executive branch Swiss cheese—we have so many relatively high level positions, confirmable positions that are still vacant—is not good, whether it happens to be a Democratic administration or a Republican administration.

The President, regardless of what party they are from, needs, for the most part, to have the team they want to put in place. They have been elected to lead. Let's give them a chance to lead. If they screw up, we can hold them accountable.

I had the pleasure of serving with Chuck Hagel for, I guess, my first 8 years as a Senator. I like him and respect him as a fellow Vietnam veteran. He is a war hero. He was wounded not once but twice. He has the Purple Hearts and some other decorations to show, to demonstrate his valor.

He came back, put his life together, built a business, a good-sized business, ran that business, and he has led some large government entities, including those that look out for our veterans and others too.

As to the question of does one have the kind of intimate knowledge of the Department of Defense we would like for a person to have, he has had good training. He has had good exposure. He has been there. He has done that. He has been able to, as an innovator, as an entrepreneur, start a business, grow a business, run that business, build that business.

Here he served on the committees of jurisdiction that actually enabled him to drill down on parts of the Department of Defense and part of our defense policy and foreign policy that you never have a chance to when you are over there serving in Southeast Asia or some other area around the world as a member of our Armed Services.

When I went with Chuck on a codel—I want to say it was maybe in 2005—that is when we actually get to know people around here. We could be here, be kind of airdropped in on Monday afternoons, vote, and then by the time Thursday night rolls around, folks here smell the jet fumes and they are ready to go back to Hawaii or Michigan or Oklahoma or someplace such as that. We go by train to Delaware. But people are ready to head for home, and we just do not have the kind of time together, quality time together, that we used to have when people would actually stay here for weekends, when we were not focused 24/7 on fundraising, and we actually had—believe it or not—dinner clubs and people carpooled to work. Can you imagine that: Democrats and Republicans carpooling to work here? We just do not have those opportunities these days. I do not know that we ever will again.

So one of the great opportunities we have to know people is when we go on codels, these congressional delegation trips. I had the opportunity to go with Chuck Hagel on a codel he led over one-half dozen years ago. We went to the Middle East. We went to Israel. We spent time along Gaza. We went to Jordan. We met with leaders of Saudi Arabia. I had a chance to actually see him interact up close and personal with leaders of all those countries, see how he handled himself, to see his knowledge of the issues, his ability to debate, discuss those issues with the leaders of three of the most important nations, allies of ours in the world.

I was proud of the job he did then. I was proud of the leadership he showed on those occasions. I was proud of his grasp of the issues.

Do you know the other thing I was proud of? He was willing to be honest and frank with people with whom we need to be honest and frank. He reminds me of one of the old caveats of leadership, which is that leadership is having the courage to stay out of step when everybody else is marching to the wrong tune. Leadership is also the willingness to speak truth to power, to tell people—sometimes our leaders, whether they be the President or, frankly, sometimes leaders of other countries—what they need to hear, maybe not what they want to hear.

Chuck Hagel is that kind of person. I believe he is principled. I think he is hard working, that he will surround himself with good people, ethical people, honest people, capable people, bright people.

I think as a former Member here, he understands the importance of the interaction between us and the Department of Defense, which I hope he will have the opportunity to lead.

When we passed something called the Chief Financial Officer Act, I think in 1990 in this Chamber, coauthored, I think, by Bill Roth, my predecessor, one of the requirements of that legislation was not only would every major department in our government be required to have a chief financial officer, but also, in addition, there was a full expectation that all these departments which were not auditable—could not be audited—had to become auditable. They had to be capable of being audited. Then there was the full expectation that once they were auditable, they would be able to pass an audit fully without qualification.

Today, there are two departments in the Federal Government that are not auditable and have not passed an audit in an unqualified manner. One of them is the Department of Homeland Security. They are getting real close. They are knocking on the door. I think they will get it done by next year. I congratulate the Secretary and their team for doing that.

The other is the Department of Defense. For years and years and years they would say: Well, manana. We will do that manana, next year or the year after that. They have not. Why is this important? What you cannot measure you cannot manage. What we cannot measure we cannot manage. The Department of Defense is unable to measure well and, as a result, they do not manage as well as they need to.

We just got a high risk update from the GAO, the General Accountability Office, 2 weeks ago. High on their list of issues that need to be addressed is the Department of Defense's need to be able to pass an unqualified audit so their financials, their accounting systems and supply systems, their spare parts systems, personnel systems actually work.

Leon Panetta has done much in the 2 years he has served as Secretary of Defense to make sure the Department of Defense takes this obligation seriously. I commend him and I thank him for that. He has been like a breath of fresh air.

Second, Chuck Hagel has given me his personal commitment that he will not relent, he will not turn back, but

he will continue on this path of undertaking and be in a position by the next 3 years to do what the Department of Homeland Security is about to complete, the benchmark they are about to reach, the milestone they are about to reach, and the milestone that virtually every other Department of the Federal Government has reached.

We are looking down the barrel of a gun this Friday—sequestration. If we are serious about making sure we do not get shot by that gun, mortally wounded by that gun, along with our economy, we are going to have to make sure we are doing three things better.

One of those is, we need some additional revenues. We need to have revenues closer to the level of where revenues were in the 4 years we had balanced budgets under Bill Clinton, where revenues as a percentage of GDP, my colleagues will recall, ranged anywhere from 19½ percent of GDP to 20½ percent of GDP—somewhere in that range. Last year, it was about 15½, maybe 16 percent of GDP.

With the fiscal cliff deal adopted in this body and signed by the President back in early January, revenues as a percentage of GDP by the end of these 10 years will be up to about 18, 18½ percent. But some additional revenues are needed, very much in line with what we had when we actually had four balanced budgets in a row under the Clinton administration. Remember, those were the first balanced budgets we had since 1969. So, No. 1, we need some additional revenues—in smart ways.

The second thing we need to do is entitlement program reform. Over half the money we spend is on entitlements. Is it possible? The President says we need entitlement reform that saves money, does not savage old people, poor people, and actually makes sure these programs are around for future generations. I could not agree more. That is No. 2.

The third thing we need to do is find ways to save money in everything we do—everything we do—from agriculture to transportation and everything in between, including defense.

I am told—and I am going to look over here at Senator LEVIN, the chairman of the committee, and the ranking member, Senator INHOFE, and just ask a rhetorical question. I recall hearing not long ago that we spend more as a nation on defense—I say this as a 23-year veteran naval flight officer, Active and Reserve Duty, a Vietnam veteran—but I am told we spend as much money on defense as maybe the next 5, 6, 7 nations combined.

As important as it is for our next Secretary of Defense to have a good grasp of military issues—foreign issues, intelligence issues, the ability to manage big operations, to have strong managers under him or her—as important as that is, it is important for us to spend more wisely.

A good place to start is the GAO high risk list for high-risk places where we are wasting money and that we get a good to-do list out of GAO. It is one I think we ought to take seriously. I know the chairman of our committee and the ranking member take it seriously. Believe me, I do too.

One of things we are going to use from our commitment of Homeland Security and Governmental Affairs—on which Senator LEVIN serves, and he chairs the Permanent Subcommittee on Investigations—we are going to make sure we hold the feet of the Department of Defense to the fire, and we need a Secretary of Defense who will do that as well—someone who is a fiscal hawk, someone who understands the importance of getting better results for less money in everything we do, including providing for the defense of our country.

That is not the speech I brought with me to the floor, but it is the speech that is in my heart.

I just say to my colleagues, if you are on the fence and you are not sure whether you ought to vote for cloture, someday we are going to have a Republican President again. Someday we will have a Republican majority here. There is an old saying: Every dog has its day. Today we have a Democratic President and we have a Democratic Senate for confirmations. Someday that will not be the case. I will say to our Republican friends, just be careful. Just be careful. I say this with respect: Be careful of the bed we make because someday our friends on the other side will get to lie in it. Do we want to continue to go on with this precedent of maybe even denying an up-or-down vote on the nomination of a Secretary? I do not think so. I do not think that is a good precedent. An even worse precedent is to have all these sub-Cabinet-level positions that are vacant and have been vacant, in some cases, for weeks, months, in some cases for longer. That is a terrible precedent to have, and we need to stop it. A good time to stop it is right now.

I am pleased to stand and endorse the nomination of Chuck Hagel. I think he was a credit to his State, to this body when he served here, and I think he will be a credit to us if he is confirmed. I urge his confirmation starting with today's vote for cloture.

Thank you very much.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I too rise in opposition to the nomination of Chuck Hagel to lead the Department of Defense. Mr. Hagel is probably going to get his vote, but let me say this to my friend from Delaware. If a Republican President in the future brings a nomination for Defense Secretary to this Senate and he does not get as many as 60 votes, I will ask that Republican President to withdraw that nomination, and I wish this President would do the same. This could have been an easy matter. The selection of the Defense Secretary for President Obama's second term could have been a unifying moment. There were a host of qualified, able candidates, both Republican and Democrat, who could have sailed through the process. The President knew controversy was ahead and decided to name Senator Hagel anyway.

There were signals from the right and from the left that Senator Hagel would be a divisive and distracting choice. The Washington Post editorial board gave the President good advice on December 18 by saying: ''Chuck Hagel is not the right choice for defense secretary.''

The differences surrounding Senator Hagel's nomination during the last few weeks stand in stark contrast to the unanimous support for outgoing Defense Secretary Leon Panetta. Mr. Hagel's nomination is markedly different from the overwhelming confirmation of Senator John Kerry for Secretary of State.

With so much at stake in the coming days, this should be a time for consensus and cooperation. A nominee who could draw unequivocal support would have served our defense priorities better—and those of our allies.

This confirmation fight occurs against the backdrop of severe across-the-board cuts to America's defense programs that are set to take effect this week unless current policy is changed. The Joint Chiefs of Staff reiterated this disastrous reality at a hearing on February 12. The generals and admirals who testified are some of the most respected in the Pentagon. They are some of the most respected in the world. They made it clear that these cuts, at nearly one-half trillion dollars, threaten America's military readiness and national security. Based on their expertise, we are obliged to believe them.

By contrast, Senator Hagel has called the defense budget ''bloated.'' He did not simply say there is some fat we can trim or that there is room for savings, as we all believe. No, he said it was bloated.

Which is it? Are the Joint Chiefs of Staff correct or is Chuck Hagel correct? The testimony from Defense officials is clearly at odds with Mr. Hagel's shortsighted assessment.

Would Senator Hagel defend a robust defense budget in the face of indiscriminate cuts that could weaken our national security or does he believe sequestration is the answer to what he calls a bloated defense budget?

The statement that our national security budget is bloated is only one of many outlandish pronouncements Senator Hagel has used to grab attention rather than give an accurate evaluation of the situation at hand.

Senator Hagel has in fact made a career out of speaking against the bipartisan mainstream and taking positions on the fringe of public opinion. Here are a few other examples: Senator Hagel has accused Israel of ''playing games'' and committing ''sickening slaughter'' when it was defending itself from Hezbollah terrorists in Lebanon. He has said that Israel should not keep

the Palestinians ''caged up like animals.''

We never had a Defense Secretary who would have said such a thing. Senator Hagel has said the ''Jewish lobby intimidates a lot of people up here'' and forces Congress to do ''dumb things.''

On Iran, Senator Hagel has stated he is both for and against unilateral sanctions. He wrote to Senator BOXER's office on January 14:

> I agree that, with Iran's continued rejection of diplomatic overtures, further effective sanctions, both multilateral and unilateral—may be necessary.

A week earlier, Senator Hagel told the Lincoln Journal Star that he opposed unilateral sanctions because they ''don't work and they just isolate the United States.''

When speaking about the Iraq war, Senator Hagel has described it as a ''meat grinder,'' a crude characterization that succeeded, once again, in gaining him some additional headlines.

Perhaps, in an effort to minimize his inconsistent record, Senator Hagel said during the Armed Services hearing on January 31 that he ''won't be in a policy-making position'' as Defense Secretary. This comment illustrates either naivety or a disturbing abdication of the Defense Secretary's responsibilities, which include well-informed policy decisions that will affect the lives of men and women in uniform. Of course the Secretary of Defense makes policy.

During the Armed Services hearing, Senator MCCAIN was correct to try to ascertain what Senator Hagel's feelings are today about the surge in Iraq. A number of people agreed with Senator Hagel at the time but are now willing to admit with hindsight that the surge went better than expected, but not Senator Hagel.

Let's not forget that Senator Hagel did not merely oppose the surge. It was not enough to say he had misgivings or doubts. He called it the greatest foreign policy blunder since the Vietnam war. This has been the extreme, outlandish, rhetorical approach of Chuck Hagel throughout his career.

People involved in a position of this importance need to be careful about what they say. When one is being interviewed for a book, they should choose words wisely. That is why, during the Armed Services hearing, I asked Senator Hagel about why he told author Aaron David Miller ''the Jewish lobby intimidates a lot of people up here'' and that he ''always argued against some of the dumb things they do.''

Let me make this clear. Americans who come to Washington and advocate for Israel do meaningful work to advance a strong, sovereign, and democratic Israel, America's closest ally in the Middle East. Mr. Hagel did not defend his comments at the hearing. Instead, he blamed his statements on a poor choice of words.

Congressional actions, such as tough Iran sanctions and greater military cooperation with Israel, are not the products of intimidation. To suggest otherwise challenges the bipartisan judgment of the men and women elected to serve in this Chamber.

When questioned by Senator GRAHAM during the hearing, Senator Hagel could not name one person in Congress who had been intimidated or one dumb thing that Congress had done because of the pro-Israel lobby. One or two troubling statements might not be disqualifying when taken alone, but all of the positions taken together paint what I believe is an accurate picture of this nominee. Our troops and allies need to rely on the words of the Secretary of Defense. Changing viewpoints for the purpose of political expediency or to make headlines is not the hallmark of a steadfast leader.

Weeks after the process began, two conclusions emerged from the totality of the information that has come to light about Senator Hagel: Either we should disregard everything he has said and stood for as merely hyperbole——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WICKER. May I ask unanimous consent for 1 additional minute?

Mr. INHOFE. I yield 2 additional minutes to the Senator from Mississippi.

Mr. WICKER. I thank the gentleman.

Let's say everything the Senator has said is merely hyperbole or this is a nominee with a very unsettling and naive world view. You can't have it both ways. Either he means what he said over his career or it has all been theater.

The President is entitled to make his nomination, but the Senate must uphold its important constitutional duty to provide advice and consent on this nomination.

Early on, many friends on the Democratic side of the aisle voiced their very real concerns. Let me ask, Has Chuck Hagel truly answered those concerns? Which Chuck Hagel are we being asked to confirm: the one who shoots from the hip and means what he says or the one who is now willing to say anything to be confirmed?

We need a Secretary of Defense who can stand before the world and articulate that America is opposed to a nuclear Iran and rejects a policy of containment. We need a Secretary of Defense who can stand before the world and be clear that the Iranian Government is not a legitimately constituted government. We need a Secretary of Defense who has broad, bipartisan support. Sadly, that Secretary is not Chuck Hagel.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, may I inquire how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Michigan has 11½ minutes remaining, and the Senator from Oklahoma has 11 minutes.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding we each have about 11 minutes. I will take my time and request to be acknowledged when I have 2 minutes remaining.

The PRESIDING OFFICER. The Chair will do so.

Mr. INHOFE. Mr. President, this has been a good debate. We have repeated a lot of things that have been said before. There are just some things I think are worth repeating.

I need to say over and over again, as often as I can, that nobody is impugning the integrity of former Senator Hagel. Everyone is very complimentary of the great service he has performed in military service. That is not the issue. That has nothing to do with it.

The thing that is important is the fact that they have said continuously, over and over again, this is a filibuster. They have said this is the first time that there has been a filibuster on a Cabinet nominee. That is just not true. This happens all the time. In fact, in recent history there have been six demands for cloture on the Democratic side as opposed to only one on the Republican side. This is not a filibuster.

Rather than take my word for it, take our Vice President JOE BIDEN's word for it when he said this is not a filibuster. He was talking about a controversial appointee. A letter was sent by him to his colleagues arguing that opposing cloture was not a filibuster. He said: ''It is a vote to protect the Senate's constitutional power to advise and consent to nominations.''

This is worth repeating. Vice President JOE BIDEN said it is not a filibuster. ''It is a vote to protect the Senate's constitutional power to advise and consent to nominations.''

This expresses the frustration of our new Senator from Texas, Senator CRUZ, who finally just gave up. He said: You know, I have been wanting to exercise my constitutional rights all of this time. Senator CRUZ said, I have said it over and over again, and I have requested over and over again the information to which I am entitled and to which I have a constitutional right.

I am in a position to quote—I have already done it several times from this podium—our distinguished chairman, who also agrees we need to have those rights. Certainly, we have quoted Senator Kerry and others talking about the fact that requiring this information is simply something so ingrained in our system. This is not just JIM INHOFE and Alexander Hamilton talking, this is everybody throughout this country's history.

This is one of the things that people should consider: This is not a filibuster, and we have not received the information to which we are entitled. It is not just Senator CRUZ, it is others too. It doesn't happen to be me because I am opposing this nominee for many of the same reasons that the previous speakers, Senator CORNYN and Senator WICKER from Mississippi, have stated.

I know we are close to running out of time. I think the senior Senator from

Texas, Mr. CORNYN, brought out and has probably talked more—and has in the last month—about the concerns he has regarding the Middle East, with the attitude of former Senator Hagel to the various Middle Eastern countries and how Hezbollah, Hamas, all of those work into it.

In the case of Iran, I am and have been concerned about the attitude of Mr. Hagel in terms of this group called Global Zero movement that wants to do away with nukes, even if it is unilateral.

This isn't the way it used to be in the old days. As I said a minute ago, I look wistfully upon those days because it is not that way anymore. Our unclassified intelligence says Iran is going to have nuclear capability and a delivery system by 2015. Why would we want to bring down our nuclear capability in an environment like that? We also know and have watched recently what North Korea has done, all of them trading with China, Syria, and these other countries. It is not like it was in the old days.

I need to mention this also because three of the previous speakers spoke about Iran, their concern about the statements that have been made in support of Iran by Mr. Hagel. If you look at some of the quotes that come from Iran, you need to remind people those guys are bad guys over there. One of their statements from their ministry was that people of the Middle East—the Muslim region and North Africa, people from these regions—hate America from the bottom of their hearts. Then they go after, of course, Israel. They said Iran's warriors are ready and willing to wipe Israel off the map. The Zionists will receive a crushing response from the Islamic Republic's armed forces, which will lead to their annihilation.

This is the Islamist Revolutionary Guard, the same group which was to be declared a terrorist group when he was then-Senator Hagel, and he was only one of four Members of the entire Senate who objected to designating the Revolutionary Guard as a terrorist group. This quote is the one that received my attention the most, and it has directly to do with Israel. Iran said:

> They launched the myth of the Holocaust. They lied, they put on a show and then they support the Jews.

This is interesting they would have that kind of a strong statement. I asked my staff this morning if they remembered a movie called ''Schindler's List.'' ''Schindler's List'' was a movie I never saw until it was on national TV 3 days ago, and I couldn't stop watching it. I couldn't turn it off. You need to look at the Holocaust from that perspective. Iran denies it even took place.

You will not find any country or any area we have dealt with in the past that is more anti-Israel than Iran. I have to say also, if anyone wants to know some of my feelings, I have made over five speeches more than 1 hour each on the floor of this Senate about Israel, and they are entitled to the land. All of these issues are very important—the mere fact Iran would say the Holocaust didn't exist.

Now, keep in mind—and I know the response to this is that we don't have any control over who supports him, but it is interesting, though—that Iran supports Chuck Hagel's nomination to be Secretary of Defense. I mean, Iran arguably could be considered to be the greatest foe that is out there for the United States, recognizing the capabilities they are going to have and the statements they have made about the United States of America. That is frightening.

So those are the reasons I was concerned initially about this nomination—and I think it has been said and said very well by the Senator from Mississippi, who went over all the details—and I think it is something that has to be looked at and looked at seriously.

The idea that this process of requiring a 60 vote margin is new at a Cabinet level—I mentioned that a very prominent leftwing television station was talking about that over and over again, that this has never happened, there has never been a Cabinet position that has been filibustered. First of all, it is not filibustering. We know that because we heard that from John Kerry, JOE BIDEN, and all the rest of the people who have been concerned about the fact that there is something improper about cloture when it comes to nominees. There is nothing more important than a President nominating someone for these Cabinet positions, and it is very common that they are questioned by the opposition, by an opposition party to the President in the Senate. We are the ones who have that constitutional responsibility.

I remember because I was sitting here when Kathleen Sebelius went through the same thing. She, obviously, had to finally have a 60-vote margin. John Bryson, Secretary of Commerce—I remember what he went through. Also, I recall very well Miguel Estrada. I remember being down here with Miguel Estrada, and they rejected him seven different times. They required a 60-vote margin. He always got in the fifties. The highest he got was 55. But he was rejected.

So what we are saying is that this is not anything unusual. We all know about Dirk Kempthorne and Steven Johnson. Steven Johnson happened to be an appointee of Republican President Bush, yet he was a Democrat, and he was one where finally we were able to get the 60 votes. We got 61 votes. So, again, there is nothing unusual about this.

My only plea is that we consider some of the things that are in the background of this nominee to be Secretary of Defense, as has been stated before. The fact that he is one of only two who were against sanctions in Iran, one of only four who opposed designating the Iranian Revolutionary Guard as terrorists, one of only four who refused to sign a letter of solidarity with Israel, and the fact that—and I do applaud and appreciate the chairman of the committee for allowing Senator CRUZ to show the video of an interview on Al Jazeera—Senator Hagel agreed with the comment that Israel made war crimes or the statement that Israel committed sickening slaughters and that America is the world's bully. These all underscore the fact that Senator Hagel is not the kind of person we need as Secretary of Defense for the United States of America.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. First, on the question of whether this is a filibuster, under our rules Senators have a right to speak and debate as long as they want until 60 Senators decide it is time to end debate. That is the definition, under our rules, of a filibuster. And that is the right of Senators to engage in. That is not the issue, as to whether it is right; the issue is whether it is now time to end debate. Under our rules, in order to bring debate to an end, where Senators insist on continuing a debate unless 60 Senators vote to end it, this is what this vote will be about at noon—whether we want to bring this debate to an end. Why? Well, first of all, we need a Secretary of Defense. But before we can get a Secretary of Defense, there has to be a vote on the nomination itself. The vote at noon will be a vote as to whether we want to bring this debate to an end so that we can, at a later time—hopefully today—then vote on the nomination itself. That is a majority vote, not 60 votes. In fact, the final vote on either a nominee or on a bill is always a majority vote. The 60 votes comes into play when Senators say: We are not going to end debate. We have a right to talk as long as we want in the Senate until 60 Senators vote to end it. And we demand that vote of 60 Senators takes place to see if there are 60 Senators who want to end debate. That is called cloture. That is what we will be voting on at noon. That is the very definition of a filibuster, under our rules.

So it is not unusual, as the Senator from Oklahoma says, for there to be a demand for a cloture vote on positions in the Cabinet. That has happened before. But what has never happened is that that has been insisted upon for a nomination to be Secretary of Defense. That is what is unusual.

It seems to me it is essential now that we get to the vote on the nomination itself, which will come later on today—again, I hope—and the only way to do that is if we vote to end the debate on this nomination, which is what will take place at noon. Whether there will be 60 votes, we will find out at noon, but hopefully there will be because this is a position which needs to be filled.

There have been many misstatements about quotes of Senator

Hagel. Obviously, not all of the statements that have been attributed to him are misstatements, but some of them are. Just one of them we heard earlier this morning was about the fact that he has talked about the sickening slaughter by the Israelis in the case of Lebanon. So here is the quote, and it was a full speech. It was on C–SPAN. The quote is—and this involves the issue of Lebanon—''The sickening slaughter on both sides must end.'' So what Senator Hagel was bemoaning was the loss of lives on both sides. I would hope that decent people everywhere would bemoan the massive loss of lives on both sides that occurred during those events in Lebanon. I was there, and I saw what happened—the huge loss of life. So he was bemoaning the sickening slaughter on both sides and saying it must end and calling on President Bush to call for an immediate cease-fire. I find nothing reprehensible about such a call.

This has been a debate which has raised a lot of issues, but, to me, some of the most compelling arguments have been made by former Secretaries of Defense and State urging that we approve and confirm Senator Hagel.

Mr. President, I ask unanimous consent to have printed in the RECORD letters of support to which I will refer. At an earlier time, they were made part of the RECORD, but it is important that they be made a part of the RECORD of today's debate and not just previous debates.

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

DECEMBER 20, 2012.

Ambassadors' Open Letter: Senator Hagel Impeccable Choice for Defense Secretary

We support, most strongly and without qualification, President Obama's reported intention to nominate Senator Chuck Hagel to be the next secretary of defense. Each of us has known the senator over the past twenty 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 credentials for the job are impeccable. As a decorated Vietnam veteran, an extremely successful entrepreneur in the private sector and as a two-term senator, he brings unusually high qualifications and experiences to the Department of Defense at this time of budget constraint and challenges to reshape America's military power while keeping it strong for the coming decades.

Senator Hagel's political courage has impressed us all. He has stood and argued publicly for what he believes is best for the United States. When he was attacked for opposing the war in Iraq as ''unpatriotic,'' he replied, ''To question your government is not unpatriotic—to not question your government is unpatriotic.''

Time and again he chose to take the path of standing up for our nation over political expediency. He has always supported the pillars of American foreign policy—such as: a strong NATO and Atlantic partnership; a commitment to the security of Israel, as a friend and ally; a determination to stop the proliferation of nuclear weapons; and the defense of human rights as a core principle of America's role in the world.

Each of us has had the opportunity to work with Senator Hagel at one time or another on the issues of the Middle East. 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 non-partisan, more courageous or better equipped to head the Department of Defense at this critical moment in strengthening America's role in the world. If he is nominated, we urge the speedy confirmation of Senator Hagel's appointment.

Sincerely,

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 Egypt; Sam Lewis, former Ambassador to Israel; William H. Luers, former Ambassador to Venezuela and Czechoslovakia; Thomas R. Pickering, former Under Secretary of State for Political Affairs, Ambassador to Israel and Russia; Frank G. Wisner, former Under Secretary of Defense for Policy, Ambassador to Egypt and India.

U.S. SENATE,
Washington, DC, January 24, 2013.

Re Support Senator Hagel's Nomination

DEAR COLLEAGUE: I wanted to share the attached letter from thirteen former Secretaries of Defense, Secretaries of State, and National Security Advisors in support of Senator Hagel's nomination for Secretary of Defense.

These eminent national security experts advised Presidents Reagan, George H.W. Bush, Clinton, and George W. Bush on a host of international matters.

I hope that you will take a moment to review their letter as you consider Senator Hagel's nomination.

Sincerely,

JACK REED,
U.S. Senator.

JANUARY 24, 2013.

TO MEMBERS OF THE U.S. SENATE: We, as former Secretaries of State, Defense, and National Security Advisors, are writing to express our strong endorsement of Chuck Hagel to be the next Secretary of Defense.

Chuck Hagel has an impeccable record of public service that reflects leadership, integrity, and a keen reading of global dynamics. From his time as Deputy Veterans Administrator managing a quarter of a million employees during the Reagan presidency, to turning around the financially troubled World USO, to shepherding the post–9/11 GI Bill into law as a United States Senator, and most recently through his service on the Defense Policy Board at the Pentagon and as co-Chairman of the President's Intelligence Advisory Board, Chuck Hagel is uniquely qualified to meet the challenges facing the Department of Defense and our men and women in uniform. As President Obama noted in announcing the nomination, this twice-wounded combat veteran ''is a champion of our troops and our veterans and our military families'' and would have the distinction of being the first person of enlisted rank and the first Vietnam veteran to serve as Secretary of Defense.

His approach to national security and debates about the use of American power is marked by a disciplined habit of thoughtfulness that is sorely needed and these qualities will serve him well as Secretary of Defense at a time when the United States must address a range of international issues that are unprecedented in scope. Our extensive experience working with Senator Hagel over the years has left us confident that he has the necessary background to succeed in the job of leading the largest federal agency.

Hagel has declared that we ''knew we needed the world's best military not because we wanted war but because we wanted to prevent war.'' For those of us honored to have served as members of a president's national security team, Senator Hagel clearly understands the essence and the burdens of leadership required of this high office. We hope this Committee and the U.S. Senate will promptly and favorably act on his nomination.

Sincerely,

Hon. Madeleine Albright, former Secretary of State; Hon. Samuel Berger, former National Security Advisor; Hon. Harold Brown, former Secretary of Defense; Hon. Zbigniew Brzezinski, former National Security Advisor; Hon. William Cohen, former Secretary of Defense; Hon. Robert Gates, former Secretary of Defense; Hon. James Jones, former National Security Advisor; Hon. Melvin Laird, former Secretary of Defense; Hon. Robert McFarlane, former National Security Advisor; Hon. William Perry, former Secretary of Defense; Hon. Colin Powell, former Secretary of State and National Security Advisor; Hon. George Shultz, former Secretary of State; Hon. Brent Scowcroft, former National Security Advisor.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, VA, January 22, 2013.

Hon. CARL LEVIN, Chairman,
Hon. JAMES M. INHOFE, Ranking Member,
Committee on Armed Services, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER INHOFE: The Non Commissioned Officers Association of the USA (NCOA) strongly supports the appointment of The Honorable Chuck Hagel to be Secretary of Defense.

The association's membership is comprised of current and former enlisted members of the active duty military, Guard and Reserve Components to include all elements of the United States Coast Guard. The members of NCOA share a common experience with Senator Hagel who personally experienced the rigors of military service to include combat in the Vietnam War.

His military service including being twice wounded in action has instilled the values of service and personal sacrifice and 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 Century Military Force to 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, veterans benefits including enhancements to Post 9/11 educational benefits. He also recognizes the value and sacrifice of families of the men and women who serve in this nation's Uniformed Services.

The NCOA has no hesitation in asking that Senator Hagel receive an expeditious hearing that confirms his confirmation to be the next Secretary of Defense. This Association recognizes the challenges that will be faced as Secretary of Defense and believe Senator

Hagel is well qualified to lead the Department of Defense.

Sincerely,

RICHARD C. SCHNEIDER,
Executive Director for Government Affairs.

AMVETS,
Lanham, Md, January 8, 2013.

AMVETS NATIONAL COMMANDER APPROVES DEFENSE SECRETARY NOMINATION

This afternoon, AMVETS National Commander Cleve Geer endorsed President Barack Obama's nomination of Chuck Hagel as the next Secretary of Defense. Obama announced the nomination yesterday, Jan. 7, 2013.

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

If confirmed by the Senate, Hagel will be the first infantryman to serve as the Secretary of Defense. He will replace current Secretary of Defense Leon Panetta, who has been in this position since 2011. Hagel's experience ranges from serving in the Army during the Vietnam War to representing Nebraska as a senator.

About AMVETS:

A leader since 1944 in preserving the freedoms secured by America's armed forces, AMVETS provides support for veterans and the active military in procuring their earned entitlements, as well as community service and legislative reform that enhances the quality of life for this nation's citizens and veterans alike. AMVETS is one of the largest congressionally-chartered veterans' service organizations in the United States, and includes members from each branch of the military, including the National Guard and Reserves.

To learn more, visit: www.amvets.org.

CHUCK HAGEL WOULD MAKE AN OUTSTANDING SECRETARY OF DEFENSE

JANUARY 16, 2013.

Hon. CARL LEVIN,
Chairman,
Hon. JAMES M. INHOFE,
Ranking Member, Committee on Armed Services, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER INHOFE: While some of our organizations cannot recommend whom the President should appoint to his cabinet, we believe that Senator Chuck Hagel would make an outstanding Secretary of Defense, and is uniquely qualified to lead the men and women of America's Armed Forces.

Chuck Hagel is a true patriot who volunteered to fight in the war of his generation when he could easily have opted for a safe assignment. Twice wounded in the service of our nation, this combat veteran knows firsthand what it means to wear the uniform, what it means when the nation sends its young people to war, and the price that our Soldiers, Sailors, Airmen and Marines sometimes pay in our defense.

He has fought with and for our troops his entire adult life: as a 21-year-old infantry sergeant in Vietnam; as the deputy head of the VA who pushed for Agent Orange Benefits and for the Vietnam Veterans Memorial; as the President of the USO; and as a U.S. Senator who coauthored the Post–9/11 GI Bill. As Secretary of Defense he will be a strong advocate of preparing servicemen and women for a smooth transition from the military to the VA system, including making jobs and training, and efficient electronic records a top priority. His door would always be open to veterans' service organizations.

Chuck Hagel knows that, while military force in defense of the nation is unfortunately sometimes necessary, decisions concerning war and peace, life and death, never should be undertaken lightly. This is the least that we can ask of our leaders.

The President has said that ''in Chuck Hagel our troops see a decorated combat veteran of character and strength. They see one of their own. Chuck is a champion of our troops and our veterans and our military families.'' ''Chuck knows that war is not an abstraction. He understands that sending young Americans to fight and bleed in the dirt and mud, that's something we only do when it's absolutely necessary.'' As veterans, we could not agree more. As the nation commemorates the 50th anniversary of the Vietnam War, it is fitting and proper that the next Secretary of Defense should be a wounded and decorated veteran of that conflict—the first Vietnam veteran and the first enlisted man to hold this post.

Sincerely,

STEWART M. HICKEY,
Executive Director.

Mr. LEVIN. The first letter is a letter of 11 Ambassadors, including four former Ambassadors to Israel, in which these Ambassadors say that Senator Hagel ''has always supported the pillars of American foreign policy—such as a strong NATO and Atlantic partnership; a commitment to the security of Israel, as a friend and ally . . . ''

The second letter is from 13 former Secretaries of Defense, State, and National Security Advisers, including a number of Republicans who served in Republican administrations. Part of their letter reads as follows:

His approach to national security and debates about the use of American power is marked by a disciplined habit of thoughtfulness that is sorely needed.

It also says:

Our extensive experience working with Senator Hagel over the years has left us confident that he has the necessary background to succeed in the job of leading the Department of Defense.

These, again, are 13 former Secretaries of Defense.

Then there is a series of letters that came in from veterans organizations. These are elegant pleas for Senator Hagel to be confirmed.

This is from the Non Commissioned Officers Association of the United States:

Senator Hagel has championed personnel issues relating to combat dwell time, force protection, transition issues including electronic medical issues, preparation for future employment and training . . . He also recognizes the value and sacrifice of families of the men and women who serve in this Nation's Uniformed Services.

This is from AMVETS:

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 community 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.

In terms of Israel and in terms of Iran, I wish to read a couple of statements of Senator Hagel and about Senator Hagel—first in terms of his statements about Iran. In his 2008 book, he said:

At its core, there will always be a special and historic bond with Israel, exemplified by our continued commitment to Israel's defense.

And this is a statement made by an Israeli Deputy Foreign Minister whose name is Danny Ayalon. This is what he said just recently:

Senator Hagel believes in the natural partnership between Israel and the United States. Senator Hagel is proud of the volume of defense relations between Israel and the United States, which are so important for both countries. Hagel is a true American Patriot and the support America gives Israel is in America's interest, so I am optimistic.

Relative to Iran, this is what Senator Hagel has said about Iran:

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 nonproliferation regime. Iran is one of the main state sponsors of terrorism and could spark conflict, including against U.S. personnel and interests.

He has also said that he is ''fully committed to President Obama's goal of preventing Iran from obtaining a nuclear weapon,'' and he has said that ''all options must be on the table to achieve that goal.'' He specifically said that his policy will be that of the President's policy—one of prevention and not containment.

Relative to sequestration—and we are facing sequestration—Senator Hagel has said the following, which is also what Secretary Panetta has said.

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 nondeploying units and would be forced to reduce procurement of vital weapon systems and suffer the subsequent schedule delays and price increases. Civilian employees would be furloughed. All these effects negatively impact long-term readiness as well. It would send a terrible signal to our military and our civilian workforce, to those we hope to recruit, and to both our allies and adversaries around the world.

Mr. President, we must end this uncertainty about this position. It is time for us to end this debate, and that is what we will be voting on now. Later on there will be a vote on whether to confirm Senator Hagel. The vote now is whether to bring this debate to an end. I hope we will do so and get on to the nomination vote.

I yield the floor, as I think it is noon and time for a vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me just say everything has been said, not everyone has said it. However, I would like to make sure everyone understands the actual statements were made by the former Senator Hagel in terms of the relationship of our country with Israel and Iran prior to the time he was nominated because many of those statements were changed at that time.

I encourage a ''no'' vote.

The PRESIDING OFFICER. All time has expired.

CLOTURE MOTION

Under the previous order, the clerk will report the motion to invoke cloture.

The bill 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.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Charles Timothy Hagel, of Nebraska, to be Secretary of Defense shall be brought to a close on reconsideration?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Colorado (Mr. UDALL) are necessarily absent.

The PRESIDING OFFICER (Ms. HEITKAMP). Are there any oher Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 71, nays 27, as follows:

[Rollcall Vote No. 23 Ex.]

YEAS—71

Alexander	Cowan	Levin
Ayotte	Donnelly	Manchin
Baldwin	Durbin	McCain
Baucus	Feinstein	McCaskill
Begich	Flake	Menendez
Bennet	Franken	Merkley
Blumenthal	Gillibrand	Mikulski
Blunt	Graham	Murkowski
Boxer	Hagan	Murphy
Brown	Harkin	Murray
Burr	Hatch	Nelson
Cantwell	Heinrich	Pryor
Cardin	Heitkamp	Reed
Carper	Hirono	Reid
Casey	Johanns	Rockefeller
Chambliss	Johnson (SD)	Sanders
Coburn	Kaine	Schatz
Cochran	King	Schumer
Collins	Klobuchar	Sessions
Coons	Landrieu	Shaheen
Corker	Leahy	Shelby
Stabenow	Udall (NM)	Whitehouse
Tester	Warner	Wyden
Thune	Warren	

NAYS—27

Barrasso	Heller	Paul
Boozman	Hoeven	Portman
Coats	Inhofe	Risch
Cornyn	Isakson	Roberts
Crapo	Johnson (WI)	Rubio
Cruz	Kirk	Scott
Enzi	Lee	Toomey
Fischer	McConnell	Vitter
Grassley	Moran	Wicker

NOT VOTING—2

Lautenberg	Udall (CO)

The PRESIDING OFFICER. On this vote, the yeas are 71 and the nays are 27. Upon reconsideration, three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Madam President, I ask unanimous consent that following the recess for the weekly party conferences, the time until 4:30 p.m. be equally divided in the usual form and that at 4:30 p.m. all postcloture time be yielded back and the Senate proceed to vote on the nomination of Chuck Hagel, without intervening action or debate; the motion to reconsider be considered made and laid upon 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.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

NOMINATION OF CHARLES TIMOTHY HAGEL TO BE SECRETARY OF DEFENSE—Continued

The PRESIDING OFFICER. Under the previous order, the time until 4:30 p.m. will be equally divided in the usual form.

The Senator from Illinois.

TRIP TO UGANDA, DJIBOUTI, AND BAHRAIN

Mr. DURBIN. Madam President, as everyone in the Senate knows, and people across the United States, with the sad passing of Senator Daniel Inouye in December, there were a number of changes that were made in the Senate Appropriations Committee—a committee which Senator Inouye skillfully chaired until his passing. He also chaired the Defense Appropriations Subcommittee and served our Nation with the kind of leadership that only a person with his distinguished military service could give.

With this unfortunate change of events, I found myself unexpectedly in a new role as chairman of the Defense Appropriations Subcommittee. I never would have guessed 2 months before that it was even in the realm of possibility. Given this new role, I thought it was appropriate and worthwhile during the recent recess to take a firsthand look at some of what our military is doing in an often overlooked part of the world—Africa—and in the nearby gulf.

Before I go any further, let me note how impressed I always am on these trips that no matter where we go in any corner of the world, there is an outpost of America's finest—our diplomatic personnel serving on the front lines and representing the best of our values. They are often joined by American development and military personnel, helping to improve the lives of host nation populations, providing training and security in the area.

I want to thank all of the Ambassadors, their staff, and others who made great personal sacrifice to make my recent short, quick visit a great success.

My first stop last week was Uganda—a good friend of the United States located in a difficult neighborhood of central Africa. Many know that Uganda was recognized around the world for its early efforts to stem the spread of AIDS at a time when many other African nations were in complete denial. Some of that progress has waned over the years, but there has been a renewed effort to rebuild on earlier success.

Uganda is also helping to lead negotiations with various factions involved in the violence in eastern Congo, also known as the rape capital of the world. Last year, the armed rebel group M23 overran key parts of this eastern Congo, bringing further human suffering to an already scarred part of Africa. I want to acknowledge the constructive role Uganda has played in moving these talks forward.

Uganda is also home—originally—to the horrific actions of the Lord's Resistance Army, an army group led by a messianic and violent warlord named Joseph Kony. Kony and the LRA's brutality were once again in the spotlight last year when the group Invisible Children launched an online video detailing more than 20 years of brutal LRA violence, including murder, rape, kidnapping, and the dragooning of child soldiers. To date, this video has had almost 100 million viewers.

In Uganda, I had the chance to meet with two impressive people who were victims of the Lord's Resistance Army. They witnessed some horrific acts.

One young man met with us at the Ambassador's residence. This Lord's Resistance Army invaded his village, dragged all the young men out, put them in a circle, and said: You are about to become soldiers in the army. Before you become soldiers, though, you will be asked to kill your family.

Many of them could not believe it. This young man said he was praying they would spare his father. They

brought his father in front of him and murdered him, as the child looked on. Then he was brought into service for 6 months, roaming through the jungles, fighting on behalf of this Lord's Resistance Army, until there was an opportunity for him to escape. He has turned his life around. It is hard to imagine anyone could after those horrible experiences, but he has.

Next to him was Lilly, a beautiful young woman. She too was kidnapped by the Lord's Resistance Army and forced into unspeakable things for the time she was under their control, until she too escaped.

The good news in both of those stories is they have made a life since then, and they have tried to help others who have been victimized by this kind of kidnapping. These horrible things are occurring in Africa, and we have decided to help. With the Ugandans, we are working to put Joseph Kony and the Lord's Resistance Army out of business. We have pushed them out of Uganda. We now believe they are in the Central African Republic.

In 2010, Congress passed a bill led by a former colleague and great champion of Africa, a friend and former colleague of the Presiding Officer, Senator Russ Feingold of Wisconsin, called the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, an important step forward—and it was. I was proud to cosponsor the bill. As a result, last year, President Obama—because of the Feingold legislation—sent 100 U.S. military personnel to help the Ugandan Army track down and bring an end to the Lord's Resistance Army menace.

I met in the bush with our military in Uganda that was following up on this Feingold legislation. I can't tell you what a remarkable job they are doing under very difficult circumstances.

The LRA is on the run. Defections are increasing and formerly terrorized communities are starting to live without fear. There is still more to be done, but I was impressed and proud of how the United States stepped up and is doing something that will be remembered for generations by the Ugandan people.

Let me also take a moment to mention another issue in Uganda. There is a proposed law pending before the Parliament in Uganda that would literally criminalize homosexuality, in some cases even imposing the death penalty. This is a cruel piece of legislation that has been met by global condemnation and concern. I met with the activists in Uganda who fear for their personal safety if this bill becomes law, a fear that I believe, unfortunately, is warranted.

I and others have appealed to the Ugandan Government not to tarnish its international reputation and impose criminal penalties against people simply because of their sexual orientation. Uganda must continue to be a leader in the region, something this legislation will substantially erode. I hope ultimately common sense will prevail and the Ugandan Parliament will not pass this terrible legislation.

While few have ever heard of a small, hardscrabble country in the Horn of Africa called Djibouti, it is one of the most strategic pieces of real estate in the world. Tens of thousands of ships pass through the nearby shipping lanes every year. Over 30,000 vessels, 40 percent of all the ocean traffic in the world, passes this point. The country is surrounded by violence and instability, including Yemen, just 17 miles away, and Somalia, their next-door neighbors.

We are fortunate, therefore, to have Camp Lemonnier located in Djibouti. It is a significant U.S. military base helping to bring security and stability to a difficult neighborhood. It is not an easy location to do business. In the summer, temperatures reach 120 degrees. There is not a tree in sight in Djibouti. The country is extremely poor and opportunities for recreation and escape are almost nonexistent.

These American service men and women are to be thanked for their dedication and long tours away from family and friends. They are playing an important role in bringing greater security to the region and helping to dramatically reduce the scourge of piracy that has so dramatically impacted the waters in recent years.

USAID also has a major humanitarian distribution warehouse in Djibouti in which emergency food aid can be shipped quickly and efficiently throughout the region as far as Bangladesh.

Even in faraway Djibouti, there was a woman from Illinois helping with this effort. I wish to recognize her work for a moment on the floor. Her name is Christine Karpinski. She is from Chicago, and she is part of this USAID effort to save the lives of the most vulnerable people in the world.

Let me also note Djibouti had elections last weekend, elections the opposition is claiming were fraudulent. I wasn't there as an election observer, but certainly Djibouti can do more to open its political system. It took some notable steps with the current election, and I hope the postelection process can move forward in a peaceful manner. I also hope the Djibouti Government and other foreign powers which have significant footprints there will do more to help its own people out of poverty.

What I saw there in terms of underdevelopment, particularly given the sizable sums being paid by foreign governments for base leases and a population of less than 1 million people, simply didn't add up. We and the Government of Djibouti have a responsibility to do more for the people who live there, especially the next generation of young people.

In Uganda, Djibouti, and so many countries in that region, we will find 50 percent of the population under the age of 15. It is a reminder to us that the forces, the dynamic forces behind the Arab Spring in many parts of the Middle East and northern Africa are at least evident in many of these other countries that haven't been touched yet by that change.

Lastly, I had the opportunity to visit the small gulf nation of Bahrain. It has been one of the more open and forward-thinking countries in the gulf region. It is also a close U.S. ally, home to the U.S. Fifth Fleet and located in yet another difficult neighborhood bordering Iran, just across the straits.

Bahrain has been a generous host to our Fifth Fleet. Anyone who looked at the map or followed tensions with Iran knows the importance of such a naval force in this part of the world. These dedicated sailors help keep shipping lanes open and ensure that Iran does not threaten its neighbors or U.S. interests. Their presence alone is likely to make Iran think twice about reckless moves in the Persian Gulf.

Let me say a word about the Navy. I guess I am partial because my two late brothers both served in the Navy during the Korean war. When I get a chance to go aboard ships, I visualize my older brothers and what life must have been like in those days. When I went out with ADM John Miller to visit some of the ships in the fleet, I met some of the finest young men and women you could ever ask for. Most of them trained in Illinois at the Great Lakes Naval Training Station and now were off serving in the U.S. Navy around the world.

No one, unless they have some experience and knowledge of the subject, could understand the enormity of the responsibility which these men and women in the Navy have. We often hear about the heroic efforts of those who were in the Army, Marine Corps, and Air Force—and I certainly don't want to take anything away from them—but the important lifesaving peacekeeping jobs being done by the U.S. Navy, particularly the Fifth Fleet that I visited, cannot be overstated.

Bahrain, incidentally, is going through its own domestic difficulties. It experienced its own Arab Spring in early 2011, one that started with a peaceful protest calling for a more open political process. That process unfortunately broke down and many demonstrators were killed or jailed. Others, sadly, were tortured.

The Government of Bahrain did what few other countries in the region would be willing or brave enough to do. They created an outside commission to look into many issues around the uprising. A blunt and sober report was issued, and it is my hope the Government of Bahrain will abide by many of its recommendations. At the same time, I hope the opposition will seriously explore the latest attempt at dialog offered by the government as a means to address the current political impasse.

Bahrain has so much promise and can continue to be one of the shining lights of the gulf. Both sides must renounce

violence and work toward a peaceful political solution.

Let me also note an overarching theme noted on this trip, one I mentioned before on the Senate floor, the role of China. Everywhere we went we heard time and again how China is everywhere, often at the exclusion of American businesses, investment, and influence. This pattern costs us not only lost jobs but lost diplomatic and security engagement.

That is why, last year, Senator BOOZMAN and I introduced a bill to create a coordinated U.S. strategy to boost U.S. exports to Africa and in turn foster American jobs. This bipartisan bill cleared the Foreign Relations, Banking and Finance Committees only to be held up at the last minute at the end of the year by Senator TOOMEY of Pennsylvania. To his credit, he didn't do it in a secret manner; he came to the floor and objected.

Although I disagreed with him, I respected him for the fact that he stated his point of view. I would like to sit down with him again and any others who are skeptics about this legislation and let them know what I saw on this trip. Delaying the passing of this legislation costs us more than lost influence on the continent and jobs here at home.

It is going to be a squandered opportunity. Think about this. In the last 10 years, the six fastest growing economies in the world were in Africa. In the next 10 years, 8 of the top 10 will be in Africa. Where are we? We are playing a distant second fiddle to China.

What does that mean for the future? It isn't very encouraging. It is time for us to step forward and show real American leadership in this area. I appeal to those who have opposed this Africa trade bill, which Senator BOOZMAN and I have sponsored, to take a second look and reconsider their position.

It was an honor to visit our dedicated diplomatic, development, and military personnel. It was a reminder of the importance of indispensable contributions to U.S. policy they still play around the world in improving lives and ensuring security. These investments abroad are not only symbols of American generosity and values, they make the world safer for everyone. We should keep this in mind when we consider America's foreign assistance budget, one that includes maintaining all our embassies around the world, is just over 1 percent of the total U.S. budget.

I yield the floor.

I ask unanimous consent any remaining time between now and 4:30 be equally divided and that time which is in quorum calls be equally divided between those supporting and opposing the vote at 4:30.

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

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

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

SYRIA

Mr. CARDIN. Madam President, I have the honor of being the chair of the U.S. Helsinki Commission representing this body. This is a commission which was established in 1975 in order to implement the U.S. responsibilities in the Organization for Security and Cooperation in Europe. Its membership includes all the countries of Europe, as well as the former Republics of the Soviet Union, Canada, and the United States.

The main principles of Helsinki are we are interested in each other's security. In order to have a secure nation, you need to have a nation that respects the human rights of its citizens, which provides economic opportunity for its citizens, as well as the defense of their borders. We also have partners for cooperation, particularly in the Mediterranean area, that used the Helsinki principles in order to try to advance security in their region.

During this past recess, I took the opportunity to visit that region on behalf of the U.S. Helsinki Commission. I was joined by several of our colleagues looking at the current security issues. Our first visit was to Israel, and our main focus, quite frankly, was on Syria—what is happening today in Syria.

In Israel, we had a chance to meet with the Israeli officials, and it was interesting as to how many brought up the concerns about Syria. They were concerned about Syria's impact on Israel's neighbors and what was going to happen as far as security in that region.

While we were there, there was an episode on the Syrian-Israeli border, and the Israelis provided health care to those who were injured, providing humanitarian assistance. We thank the Israelis for providing that humanitarian assistance.

It was interesting that the Israeli officials pointed out the concern about the refugees who are leaving Syria going into neighboring countries. We know the vast numbers. There are almost 1 million Syrians who have left Syria for other countries because of the humanitarian concerns. About one-quarter of a million have gone to Jordan, about 280,000 are in Lebanon, about 281,000 in Turkey, another 90,000 in Iraq, and 16,000 in Egypt.

Israel is concerned about the security of its neighbors and concerned about how Jordan is dealing with the problems of the Syrian refugees, how Lebanon is handling them. We note the concerns about Hezbollah operations in Lebanon and how that is being handled with the Syrian refugee issue.

We had a chance to travel to Turkey when we left Israel. We met first with the Turkish officials in Ankara, and we received their account as to what was happening in Syria and what Turkey was doing about it. We then had a chance to visit the border area between Turkey and Syria.

We visited a refugee camp named Kilis, where there has been about 18,000 Syrian refugees. We also had a chance to meet with the opposition leaders who were in that camp, as well as later when we were in Istanbul meeting with the opposition leaders from Syria.

I mention that all because the humanitarian crisis is continuing in the country of Syria. The Assad regime is turning on its own people. Over 70,000 have been killed since the Arab Spring started in Syria. While we were there, the Assad regime used scud missiles against its own people, again killing Syrians and killing a lot of innocent people in the process. This is a humanitarian disaster.

I wish to mention one bright spot, if I might. We had a chance to visit the camps, I said, in Kilis, on the border of Syria and Turkey, in Turkey. We had a chance to see firsthand how the Syrian refugees are being handled by the Turkish Government. I want to tell you, they are doing a superb job. I think it is a model way to handle a situation such as this. They have an open border.

The border area at that point is controlled by the Syrian freedom fighters. They control that area. The Turks allowed the Syrians to come in and find a safe haven. The Turkish Government has built housing for the refugees in the camp. We had a chance to see their children in schools. They are attending schools. They are getting proper food and proper medical attention. They have the opportunity to travel where they want in Turkey, freedom of movement. They have the opportunity to go back to Syria if they want to go back to Syria. The Turkish authorities are providing them with a safe haven and adequate help. They are doing this primarily with their own resources.

There is one other thing we observed when we were in this camp on the border. We had a chance to meet with the elected representatives of the refugees in Kilis. They actually had an election. They don't have that opportunity in Syria. They are learning how to cast their votes. They are learning what democracy is about. They are learning what representation is about. We had a chance to talk to these representatives about the circumstances in Syria and what we could do to help.

First, I want to point out there is still a tremendous need for the international community to contribute to the humanitarian needs of those who are affected in Syria. There are approximately 4 million Syrians in need of humanitarian assistance. There are 2½ million internally displaced people within Syria. The United States has taken the lead as far as humanitarian aid, having provided $384 million. Other countries have stepped up but, quite frankly, more needs to be done.

In talking with the opposition leaders—and we had a chance to talk to them in depth when we were in Istanbul—they expressed to us a sense of frustration that there hasn't been a better, more unified international response to the actions of the Assad regime—to what the Assad regime has

done to its own people—and to get Assad out of Syria. Quite frankly, they understand—or, as we explained—some countries might be willing to provide a certain type of help; other countries may not. The United States has provided nonlethal help, other countries are providing weapons, still other countries training. But we need to coordinate that. The absence of coordination provides a void in which extreme elements are more likely to get into the opposition, and that is something we all want to make sure doesn't happen.

The message I took back from those meetings is that the United States needs to be in the lead in coordinating the efforts of the opposition. We made it clear, and I think the international community has made it clear, that Assad must go, and he should go to The Hague and be held accountable for his war crimes. He has no legitimacy to remain in power in Syria. That has been made clear and we underscored that point again. We also underscored the point there is no justification for any country—any country—providing assistance to the Assad regime on the military side. As we know, Russia and Iran have provided help. That is wrong. That is only adding to the problems and giving strength to a person who has turned on his own people. But then we also need to coordinate our attentions so we can provide the help they need and the confidence they are looking for so they will have the necessary training not only to reclaim their country but then to rule their country in a democratic way that respects the rights of all of its citizens.

As the Chair of the Helsinki Commission, I pointed that out to the Syrian opposition, that we want to provide the help so they can rule their country one day—we hope sooner rather than later—in a way that respects the rights of all of its citizens and provides economic opportunity for its citizens, for that is the only way they will have a nation that respects the security of its country.

That was the message we delivered, and I hope the United States will join other countries in a more concerted effort to get Assad out of Syria. As I said, I think he should be at The Hague and held accountable for his war crimes and held accountable for not allowing the people of Syria to have a democratic regime.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

TENTH ANNIVERSARY OF PEPFAR

Mr. ISAKSON. Madam President, I rise today, in this year of 2013, on the tenth anniversary of the State of the Union Address given by President George W. Bush when he introduced a program known as PEPFAR—the President's Emergency Program for AIDS Relief—a program that has had remarkable success in the last decade.

A lot of that success has taken place on the continent of Africa, where I just returned from my seventh trip in the last decade. This was a trip where remarkable things were observed happening all over the continent in terms of AIDS infection being reduced, mother-to-child transmission being in fact eliminated in many cases, and seeing that the biggest challenge today for those who fall victim to AIDS is not that they will die soon but that they will have the continuum of care necessary to see to it they live a normal lifestyle with the antiretrovirals provided by PEPFAR.

It is important that the American taxpayers, the American people, those of us in Congress recognize what has been achieved in the last decade, for our taxpayers have invested billions of dollars on the continent of Africa to begin the process of trying to eliminate AIDS. We cannot yet declare victory, but we can declare great victories in battles along the way, and we are making more and more of them along the way. Males are getting tested, females are getting tested, as they should, and mothers are getting the care they need with antiretrovirals during their pregnancies to prevent the transmission to their babies, and we are seeing a continuation of the progress of the great program started 10 years ago by this Congress, by President Bush, and by the American people.

We are beginning to send the message, and we need to let the African countries know, that we will be scaling down our investment and raising their participation at the government level. It is important to see to it that PEPFAR remains a viable program. In our visit of the past 7, 8, now 9 days, I guess it was, we visited the Congo, we visited Mali, Senegal, Morocco, and we visited South Africa. In each and every country they are beginning the process of having more and more of their health professionals taking more and more of the responsibility of caring for people, testing people, and distributing the antiretrovirals, which lessens the pressure on the budget of the United States of America. But I think it is important to recognize that a disease we feared was going to take much of the population of that continent—and ours, for that matter—10 years ago is now a disease that is being managed and being reduced, and over time, we hope, we will have a generation free of HIV/AIDS not only in America but around the world.

There is a troubling event happening on the continent of Africa and in Asia, and that is there are those who are taking the volunteers who come from our country and other organizations and actually stopping them from giving inoculations and vaccinations to the people. Pakistan, Afghanistan, and Nigeria are the last three countries on Earth where polio still exists. A few weeks ago, in the Congo, in Nigeria, nine workers were killed trying to give vaccinations to children in Nigeria because Islamic leaders in those countries had tried to tell them that in order to reduce the Arab population American donations of polio vaccine would in fact cause them to be impotent when they grew up. That is the farthest thing from the truth, but it is a wives' tale being told to eliminate or keep vaccinations from getting to the people who need them. In the country of Pakistan, since December 12, there have been five attacks on workers distributing vaccines trying to eliminate polio in Pakistan.

So as we celebrate the victories in terms of HIV/AIDS, polio, malaria, and other diseases, we have to also recognize there is still ignorance in some parts of the world that is prohibiting people who will ultimately get sick and die from getting the vaccines necessary to keep from contracting these difficult diseases. So I come to the floor today to recognize the great achievement of the American people in the war against AIDS on the continent of Africa, and the creation of PEPFAR by George W. Bush, but also to send out a warning to those trying to prohibit the vaccinations and the antiretrovirals from getting to the people who need them in Nigeria, Pakistan, and Afghanistan. Because one day we want a generation free of HIV/AIDS and disease not just on the continent of North America or the continent of Africa but around the world.

It is a tribute to the American medical community, the researchers and developers, the American people, and this Congress that the war on AIDS is still being engaged, and we are declaring victory after victory on the battlefield. One day we hope we will have a generation free of AIDS not just in America but around the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Senate is considering the Hagel nomination.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that I may speak as if in morning business for approximately 10 minutes.

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

The Senator from Maryland.

SEQUESTRATION

Ms. MIKULSKI. Mr. President, I was so excited when I came in because I have a new desk in the Senate. With seniority, I have now moved to the row where giants in our institution once stood. This is the particular seat which just a few weeks ago was held by John Kerry.

Although my desk location is new, I come to the floor with what seems to be a persistent pattern in the Senate and in the Congress, which is that when faced with big problems that affect the fate of the Nation, let's delay, let's blame, and let's not get to the work the American people elected us to do.

I rise today to speak about sequester—something that was never, ever meant to happen. It came out of the dark days of the debt ceiling debacle in the summer of 2011 when we were facing a downgrade of the U.S. economy and a dysfunction of the Congress. In order to get us to the table, we came up with an agreement to have a supercommittee that would meet on both sides of the dome to come up with how we could begin to solve the serious fiscal issues facing the United States of America.

There was an insistence, yes, by one side of the aisle that we have a trigger. And, yes, the President looked back on history.

What we have now is a situation where we said what we would propose as a trigger if we didn't get our act together, which we have not. We would put into place something so serious, so Draconian, so unthinkable, so unworkable that we would solve the problems through regular order and find that sensible center Colin Powell has so often talked about. Well, the supercommittee collapsed—not because there weren't the great efforts of people such as Senators MURRAY and DURBIN and Members over at the House, such as Maryland's very own CHRIS VAN HOLLEN.

Then we were faced with New Year's Eve. We had put it off to New Year's Eve and after the election, and here we were—while people were wearing funny hats all over America, we were doing funny things. And what did we do again? We put off sequester for 2 months—again not solving the problem.

Well, now we have a rendezvous. On March 1, sequester will happen.

I am opposed to sequester. I think it is bad policy for our country. It will hurt our economy. It will exacerbate the fragile job situation we have. It will affect not only government employees but those who work in private sector jobs because of the Federal Government.

I support what was originally intended: a balanced approach that would look at increased revenues—particularly plugging up tax loopholes, particularly getting rid of tax-break earmarks—along with strategic cuts in spending and a review of mandatory spending to see how else we could get more value for our dollar.

I am going to speak tomorrow about the impact on science, technology, innovation, and jobs. Today I want to speak about my own beloved State of Maryland and the people who work there.

Maryland is home not only to the Super Bowl champions but to Nobel Prize winners and also people who work every day to help create the jobs today and the jobs tomorrow.

I have the honor of representing 130,000 Federal employees.

They say: Wow, how many of them can we get rid of?

Well, why would we want to get rid of the people who work at the Social Security Administration? These are the people who calculate the eligibility for the benefits in regular Social Security and in disability.

Why would we want to get rid of anybody who works for the Food and Drug Administration, people who every day are analyzing clinical trials to see if they can be moved to pharmaceutical or biotech or medical device production, ensuring that when they come out into clinical practice, they are safe, they have efficacy, they can be taken by the American people, and we can export them around the world? Why would we want to get rid of anybody at FDA who is helping make sure our drug supply is safe?

How about the food inspectors? Right now, one of the turbo engines of my Eastern Shore economy is seafood production and poultry production. You can't have poultry production unless you have food inspectors. When we start laying off or furloughing food inspectors, it is going to affect those private sector jobs. If you don't have an inspector, you are not going to be able to have those companies working with the same level of production.

Hundreds of thousands more work because of the Federal Government, iconic contractors, particularly in defense and also at NASA Goddard, which is our space science center. Yes, there are 3,000 civil servants, but there are also thousands of contractors. And what are they facing? Layoffs, furloughs, pay cuts, and lousy morale. What are they worried about? Their future. And they wonder whether they should give us another future. Make no mistake; we are not only going to hurt our economy, but there is an anti-incumbent fever developing around the country.

Now, as we look at solving the problems, there are those who want to protect lavish tax breaks or tax earmarks for a few. I want to stand up here for the many, not only the people who are multimillionaires or billionaires who can take a tax deduction on their corporate jets. I am for the people who are working every day right now to find a cure for Alzheimer's, to find a cure for autism, to find a cure for AIDS, to find help a cure for the arthritic, and most recently not only what is done by government but even what is done in private institutions. Within the last few weeks at Johns Hopkins University, under Federal help from the Veterans' Administration, on an American war veteran from Iraq who had lost both arms, Hopkins was able to perform surgery that did the first successful arm transplant. Doesn't that bring tears? That happened because of the genius of the Hopkins personnel, with financial help from the VA to do the kind of research to make sure that not only the surgery was a success but also that the autoimmune suppression was also.

This is what the American people want us to do to not only help that veteran, but what we learn through the VA will also then move into civilian clinical practice.

We have to come up with a solution where government is doing the job to help the American people with compelling human needs or America is doing the job that enables other people to keep their jobs or protect their livelihoods—for example, weather. People watch the Weather Channel and say: Isn't that Cantore great? I love Cantore. We even tweet each other from time to time. But Jim Cantore and the Weather Channel get a lot of their information from the National Oceanic and Atmospheric Administration. That is the agency in Maryland that runs the weather forecast for all of America, predicting hurricanes, tornadoes, and it also ties up with the global weather prediction system that protects our ships at sea—civilian, cargo, military—as well as whether airlines can fly or not.

When we look at our legislation we have to know that there are real consequences to those employees. The numbers sound like a lot, but their contribution to saving lives and saving livelihoods is enormous.

Then we look at compelling human need. Do the American people really want to protect people not paying taxes on their second million over Head Start? If the sequester goes into effect, we are going to have a terrible effect on special education. Special education teachers would be affected, and it would be an across-the-board cut in education. The same with title I. Maryland would lose over $14 million.

Federal law enforcement is something I know you are very keenly interested in, Mr. President. If the sequester goes into effect, it is going to affect over 1,000 Federal agents—at the FBI, at the Drug Enforcement Agency, at the Marshals Service. We don't know much about our Marshals Service. They are so quiet and efficient. Do you know what they do? They protect our judges at the Federal courthouses. You remember some got shot or wounded. It also serves warrants for runaway fugitives, and it also enforces the law on sexual predators in our country. Do we really want to furlough these men and women? I don't think so.

Then there is the FBI. The FBI is crucial not only in mortgage fraud, financial fraud, but now the world of cyber. Do you know, last year in America there were 300 bank robberies? That is a terrible number if you are one of those banks. But there were thousands of attacks by cyber on our American financial institutions, of which the FBI was prime time. Do we really want to lay them off? No, I don't think so.

There is another issue of safety, and that goes to aviation safety. I am deeply concerned about the cut in air traffic control with furloughs, layoffs, or asking even fewer to work longer hours. We cannot have it.

When we think about law enforcement, it also cuts Border Patrol. I am for comprehensive immigration reform, but I am also for protecting American borders. We now have 57,000 border control agents, a surprising number. If the sequester goes in, we could be forced to lay off or furlough 5,000 of them. Do you know what a furlough is? It says to someone who is going to be out there in the desert facing those who engage in the illegal traffic of people, guns, or drugs: While you are out there in that hot Sun, you are in harm's way, putting your life in danger, we are going to ask you only to work 4 days a week, and we are going to furlough you one-fifth of the time. To that border control agent being furloughed, that is a 20-percent cut.

I will say this: If the Federal employees are going to take a 20-percent cut and be furloughed, we should take a 20-percent cut. I think I should be treated like my Social Security employees, like my NIH employees working for cures, like FDA, the food inspectors, the people inspecting cargo coming into the Port of Baltimore or looking for illegal cargo coming into our airports. If they take a hit we should take a hit, and I look forward to moving on that legislation.

I hope we do not get to that point—not for me to protect my pay, but to protect their future; to say, America, we believe in what you are doing, and we want to protect you so you can do your job for America instead of protecting all these breaks for billionaires.

People can say: Didn't we do the tax break thing New Year's Eve with BIDEN and MCCONNELL? Yes. It was a nonpayment, but there are lots and lots of very juicy loopholes or tax breaks—tax breaks for sending jobs overseas, tax breaks for reductions on corporate jets.

Do we need those? Those are really earmarks. A tax earmark goes to people in a particular class, and it lasts indefinitely. While we are waiting for comprehensive tax reform, let's go after some of these and come up with a balanced approach for revenue.

Mr. President, I know you were a Governor so you know about bond ratings. In my State of Maryland and my large counties, they are going to be affected by sequester because as the Federal Government goes, Moody's rates our bond rating. Maryland could lose millions of dollars and have to pay high interest rates on bonds.

This is going to have a terrible impact, particularly in the area of school construction. It will cost hundreds if not thousands of jobs in not building schools we need or roads that need repair or water systems that need to be upgraded.

People say: Oh, well, that is government. That is the way it is. Mr. President, I want you to realize if in fact people begin to lose their jobs or get furloughed and lose a big part of their income, they are not going to be spending money in the local economy, the real economy. It also means they will not be giving to their charitable organizations. It is regrettable, but if you have less money to spend and you save it somewhere for your family, you are not going to be giving to the United Way, to that great Federal campaign.

The lab assistant at NIH who is facing losing her job is not going to give to her favorite charity. The customs official at Thurgood Marshall Airport is not going to have the same disposable income to make sure they give again to the United Way.

We have to stop sequester. Thursday I will be joining with my colleagues, my Democratic colleagues. We have a plan. Our plan is simple and straightforward: We come up with $86 billion. Half of that is in revenue. What does that mean? It means we come up with money for the Buffett rule. It was argued by Warren Buffett when he said he should pay the same rate of taxes as his secretary.

What that means is that on his second million—not his first; we believe in entrepreneurship, the job creators, et cetera. But on his second million he will pay the same rate as somebody who makes $55,000 a year.

The other is we want to close a loophole sending jobs overseas. For too long we have rewarded exporting jobs while we should have a Tax Code that rewards export of products, whether it is that great pharmaceutical industry or art, protecting intellectual property, and so on.

We have come up with that, and then we have a cut in the farm subsidy program where we will no longer pay people not to plant. That will be about $27 billion. Then, yes, we do cut defense, but that doesn't trigger until 2015 when our troops are home from Afghanistan. We never want to, through our budget problems, put our troops into harm's way.

I wanted to share what is going to happen. In my State we represent many great Federal iconic agencies that moved to Maryland in the early 1930s, 1940s, and 1950s when real estate was so high in Washington, DC. I am so proud of them. They win the Nobel prizes. They help us win the markets.

They are coming up with the new jobs, the new ideas for the new jobs for tomorrow. They are out there—for example, the Coast Guard—making sure the Chesapeake Bay is safe or they are dealing with our customs. Money is going to the University of Maryland, to Johns Hopkins, to not only help our veterans get new arms but to get a new life. Isn't that what the people want?

We can be more frugal. We have to be sensible, but let's not do sequester. It is bad money management, and we can do better. What we cannot do is continue to delay and put the entire burden on discretionary spending. Let's stand up, let's be counted, let's have a vote on Thursday. I do hope the Democratic alternative prevails.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, following my remarks I ask unanimous consent that the Senator from Arkansas, Mr. PRYOR, be recognized.

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

Mrs. BOXER. Mr. President, before Senator MIKULSKI, the chair of the Appropriations Committee, leaves the floor, I want to thank her for her very hard work along with several colleagues putting together a plan that is a commonsense plan to avoid this sequester, these automatic, senseless spending cuts. It was not easy to do, but I think they figured out a way to pay for it, as she described, called the Buffett rule, which basically says to a multimillionaire: We think it is only fair that you pay the same effective tax rate as your secretary.

If you were to ask anyone on the street, any party—Republican, Democratic—if they think that is the right way to go, I am convinced 90 percent of the people would say: Of course. I thank her. I know Senator Inouye is looking down and smiling because his successor, Senator MIKULSKI, is doing such a great job already.

I rise as a Senator from California. Senator FEINSTEIN and I represent 38 million people. Anything that happens around here comes down very hard on our State—or if it is a good thing, it is very good for our State. What we are facing is not a good thing, the sequester. It is a self-inflicted wound that will harm our economy.

I have to say, when I listened to Speaker BOEHNER over there—he is refusing to do anything about it. He says, and I will not quote him because it would be language not acceptable, but he basically said in the press, and it is written there—I urge everyone to see it—that the Senators ought to get off their ''blank'' and get to work and get something done.

I am proud to say we have an alternative to the sequester. Senator MIKULSKI laid it out. I believe we have a majority vote in this Senate for that plan.

I hope our colleagues will not filibuster. Let's have that up-or-down vote because when you are looking at job losses into the hundreds of thousands—and that is certainly true in my State and the country as a whole—no one should filibuster a plan that would stave off that pain.

How did we get to this place? In 2011 the Republicans decided to hold our country hostage over raising the debt ceiling. We know if we do not pay our bills—which is what the debt ceiling is about—this country is going to face default, and our credit rating is going to be lowered. Even though we finally resolved this thing at the eleventh hour, we still caused the downgrade the time

before. This time we averted another downgrade, but it is very important that we remember why we got to this place of facing this sequester. The Republicans played games with the debt ceiling again.

Even though under Ronald Reagan, their hero—and, by the way, I think even Ronald Reagan would have a hard time getting into the Republican Party these days because Ronald Reagan said you should never play games with the debt; even talking about the debt is a problem. We raised the debt when Ronald Reagan was President; 18 times we raised the debt ceiling. But all of a sudden, when there is a Democratic President, they are playing games. That is wrong. Obviously, we didn't want to see another downgrade. We had already seen a delay the last time, which cost us $1.3 billion, in borrowing costs alone.

In order to avert this, on August 2, 2011, we enacted the Budget Control Act. When it became law, we were within hours of defaulting on our debts. The Budget Control Act allowed us to raise the debt ceiling, but on the condition that a ''supercommittee'' find $1.2 trillion in cuts or force a trigger of across-the-board cuts known as sequestration.

Straight from my heart, I say this: No one thought the sequester would go forward. Everyone thought the pain to the economy would be so great that everybody would sit down and resolve it. But here is what is going on right now. Democrats say the way to resolve it and avert the sequester is to have dollar-for-dollar spending cuts and increases in revenues. Republicans say 100-percent spending cuts and they would prefer to do no defense cuts and have it all come out of education, transportation, medical research, law enforcement, the environment. That is what their plan was last year. So let's face it. No one thought we would get to this point, but we are at this point.

What is the choice? I think it is pretty clear what the choice is. It is the Democratic plan, which is a growing economy, versus the Republican plan, which is a sequester, which is a slowing economy. When I say that, I mean it.

Mark Zandi, who is one of the leading economists in the country, said if sequestration goes forward, it would cut a half of a point off our economic growth. What does that mean? It means jobs lost. I have to say, when I look at my State, this is not a pretty picture.

The Los Angeles Times, in an article by Ricardo Lopez and Richard Simon today, says: ''California braces for impending cuts from Federal sequestration.'' I ask unanimous consent this article be printed in the RECORD.

[From the Los Angeles Times, Feb. 25, 2013]

CALIFORNIA BRACES FOR IMPENDING CUTS FROM FEDERAL SEQUESTRATION

(By Ricardo Lopez and Richard Simon)

California's defense industry is bracing for a $3.2-billion hit with the federal budget cuts that are expected to take effect Friday.

But myriad other federally funded programs also are threatened, and the combined effect is expected to slow the momentum that California's economy has been building over the last year.

As the state braces for pain from so-called sequestration, there are warnings of long delays at airport security checkpoints, potential slowdowns in cargo movement at harbors and cutbacks to programs, including meals for seniors and projects to combat neighborhood blight.

Despite the grim scenarios from local and state officials, economists say the cuts' overall blow to the economy would be modest, felt more acutely in regions such as defense-heavy San Diego and by Californians dependent on federal programs, such as college students who rely on work-study jobs to pay for school.

Critics say the cuts come at an inopportune time because the economic recovery in the U.S. and California is still weak.

''We need stimulus, not premature austerity,'' Gov. Jerry Brown said during a break at the National Governors Assn. meeting in Washington.

Rep. John Campbell (R–Irvine) contends that critics of the cuts are exaggerating the effects.

''If we can't do this, what can we do'' to reduce Washington's red ink, he asked. ''We ought to be panicked about the day when people won't buy our debt anymore because we borrowed too much.''

If automatic spending cuts occur as planned, the growth in the country's gross domestic product is likely to slow by 0.4 percentage points this year, from about 2% to 1.6%, economists said.

California's GDP would see a similar slowdown. The state stands to lose as much as $10 billion in federal funding this year, according to Stephen Levy, director of the Center for Continuing Study of the California Economy in Palo Alto.

Levy said the more than $1 trillion in cuts planned over the next decade include ''items in the federal budget that invest for the future,'' such as support for research and clean energy, that particularly affect California because of its ''innovation economy.''

The ripple effects the cuts might have on business and consumer confidence—which would further dampen economic activity—remain to be seen, said Jason Sisney, a deputy at the state's nonpartisan Legislative Analyst's Office.

''We're at a point where gains in housing and construction markets have begun to take hold,'' Sisney said. ''A slowdown from sequestration would come at just the moment that the economy was beginning to right itself.''

Jerry Nickelsburg, a UCLA economist who writes a quarterly economic forecast on the Golden State, said the state's recent economic gains would provide a buffer against sequestration.

''California can absorb it,'' Nickelsburg said. ''Will it slow economic growth? The answer is yes. Will it result in negative economic growth? I think the answer is no.''

Los Angeles officials project that the city would lose more than $100 million at a time when they're struggling to close a hole in the city's budget.

Douglas Guthrie, chief executive of the Los Angeles city housing authority, said Monday that rent subsidies to as many as 15,000 low-income families would be cut an average $200 a month, forcing many families to search for less expensive housing. His agency also might face as many as 80 layoffs in an already reduced workforce.

But Guthrie said in a letter to the Los Angeles City Council that the housing authority must plan for the ''painful consequences'' of the federal budget cuts and is preparing to send warning notices to participants in the housing assistance program ''as soon as we see that the cuts are made and there are no immediate prospects to resolve the budget crisis.''

At Yosemite National Park, snow plowing of a key route over the Sierra would be delayed, ranger-led programs are likely to be reduced and the park would face ''less frequent trash pickup, loss of campground staff, and reduced focus on food storage violations, all of which contribute to visitor safety concerns and increased bear mortality rates,'' according to the National Park Service.

Some programs, such as Social Security, would be spared from the $85 billion in cuts nationwide due to kick in Friday. But defense programs are expected to be cut by about 13% for the remainder of the fiscal year and domestic spending by about 9%, according to the White House budget office.

The Obama administration sought Monday to highlight the effects close to home in an effort to step up the pressure on Congress to replace across-the-board cuts with more targeted reductions and new tax revenue collected from taxpayers earning more than $1 million a year.

The Los Angeles Unified School District is bracing for a loss of $37 million a year in federal funding. Supt. John Deasy said Monday that he is sending a letter to the California congressional delegation warning about the ''potential very grave impact'' of the cuts on Los Angeles schools.

Rachelle Pastor Arizmendi, director of early childhood education at the Pacific Asian Consortium for Employment in Los Angeles, said she anticipated that the cuts would cost her agency $980,000 in federal Head Start funding. That would force PACE to eliminate preschool for about 120 children ages 3 to 5.

''It's not just a number,'' she said. ''This is closing down classrooms. This is putting our children behind when they're going to kindergarten.''

The nonprofit serves about 2,000 children, providing most of them two meals a day in addition to preschool education. The cuts would mean PACE would have to lay off four of its 20 teachers, forcing the closure of eight Head Start classrooms, Arizmendi said.

Mrs. BOXER. Our Governor makes the point—he has a way of getting to the point: ''We need stimulus, not premature austerity,'' said Gov. Jerry Brown.

The Republicans have become the austerity party and the Democrats have become the jobs party. I think people want jobs. There are still too many long-term unemployed. We have a stubbornly high unemployment rate. There is no question about it.

Jerry Nickelsburg, a UCLA economist who writes a quarterly economic forecast on the Golden State—my State—said: The State's recent economic gains would provide a buffer against sequestration, but would it slow economic growth? Yes. Why would we do something like this, a self-inflicted wound, when there is an easy way to get out of it, which is to put into place a rule that says on a person's second million dollars, once they get to that point, they are going to pay an effective tax rate equal to their secretary? Give me a break. This is the greatest country on Earth, and the people I know who live in California, for the most part, in the wealthy brackets

are very happy to pay their fair share. They want to pay their fair share. They want to give back. They love this country. It gave them everything. A lot of them started with nothing.

So we have the two plans. The Democratic plan was outlined by Senator MIKULSKI and we are going to vote on it on Thursday. I pray to God it is not filibustered and a majority will rule and we will get it done. It will create a growing economy because it is a balanced plan with half cuts, half revenues.

Then there is a Republican plan which we don't know yet, but the one they passed in the House doubled down on the cuts to education, the environment, transportation, and left defense alone. That is not fair, and that is a sure way we are going to lose hundreds of thousands of jobs.

I wish to share a picture with my colleagues. I don't know if people can see this, but it is on the front page of the Washington Post and it is a picture of a shipyard worker. The look on his face I can only describe as frightened. As a matter of fact, when I saw the photo, without seeing what the story was about, I thought, This man is expecting some terrible gloom and doom to occur. And, yes, it is his fear that he will be laid off. He said his wife is pregnant and he doesn't have a second source of income in the family and he is desperate.

We just went through that. Why would we ever do it again? And people say to me, What is going to happen? How will I feel it back home? Will I have a longer wait at the airport? Yes, you might. Will I go to the National Park Service and it may be closed down? Yes. Will job training centers, some of them, shut down? Yes. There is a list of what will happen.

I ask unanimous consent to have printed in the RECORD a list of the consequences of the sequester cuts nationwide.

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

THE CONSEQUENCES OF SEQUESTER CUTS

TO EDUCATION

70,000 Children From Head Start
10,000 Teacher Jobs
7,200 Special Education Teachers
2,700 Schools From Receiving Title 1 Funds, Cutting Support for 1.2 Million Students

TO PUBLIC HEALTH

424,000 HIV Tests Conducted by CDC
25,000 Breast and Cervical Cancer Screenings
804,000 Outpatient Visits to Indian Health Service Hospitals and Clinics
2,100 Food Inspections
4 Million Meals Served to Seniors Through Programs Like Meals on Wheels
600,000 Women and Children From Receiving Nutrition Assistance
1,000 NSF Grants—Impacting 12,000 Scientists and Students
$902 Million From SBA Loan Guarantees for Small Businesses

TO SECURITY AND SAFETY

1,000 FBI Agents and Other Law Enforcement Personnel
1,000 Criminal Cases From Being Prosecuted by U.S. Attorneys

Mrs. BOXER. We are looking at 70,000 children not being able to go to Head Start. We are looking at 10,000 teacher jobs. We are looking at 7,200 special ed teachers—we know those special ed teachers; they are angels from heaven who work with kids who can't even sometimes manage to get dressed in the morning by themselves.

Then: 2,700 schools won't receive title I funds, cutting support for 1.2 million children who need help learning to read. Tell me, does this make sense, when all we have to do is ask someone earning a second million dollars to pay the same effective rate as a secretary? I don't get it.

How about 424,000 HIV tests conducted by the CDC won't happen, so someone is going to sneak through and give HIV to someone else? Really, that is not a smart thing. Twenty-five thousand breast and cervical cancer screenings will not take place, and some poor woman who might have had a chance to catch breast cancer at an early stage is thrown overboard. Eight hundred thousand outpatient visits to Indian hospitals and clinics. Food inspections. Just the time to cut back on food inspections. How about 4 million meals will be cut that would have been served to seniors through programs such as Meals-on-Wheels. Four million seniors won't get that. And what if they don't have a loving child to take care of them or what if they don't have a neighbor to take care of them? Six hundred thousand women and children won't receive nutrition assistance, and we have a lot of hungry people in this great country of ours; scientific grants to find cures for the diseases that plague our families, whether they are rich or poor or anywhere in the middle, to find the cures for Alzheimer's, to find the cures for diabetes. Small businesses that do so well when they get that little seed money—$902 million cut from there.

Then: 1,000 FBI agents and other law enforcement personnel, and that is because we are just so safe in our communities. I have gone around my State and not one person ever came up to me and said, I want less enforcement in my neighborhood. It is just too much. It is too safe. Not one person ever told me, oh, don't bother checking my air or my water quality; I am just fine.

So if we take these cuts and we apply them to our States, we will find out what happens and it is not a pretty picture. Los Angeles alone could lose as much as $115 million in Federal grants, just in the first 6 months of 2013. Community development, public safety, I have been through it.

We don't have to inflict this pain on the American people. Everything I said relates to jobs. All of those cuts, what do they mean? Real people who do real things in the community such as law enforcement, teaching our kids, et cetera, will lose their jobs, not to mention people in the Defense Department who are making sure we are always safe and ready. That is why we see the look on his face, because he is potentially one of those people.

In closing, I want to thank those who have put together a package for us, and I have a plea to my Republican friends: Do not filibuster this. Too many lives are at stake. Too many jobs are at stake. Put your plan forward, get a vote on it if you have a plan or if your plan is to let sequester go through, let's see that vote again, and let us have our vote on our plan to avoid this pain and suffering people are going to feel.

I actually have one more point to make and then I will turn to my friend from Arkansas. We hear a lot of posturing from my Republican friends about how the Democrats are such big spenders and all they want to do is spend and tax and tax and spend. What party led the way to the first balanced budget in almost 30 years? I will give my colleagues a clue: It was not the Republican Party. It was the Democratic Party. When Bill Clinton was President, we not only balanced the budget but we left George W. Bush a surplus of $281 billion.

By the way, I happened to be here when we voted on the budget plan and we did not have one vote to spare. We did it ourselves.

What did George W. Bush do with this huge surplus? He squandered it. He put two wars on the credit card, never paid for them; gave tax breaks to people who didn't need them, and handed President Obama a $1.2 trillion deficit, which is now projected to be $850 billion for 2013. It is going in the right direction under a Democratic President. We want to get that down and we can get that down, and we can work together to get that down, but we do not have to do this sequester. History has shown us the balanced approach we used when Bill Clinton was President of smart investments in things that help our people such as job training and education and lifting up our children, and making sure they don't go hungry—those kinds of investments pay off in a society.

We have 23 million jobs. Under George W. Bush, we lost jobs: George W. Bush, we lost jobs. And this President, our President who just got reelected, is following the model of Bill Clinton: a balanced approach to deficit reduction, investments in things we need, cutting things we don't need, and working together.

I say if we don't learn from history, we are doomed to repeat it. We are coming out of the greatest recession since the Great Depression, and we cannot afford to have this sequester. We need to avert it, come together with a balanced plan of cuts and revenues, not just the cuts-only approach, the austerity approach of the Republicans.

I hope they don't filibuster our approach and let us have an up-or-down vote and pass this with a majority.

I thank my colleagues very much, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank my Senate colleague from California for her remarks and also want to finish one point she was making there at the end. But before I do, Mr. President, I ask unanimous consent that the final 20 minutes prior to the vote be equally divided and controlled between Senators LEVIN and INHOFE.

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

Mr. PRYOR. I want to thank Senator BOXER for her comments on balancing the budget. One of the things we need to understand is that we can do this. It was not that long ago when President Clinton was elected and he focused on balancing the budget. He made it a priority of his administration. He made it a Democratic priority for the Democratic Party. They passed the Balanced Budget Act of 1993. It passed without one Republican vote in this Chamber and without one Republican vote in the House Chamber. But nonetheless it did pass. It probably caused some people some elections a couple years later, but nonetheless it was the right thing to do. It got us on the course to fiscal stability. It took 4 years, but we did balance the budget.

But there is one thing we also need to mention as we talk about that. One advantage Bill Clinton had that we have not had in the last few years is a robust, vibrant, and growing economy. He had the longest economic expansion in U.S. history. That did not happen by accident. That took a lot of work. It took a lot of bipartisan effort here in the U.S. Senate, there in the U.S. House of Representatives, and down at 1600 Pennsylvania Avenue. It had Governors working together. It had all of us working together to try to make sure we got the economy back on track because if the economy is growing, the revenues improve, and also your safety net programs are not hit nearly as hard.

So one of the things we need to focus on as a Congress—certainly as a Senate—is we need to focus on growing the U.S. economy. That brings me to my discussion today about sequestration.

When we look at the analysis on what sequestration could do to the U.S. economy, there could be 750,000 jobs lost in this economy. That is a .6 percent shrinkage of the economy by the end of this year. We are not talking about somewhere way down the road, out in the outyears. We are talking about at the end of this year it will have a negative impact on the U.S. economy. That is going to continue to hurt our debt and deficit problem. We need to do all we can to avoid this and to grow the U.S. economy. We need a growing U.S. economy. There should not be government policies that are shrinking the economy. We should be growing the economy.

I wish to say, if you look at the numbers for government employees—and I think a lot of the news media has focused on government employees. There has been a lot of discussion in the press conferences and there is all the blame game that has been going on, and I want to talk about that in a few moments. But if you look at the numbers in the public sector—the Federal employees who will either be laid off or furloughed or for whatever reason will not be able to function—those are big numbers. But that only tells part of the story. In fact, that only tells a small part of the story because this sequester is going to harm the private sector much more than it harms the public sector.

This is something we should understand, that the American people should understand. I would hope the American people would insist we work together to get something done here in the next few days if possible, certainly in the next few weeks to avoid this sequester.

In my State of Arkansas, there are 91 poultry and meat processing facilities that will have to close their doors at least at some point because they do not have meat inspectors and food inspectors on site. That is 91 facilities. That is a lot of employees. We have employees at 52 Arkansas FSA offices. These are Department of Ag offices that are out around the counties to help people in the farming industry, to give them some government resources, advice, et cetera. Fifty-two of those offices are not going to close their doors, but they are going to have to furlough their employees. There is no doubt they will be at partial strength instead of full strength at a very critical time for farmers all over the State of Arkansas.

Also, we have an FDA facility there, the National Center for Toxicological Research, and it is going to be cut by an estimated $3 million. Well, that facility is a nice little economic engine for that part of the State. That means when they cut it, it is going to have a negative ripple effect, an adverse ripple effect in that part of our State's economy.

I know in this Chamber and in this town there is a lot of discussion about making the government small and how we should cut the government and how the government should be lean and all that. Do you know what. A lot of that I do not disagree with. But I do think it is important for all of us, as responsible policymakers, to understand the reality that whether we like it or not—and many of us have philosophical disagreements on this; and I am not trying to get into that, but whether we like it or not, our government is very intertwined in the U.S. economy, our government is a critical part of the U.S. economy.

So you take something like the food industry—and I am chairman of the Appropriations Subcommittee on Agriculture—if you take something as basic as agriculture—something that may not be very sexy, that does not get a lot of headlines, that people do not think a lot about because we take it for granted in this country that we are going to have a good, healthy, robust food supply, but that does not have to be the case. It certainly is not the case in most countries around the world. We are very spoiled. We are very fortunate in this country to have that. But the agricultural sector cannot function without the government.

Again, we have a safe food supply. We need inspectors out there to make sure that meat and other foods that are being processed get that USDA seal of approval—grade A, whatever it is. That means something. If we cannot know our food is safe, then we have diminished what it means to live in this country. We do not want to get into that. Let's avoid that. This is avoidable.

I know a lot of Arkansans, when I talk to them, say: Can't you all do something? Can't you work together? The answer is yes, we can work together. It is just a matter of political will. We have to make up our minds that is what we are going to do, that we are going to work together.

In 2011, we passed the Budget Control Act. Here again, I think the news media has not covered this a lot, has not explained this very well to most Americans. But one of the things the Budget Control Act of 2011 did, among other things, is it set spending caps for the Federal Government. So as back in the 1980s, when people worried about $180 billion deficits—now we have much larger deficits than that, but back then in the 1980s, we put on the Gramm-Rudman spending caps and things such as that—Gramm-Rudman-Hollings—and there were other efforts over the years.

Well, that is what we have done with the Budget Control Act. We have spending caps for the next 10 years—now it is for the next 9 years when it comes to Federal spending. I think people do not always appreciate that because what they hear out of Washington—instead of people explaining what is going on and trying to help the American people understand what they get from Washington—is blame, blame, blame. I cannot count the number of press conferences we have had where one side has come out to blame the other side. I know some of the House Members just came out and blamed the Senate. Democrats are blaming Republicans. Republicans are blaming the President. The President is blaming the Congress. It goes on and on and on. It never stops. It is a dead-end street.

The truth is we voted for sequester. I do not care who came up with the idea, we voted for it. As we have talked about many times on this floor, the reason we put sequester in in the first place was because it was such a bad idea; it will be so hard to do; it does not make a lot of sense. But, nonetheless, it was to try to force our folks to get to a budget deal. It did not happen. But I think the important thing is, all Americans need to know everybody in Washington owns this. You can blame all you want. You can have as many

press conferences as you want, but everybody in Washington owns this. We need to own up to our responsibility as Congressmen and Senators and as the President and do what we can to not hurt this country.

Let me talk for a few more moments because I see one of my colleagues has arrived here. Let me say the sequestration, again, was an idea that was put together because they wanted it to be so painful that we would never get here. These are arbitrary cuts. You do not take into account the efficiency of programs, the effectiveness of programs. You do not take into account the merits of programs. You just cut across the board.

I think we probably will do some more cuts. We probably should do some more cuts. I think if you look at the Simpson-Bowles blueprint—that proposal a lot of us have talked about over the last couple years—they would probably look at that and look at the numbers and say we still need to do some cutting. But we also need some revenue. We still need to do that. But our cuts should be smart and they should be deliberate and they should increase the bang that the taxpayer gets for their buck. That is not what sequestration does. It does not achieve any of those goals.

One thing about the Department of Agriculture—here again, people need to understand this; we talk about this here in our committee rooms and whatnot, but I think a lot of times the message does not get out—agriculture funding has already been cut by 15 percent. There has already been a 15-percent cut to agriculture, starting in 2010 to today: 15 percent. I think it is unwise for us to cut an industry which is one of the core strengths of the U.S. economy.

If we look at the U.S. economy, there are a lot of things we do well. But there is no doubt at all we do agriculture better than anyone else in the world. There is not even a close second place. You innovate when it comes to agriculture. This is where you maximize crops. The United States of America is the gold standard for agricultural productivity and new technology and innovation and all these great things to make this country the breadbasket that it is. So why in the world are we going to cut, cut, cut agriculture? It does not make any sense.

Of course, rural America is struggling disproportionately. With the recession and all that has hit rural America, it is tough out there. Let me tell you, I come from a very rural State. It is tough. These cuts are going to harm rural America much more than they will harm urban America and suburban America. It is a fact of life. Again, that is another reason why we need to avoid this.

So in closing—I know I have one of my colleagues here who wishes to speak—let me get back to the meat inspectors. The Department of Agriculture says they may have to be furloughed for up to 15 days. That means you are going to have to temporarily close—maybe for a day at a time—6,000 processing plants nationwide. There are over 90 of those in Arkansas. Just in my State, that is going to have an impact on not those few government jobs, it is going to have an impact on 40,000 jobs in the private sector—40,000 jobs in the private sector—because of this.

It also is going to disrupt the efficiencies we have in the protein markets in this country. What that means is, prices are going to go up, people are going to pay more for their meat products at the grocery store and at the restaurant. This is not going to be a win for anybody. And I think you are going to see about $400 million in industry wages that could be lost as a result. That is not going to help the U.S. economy.

Then you expand what the U.S. Department of Agriculture does beyond row crop and livestock-type agriculture. They do a lot in the area of clean water, fire and rescue vehicles in rural communities. They do community building in rural America—things such as hospitals, school construction. They do rental assistance programs, and a lot of these are for the poorest of the poor out there around our country. Again, it is going to disproportionately hurt these people who can least afford it.

I mentioned the U.S. Department of Agriculture, but also at the FDA, it seems to me almost every one of their employees around the country could be subject to these furloughs and these cuts and will be adversely affected.

Do we want to interrupt the gold standard we have with food and drugs in this country through the FDA? I would say no.

I think it is time for us to come together, to work together, to find a solution. I think one of the bits of good news we see in Washington is there is nothing wrong here that we cannot fix with some political will. I think that is what this is all about. It is a little bit of a test of wills right now, but I think there is no doubt we can fix this with some political will.

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

I see my colleague from Vermont is in the Chamber.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. I thank my colleague from Arkansas for yielding.

When we talk about sequestration, when we talk about deficit reduction, it is important to put that discussion in a broader context. The broader context needs to be, No. 1, what is the fairest way to move toward deficit reduction and what is the best approach in terms of economic policy making our country strong and creating jobs.

I fear very much the debate we are currently having has very little to do with financial issues. I believe it has a lot to do with ideology. It is all about economic winners and losers in our country. It is all about the power of big money. It is all about the soul of what America is supposed to be.

You may have noticed there was a poll done. I can't remember who did it, but it was consistent with all the other polls I have seen. They asked the American people: Are you concerned about deficit reduction? Do you think we should cut Social Security and Medicare? Overwhelmingly, Democrats said no, Republicans said no.

Yet here in the Congress, surrounded by lobbyists and campaign contributors who are very wealthy, that is where we are heading. We are heading toward a so-called chained CPI, which very few people outside the beltway understand. This will mean cuts, significant cuts in Social Security and in benefits for disabled veterans.

The American people say we think the wealthiest people in this country should help us with deficit reduction, protect the safety net.

In Congress, there is a fierce attack by the Republicans and some Democrats on the safety net. To a large degree, we are allowing large corporations, that are enjoying very low effective tax rates, to get away with what they are doing.

When we talk about who should help us with deficit reduction, we need to look at what is going on economically in the United States of America. We don't discuss this issue enough. We need more people coming down to the floor to talk about it. We have the most unequal distribution of wealth and income of any major country on Earth, and the gap between the very wealthy and everyone else is growing wider.

Today, the wealthiest 400 individuals in this country own more wealth than the bottom half of American people, 150 million people. You have 150 million here, you have 400 over there. Who do you think should pick up the burden of deficit reduction?

Should we go after children who are having a hard time getting the nutrition they need or seniors who can't afford prescription drugs? Yes, we could do that.

Is that a moral thing to do? No. Is that good economics? No.

Today, one family, the Walton family of Walmart, is probably the most major welfare beneficiary in America. So many of their low-paid employees are on Medicaid, food stamps or other Federal programs. This one family owns more wealth than the bottom 40 percent of the American people.

Do you know what we did a couple months ago? We gave the Walton family a tax break by expanding the estate tax.

Today, the top 1 percent owns 38 percent of all financial wealth—1 percent owns 38 percent. The bottom 60 percent owns less than 3 percent of all wealth.

What do we think? Do we want to go after the bottom 60 percent, families

who are making $25,000, $30,000 a year, falling further and further behind? Do we want to take away the educational opportunities and the nutrition their kids can get? Yes, we may do it that way. Maybe it makes more sense to go after the top 1 percent who are doing phenomenally well.

Do you know what. The vast majority of Americans agree with that, but this Congress does not reflect the interests of the vast majority of the American people. It is not the American people who are funding the campaigns for Members of the Senate and the House. It is not the average American who has well-paid lobbyists all over this place.

As Warren Buffett has pointed out, the 400 richest Americans are now worth a record-breaking $1.7 trillion, more than 5 times what they were worth two decades ago.

While the wealthiest people are becoming even richer, the Federal Reserve reported last year that median net worth for middle-class families dropped by nearly 40 percent from 2007 to 2010, dropped by 40 percent. That is the equivalent of wiping out 18 years of savings for the average middle-class family.

Whom do we go after? Do we think it makes any economic or moral sense to go after a middle class which is disappearing or maybe do we ask the wealthiest people in this country—who are doing phenomenally well—to help us with deficit reduction?

As bad as wealth inequality is, the distribution of income, what people make every year is even worse. It is an amazing statistic, and I hope everybody pays attention to this.

The last study on the subject of income distribution showed that from 2009 to 2011, the last study we have, 100 percent of all new income went to the top 1 percent, while the bottom 99 percent actually saw a loss in their income. In a sense it doesn't matter, given that incredible imbalance in income, what kind of economic growth we have. All the gains are going to go to the top 1 percent.

I have some friends over in the House, our Republican friends, who are saying: No, no, no. We can't ask these people to help us more with deficit reduction. I think that is very wrong.

When we are talking about how to reduce the deficit—and we all want to do that—we need to understand we can't get blood out of a stone. We can't ask people who are earning less and in many cases working longer hours. We can't ask the 14 percent of Americans who are unemployed. If we add people who have given up looking for work and people who are working part-time, we cannot get blood out of a stone. As Willy Sutton the bank robber reminded us, you go where the money is. In this case, all the money and all the income gains are with the top 1 percent.

The other point that needs to be made is we need to ask the question of how we reached the place we are right now. No. 1, we need to ask who is best able to help us with deficit reduction. It is surely not the struggling middle class. It is surely not the disabled veterans and their families. It is surely not elderly people who can't afford prescription drugs. It is surely not kids who don't have enough to eat.

The second question we need to ask is how did we get to where we are today. Did this deficit just arrive yesterday?

I think we all remember that in the last year of the Clinton administration this country had a $236 billion surplus, a surplus. The economists were projecting that the surplus would expand, expand, and expand.

What happened from the year 2000 to 2013 so that we went from a very significant surplus to a very serious deficit? That needs to be understood when we talk about sequestration and deficit reduction. The answer is, as everybody knows, we went to war in Iraq and Afghanistan. A strange thing happened. We forgot to pay for those two wars. When we go into two wars and we are taking care of all those veterans who have been hurt, that adds up to something like $3 trillion by the time we take care of the last veteran, as we must.

During the Bush administration, we gave huge tax breaks to the wealthiest people in this country, didn't offset it. That adds up. We passed the Medicare Part D prescription drug program, didn't pay for that. That adds up.

Most important, because of the greed, recklessness, and illegal behavior on Wall Street, we were plunged into a major recession, high unemployment, businesses going under, less tax revenue coming into the Federal coffers.

I know my Republican friends say cut, cut, cut, cut benefits for disabled vets, cut Social Security, cut Medicaid, cut nutrition, cut Head Start. We could do it that way, but we should also understand that at 15.8 percent as compared to GDP, the percentage of GDP, our revenue is almost the lowest it has been in 60 years.

Yes, in the middle of a recession we are spending a lot of money making sure people don't go hungry, making sure people who lost their jobs have unemployment benefits, making sure people have affordable housing. It is true. What is also true is that at 15.8 percent, as a percentage of GDP, our revenue is less, almost less than it has been in 60 years.

Today, not only are we seeing a growing gap between the very wealthy and everybody else, it is important to take a look at large corporations. When we do, we find that corporate profits are at an alltime high, while corporate income tax revenue as a percentage of GDP is near a record low. Profits are soaring, and the effective tax rate is near a record low.

In 2011, corporate revenue as a percentage of GDP was just 1.2 percent lower than any other major country in the OECD, including Great Britain, Germany, France, Japan, Canada, et cetera. Corporate revenue as a percentage of GDP is 1.2 percent lower than any other major country in the OECD. In 2011, corporations paid 12 percent of their profits in taxes, the lowest since 1972.

We have a choice. Do we go after the elderly? Do we go after the sick? Do we go after the children? Do we go after the poor or maybe do we say that when corporate profits are at a record level and their effective tax rate is the lowest since 1972, maybe we say to corporate America, hey, help us with deficit reduction.

The last figures we have seen on this issue is that in 2005, one out of four major corporations paid no income tax at all while they collected over $1 trillion of revenue over that 1-year period.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANDERS. Let me conclude by simply saying we are losing $100 billion a year from tax havens in the Cayman Islands and elsewhere. There are ways to do deficit reduction without hurting the most vulnerable people in this society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Before Senator SANDERS leaves, let me commend him. I didn't hear all his remarks, but I know the subject of his address, his remarks, was the fact corporations now contribute about 10 percent of the total revenue which comes into Uncle Sam. Years ago, it was about 50 percent, and then gradually it has come down to about where it is now.

The reason for that, mainly, is that there are a whole bunch of gimmicks and loopholes which have been inserted into our tax laws which need to be closed. If they can be closed, we would be able to avoid sequestration. That is how big the loopholes are.

I am not talking about deductions, which most people would say serve a useful purpose. Whether people agree with that purpose, at least deductions, as we generally understand deductions, serve some kind of a productive purpose. For instance, corporations get accelerated depreciation when they buy equipment. That serves a very important purpose. It gives an incentive to buy equipment.

Even the oil and gas credit, which I don't support, nonetheless, the purpose of it is to give an incentive to explore and drill for oil and gas. Whether one agrees with that purpose, at least it is a purpose. When it comes to these loopholes and gimmicks which are used to shift revenues to tax havens, there is no useful purpose. The only purpose is taxable. Those are the loopholes which we can close, and those are the loopholes which it seems to me there ought to be broad bipartisan support to close. If we can close them, we can avoid sequestration. Again, that is how big these loopholes are.

I very much appreciate the reference by the Senator from Vermont to our Permanent Subcommittee on Investigations and the work we have been doing, and I very much appreciate the energy he brings to this effort. It ought to be bipartisan. Again, these kinds of loopholes are not what most people consider to be legitimate deductions but are a kind of tax-avoidance scheme that should not be in the law even if we had no deficit. I guess one of the critical differences between these kinds of tax-avoidance gimmicks and the ordinary deductions corporations take is the fact that the use of these and the abuse of these should be eliminated on a bipartisan basis.

So I would like to thank my friend. I wish I had caught the early part of his remarks, but that was not to be.

Ms. COLLINS. Mr. President, I rise today to discuss the President's nomination of former Senator Chuck Hagel to be Secretary of Defense.

I know Senator Chuck Hagel well from having served with him for many years in the Senate. We were sworn in as Senators on the same day and traveled to Iraq together in 2003 as part of the first Senate delegation there after the war began.

Senator Hagel's courageous military service deserves our praise and gratitude, and I know he cares deeply about our servicemembers. His experience as a soldier during the war in Vietnam is significant as the Senate considers his nomination to be Secretary of Defense, but, of course, it is but one factor that we must weigh in our consideration of him for this critical Cabinet post. Senator Hagel and I spent 90 minutes in my office discussing a wide range of issues, which I appreciated, and I reviewed carefully the lengthy Senate Armed Services Committee hearing on his nomination.

The next Secretary of Defense will be responsible for managing a massive bureaucracy, the defense budget, threats emanating from Iran, North Korea, and Islamist extremism, the withdrawal of United States combat forces from Afghanistan, and an increasingly provocative Chinese military as well as personnel issues affecting those serving in uniform.

With regard to our servicemembers, I am confident that Senator Hagel would devote the necessary attention to address the horrendous rate of sexual assault in the military and would work to reduce the unacceptable, record high number of suicides among our troops.

As the coauthor with former Senator Joe Lieberman of the law that repealed the military's ''Don't Ask, Don't Tell'' policy that barred openly gay people from serving in the military, I am now satisfied that Senator Hagel is committed to implementing this law fully.

We also discussed the specter of sequestration, which would lead to irresponsible cuts that would cripple our readiness and capability to project power on land, air, and sea. Senator Hagel reiterated Secretary Leon Panetta's position that such meat-ax cuts would be disastrous and catastrophic to our national security and economy.

In addition, I understand Senator Hagel's overall philosophy on the need to exercise caution before deploying military forces. Such restraint, at times, can provide a valuable voice of caution to temper the impulse to exercise America's significant military edge.

Nevertheless, several critical issues loom large as I contemplate the threats facing our national security and consider Senator Hagel's nomination. These issues include the proliferation of terrorism, the threat of a nuclear-armed Iran and the reality of a nuclear-armed North Korea, an increasingly dangerous and unstable Middle East that threatens our national interests and our ally Israel, and the possibility of deep and indiscriminate cuts in the defense budget that would undermine America's strength and security.

While Osama bin Laden is dead and al-Qaida has suffered significant losses in Afghanistan and Pakistan, violent Islamist extremism has metastasized to other regions around the world, particularly to the countries in North Africa. The terrorist attack in Benghazi left four Americans dead, including Ambassador Chris Stevens, and an attack killed three Americans at an Algerian gas facility. AQAP's top bombmaker is still at large, and Hezbollah and Hamas continue to rearm in Lebanon and Gaza. Hundreds of rockets have been fired from Gaza into Israel, the vast majority fortunately stopped by the highly effective Iron Dome.

Senator Hagel's views on these critical threats are unsettling to me. For example, with regard to Hezbollah, Senator Hagel was unwilling to ask the European Union to designate Hezbollah as a terrorist organization in 2006. While 88 other Senators, including then-Senators Obama and Clinton, supported this reasonable request, Senator Hagel did not. Hezbollah has the blood of more Americans on its hands than any other terrorist organization besides al-Qaida, yet Senator Hagel refused to urge the EU to call Hezbollah what it is—a terrorist organization.

Senator Hagel has explained to me that he had a principle of not sending correspondence to foreign leaders because he believes the President, not Congress, conducts foreign policy. Indeed, in January 2009, former Senator Hagel did sign an ill-advised letter counseling Barack Obama to spearhead direct, unconditional talks with Hamas—a position that President Obama wisely chose to disregard.

Senator Hagel's general principle of abstaining from sending letters to foreign leaders on policy matters did not, however, preclude him from signing a 2007 letter to the Prime Minister of Vietnam to encourage efforts to bring the Peace Corps to that country. If expanding the Peace Corps' presence warrants an exception to Senator Hagel's policy of not sending letters to foreign leaders, I cannot fathom why a matter as grave and as clear as a request to the EU to name Hezbollah a terrorist group would not warrant a similar exception.

When it comes to the prospect of a nuclear-armed Iran, the American people have been told for several years that Iran is 18 to 24 months away from having the capability to build a nuclear weapon. I fear that we are truly within that time window as I speak today. A nuclear-armed Iran would have grave consequences for the United States and would pose an existential threat to the State of Israel. The prospect of a nuclear-armed Iran could also fuel the most significant proliferation of nuclear weapons in the Middle East since the dawn of the nuclear age. Thus, Senator Hagel's votes, statements, and views on this grave threat matter a great deal.

What concerns me as much as his repeated reluctance previously to leave all options on the table is his past hesitancy to exercise all of the non-military options, such as unilateral sanctions, that are the primary peaceful means of inducing Iran to cease its nuclear weapons program and allow for International Atomic Energy Agency inspections.

Senator Hagel supports multi-lateral sanctions contending that they work better and has opposed unilateral sanctions. Certainly, in an ideal world, multi-lateral sanctions can be more effective, and I welcome other countries that wish to join the United States in adopting sanctions. But the United States' imposition of sanctions—even if we were to act virtually alone—not only helps to disrupt Iran's nuclear program but also demonstrates moral leadership.

In the last Congress, I introduced legislation to make shipping classification societies choose between doing business with Iran or with the United States Coast Guard. It was a unilateral effort. I did not have the authority to make this change at the U.N. Initially, these organizations thought it would be business as usual. As the bill moved through Congress and now that the bill is law, none of them continues to work with Iran. That's just one example of an effective unilateral action.

Particularly concerning to me is a press report that Senator Hagel thwarted an effort in 2008 to pass sanctions against Iran that was supported by more than 70 Senators. The Department of Defense contends that Senator Hagel joined other Republican Senators in holding the Iran Sanctions bill due to concerns they and the Bush administration had on how to impose the most effective sanctions on Iran. According to the Department, his disagreement was not with the objectives of the bill, but was a vote based on its effectiveness at that time.

I am not, however, aware of any other Republican Senator blocking that bill. Furthermore, it does not

matter who else may have been involved because no one but Senator Hagel is the President's nominee to be the Secretary of Defense.

We are at a moment in history when there can be no reservation, hesitancy, or opposition to enact any and all sanctions that could change Iran's calculus regarding its pursuit of nuclear weapons.

We are seeing a major transformation in the Middle East. The United States' interests in this region are vital: trade through the Suez Canal, the availability of energy resources, the security of Israel, the prevention of Iran developing a nuclear weapon, and the future of Syria which has the potential to destabilize the region.

Will we be resolute and stand by our friends and allies, even during this tumultuous time? In our partnership with Israel, there is an opportunity for the United States to demonstrate that we stand by our allies even when the neighborhood looks more dangerous than it has in decades.

Unfortunately, I am concerned that Senator Hagel's nomination would send the wrong message at the wrong time to our allies and adversaries around the world about the resolve of the United States. It is telling and disturbing that when I asked Senator Hagel what he believed were the greatest threats facing our country, he identified the resource shortage that could result from the addition of two billion more people during the next couple decades as near the top of his list. While there no doubt will be tremendous challenges associated with this development, his response concerned me when I consider all of the enormous near-term threats facing our country.

In my judgment, Islamist terrorism, a nuclear-armed North Korea and potentially a nuclear-armed Iran, an unstable and chaotic Middle East, cyber attacks, Chinese provocations, and budget constraints will likely consume the attention of our country's national security leaders during the next 4 years. I believe a vote in favor of Senator Hagel would send the wrong signal to our military, the American people, and to the world about America's resolve regarding the most important national security challenges of our era.

I am unable to support Senator Hagel to be the next Secretary of Defense because I do not believe his past positions, votes, and statements match the challenges of our time, and his presentations at his hearing did nothing to ease my doubts. I regret having to reach that conclusion given our personal relationship and my admiration for Senator Hagel's military service. But I have concluded that he is not well-suited for the tremendous challenges our country faces during this dangerous era in our history.

As I announce my decision to cast my vote in opposition to Senator Hagel's nomination, let me address one final question: Should this nomination, which causes me such great concern, be filibustered? As a general rule, I believe a President has the right to choose the members of his Cabinet, and only in extraordinary circumstances should such a nomination be filibustered. I oppose Senator Hagel's nomination, but I cannot join in a filibuster to block each Senator's right to vote for or against him.

I wish that President Obama had made a different choice for this critical position, but he is entitled to have this nominee receive a direct vote on the Senate floor. And I, for one, will vote against the nomination of Chuck Hagel to be Secretary of Defense.

Mr. COCHRAN. Mr. President, I support the confirmation of our former colleague and my friend, Chuck Hagel, to serve as Secretary of Defense.

Providing advice and consent on a nomination for the President's Cabinet is one of the Senate's most significant constitutional responsibilities, particularly in the case of the Secretary of Defense. It is a very serious responsibility because no duty is more important than preserving the safety and security of our Nation and its people.

I believe this nominee has the knowledge and ability to carry out the duties of this important office. Chuck Hagel feels strongly that the United States should be the most capable military power in the world. He also believes the United States must continue to be committed to Israel's security and its ability to defend its borders.

At a time when our adversaries continue to increase their arsenals of rockets and missiles and to develop medium- and long-range ballistic missiles that threaten our security, the security of our deployed forces, and the security of our friends and allies, it is imperative that we continue to develop, field, and maintain a robust missile defense capability. I know Senator Hagel is supportive of these efforts, and I will be pleased to join with him in further advancing these priorities.

Senator Hagel is a decorated Vietnam veteran, a successful entrepreneur, Deputy Administrator of the Veterans' Administration, President and CEO of the USO, and a two-term United States Senator. Throughout his distinguished career in public service, Senator Hagel has proven himself to be a fair, intelligent and courageous leader of good character and integrity.

I am confident that Senator Hagel will serve with distinction as Secretary of Defense.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the nomination of former Senator Chuck Hagel to be our next Secretary of Defense. He is eminently qualified for the position and possesses an exemplary record of service to this country. I strongly believe that a President is entitled to his cabinet selections unless there is something in an individual's record or background that is disqualifying. And there is nothing in Senator Hagel's background that is disqualifying. He is a veteran, he has been a successful CEO, and he has served at highest levels of the legislative and executive branches.

I served with Senator Hagel during his two terms in the U.S. Senate—including his service on the Senate Intelligence Committee from 2003–2008. I found him to be a knowledgeable and independent voice with a strong grasp of the pressing national security issues facing our country. Those of us who served with him know Senator Hagel's story well. His career began as a sergeant in the U.S. Army in Vietnam where he served with distinction and earned two Purple Hearts. Indeed, as an enlisted man, he has seen the true costs of war. He understands that the use of military force should always be a last resort and should only be undertaken with a clear strategy, clear mission and the resources to get the job done. He understands that we have a solemn obligation to take care of our returning veterans and the families and loved ones of those who gave the ultimate sacrifice. As we emerge from over 10 years of war in Iraq and Afghanistan that is the kind of leadership we need at the Department of Defense and, more importantly, that is the kind of leadership the men and women in uniform deserve. They will take pride in the fact that Senator Hagel will be the first enlisted man and the first Vietnam veteran to head the Department.

Chuck also served as President and Chief Executive Officer of the USO and as the Deputy Administrator of the Veterans Administration during the Reagan administration, where he fought to ensure that our veterans received the benefits they earned, including assistance for those suffering from Agent Orange. He then went on to the private sector where he co-founded VANGUARD Cellular Systems, a leading cellular carrier in the U.S. Most recently, he co-chaired the President's Intelligence Advisory Board.

Now, it is no secret that Senator Hagel has his critics, but let us take a closer look at who has endorsed his nomination.

A bi-partisan group of 13 former Secretaries of State, Secretaries of Defense, and National Security Advisors from the Reagan, George H.W. Bush, Clinton, and George W. Bush administrations sent a letter to the Senate expressing their support for Senator Hagel to be the next Secretary of Defense arguing that he is ''uniquely qualified to meet the challenges facing the Department of Defense and our men and women in uniform.'' They continued:

> Our extensive experience working with Senator Hagel over the years has left us confident that he has the necessary background to succeed in the job of leading the largest federal agency.

He has also received endorsements from 11 senior retired military leaders, over fifty Ambassadors and statesmen, and numerous veterans' organizations.

A group of ten former U.S. Ambassadors—including four former Ambassadors to Israel—argued that:

We can think of few more qualified, more non-partisan, more courageous or better equipped to head the Department of Defense at this critical moment in strengthening America's role in the world.

The group of retired Generals and Admirals from the Army, Air Force, Marines, and Navy—including General Anthony Zinni, General Brent Scowcroft, and Admiral William Fallon—went even further. In an open letter, they argued that Senator Hagel ''would be a strong leader'' as the next Pentagon chief and that he's ''eminently qualified for the job.'' But, more importantly, they believe that he understands the challenges that our warfighters face and is the person who can best lead the Pentagon.

And, even with all the accusations about Senator Hagel's views on Israel, Israeli Foreign Minister Danny Ayalon said that ''[Senator Hagel] certainly regards Israel as a true and natural U.S. ally.''

Clearly, those of us here in the Senate who support Senator Hagel's nomination are not alone in believing he will make a fine Secretary of Defense and will serve our nation, once again, with distinction.

Make no mistake, difficult challenges lie ahead. We are transitioning out of Afghanistan, but its future remains uncertain, and the threat of global terror endures, particularly in North Africa. We are on the verge of seeing massive cuts to the Pentagon's budget due to sequestration, which will negatively impact readiness and the defense industrial base. The nuclear programs of Iran and North Korea move forward, and new tests and provocations continue, including in areas such as cybersecurity.

In my view, Senator Hagel has the insight, experience, and know-how to take on this daunting agenda and help protect American lives and U.S. national security interests. I look forward to supporting his nomination as the next Secretary of Defense, and I urge my colleagues to do the same.

Mr. LEVIN. Mr. President, is the remainder of the time reserved for the Hagel nomination or is it just open?

The PRESIDING OFFICER. It is. There is 20 minutes, with 10 minutes on each side.

Mr. LEVIN. And the vote is to take place at 4:30?

The PRESIDING OFFICER. Yes.

Mr. LEVIN. And the time is evenly divided?

The PRESIDING OFFICER. I think it is safe to say that is accurate.

Mr. LEVIN. Mr. President, 5 weeks ago Senator Hagel was warmly introduced at his nomination hearing by two former chairmen of the Senate Armed Services Committee, Senator Sam Nunn and Senator John Warner, who represent the best bipartisan tradition of the Senate and our committee. As a matter of fact, the Presiding Officer, Senator MANCHIN, was present at the time when that presentation was made by Senators Nunn and Warner, and he was a witness to how powerful their testimony in support of Senator Hagel was.

Senator Nunn told the committee:

I believe that our Nation is fortunate to have a nominee for Secretary of Defense with the character, the experience, the courage, and the leadership that Chuck Hagel would bring to this position.

He said:

There are many essential characteristics and values that a Secretary of Defense should possess in our dangerous and challenging world.

And he named a few of them, including someone who sets aside fixed ideology and biases to evaluate all options and then provides his or her candid judgment to the President and to the Congress. He also named this characteristic: someone who pays attention to people with the best ideas regardless of their party affiliation.

And then Senator Warner said:

Folks, 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.

Facing Senator Hagel, he said this:

You will lead them. And they will know in their hearts we have one of our own.

Earlier today the Senate acted in a bipartisan fashion in voting to end the filibuster of this nomination by a very substantial vote.

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 that our men and women in uniform and their families receive the support and assistance they need and deserve.

Our country faces major challenges. Abroad, we face challenges from Afghanistan, where the Department of Defense faces key decisions about the pace of the drawdown between now and the end of 2014, decisions about the size and the composition of a residual force, and decisions about the terms and conditions for our ongoing presence in Afghanistan after 2014.

Elsewhere overseas, we face the ongoing threat of Iran's nuclear weapons program, the destruction and instability caused by Syria's civil war, and the outgrowth of al-Qaida affiliates in ungoverned regions, including Yemen, Somalia, and north Africa.

We also face extremely difficult issues here at home. We have been warned that sequestration and a yearlong continuing resolution risk creating a hollow force and could confront our military leaders with the untenable choice between sending troops into harm's way without adequate training and equipment or being unable to take on certain missions at all. The Chairman of the Joint Chiefs of Staff has described the impact of this budget crisis on the Department of Defense as a 10 on a scale of 1 to 10.

Now as much as anytime in the recent past, our men and women in uniform need a Secretary of Defense to guide them through difficult situations around the world and to defend their interests here at home. The President needs 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.

It is time to end the uncertainty relative to the leadership at the Pentagon. The time has come to now confirm Chuck Hagel as our next Secretary of Defense, and I hope the Senate will, on a bipartisan basis, soon do exactly that.

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.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. 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. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of Charles Timothy Hagel, of Nebraska, to be Secretary of Defense.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Ms. WARREN). Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 24 Ex.]

YEAS—58

Baldwin	Donnelly	Klobuchar
Baucus	Durbin	Landrieu
Begich	Feinstein	Leahy
Bennet	Franken	Levin
Blumenthal	Gillibrand	Manchin
Boxer	Hagan	McCaskill
Brown	Harkin	Menendez
Cantwell	Heinrich	Merkley
Cardin	Heitkamp	Mikulski
Carper	Hirono	Murphy
Casey	Johanns	Murray
Cochran	Johnson (SD)	Nelson
Coons	Kaine	Paul
Cowan	King	Pryor

Reed
Reid
Rockefeller
Sanders
Schatz
Schumer
Shaheen
Shelby
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Warren
Whitehouse
Wyden

NAYS—41

Alexander
Ayotte
Barrasso
Blunt
Boozman
Burr
Chambliss
Coats
Coburn
Collins
Corker
Cornyn
Crapo
Cruz
Enzi
Fischer
Flake
Graham
Grassley
Hatch
Heller
Hoeven
Inhofe
Isakson
Johnson (WI)
Kirk
Lee
McCain
McConnell
Moran
Murkowski
Portman
Risch
Roberts
Rubio
Scott
Sessions
Thune
Toomey
Vitter
Wicker

NOT VOTING—1

Lautenberg

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 shall 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. Madam 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.

The Senator from Washington.

SEQUESTRATION

Mrs. MURRAY. Madam President, one of my colleagues recently said something that, after a week at home with my constituents, I am sure we are all feeling. Referring to the across-the-board cuts from sequestration that are just days from going into effect, he said: ''When it's in your State or your backyard, it's devastating.'' I think that is exactly right. They would be devastating for our families, our national defense, and our economy.

But these cuts can be avoided if Congress comes together on a balanced replacement. We should replace the sequestration in a balanced way, and then we should move forward on a fair, comprehensive budget deal that provides certainty for our families and businesses.

I know my constituents in Washington State want to see a deal because if we are unable to find a fair replacement for sequestration, everything, from our military bases to our schools, is going to be affected. Twenty-nine thousand local civilian defense employees could be furloughed. Thousands of Washington students could lose access to Head Start services and basic education resources. One thousand workers cleaning up dangerous nuclear material at the Hanford nuclear site could be furloughed for weeks. And Washington State's military bases could face hundreds of millions in cuts to crucial areas such as new aircraft acquisition, research and development, flying hours, and ship operations.

We are days away from allowing these kinds of impacts to begin in every one of our home States. We never should have reached this point, but there is no denying that we have. We are days away from sequestration because my Republican colleagues continue to insist that while it is fine to cut programs that families and communities depend on, the wealthiest Americans shouldn't have to make any further contributions to deficit reduction.

The last few years have been very difficult ones for bipartisanship, but I truly believe all of us know there is a smarter way to reduce our debt and deficit. We can do better than throwing up our hands and permitting these across-the-board cuts to go into effect. And we know the American people deserve better.

That is exactly why Democrats have put forward a credible, responsible plan to replace sequestration. Our legislation builds on the precedent set in the yearend deal, and it is in line with the balanced approach the American people favor. It would replace half of the first year of sequestration with responsible spending cuts and half of it with revenue from those who can afford it the most. Our bill calls on the wealthiest Americans to pay at least the same marginal tax rate on their income as our middle-income families pay, and it would eliminate needless tax breaks for oil and gas companies and companies shipping jobs overseas. At the same time, our replacement package would make responsible cuts. Our bill would eliminate direct payments to farmers which have been paid out even during good times and for crops farmers weren't even growing. As the drawdown from Afghanistan is completed, our bill will make adjustments to our military that are in line with a strong 21st-century strategy.

Our legislation meets the Republicans halfway. It will protect families and communities we represent from slower economic growth, fewer jobs, and weakened national defense. It would allow us to move past sequestration toward working on a fair, comprehensive budget deal that provides certainty for American businesses and families.

My Republican colleagues will say that the yearend deal closed the door on using revenue to bring down the deficit. They will say that all we need is spending cuts. That is not how the American people see it. More than a month after the yearend deal, 76 percent of Americans and 56 percent of Republicans favored a combination of spending cuts and revenue increases to reduce our deficit. House Republicans have put forward a plan that does the exact opposite. They passed a bill—last Congress, I might add—that would replace only the automatic defense cuts. It would force struggling, hard-working families and seniors to bear the burden of deficit reduction. Their bill didn't even include a penny of new revenue, and it is unclear if it would even be able to pass the House this Congress if they brought it up for a vote.

What the House Republicans offered, in other words, was more of the same extreme and partisan approach that has led American families and our economy from one crisis to another crisis to another. It is what we saw actually when Republicans held up funding for the Federal Aviation Administration, stalling airport construction projects and putting tens of thousands of workers' jobs at risk. It is what we saw during the debt ceiling debate when tea party Republicans held our economy hostage, fighting for fiscal policies that economists across the spectrum said were hugely irresponsible. It is what we saw less than 2 months ago when Republicans waited until the very last minute to protect 98 percent of Americans from income tax hikes.

This strategy, which puts a wrong-headed ideology above American families and our economy, just doesn't work. And Republicans' latest strategy—to just let sequester happen—is even worse. In fact, as tea party Republicans in the House cheer on the sequester, here is what is being produced by companies in States all across the country. This is called a ''warn notice,'' but that is just Washington-talk for what it really is. It is a layoff notice or a furlough notice. If Republicans choose to block a balanced approach to replace the sequester, this is what is going to begin arriving in a matter of days at the doorsteps of workers in our country. This piece of paper, which looks like this, is going to spell serious economic setbacks for our families, for their ability to send their kids to college, and for the economy of their communities. This will be the consequence of Republicans' complete unwillingness today to compromise.

I think we can all agree our workers should not have to worry about political posturing, putting their jobs at risk. Businesses should not have to think about elected officials holding the economy hostage to advance extreme ideology. And families should not have to wonder one month what their paychecks will look like the next month, just because of a debate here in Washington, DC.

So I wish to ask my Republican colleagues to seriously—seriously—consider our proposal. Replacing the sequester with evenly divided spending cuts and revenues—a balanced approach that Americans support—would put us on a path to end this pattern of governing by crisis for all our constituents. That will allow us to get to work

on a long-term budget agreement that is fair to the middle class, that gets our debt and deficit under control, and reflects the values and priorities of the American people.

The American people want a balanced deal. They want us to manage our finances. They want us to put together a budget and move forward. We want to do that. We want to get out of this ''crisis by crisis.'' The program we are offering to replace the sequester for this year will allow us to get back to that process and begin to manage our country in a better way.

So I hope our Republican colleagues join us in this and help us move to a place where we can assure the American public that we do care about their future and their finances and the fragile economy we are now facing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

TRIBUTE TO RAMONA LESSEN

Mr. CORKER. Madam President, I came to the U.S. Senate in 2006, and I was the only new Republican elected to the Senate that year. Many people considered that a great accomplishment. But my greatest accomplishment of 2006 was convincing Ramona Lessen—who is sitting with us today—to put off retirement for a few more years and stay on as my scheduler and executive assistant. And after 6 years in Washington, I know without a doubt that the biggest success of my first term is that Ramona did not fire me—until now.

Ramona is retiring this week after 34 years. I am told that she violated child labor laws by starting work when she was 5 years old.

Ramona came to the Senate in 1979 to work for Senator Larry Pressler from her native South Dakota. She worked for Senator Pressler for 16 years, plus 2 more when he was in the House.

When Ramona began working in the Senate in 1979, Jimmy Carter was President, Robert Byrd was the majority leader, and Howard Baker was the Republican leader. And probably most relevant to Ramona, ESPN started broadcasting, Post-It notes were invented, and one of the most popular songs was Gloria Gaynor's ''I Will Survive.'' She has not only survived but thrived in the U.S. Senate for more than three decades.

In 1994, she took another new Tennessee Senator named Bill Frist under her wing. She worked for Senator Frist for 12 years. And then, in 2006, I convinced her to work in our office for just 1 year. That year has turned into 6.

In that time, Ramona has learned a lot about me, but I have learned a whole lot about her. I have learned that Ramona loves music. In fact, her first job was as a high school band director. She is a great piano player. She has played the piano in my home and at staff gatherings. She plays for her church. Ramona loves country music, and I think that is a big reason she has adopted Tennessee as her second home State.

I have learned that it is not too hard to know where you stand with Ramona. Occasionally, I will make a request or a suggestion, and Ramona responds with a certain expression—it is a polite term for a look of disapproval. I know exactly where I stand and sometimes—candidly, often—I recalibrate my position or request.

I have learned that Ramona is a huge sports fan. If the Masters or the U.S. Open is on, I am not going to interrupt her. She also loves football, and that is appropriate because I have also learned that she is a master of the audible.

In 2008, I was heavily involved in an effort to bring Volkswagen's U.S. production facility to Chattanooga. Just before one of the final meetings in Tennessee, a plane full of decisionmakers was stuck on the tarmac in Germany without clearance to land in the United States—some kind of paperwork issue. Anybody who has been involved in a major recruitment effort knows that in something like this, even a small glitch can be a major setback. The Volkswagen folks called me. I talked with Ramona. I am not entirely sure what she did, but I know it was all totally legal and aboveboard. At one point, she was sitting there jockeying several phone calls on the switchboard and literally talking the plane off the runway in Germany. What I do know for sure is that the Volkswagen executives landed in the United States highly impressed with Ramona Lessen. And shortly thereafter they chose Chattanooga for their U.S. production facility.

That was a home run, no doubt. But I think Ramona's greatest contribution is her ability to make a staff a family and an office a home. Ramona makes sure we are celebrating each other—babies being born, people getting married, and life in general. At Christmastime, she makes sure the office is decorated and filled with Christmas music. Her favorite moments in the office are when someone brings in a baby or a child. That child learns quickly, as we all do, that Ramona keeps a basket of candy on her desk. And there is a good chance that child's picture is on Ramona's cherished bulletin board. Her loud, infectious laugh is a staple at staff gatherings. It will be sorely missed.

There is a memorable scene in the movie ''The Queen'' where Queen Elizabeth tells Prime Minister Tony Blair: ''You are my tenth Prime Minister, Mr. Blair.'' I am proud to have been Ramona Lessen's third Senator. Senators come and go, but for 34 years Ramona Lessen has been a constant in the Senate. The Senate is better for it. Our country and Tennessee are better for it. I know Senator Pressler and Senator Frist are better for it. Our staffs are better for it. And I am better for it.

Ramona, I thank you for taking pity on a new Senator and for showing me the ropes over the past 6 years. I thank you for your friendship. I wish you and Joe the very best in the years to come. I know when the time comes, Tennessee, your second home State, will welcome you to retirement with open arms.

I yield the floor.

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

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

BLACK HISTORY MONTH

Mr. BROWN. Throughout this month, students across my State, across Ohio, are reciting speeches by Sojourner Truth, Frederick Douglass, and Dr. Martin Luther King, Jr., to commemorate Black History Month.

Dr. Carter Woodson started what was originally called Negro History Week in February between the birthdays of President Abraham Lincoln and Frederick Douglass. Dr. Woodson initiated the weeklong tribute to incorporate the legacies, images, and historical contributions of African Americans into the greater American story.

Today, people throughout the United States celebrate African-American History Month to ensure all American stories are recognized. Ohio has been the scene for which many of these chapters were written.

In Mount Pleasant, OH, the first antislavery gazette newspaper in the United States, the Philanthropist, was published in 1817. The Ohio Anti-Slavery Society was founded in Zanesville in 1835. My home State has played a rich role in American history, as have so many Ohioans.

Every new U.S. passport includes the words of a formerly enslaved Oberlin College graduate Dr. Anna Julia Cooper. If you have a passport, you will see her words:

> The cause of freedom is not the cause of a race or a sect, a party or a class—it is the cause of humankind, the very birthright of humanity.

In Yellow Springs, OH, a young music student at Antioch College, Coretta Scott, would later work alongside her husband, Dr. Martin Luther King, for social and economic justice in our country.

Former Wilberforce University student Bayard Rustin was the lead strategist of the 1963 March on Washington for Jobs and Freedom.

The only living American with a Nobel Prize in Literature, Toni Morrison, was born and raised in Lorain, OH.

Akronite Rita Dove served as the Poet Laureate of the United States.

Today, in classrooms and communities across the State—and across the Nation—the next generation of Ohioans is starting to make its mark on American history.

ELIMINATING OLYMPIC WRESTLING

Mr. BROWN. Madam President, I rise in support of a great sport with a great tradition in our Nation, especially in Ohio. Unfortunately, the sport of wrestling may be put on the sidelines at the Olympic games.

Citing ''an effort to ensure the Olympic games remain relevant to sports fans of all generations,'' the International Olympic Committee—the organization that controls the Olympics—voted to eliminate wrestling from the summer games after the 2016 Olympics. They want to end wrestling, one of the original Olympic games, while keeping other games that, frankly, lack the central role wrestling has played in its accessibility to all athletes wherever they live.

Many of these are young people who lack access. Many of them want and do compete in wrestling at the high school level, the intercollegiate level or perhaps at the Olympic level but lack access to fancy equipment or specialized training. They simply want to compete at a sport perhaps almost as old as humanity.

Wrestling has opened doors for working and middle-class youngsters from Ohio and around the country. That is why I recently introduced a Senate resolution opposing the elimination of wrestling from the Olympics beginning in 2020. On behalf of thousands of high school students and two 2012 Olympians with Ohio connections, I am asking the Olympics committee to reconsider putting a stranglehold on one of the original Olympic sports.

Wrestling has been a sport far longer than the International Olympic Committee has been in existence. In addition to the ancient Egyptians and Greeks and Romans, our Nation has a long history with wrestling. President Lincoln was a wrestler, and two Ohio-born Presidents, Ulysses S. Grant and William Howard Taft, were wrestlers. One of our former colleagues—beloved in many ways—my friend Paul Wellstone of Minnesota was inducted into the National Wrestling Hall of Fame in 2000.

At the time of his induction, he said:

> Wrestling has always been a big thing for me. I've had a love affair with the sport for most of my life. It helped me as a kid. I got in some trouble, then I found a sport I was good at, and that transferred to better things in other areas.

The same is true for some 11,000 high school wrestlers and students at 4 universities with 17 NCAA wrestling programs in my home State. From youth wrestling camps to high school meets such as the renowned J.C. Gorman Invitational in my hometown of Mansfield, to the NCAA tournaments, students from Ohio learn the strength, the discipline, and focus that allow grapplers to exceed both on the mat and beyond.

Wrestling is accessible for working-class athletes, unlike some of the sports protected in the IOC's decision. Wrestling has a proud tradition in my State, in the United States, and has a proud tradition around the world. The IOC should not ratify this preliminary decision by its executive board. It should continue its efforts to remain relevant for all athletes and communities around the world.

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

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

S. 388—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 18, S. 388.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

> Motion to proceed to Calendar No. 18, S. 388, a bill to appropriately limit sequestration, to eliminate tax loopholes, and for other purposes.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion which is at the desk.

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

The 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 motion to proceed to Calendar No. 18, S. 388, a bill to appropriately limit sequestration, to eliminate tax loopholes, and for other purposes.
>
> Harry Reid, Barbara A. Mikulski, Patty Murray, Sheldon Whitehouse, Mark Begich, Kirsten E. Gillibrand, Jack Reed, Sherrod Brown, Patrick J. Leahy, Robert P. Casey, Jr., Richard J. Durbin, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Charles E. Schumer, Barbara Boxer, Debbie Stabenow.

Mr. REID. I ask that the quorum call under rule XXII be waived.

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

MORNING BUSINESS

Mr. REID. Madam 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.

COMMITTEE ON ARMED SERVICES

RULES OF PROCEDURE

Mr. LEVIN. Madam President, pursuant to the requirements of paragraph 2 of Rule XXVI of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Armed Services.

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

RULES OF PROCEDURE OF THE COMMITTEE ON ARMED SERVICES

1. REGULAR MEETING DAY—The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. ADDITIONAL MEETINGS—The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. SPECIAL MEETINGS—Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. OPEN MEETINGS—Each meeting of the Committee, 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 thereof on the same subject for a period of no more than fourteen (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 below in clauses (a) through (f) 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—

(a) 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;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a 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;

(d) 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;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) 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

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. PRESIDING OFFICER—The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. QUORUM—(a) A majority of the members of the Committee are required to be actually

present to report a matter or measure from the Committee. (See Standing Rules of the Senate 26.7(a)(1)).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, nine members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. PROXY VOTING—Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which the member is being recorded and has affirmatively requested that he or she be so recorded. Proxy must be given in writing.

8. ANNOUNCEMENT OF VOTES—The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. 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 who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member, may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. SUBPOENAS—Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by the Chairman, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. HEARINGS—(a) Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. NOMINATIONS—Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. REAL PROPERTY TRANSACTIONS—Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. LEGISLATIVE CALENDAR—(a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. POWERS AND DUTIES OF SUBCOMMITTEES—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

SELECT COMMITTEE ON INTELLIGENCE

RULES OF PROCEDURE

Mrs. FEINSTEIN. Madam President, the Select Committee on Intelligence has adopted rules governing its procedures for the 113th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator SAXBY CHAMBLISS, I ask unanimous consent that a copy of the Committee Rules be printed in the RECORD.

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

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON INTELLIGENCE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Tuesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as the Chairman may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present the ranking minority member present, shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee created shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of intention 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 three working days in which to file such views, in writing with the Clerk of the Committee. 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.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400 of the 94th Congress, and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. OATH OR AFFIRMATION.—At the direction of the Chairman or Vice Chairman, testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3. INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit any question in writing to the Committee and request the Committee to propound such question to the counsel's client or to any other witness. The counsel also may suggest the presentation of other evidence or the calling of other witnesses. The Committee may use or dispose of such questions or suggestions as it deems appropriate.

8.5. STATEMENTS BY WITNESSES.—Witnesses may make brief and relevant statements at the beginning and conclusion of their testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness required or desiring to make a prepared or written statement for the record of the proceedings shall file a paper and electronic copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 48 hours in advance of his or her appearance before the Committee.

8.6. OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7. INSPECTION AND CORRECTION. —All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, the Committee may provide to a witness those parts of testimony given by that witness in executive session which are subsequently quoted or made part of a public record, at the expense of the witness.

8.8. REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely that person's reputation, may request to appear personally before the Committee to testify or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9. CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress or that a subpoena be otherwise enforced shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the recommendation, afforded the person an opportunity to oppose such contempt or subpoena enforcement proceeding either in writing or in person, and agreed by majority vote of the Committee to forward such recommendation to the Senate.

8.10. RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, appearing before the Committee. Upon authorization by the Chairman to release the name of a witness under this paragraph, the Vice Chairman shall be notified of such authorization as soon as practicable thereafter. No name of any witness shall be released if such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress or Rule 9.7.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR COMMITTEE SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one United States Capitol Police Officer shall be on duty at all times at the entrance of the Committee to control entry. Before entering the Committee office space all persons shall identify themselves and provide identification as requested.

9.2. Classified documents and material shall be stored in authorized security containers located within the Committee's Sensitive Compartmented Information Facility (SCIF). Copying, duplicating, or removing from the Committee offices of such documents and other materials is prohibited except as is necessary for the conduct of Committee business, and in conformity with Rule 10.3 hereof. All classified documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's SCIF for overnight storage.

9.3. ''Committee sensitive'' means information or material that pertains to the confidential business or proceedings of the Select Committee on Intelligence, within the

meaning of paragraph 5 of Rule XXIX of the Standing Rules of the Senate, and is: (1) in the possession or under the control of the Committee; (2) discussed or presented in an executive session of the Committee; (3) the work product of a Committee member or staff member; (4) properly identified or marked by a Committee member or staff member who authored the document; or (5) designated as such by the Chairman and Vice Chairman (or by the Staff Director and Minority Staff Director acting on their behalf). Committee sensitive documents and materials that are classified shall be handled in the same manner as classified documents and material in Rule 9.2. Unclassified committee sensitive documents and materials shall be stored in a manner to protect against unauthorized disclosure.

9.4. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a document control and accountability registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.5. Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such materials pursuant to section 8 of S. Res. 400 of the 94th Congress. The Security Director of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the committee or members of the Senate receiving such information.

9.6. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.7. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, the contents of any classified or committee sensitive papers, materials, briefings, testimony, or other information in the possession of the Committee to any other person, except as specified in this rule. Committee members and staff do not need prior approval to disclose classified or committee sensitive information to persons in the Executive branch, the members and staff of the House Permanent Select Committee on Intelligence, and the members and staff of the Senate, provided that the following conditions are met: (1) for classified information, the recipients of the information must possess appropriate security clearances (or have access to the information by virtue of their office); (2) for all information, the recipients of the information must have a need-to-know such information for an official governmental purpose; and (3) for all information, the Committee members and staff who provide the information must be engaged in the routine performance of Committee legislative or oversight duties. Otherwise, classified and committee sensitive information may only be disclosed to persons outside the Committee (to include any congressional committee, Member of Congress, congressional staff, or specified non-governmental persons who support intelligence activities) with the prior approval of the Chairman and Vice Chairman of the Committee, or the Staff Director and Minority Staff Director acting on their behalf, consistent with the requirements that classified information may only be disclosed to persons with appropriate security clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information in the possession of the Committee may only be authorized in accordance with Section 8 of S. Res. 400 of the 94th Congress.

9.8. Failure to abide by Rule 9.7 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400 of the 94th Congress. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.9. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.10. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. The Security Director of the Committee may require that notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee, or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be approved by the Chairman and Vice Chairman, acting jointly, or, at the initiative of both or either be confirmed by a majority vote of the Committee. After approval or confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices until such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate, and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. The Chairman may authorize the Staff Director and the Staff Director's designee, and the Vice Chairman may authorize the Minority Staff Director and the Minority Staff Director's designee, to communicate with the media in a manner that does not divulge classified or committee sensitive information.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to abide by the conditions of the nondisclosure agreement promulgated by the Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, and to abide by the Committee's code of conduct.

10.7. As a precondition for employment on the Committee staff, each member of the Committee staff must agree in writing to notify the Committee of any request for testimony, either during service as a member of the Committee staff or at any time thereafter with respect to information obtained by virtue of employment as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules or, in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. The audit element shall conduct audits and oversight projects that have been specifically authorized by the Chairman and Vice Chairman of the Committee, acting jointly through the Staff Director and Minority Staff Director. Staff shall be assigned to such element jointly by the Chairman and Vice Chairman, and staff with the principal responsibility for the conduct of an audit shall be qualified by training or experience in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale, or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. All personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap, or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director and/or Minority Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2. Measures referred to the Committee may be referred by the Chairman and/or Vice Chairman to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Chairman and Vice Chairman.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by 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.

APPENDIX A

S. RES. 400, 94TH CONG., 2D SESS. (1976)

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the ''select committee''). The select committee shall be composed of not to exceed fifteen Members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) not to exceed seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(3)(A) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(b) At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(4) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(5) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Office of the Director of National Intelligence and the Director of National Intelligence.

(B) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(C) The Defense Intelligence Agency.

(D) The National Security Agency.

(E) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(F) The intelligence activities of the Department of State.

(G) The intelligence activities of the Federal Bureau of Investigation.

(H) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), (C) or (D); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (E), (F), or (G) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (E), (F), or (G).

(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1), (2), (5)(A), or (5)(B) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not in session.

(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic, but not less than quarterly, reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of National Intelligence, the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Ethics) and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of National Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of National Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the Executive branch, and which the Executive branch requests be kept secret, such committee shall—

(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the Majority Leader and the Minority Leader and the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefore, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the Chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been

classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Ethics to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Ethics shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Ethics determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided,* That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The activities of the Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) The activities of the Defense Intelligence Agency.

(4) The activities of the National Security Agency.

(5) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(6) The intelligence activities of the Department of State.

(7) The intelligence activities of the Federal Bureau of Investigation.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the Executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the Executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term ''intelligence activities'' includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term ''department or agency'' includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The

designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

(d) Of the funds made available to the select Committee for personnel—

(1) not more than 60 percent shall be under the control of the Chairman; and

(2) not less than 40 percent shall be under the control of the Vice Chairman.

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

SEC. 17. (a)(1) Except as otherwise provided in subsection (b), the select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

(2) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.

(b)(1) With respect to the confirmation of the Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the select Committee for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

(2) If, upon the expiration of the period described in paragraph (1), the select Committee has not reported the nomination, such nomination shall be automatically discharged from the select Committee and placed on the Executive Calendar.

APPENDIX B

INTELLIGENCE PROVISIONS IN S. RES. 445, 108TH CONG., 2D SESS. (2004) WHICH WERE NOT INCORPORATED IN S. RES. 400, 94TH CONG., 2D SESS. (1976)

TITLE III—COMMITTEE STATUS

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SEC. 301(b) INTELLIGENCE.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

TITLE IV—INTELLIGENCE-RELATED SUBCOMMITTEES

SEC. 401. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 402. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence. The Committee on Appropriations shall reorganize into 13 subcommittees as soon as possible after the convening of the 109th Congress.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters, as determined by the Senate Committee on Appropriations.

APPENDIX C

RULE 26.5(B) OF THE STANDING RULES OF THE SENATE (REFERRED TO IN COMMITTEE RULE 2.1)

Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen 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 clauses (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 of 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.

COMMITTEE ON RULES AND ADMINISTRATION

RULES OF PROCEDURE

Mr. SCHUMER. Madam President, the Committee on Rules and Administration has adopted rules governing its procedures for the 113th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator ROBERTS, I ask unanimous consent that a copy of the Committee rules be printed in the RECORD.

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

COMMITTEE ON RULES AND ADMINISTRATION UNITED STATES SENATE

MEETINGS OF THE COMMITTEE

Rule 1. The regular meeting dates of the Committee shall be the second and fourth Wednesdays of each month, at 10:00 a.m. in room SR–301, Russell Senate Office Building. Additional meetings of the Committee may be called by the Chairman as he may deem necessary or pursuant to the provision of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

Rule 2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee 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 subparagraphs (a) through (f) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the Members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings:

(a) 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;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) 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;

(d) 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;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if:

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) 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

(f) may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

Rule 3. Written notices of committee meetings will normally be sent by the committee's staff director to all Members of the committee at least a week in advance. In addition, the committee staff will telephone or e-mail reminders of committee meetings to all Members of the committee or to the appropriate assistants in their offices.

Rule 4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all Members of the committee and released to the public at least 1 day in advance of all meetings. This does not preclude any Member of the committee from discussing appropriate non-agenda topics.

Rule 5. After the Chairman and the Ranking Minority Member, speaking order shall be based on order of arrival, alternating between Majority and Minority Members, unless otherwise directed by the Chairman.

Rule 6. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the Chairman and the Ranking Minority Member waive such requirement for good cause.

Rule 7. In general, testimony will be restricted to 5 minutes for each witness. The time may be extended by the Chairman, upon the Chair's own direction or at the request of a Member. Each round of questions by Members will also be limited to 5 minutes.

QUORUMS

Rule 8. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, a majority of the Members of the committee shall constitute a quorum for the reporting of legislative measures.

Rule 9. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, one-third of the Members of the committee shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

Rule 10. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 Members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 Member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one Member can continue to take such testimony.

Rule 11. Under no circumstances may proxies be considered for the establishment of a quorum.

VOTING

Rule 12. Voting in the committee on any issue will normally be by voice vote.

Rule 13. If a third of the Members present so demand a rollcall vote instead of a voice vote, a record vote will be taken on any question by roll call.

Rule 14. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each Member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

Rule 15. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the Members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a Member's position on the question and then only in those instances when the absentee committee Member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a) (3) of rule XXVI of the Standing Rules.)

AMENDMENTS

Rule 16. Provided at least five business days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least five business days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

Rule 17. In the event the Chairman introduces a substitute amendment or a Chairman's mark, the requirements set forth in Rule 16 shall be considered waived unless such substitute amendment or Chairman's mark has been made available at least five business days in advance of the scheduled meeting.

Rule 18. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

Rule 19. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

Rule 20. The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

Rule 21. The Chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

Rule 22. The Chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

Rule 23. The Chairman and Ranking Minority Member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to Members of the committee.

COMMITTEE ON FINANCE

RULES OF PROCEDURE

Mr. BAUCUS. Madam President, the Committee on Finance has adopted rules governing its procedures for the 113th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules for the Senate Committee on Finance be printed in the RECORD.

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

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations.*—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to

serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum, and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy, and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy, and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

Rule 17. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(f) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(g) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(h) All nominations shall be considered by the full committee.

(i) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. A transcript, marked as ''uncorrected,'' shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. Not later than 21 business days after the meeting occurs, the committee shall make publicly available through the Internet—

(a) a video recording;

(b) an audio recording; or

(c) after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements, a corrected transcript; and such record shall remain available until the end of the Congress following the date of the meeting.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended, or suspended at any time.

II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * *

(i) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.

7. Reciprocal trade agreements.

8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

9. Revenue measures relating to the insular possessions.

10. Tariffs and import quotas, and matters related thereto.

11. Transportation of dutiable goods.

* * *

RULE XXVI

COMMITTEE PROCEDURE

* * *

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

* * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock

post meridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen 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 clauses (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 of 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.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

RULES OF PROCEDURE

Mr. JOHNSON of South Dakota. Madam President, today the Committee on Banking, Housing, and Urban Affairs adopted Rules of Procedure for the 113th Congress.

I ask unanimous consent that the Rules of Procedure be printed in the RECORD.

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

[a] Investigations.—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or he Chairman and Ranking Member have specifically authorized such investigation.

[b] Hearings.—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[c] Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[d] Interrogation of witnesses.—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Member of the Committee.

[e] Prior notice of markup sessions.—No session of the Committee or a Subcommittee for marking up any measure shall be held unless [1] each member of the Committee or the Subcommittee, as the case may be, has been notified in writing via electronic mail or paper mail of the date, time, and place of such session and has been furnished a copy of the measure to be considered, in a searchable electronic format, at least 3 business days prior to the commencement of such session, or [2] the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

[f] Prior notice of first degree amendments.—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Member. This subsection shall apply only when the conditions of subsection [e][1] have been met.

[g] Cordon rule.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

[a] Authorization for.—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

[b] Membership.—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will 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 assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

[c] Investigations.—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

[d] Hearings.—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Member of the Subcommittee or by a majority vote of the Subcommittee.

[e] Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Member of the Subcommittee, or by a majority vote of the Subcommittee.

[f] Interrogation of witnesses.—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Member of the Subcommittee.

[g] Special meetings.—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the

offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

[h] Voting.—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

[a] Filing of statements.—Any witness appearing before the Committee or Subcommittee [including any witness representing a Government agency] must file with the Committee or Subcommittee [24 hours preceding his or her appearance] 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

[b] Length of statements.—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

[c] Ten-minute duration.— Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

[d] Subpoena of witnesses.—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

[e] Counsel permitted.—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

[f] Expenses of witnesses.—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Member of the Committee.

[g] Limits of questions.—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

[a] Vote to report a measure or matter.—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

[b] Vote on matters other than to report a measure or matter.—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

[d][1] Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing [including veterans' housing].
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

[2] Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

[1] A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

[2] The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the

hearing unless waived by unanimous consent.

[3] All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.

COMMITTEE ON THE BUDGET

RULES OF PROCEDURE

Mrs. MURRAY. Madam President, I ask unanimous consent that the Rules of the Committee on the Budget for the 113th Congress be printed in the RECORD.

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

RULES OF THE COMMITTEE ON THE BUDGET
ONE-HUNDRED-THIRTEENTH CONGRESS

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the committee, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) 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;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) 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;

(d) 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; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) 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.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(3) Notice of, and the agenda for, any business meeting or markup shall be provided to each member and made available to the public at least 48 hours prior to such meeting or markup.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

(4)(a) The committee may poll—

(i) internal committee matters including those concerning the committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other committee business that the committee has designated for polling at a meeting, except that the committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the chair shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule 1(2)(a)–(e), then the record of the poll shall be confidential. Any member may move at the committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member determine that there is good cause to begin such hearing at an earlier date.

(2) In the event that the membership of the Senate is equally divided between the two parties, the ranking member is authorized to call witnesses to testify at any hearing in an amount equal to the number called by the chair. The previous sentence shall not apply in the case of a hearing at which the committee intends to call an official of the Federal government as the sole witness.

(3) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 calendar day prior to appearance, unless the requirement is waived by the chair and the ranking member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee, who gives notice of an intention 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. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions 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.

VI. USE OF DISPLAY MATERIALS IN COMMITTEE

Graphic displays used during any meetings or hearings of the committee are limited to the following:

Charts, photographs, or renderings:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the member's seat or at the rear of the committee room.

When: only at the time the member is speaking.

Number: no more than two may be displayed at a time.

VII. CONFIRMATION STANDARDS AND PROCEDURES

(1) Standards. In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The committee shall recommend confirmation if it finds that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

(2) Information Concerning the Nominee. Each nominee shall submit the following information to the committee:

(a) A detailed biographical resume which contains information concerning education, employment, and background which generally relates to the position to which the individual is nominated, and which is to be made public;

(b) Information concerning financial and other background of the nominee which is to be made public; provided, that financial information that does not relate to the nominee's qualifications to hold the position to which the individual is nominated, tax returns or reports prepared by federal agencies that may be submitted by the nominee shall, after review by the chair, ranking member, or any other member of the committee upon request, be maintained in a manner to ensure confidentiality; and,

(c) Copies of other relevant documents and responses to questions as the committee may so request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

(3) Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee may be prepared by the committee staff for the chair, the ranking member and, upon request, for any other member of the committee. The report shall summarize the steps taken and the results of the committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

(4) Hearings. The committee shall conduct a hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she would pursue while in that position. No hearing or meeting to consider the confirmation shall be held until at least 72 hours after the following events have occurred: the nominee has responded to the requirements set forth in subsection (2), and, if a report described in subsection (3) has been prepared, it

has been presented to the chairman and ranking member, and is available to other members of the committee, upon request.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

RULES OF PROCEDURE

Mr. CARPER. Madam President, rule XXVI, paragraph 2, of the Standing Rules of the Senate requires each committee to adopt rules to govern the procedure of the Committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. Today, the Committee on Homeland Security and Governmental Affairs adopted Committee Rules of Procedure.

Consistent with Standing Rule XXVI, I ask unanimous consent to have a copy of the Rules of Procedure of the Committee on Homeland Security and Governmental Affairs printed in the RECORD.

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

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

PURSUANT TO RULE XXVI, SEC. 2, STANDING RULES OF THE SENATE

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. Meeting dates. The Committee shall hold its regular meetings on the first Wednesday of each month, when the Congress is in session, or at such other times as the Chairman shall determine. Additional meetings may be called by the Chairman as he/she deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. Calling special Committee meetings. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee chief clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. Meeting notices and agenda. Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee Members at least 5 days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. The written notices required by this Rule may be provided by electronic mail. In the event that unforeseen requirements or Committee business prevent a 5-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to Members or appropriate staff assistants in their offices.

D. Open business meetings. Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings 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 clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members 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 foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee 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 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 an 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 of 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. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.) Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he/she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each Member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, by no later than 5:00 p.m. two days before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. The written copy of amendments in the first degree required by this Rule may be provided by electronic mail. This subsection may be waived by a majority of the Members present, or by consent of the Chairman and Ranking Minority Member of the Committee or Subcommittee. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the Committee or Subcommittee.

F. Meeting transcript. The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee Members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. Reporting measures and matters. A majority of the Members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. Transaction of routine business. One-third of the membership of the Committee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. Taking testimony. One Member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. Subcommittee quorums. Subject to the provisions of sections 7(a) (1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. Quorum required. Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. Reporting measures and matters. No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee Members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those Members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a) (1) and (3), Standing Rules of the Senate.)

C. Proxy voting. Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a Member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee Member has been informed of the matter on which he or she is being recorded and has affirmatively requested that he or she be so recorded. All proxies shall be filed with the

chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the Member establishes his or her vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. Announcement of vote. (1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each Member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each Member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a roll call vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. Polling. (1) The Committee, or any Subcommittee thereof, may poll (a) internal Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the Chairman, or a Committee Member or staff officer designated by him/her, may undertake any poll of the Members of the Committee. If any Member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the Members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee Member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

F. Naming postal facilities. The Committee will not consider any legislation that would name a postal facility for a living person with the exception of bills naming facilities after former Presidents and Vice Presidents of the United States, former Members of Congress over 70 years of age, former State or local elected officials over 70 years of age, former judges over 70 years of age, or wounded veterans.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The Chairman shall preside at all Committee meetings and hearings except that he or she shall designate a temporary Chairman to act in his or her place if he or she is unable to be present at a scheduled meeting or hearing. If the Chairman (or his or her designee) is absent 10 minutes after the scheduled time set for a meeting or hearing, the Ranking Majority Member present shall preside until the Chairman's arrival. If there is no Member of the Majority present, the Ranking Minority Member present, with the prior approval of the Chairman, may open and conduct the meeting or hearing until such time as a Member of the Majority arrives.

RULE 5. HEARINGS AND HEARING PROCEDURES

A. Announcement of hearings. The Committee, or any Subcommittee thereof, shall make public announcement of the date, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. Open hearings. Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings 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 clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee 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 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 an 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 of 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. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he or she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. Full Committee subpoenas. The Chairman, with the approval of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses at a hearing or deposition or the production of memoranda, documents, records, or any other materials, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided in this subsection, the subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman.

D. Witness counsel. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights; provided, however, that in the case of any witness who is an officer or employee of the Government, or of a corporation or association, the Committee Chairman may rule that representation by counsel from the Government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the Government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. Witness transcripts. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the Chairman or a staff officer designated by him/her shall rule on such requests.

F. Impugned persons. Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a Member of the Committee or staff officer, at a public hearing or at a closed hearing concerning

which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) File a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) Request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) Submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. Radio, television, and photography. The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. Advance statements of witnesses. A witness appearing before the Committee, or any Subcommittee thereof, shall provide electronically a written statement of his or her proposed testimony at least 48 hours prior to his or her appearance. This requirement may be waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. Minority witnesses. In any hearings conducted by the Committee, or any Subcommittee thereof, the Minority Members of the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of the Minority Members, to call witnesses of their selection during at least 1 day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. Full Committee depositions. Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the Chairman, with the approval of the Ranking Minority Member of the Committee, provided that the Chairman may initiate depositions without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the Ranking Minority Member as provided in this subsection, the deposition notice may be authorized by a vote of the Members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee Member or Members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by a Committee Member or Members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee Member or Members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The Chairman or a staff officer designated by him/her may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. Timely filing. When the Committee has ordered a measure or matter reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. Supplemental, Minority, and additional views. A Member of the Committee who gives notice of his or her intention 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. 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. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. Notice by Subcommittee Chairmen. The Chairman of each Subcommittee shall notify the Chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. Draft reports of Subcommittees. All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the Chairman shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. Impact statements in reports. All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next 5 years thereafter (or for the authorized duration of the proposed legislation, if less than 5 years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established Subcommittees. The Committee shall have four regularly established Subcommittees. The Subcommittees are as follows:

Permanent Subcommittee on Investigations

Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce

Subcommittee on Financial and Contracting Oversight

Subcommittee on Emergency Management, Intergovernmental Relations and the District of Columbia

B. Ad hoc Subcommittees. Following consultation with the Ranking Minority Member, the Chairman shall, from time to time, establish such ad hoc Subcommittees as he/she deems necessary to expedite Committee business.

C. Subcommittee membership. Following consultation with the Majority Members, and the Ranking Minority Member of the Committee, the Chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. Subcommittee meetings and hearings. Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. Subcommittee subpoenas. Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided, however, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in

his or her opinion, it is necessary to issue a subpoena immediately.

F. Subcommittee budgets. During the first year of a new Congress, each Subcommittee that requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, by a date and time prescribed by the Chairman, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the Chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The Chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. Information concerning the Nominee. Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, in such specificity as the Committee deems necessary, including a list of assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office. At the request of the Chairman or the Ranking Minority Member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor. Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for Committee inquiry. The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated. For the purpose of assisting the Committee in the conduct of this inquiry, a Majority investigator or investigators shall be designated by the Chairman and a Minority investigator or investigators shall be designated by the Ranking Minority Member. The Chairman, Ranking Minority Member, other Members of the Committee, and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the Chairman, the Ranking Minority Member, or other Members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the U.S. Government Accountability Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made in the case of judicial nominees and may be made in the case of non-judicial nominees by the designated investigators to the Chairman and the Ranking Minority Member and, upon request, to any other Member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and the results of the Committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

E. Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: The nominee has responded to prehearing questions submitted by the Committee; and, if applicable, the report described in subsection (D) has been made to the Chairman and Ranking Minority Member, and is available to other Members of the Committee, upon request.

F. Action on confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the Chairman and Ranking Minority Member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104–1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

RULE 10. APPRISAL OF COMMITTEE BUSINESS

The Chairman and Ranking Minority Member shall keep each other apprised of hearings, investigations, and other Committee business.

COMMITTEE ON INDIAN AFFAIRS

RULES OF PROCEDURE

Ms. CANTWELL. Madam President, I ask unanimous consent to have printed in the RECORD the Committee on Indian Affairs Rules of Procedure.

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

COMMITTEE ON INDIAN AFFAIRS

RULES OF PROCEDURE

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, as supplemented by these rules, are adopted as the rules of the Committee to the extent the provisions of such Rules, Resolution, and Acts are applicable to the Committee on Indian Affairs.

MEETING OF THE COMMITTEE

Rule 2. The Committee shall meet on Wednesday/Thursday while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3(a). Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

(b). Except as otherwise provided in the Rules of the Senate, a transcript or electronic recording shall be kept of each hearing and business meeting of the Committee.

HEARING PROCEDURE

Rule 4(a). Public notice, including notice to Members of the Committee, shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee, with the concurrence of the Vice Chairman, determines that holding the hearing would be non-controversial or that special circumstances require expedited procedures and a majority of the Committee Members attending concurs. In no case shall a hearing be conducted with less than 24 hours' notice.

(b). Each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, at least 48 hours in advance of a hearing, in a format determined by the Committee and sent to an electronic mail address specified by the Committee.

(c). Each Member shall be limited to five (5) minutes of questioning of any witness until such time as all Members attending who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next

following business meeting of the Committee if a written request by a Member for consideration of such measure or subject has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b). Any bill, resolution, or other matter to be considered by the Committee at a business meeting shall be filed with the Clerk of the Committee. Notice of, and the agenda for, any business meeting of the Committee, and a copy of any bill, resolution, or other matter to be considered at the meeting, shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The notice and agenda of any business meeting may be provided to the Members by electronic mail, provided that a paper copy will be provided to any Member upon request. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

(c). Any amendment(s) to any bill or resolution to be considered shall be filed with the Clerk not less than 24 hours in advance. This rule may be waived by the Chairman with the concurrence of the Vice Chairman.

QUORUM

Rule 6(a). Except as provided in subsection (b), a majority of the Members shall constitute a quorum for the transaction of business of the Committee. Except as provided in Senate Rule XXVI 7(a), a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). A measure may be reported without a recorded vote from the Committee unless an objection is made by a Member, in which case a recorded vote by the Members shall be required. A Member shall have the right to have his or her additional views included in the Committee report in accordance with Senate Rule XXVI 10.

(c). A Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and conforming changes to the measure.

(d). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8(a). Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary.

(b). At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule.

(c). Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part, or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, Internet, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AUTHORIZING SUBPOENAS

Rule 12. The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.

AMENDING THE RULES

Rule 13. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

MARITIME DEFENSE

Mr. MCCAIN. Mr. President, I ask unanimous consent to have printed in the RECORD the recent testimony of former Secretary of the Navy John Lehman before the Seapower and Projection Forces Subcommittee of House Armed Services Committee. In my view, Secretary Lehman presents important testimony that highlights the need for maintaining a strong maritime defense capability in an increasingly uncertain international security environment.

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

Testimony before the House Seapower and Projection Forces Subcommittee by John Lehman, February 26th, 2013.

Mr. Chairman it is a special honor for me to appear today before this historic committee of Congress. In my six years as SecNav I spent hundreds of hours testifying and consulting with Chairman Charlie Bennet and the bi-partisan membership. They were truly equal partners with the Reagan Administration in building the 600 ship Navy and a rejuvenated Marine Corps.

Perhaps the greatest among its many accomplishments was the role of the Committee (then a full committee titled The Naval Affairs Committee) and its legendary chairman, Carl Vinson, in first persuading and then partnering with President Franklin Roosevelt in urgently rebuilding the US Navy through the shipbuilding acts of 1934, 1936, 1938, and 1940. Those bills authorized every new capital ship that fought to victory in WWII. Without that Robust leadership of this committee, we could not have won the war.

It is with that historic perspective that the Committee should approach its current task.

The current administration has called for a 300-ship Navy, up from the current 286. It is their belief that such a number at half the size of the Reagan Navy, is sufficient for our security on the grounds that newer ships are better than the ones they replace.

While that is true in some cases, such as submarines, it is not true for other ships such as the new LCS (littoral combat ship), which does not have the capability of the older frigates that they replace. Moreover, our potential adversaries, from North Korea to the Iranian Navy, have improved their technology as well.

But most important, numbers still count: The seas are great and our Navy is small. The administrations position that ''the United States Navy will be everywhere in the world that it has been, and it will be as much [present] as the 600-ship navy'' is not persuasive.

The size of the Navy in the Reagan administration (it reached 594 ships in 1987) reflected a strategy to deter the Soviet Union's world-wide naval force. Today we face no such powerful naval adversary, but the world is just as large, and there is now greater American dependence on global trade and many more disturbers of the peace.

While we do not need 600 ships today, no naval experts believe a 300-ship Navy is large enough to guarantee freedom of the seas for American and allied trade, for supporting threatened allies, for deterring rogue states like Iran from closing vital straits, and for maintaining stability in areas like the western Pacific. For example, the bipartisan Quadrennial Defense Review Independent Panel led by Stephen Hadley and William Perry last year concluded that the Navy should have at least 346 vessels.

The more troubling problem is that the administration goal of 300 is counting ships that won't be built at all. Last year, the president's budget called for cuts of $487 billion over the next decade. The President's proposal for the sequester would mean an additional half-trillion dollars in mandatory defense reductions over the next decade.

Naval readiness is already highly fragile. In order to meet current operational requirements, the shrunken fleet stays deployed longer and gets repaired less. There is now a serious shortage of Navy combat aircraft, and for the first time since World War II there are essentially no combat attrition reserves. But the biggest effects of budget cuts will be on drastically curtailing naval operations now and naval shipbuilding for the future.

The Navy has cancelled the deployment of one carrier strike group, halving our deterrence in the Mid-East, and the CNO has testified that even more drastic cuts to deployments will immediately result when sequester takes effect. This is the correct policy by Navy leadership. The Navy cannot do more with less, they can only do less with less.

Currently the Navy has 286 ships. In order to pay for even drastically reduced current

operations, the Administration will be retiring a score or more of modern combat ships (cruisers and amphibious vessels and frigates) well before their useful life. In order to reach a 350-ship fleet in our lifetime, we would need to increase shipbuilding to an average of 15 ships every year. The latest budget the administration has advanced proposes buying just 41 ships over five years. It is anything but certain that the administration's budgets will sustain even that rate of only eight ships per year, but even if they do, the United States is headed for a Navy of 240–250 ships at best.

So how is the Obama administration getting to a 300-ship Navy? It projects a huge increase in naval shipbuilding beginning years down the road, most of which would come after a second Obama term. In other words, the administration is radically cutting the size and strength of the Navy now, while trying to avoid accountability by assuming that a future president will find the means to fix the problem in the future.

This compromises our national security. The Navy is the foundation of America's economic and political presence in the world. Other nations, like China, Russia, North Korea and Iran, are watching what we do—and on the basis of the evidence, they are undoubtedly concluding that America is declining in power and resolution. Russia and China have each embarked on ambitious and enormously expensive naval buildups with weapons designed specifically against American carriers and submarines.

WHAT SHOULD THE COMMITTEE DO?

I urge the committee to step up to the challenge of the current crisis just as its former leader Carl Vinson did. That does not just mean adding money and ships to the Administration's request. It means instead providing a new framework of debate based on a sound and simple strategy just as Vinson did. It means focusing the Debate on those key issues where legislation can be determinant.

The current fiscal crisis should be harnessed as a catalyst to enable the undertaking of deep changes.

The two highest priorities for the Committee should be fundamentally changing the disastrous systemic dysfunction of the DoD procurement process, and completely re-setting the military compensation system.

PROCUREMENT

The Department of Defense acquisition process is seriously broken. Under the current system, it takes decades, not years, to develop and field weapons systems. Even worse, an increasing number of acquisition programs are plagued by cost over runs, schedule slips and failures to perform. The many horror stories like the F–35, the Air Force tanker scandal, the Navy shipbuilding failures and the Army armor disasters are only the visible tip of an iceberg. The major cause has been unbridled bureaucratic bloat (e.g. 690,000 DoD civilians, 250 uniformed Joint task forces) resulting in complete loss of line authority and accountability. As the House Armed Services Committee formally concluded:

''Simply put, the Department of Defense acquisition process is broken. The ability of the Department to conduct the large scale acquisitions required to ensure our future national security is a concern of the committee. The rising costs and lengthening schedules of major defense acquisition programs lead to more expensive platforms fielded with fewer numbers.''

That is, of course, an understatement. We are really engaged in a form of unilateral disarmament through runaway costs. Unless the acquisition system is fixed it will soon be impossible to maintain a military of sufficient size and sophistication with which to secure our liberties and protect the national interest. The solution is clear and achievable.

MILITARY COMPENSATION

Just as entitlements are steadily squeezing out discretionary spending in the Federal budget, personnel costs in the Pentagon are squeezing out operations and modernization. There has not been a comprehensive overhaul of military compensation, retirement, and medical care since the original Gates Commission during the Nixon Administration. It is long overdue. Over the last several years the Pentagon has done the difficult work through the Defense Business Board to establish the hard facts necessary to undertake such an effort. The Independent QDR panel two years ago recommended the establishment of a bi-partisan commission to undertake the task and report to Congress and the President. Now is the time to act on that recommendation.

SUMMARY

This committee has an historic constitutional responsibility, and in the present fiscal crisis a unique opportunity to put our Navy back on the proper course to secure our future security. The Committee can't do everything and must concentrate its efforts on the highest priorities where its unique power can be decisive. I urge you to do so.

NOMINATIONS OBJECTIONS

CHRISTOPHER MEADE

Mr. GRASSLEY. Madam President. I intend to object to proceeding to the nomination of Christopher Meade to be General Counsel to the Treasury Department for the following reason: At his confirmation hearing, I asked Mr. Meade for the Treasury Department's legal basis for not responding to an oversight request I made regarding the Committee on Foreign Investment in the United States. Mr. Meade is currently the Acting General Counsel and his response appeared to indicate that he interpreted a statute which states: ''Nothing in this subsection shall be construed to prevent disclosure to either House of Congress or to any duly authorized committee or subcommittee of the Congress'' as a limitation on Congress' ability to access information. The plain reading of the statute appears contrary to this interpretation.

In addition, Mr. Meade appeared to interpret a statute which requires CFIUS to brief certain specified Members of Congress as restricting CFIUS' ability to brief anyone except those members. Again, the plain reading of the statute appears contrary to this interpretation. There is nothing in this statute which restricts Treasury from briefing any other Members of Congress.

In an attempt to give Mr. Meade an opportunity to clarify his statements and explain his legal reasoning I wrote Mr. Meade another letter asking him to explain his logic and legal reasoning. I expect his reply shortly.

The most important role a Department General Counsel plays is in the interpretation of statutes passed by Congress. If Congress cannot be satisfied that Mr. Meade will impartially and accurately interpret statutes, this is a grave concern. The issues I have raised appear uncontroversial. If a statute says that ''nothing'' in it can be construed to prevent the disclosure of information to Congress, I do not expect it to be interpreted to limit Congress' ability to access information. If a statute does not limit CFIUS' ability to brief Members of Congress, I do not expect it to be interpreted to limit CFIUS' ability to brief Members of Congress.

I strongly believe that Congress' job does not end once it passes a statute. It is our job to ensure that the Executive Branch enforces the statute the way it was written. I will object to proceeding to Mr. Meade's nomination until he demonstrates that he will interpret these statutes consistent with their plain meaning.

BILL SCHULTZ

Madam President, I would also like to express my opposition to moving forward with Bill Schultz as the General Counsel for the Health and Human Services Administration. My objection is due to the agency's refusal to respond to my oversight requests. It is not based on Mr. Shultz's qualifications or ability to do the job. I have met with Mr. Schultz and believe him to be fair and hard working.

However, as I mentioned to him during his nomination hearing and when I met with him personally—I have many unanswered letters and document requests pending with HHS. Specifically: I have received no response to my December 6, 2011, letter eliminating the age restriction on Plan B; I received no response to Chairman ISSA and my April 5, 2012, letter to FDA regarding the monitoring of FDA employees; I received no response to my July 16, 2012, letter to FDA regarding the monitoring of FDA employees; I received no response to my July 24, 2012, letter to FDA regarding the monitoring of FDA employees.

This is unacceptable.

FDA intentionally spied on confidential communication with Congress, the Office of Special Counsel, and the whistleblowers private attorneys. Furthermore, in a meeting with my staff you indicated that one month was too long for letters from Congress to go unanswered. My letters have gone unanswered ranging from 7 months to over a year.

Until I receive answers to my letters and document requests, I am hesitant to agree to any movement on this nomination.

KALMBACH FEEDS 50TH ANNIVERSARY

Mr. PORTMAN. Madam President, today I wish to congratulate Kalmbach Feeds, a family-owned company, on 50 years of serving Ohio farms and agribusiness. Kalmbach Farms was founded in 1963 by Milton and Ruth Kalmbach,

and their goal was to ''create a new way of doing business.'' Starting the business with only one truck and one employee, the Kalmbach family opened a mix-and-grind plant in Upper Sandusky, OH. That operation has grown into the large commercial farm it is today.

Kalmbach Farms has been on the forefront of feed production. The farm manufactures and sells nutritional products for all livestock and poultry species and has been devoted to providing customers feed at a fair price. The Kalmbach family has been able to expand its business model to include nutritional products for mink, wildlife, swine, and pets. With branches in both Michigan and Indiana, Kalmbach Farms' products are regional leaders in the animal nutrition industry and are distributed in several States, including Ohio, Indiana, Michigan, Kentucky, West Virginia, Illinois, and New York.

Kalmbach Farms is now run by Milton and Ruth's son, Paul Kalmbach. This proud Ohio company employs over 250 people, and since the business began there has not been a single layoff. Kalmbach Feeds is continuing to look to the future by expanding the business and offering more employment opportunities for individuals interested in agriculture. I would like to congratulate the Kalmbach family on their 50 years of quality service.

ADDITIONAL STATEMENTS

CONGRATULATING THE ROTARY CLUB OF CARSON CITY

• Mr. HELLER. Madam President, today I wish to congratulate one of my home State's finest community organizations, the Rotary Club of Carson City, for its 75 years of service to the Carson City community.

The Rotary Club of Carson City has been committed to their ideal of ''He Profits Most Who Serves Best'' for three quarters of a century. In 1937, Hans Jepson and Rev. John L. Harvey formed the Carson City Club with 25 members on their chapter roll. Today, the Rotary Club in Carson City has grown to over 90 members who live by their motto ''Service Above Self'' while providing vitally important community service to the Carson City area.

In addition, the club has been committed to fostering and promoting the educational pursuits of students in Carson City. Each year, they award a 4-year college scholarship to a non-traditional student, as well as sponsor high school students to participate in an international youth exchange program. The Carson Rotary Club also recognizes excellence in the classroom and academic achievement by honoring a local student of the week and teacher of the month throughout each school year.

The Rotarians are an important example of the kind of dedicated service which makes our communities great. Today, I ask my colleagues to join me in congratulating the Rotary Club of Carson City for 75 years of service to the people of Nevada.•

TRIBUTE TO ARTHUR A. KLEIN

• Mr. TESTER. Mr. President, today I wish to honor Arthur A. Klein, a veteran of World War II and resident of Billings, MT.

It is my honor to share the story of Art's service in World War II, because no story of bravery—and especially not one from our ''greatest generation''—should ever be forgotten.

Art was born October 17, 1921, in Killam, Canada, to a large and hard-working prairie family. Hard times forced Art to move to Spokane, WA, to find work, but he soon enlisted in the U.S. Marine Corps in 1939 for a chance to proudly serve the Nation he would eventually adopt as his own.

In August 1941, the Marine Corps assigned Art to the First Marine Defense Battalion on Wake Island: a remote atoll 2,300 miles west of Hawaii where the U.S. Navy was building a military base. Four hundred and forty-nine U.S. marines, 68 U.S. Navy personnel, 6 Army Air Corps soldiers, and 1,221 civilian workers occupied the three islands comprising Wake Atoll.

Because of the International Date Line, the Japanese attack on Pearl Harbor was December 8, 1941, at Wake Island. Wake Islands naval commander received radio reports of the Japanese attack on Pearl Harbor and ordered the island to full alert. Following the attack on Pearl Harbor the Japanese planes attacked Wake Island. While defending the island, Mr. Klein was shot in the leg.

U.S. forces on Wake Island fought for many days without reinforcements or support, but they couldnt hold against overwhelming Japanese forces. To save civilians and military forces, the islands U.S. naval commander was forced to surrender the garrison.

On January 12, 1942, Mr. Klein was placed aboard the Japanese ship Nitta Maru and crowded into the ships cargo hold. In the ships cargo hold, Mr. Klein endured 7 days before docking in Japan.

For the next 4 years, Mr. Klein worked in Japanese coal mines and crude steel mills. Once, a guard clubbed Mr. Klein into unconsciousness for simply picking a small onion to eat.

Losing weight and in declining health, Mr. Klein never gave up hope. In September 1945, when Allied forces victoriously liberated Mr. Klein and other prisoners in Japan, Mr. Klein weighed 85 pounds.

Returning in triumph to America and freedom, Mr. Klein, now a sergeant in the Marine Corps, spent weeks in a military hospital to recover from his captivity. Art eventually left the Marine Corps, became an American citizen, and began a successful business career.

Art settled in Billings, MT, and has been active in veterans organizations where he continues being a source of inspiration, courage, and patriotism for us all. A fellow veteran recently asked Art what kept him going during his WWII captivity. In response, Mr. Klein, now 91 years of age, struggled to raise a now frail right arm as high as he could, and with a clenched fist and inspiring smile, said, ''The USA.''

On behalf of a grateful nation, I commend Mr. Klein and his service to America.•

MESSAGE FROM THE HOUSE

At 2:46 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 bill, in which it requests the concurrence of the Senate:

H.R. 667. An act to redesignate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 667. An act to redesignate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

Under the authority of the order of the Senate of February 14, 2013, the following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 388. A bill to appropriately limit sequestration, to eliminate tax loopholes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–426. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Horses from Contagious Equine Metritis-Affected Countries'' ((RIN0579–AD31) (Docket No. APHIS–2008–0112)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–427. A communication from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rural Broadband Access Loans and Loan Guarantees'' (RIN0572–AC06) received in the Office of the President of the Senate on February 12, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–428. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''3-decen-2-one; Exemption from the Requirement of a Tolerance'' (FRL No. 9378–1) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–429. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Domestic Dates Produced or Packed in Riverside County, CA; Decreased Assessment Rate'' (Docket No. AMS–FV–12–0035; FV12–987–1 IR) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–430. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Apricots Grown in Designated Counties in Washington; Temporary Suspension of Handling Regulations'' (Docket No. AMS–FV–12–0028; FV12–922–2 IR) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–431. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Organic Program; Periodic Residue Testing'' (Docket No. AMS–NOP–10–0102; NOP–10–10FR) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–432. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) and Class 3 (Native) Spearmint Oil for the 2012–2013 Marketing Year'' (Docket No. AMS–FV–11–0088; FV12–985–1A IR) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–433. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Avocados Grown in South Florida; Decreased Assessment Rate'' (Docket No. AMS–FV–11–0094; FV12–915–1 FIR) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–434. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in Designated Area of Southeastern California; Increased Assessment Rate'' (Docket No. AMS–FV–11–0090; FV 12–925–1 FR) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–435. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Apricots Grown in Designated Counties in Washington; Decreased Assessment Rate'' (Docket No. AMS–FV–12–0027; FV12–922–1 IR) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–436. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pears Grown in Oregon and Washington; Assessment Rate Decrease for Processed Pears'' (Docket No. AMS–FV–12–0031; FV12–927–2 IR) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–437. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 2'' (Docket No. AMS–FV–12–0043; FV12–948–1 IR) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–438. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Soybean Promotion and Research: Amend the Order To Adjust Representation on the United Soybean Board'' (Docket No. AMS–LS–12–0022) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–439. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–440. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report on operations of the National Defense Stockpile (NDS) for fiscal year 2012; to the Committee on Armed Services.

EC–441. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled ''Strategic and Critical Materials 2013 Report on Stockpile Requirements''; to the Committee on Armed Services.

EC–442. A communication from the Surgeon General and Commanding General, US Army Medical Command, Department of the Army, transmitting, pursuant to law, a report entitled ''Inspection of Facilities Used to House Warriors in Transition''; to the Committee on Armed Services.

EC–443. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Federal Housing Administration (FHA): Hospital Mortgage Insurance Program—Refinancing Hospital Loans'' (RIN2502–AI74) received in the Office of the President of the Senate on February 13, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–444. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2013–0002)) received in the Office of the President of the Senate on February 11, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–445. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2013–0002)) received in the Office of the President of the Senate on February 13, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–446. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2013–0002)) received in the Office of the President of the Senate on February 13, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–447. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Israel; to the Committee on Banking, Housing, and Urban Affairs.

EC–448. A communication from the Director, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guarantees for Bonds Issued for Community or Economic Development Purposes'' (RIN1559–AA01) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–449. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Appraisals for Higher-Priced Mortgage Loans'' (RIN7100–AD90) received in the Office of the President of the Senate on February 13, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–450. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Appraisals for Higher-Priced Mortgage Loans'' ((RIN3170–AA11) (Docket No. CFPB–2012–0031)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–451. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Records and Information'' ((RIN3170–AA01) (Docket No. CFPB–2012–0003)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–452. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Ability-to-Repay and Qualified Mortgage Standards under the Truth in Lending Act (Regulation Z)'' ((RIN3170–AA17) (Docket No. CFPB–2011–0008, CFPB–2012–0022)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–453. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Mortgage Servicing Rules under the Truth in Lending Act (Regulation Z)'' ((RIN3170–AA14) (Docket No. CFPB–2012–0033)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–454. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Mortgage Servicing Rules under the Real Estate Settlement Act (Regulation X)'' ((RIN3170–

AA14) (Docket No. CFPB–2012–0034)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–455. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Disclosure and Delivery Requirements for Copies of Appraisals and Other Written Valuations under the Equal Credit Opportunity Act (Regulation B)'' ((RIN3170–AA26) (Docket No. CFPB–2012–0032)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–456. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Loan Originator Compensation Requirements under the Truth in Lending Act (Regulation Z)'' ((RIN3170–AA13) (Docket No. CFPB–2012–0037)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2013; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES ON FEBRUARY 25, 2013

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. Res. 38. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, without amendment:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship for March 1, 2013 through September 30, 2013.

By Mr. MENENDEZ, from the Committee on Foreign Relations, without amendment:

S. Res. 40. An original resolution authorizing expenditures by the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Armed Services.

By Mr. SCHUMER, from the Committee on Rules and Administration, without amendment:

S. Res. 43. An original resolution authorizing expenditures by the Committee on Rules and Administration.

By Mr. JOHNSON, of South Dakota, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 44. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. Res. 45. An original resolution authorizing expenditures by the Committee on Environment and Public Works of the Senate.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. Res. 46. An original resolution authorizing expenditures by the Committee on the Judiciary.

By Ms. STABENOW, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 47. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition and Forestry.

By Mr. SANDERS, from the Committee on Veterans' Affairs, without amendment:

S. Res. 48. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

By Mr. NELSON, from the Special Committee on Aging, without amendment:

S. Res. 49. An original resolution authorizing expenditures by the Special Committee on Aging.

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment:

S. Res. 50. An original resolution authorizing expenditures by the Select Committee on Intelligence.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 51. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL, from the Committee on Indian Affairs, without amendment:

S. Res. 52. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

By Mrs. MURRAY, from the Committee on the Budget, without amendment:

S. Res. 53. An original resolution authorizing expenditures by the Committee on the Budget.

By Mr. CARPER, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 55. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nominations beginning with Brigadier General Arnold W. Bunch, Jr. and ending with Brigadier General Scott J. Zobrist, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2013.

Air Force nominations beginning with Colonel Nina M. Armagno and ending with Colonel John M. Wood, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2013.

Air Force nomination of Lt. Gen. Robin Rand, to be Lieutenant General.

Army nomination of Lt. Gen. John M. Bednarek, to be Lieutenant General.

Army nomination of General Lloyd J. Austin III, to be General.

Army nomination of Lieutenant General Robert L. Caslen, Jr., to be Lieutenant General.

Army nomination of Lt. Gen. John F. Campbell, to be General.

Army nomination of Lt. Gen. Vincent K. Brooks, to be General.

Army nomination of Gen. David M. Rodriguez, to be General.

Marine Corps nomination of Brig. Gen. Paul W. Brier, to be Major General.

Navy nomination of Rear Admiral William H. Hilarides, to be Vice Admiral.

Navy nomination of Rear Adm. Joseph P. Aucoin, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Alan S. Fine and ending with Paul R. Newbold, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2013.

Army nomination of Jasmine T. N. Daniels, to be Colonel.

Army nomination of Paul W. Roecker, to be Colonel.

Army nominations beginning with James B. Barkley and ending with Michael E. Spraggins, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2013.

Army nomination of Lena M. Fabian, to be Major.

Army nominations beginning with Yiming A. Ching and ending with Joseph F. Goodman, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2013.

Army nominations beginning with William C. Alley and ending with D010916, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2013.

Army nominations beginning with Alison R. Huppman and ending with Allegra E. Lobell, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2013.

Army nominations beginning with Thomas M. Grego and ending with George J. Zeckler, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2013.

Navy nominations beginning with Andrew W. Deley and ending with Gregory E. Ringler, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2013.

By Mr. BAUCUS for the Committee on Finance.

*Christopher J. Meade, of New York, to be General Counsel for the Department of the Treasury.

*William B. Schultz, of the District of Columbia, to be General Counsel of the Department of Health and Human Services.

*Jacob J. Lew, of New York, to be Secretary of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. CORKER (for himself and Mr. ALEXANDER):

S. 11. A bill to provide a comprehensive deficit reduction plan, and for other purposes; to the Committee on Finance.

By Mr. COATS:

S. 12. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Relations.

By Mr. GRAHAM (for himself, Mr. THUNE, and Mr. COATS):

S. 13. A bill to authorize the Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, to award grants on a competitive basis to public and private entities to provide qualified sexual risk avoidance education to youth and their parents; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 14. A bill to provide for the partial settlement of certain claims under the Alaska Native Claims Settlement Act; to the Committee on Energy and Natural Resources.

By Mr. PAUL (for himself, Mr. LEE, Mr. RUBIO, Ms. AYOTTE, Mr. MORAN, Mr. MANCHIN, Mr. GRASSLEY, Mrs. FISCHER, Mr. ROBERTS, Mr. ISAKSON, Mr. ENZI, Mr. VITTER, Mr. PORTMAN, Mr. JOHNSON of Wisconsin, Mr. CORNYN, Mr. CRAPO, Mr. FLAKE, Mr. CHAMBLISS, Mr. BARRASSO, Mr. SESSIONS, and Mr. INHOFE):

S. 15. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; to the Committee on Homeland Security and Governmental Affairs.

By Mr. RUBIO (for himself, Ms. AYOTTE, Mr. BLUNT, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. MCCAIN, Mr. RISCH, Mr. THUNE, and Mr. VITTER):

S. 379. A bill to rescind $45 billion of unobligated discretionary appropriations, and for other purposes; to the Committee on the Budget.

By Mrs. MURRAY:

S. 380. A bill to amend the Public Health Service Act to reauthorize and update the National Child Traumatic Stress Initiative for grants to address the problems of individuals who experience trauma and violence related stress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself, Mr. BOOZMAN, Mr. LAUTENBERG, Mr. BAUCUS, Mr. TESTER, Mr. NELSON, Ms. CANTWELL, Mr. SCHATZ, and Mrs. MURRAY):

S. 381. A bill to award a Congressional Gold Medal to the World War II members of the ''Doolittle Tokyo Raiders'', for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. 382. A bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 383. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 384. A bill to exempt National Forest System land in the State of Alaska from the Roadless Area Conservation Rule; to the Committee on Energy and Natural Resources.

By Mr. BEGICH (for himself, Mr. CRAPO, Ms. MURKOWSKI, Mr. TESTER, and Mr. BAUCUS):

S. 385. A bill to deem the submission of certain claims to an Indian Health Service contracting officer as timely; to the Committee on Indian Affairs.

By Mr. BEGICH:

S. 386. A bill to amend the Consolidated Farm and Rural Development Act to provide and improve housing in the rural areas for educators, public safety officers, and medical providers, and their households, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself and Mr. LAUTENBERG):

S. 387. A bill to establish the American Infrastructure Investment Fund and other activities to facilitate investments in infrastructure projects that significantly enhance the economic competitiveness of the United States by improving economic output, productivity, or competitive commercial advantage, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for Ms. MIKULSKI (for herself, Mrs. MURRAY, and Mr. REID)):

S. 388. A bill to appropriately limit sequestration, to eliminate tax loopholes, and for other purposes; placed on the calendar.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 389. A bill to amend title 10, United States Code, to authorize long-term contracts for the procurement of certain liquid transportation fuels for the Department of Defense; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. SCHUMER:

S. Res. 43. An original resolution authorizing expenditures by the Committee on Rules and Administration; from the Committee on Rules and Administration; placed on the calendar.

By Mr. JOHNSON of South Dakota:

S. Res. 44. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mrs. BOXER:

S. Res. 45. An original resolution authorizing expenditures by the Committee on Environment and Public Works of the Senate; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. LEAHY:

S. Res. 46. An original resolution authorizing expenditures by the Committee on the Judiciary; from the Committee on the Judiciary; to the Committee on Rules and Administration.

By Ms. STABENOW:

S. Res. 47. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. SANDERS:

S. Res. 48. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. NELSON:

S. Res. 49. An original resolution authorizing expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN:

S. Res. 50. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER:

S. Res. 51. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Ms. CANTWELL:

S. Res. 52. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mrs. MURRAY:

S. Res. 53. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. CARPER:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs; from the Committee on Homeland Security and Governmental Affairs; to the Committee on Rules and Administration.

By Mr. WYDEN:

S. Res. 55. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. CARDIN (for himself, Mr. PORTMAN, Ms. MIKULSKI, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. BROWN):

S. Res. 56. A resolution recognizing the significance of the 100th anniversary of the death of Harriet Ross Tubman; considered and agreed to.

By Mr. BROWN (for himself, Mr. BARRASSO, Mr. WHITEHOUSE, Mr. PRYOR, and Mrs. HAGAN):

S. Res. 57. A resolution designating February 28, 2013, as ''Rare Disease Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 175

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 175, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 183

At the request of Mrs. MCCASKILL, the name of the Senator from Oregon (Mr. MERKLEY) 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 names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Colorado (Mr. UDALL) were added as cosponsors 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 Alaska (Mr. BEGICH) 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. 294

At the request of Mr. TESTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of 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.

S. 296

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of 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.

S. 313

At the request of Mr. CASEY, the names of the Senator from Maine (Ms. COLLINS), the Senator from North Carolina (Mrs. HAGAN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of 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.

S. 338

At the request of Mr. BAUCUS, the names of the Senator from Colorado (Mr. BENNET), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from California (Mrs. BOXER), the Senator from Delaware (Mr. COONS), the Senator from North Carolina (Mrs. HAGAN), the Senator from New Mexico (Mr. HEINRICH), the Senator from South Dakota (Mr. JOHNSON), the Senator from Oregon (Mr. MERKLEY), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 338, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 346

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 346, a bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel.

S. 357

At the request of Mr. CARDIN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Massachusetts (Ms. WARREN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 357, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 367

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 367, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 369

At the request of Mr. RUBIO, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 369, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 375

At the request of Mr. TESTER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 375, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. RES. 30

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. Res. 30, a resolution establishing the Committee to Reduce Government Waste.

S. RES. 37

At the request of Mr. BROWN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 37, a resolution expressing the sense of the Senate in disapproving the proposal of the International Olympic Committee Executive Board to eliminate wrestling from the Summer Olympic Games beginning in 2020.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 14. A bill to provide for the partial settlement of certain claims under the Alaska Native Claims Settlement Act; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation to provide a small interim conveyance of lands to the Sealaska Native Regional Corporation of Southeast Alaska, a conveyance designed simply to keep Sealaska in business for the next year or so to give this Congress sufficient time to consider a more comprehensive solution to the issue of how to complete the Native corporation's land conveyances authorized 42 years ago.

Several weeks ago I and my colleague Sen. MARK BEGICH reintroduced legislation first proposed in 2007 and 2008 to resolve problems with land conveyances to Southeast Alaska Natives, S. 340, stemming from passage of the Alaska Native Claims Settlement Act of 1971. Back in the 110th Congress there was plenty of time to resolve these land conveyance issues. Unfortunately as we begin the 113th Congress, the Sealaska Corporation has nearly exhausted its ability to use its lands in Southeast to benefit their shareholders in a socially responsible manner. This bill that we introduce today is a small stop-gap measure to give the corporation a one- or two-year additional supply of accessible lands to guarantee the continued operations of the corporation in order to give us and the House of Representatives additional time to again consider a more comprehensive settlement of Southeast Alaska Native land issues.

Today I am proposing legislation to grant Sealaska quick conveyance of the two smallest parcels of lands under consideration for conveyance to it as part of a broader land settlement revision. The parcels totaling 3,380 acres of the 68,000 acres proposed in the broader bill, include 2,000 acres at North Election Creek on central Prince of Wales Island, lands adjacent to existing Sealaska lands on the island, and 1,380 acres on the west side of the Cleveland Peninsula north of Ketchikan, lands also adjacent to Sealaska's current holdings. I am proposing interim conveyance of just these two tracts within 60 days of the act's passage, because to my knowledge there are few if any environmental concerns that have been raised with resource development on either tract. I am proposing to limit the conveyances to just these two to give Sealaska another year or two of existing operations to give time for the 113th Congress to hold new hearings on

the Sealaska lands issue and to finalize and pass legislation. But by limiting the selections to just two small tracts, I am not lessening the urgency of the need for all parties to reach an agreement on the terms of a broader bill within the 113th Congress. If no agreement is reached on a broader bill, Sealaska will again be forced to curtail its operations with likely tragic consequences for Southeast's regional economy long before this Administration ends.

The bill, in an effort not to limit negotiations on a broader land settlement, makes no other changes, except to guarantee that all existing access provisions to lands required by the Alaska Native Claims Settlement Act remain in force on the two parcels proposed for conveyance. This bill is purely intended to give this Congress sufficient time to consider this issue while maintaining the economic status quo in the Panhandle—a fact that is vital for a timber industry, but also in order for the U.S. Forest Service to have the time and related infrastructure needed to implement its proposed young-growth transition strategy in the Tongass National Forest.

My hope is that this bill will promptly be considered and passed by this Congress, to give us all the time needed to reach an equitable solution to land issues in America's largest national forest.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 42—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. LEVIN submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration.

S. RES. 42

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2013, through September 30, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 2013, through September 30, 2013 under this resolution shall not exceed $4,179,885, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended; and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 4. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013, through September 30, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 43—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 43

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2013, through September 30, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this resolution shall not exceed $1,619,831, of which amount (1) not to exceed $43,750 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $7,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 4. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013, through September 30, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 44—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. JOHNSON of South Dakota submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 44

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2013, through September 30, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this resolution shall not exceed $3,787,685 of which amount (1) not to exceed $10,267 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $616 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 4. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013, through September 30, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 45—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE SENATE

Mrs. BOXER submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 45

Resolved,

SECTION 1. In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works (in this resolution referred to as the ''committee'') is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this resolution shall not exceed $3,178,904, of which amount—

(1) not to exceed $4,666.67 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,166.67 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. (a) Except as provided in subsection (b), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(b) Vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery;

(4) for payments to the Postmaster of the Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 4. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013, through September 30, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 46—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. LEAHY submitted the following resolution; from the Committee on the Judiciary; which was referred to the Committee on Rules and Administration:

S. RES. 46

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary (in this resolution referred to as the ''committee'') is authorized from March 1, 2013 through September 30, 2013, in its discretion to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.

The expenses of the committee for the period March 1, 2013 through September 30, 2013 under this resolution shall not exceed $5,882,131, of which amount—

(1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013, through September 30, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SENATE RESOLUTION 47—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. STABENOW submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry; which was referred to the Committee on Rules and Administration:

S. RES. 47

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2013, through September 30, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this resolution shall not exceed $2,464,069 of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 4. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013, through September 30, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 48—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. SANDERS submitted the following resolution; from the Committee on Veterans' Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 48

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs (in this resolution referred to as the ''committee'') is authorized from March 1, 2013 through September 30, 2013, in its discretion to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.

The expenses of the committee for the period March 1, 2013 through September 30, 2013 under this resolution shall not exceed $1,409,970, of which amount—

(1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013 through September 30, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SENATE RESOLUTION 49—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. NELSON submitted the following resolution; from the Special Committee on Aging; which was referred to the Committee on Rules and Administration:

S. RES. 49

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging (in this resolution referred to as the ''committee'') is authorized from March 1, 2013, through September 30, 2013, in its discretion to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.

The expenses of the committee for the period March 1, 2013 through September 30, 2013 under this resolution shall not exceed $1,704,661, of which amount, not to exceed $15,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013 through September 30, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SENATE RESOLUTION 50—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mrs. FEINSTEIN submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 50

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Select Committee on Intelligence (in this resolution referred to as the ''committee'') is authorized from March 1, 2013 through September 30, 2013, in its discretion to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.

The expenses of the committee for the period March 1, 2013 through September 30, 2013 under this resolution shall not exceed $3,739,220, of which amount—

(1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013 through September 30, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SENATE RESOLUTION 51—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER submitted the following resolution; from the Committee on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration:

S. RES. 51

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation (in this resolution referred to as the ''committee'') is authorized from March 1, 2013 through September 30, 2013, in its discretion to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.

The expenses of the committee for the period March 1, 2013 through September 30, 2013 under this resolution shall not exceed $4,080,061, of which amount—

(1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013 through September 30, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SENATE RESOLUTION 52—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Ms. CANTWELL submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 52

Resolved, That, in carrying out its powers, duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2013, through September 30, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this resolution shall not exceed $1,304,696.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairwoman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013, through September 30, 2013, to be paid from the Appropriations account for Expenses of Inquiries and Investigations.

SENATE RESOLUTION 53—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mrs. MURRAY submitted the following resolution; from the Committee on the Budget; which was referred to the Committee on Rules and Administration:

S. RES. 53

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget (in this resolution referred to as the ''committee'') is authorized from March 1, 2013 through September 30, 2013, in its discretion to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.

The expenses of the committee for the period March 1, 2013 through September 30, 2013 under this resolution shall not exceed $3,950,532, of which amount—

(1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $21,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013 through September 30, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SENATE RESOLUTION 54—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARPER submitted the following resolution; from the Committee on Homeland Security and Governmental Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 54

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate and S. Res. 445 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs (in this resolution referred to as the ''committee'') is authorized from March 1, 2013 through September 30, 2013, in its discretion to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.

The expenses of the committee for the period March 1, 2013 through September 30, 2013 under this resolution shall not exceed $6,074,429, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES; AGENCY CONTRIBUTIONS; AND INVESTIGATIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013 through September 30, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman is authorized, in its, his, her, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 81, agreed to March 2, 2011 (112th Congress), are authorized to continue.

SENATE RESOLUTION 55—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration:

S. RES. 55

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the

Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources (in this resolution referred to as the ''committee'') is authorized from March 1, 2013 through September 30, 2013, in its discretion to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.

The expenses of the committee for the period March 1, 2013 through September 30, 2013 under this resolution shall not exceed $3,453,383.

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013 through September 30, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SENATE RESOLUTION 56 RECOGNIZING THE SIGNIFICANCE OF THE 100TH ANNIVERSARY OF THE DEATH OF HARRIET ROSS TUBMAN

Mr. CARDIN (for himself, Mr. PORTMAN, Ms. MIKULSKI, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. BROWN) submitted the following resolution; which was considered and agreed to:

S. RES. 56

Whereas Harriet Ross Tubman was born into slavery near Buckstown, Maryland, in or around the year 1820, to her parents Benjamin Ross and Harriet Green, and was named Araminta Ross;

Whereas, as a child slave, Tubman checked muskrat traps along the marshes of the Blackwater River in Dorchester County, Maryland, and later worked in the fields and forests surrounding the Brodess Plantation;

Whereas, as a teenage slave, Tubman worked as a seamstress on the Cook Plantation in Dorchester County, Maryland, and changed her name to Harriet;

Whereas, at the age of 24, Tubman married a free black man named John Tubman, though she remained a slave;

Whereas, in 1849, upon hearing news that she was to be sold to settle the debts of her late master, Tubman escaped from slavery to Philadelphia, Pennsylvania, marking the first of many expeditions to and from the Eastern Shore of Maryland to lead nearly 70 slaves out of slavery;

Whereas, over the course of the next 11 years, from 1849 to 1860, Tubman became a famous conductor of the Underground Railroad, proclaiming in her later years, ''I never ran my train off the track and I never lost a passenger.'';

Whereas, since the journeys to freedom by Tubman took place over the winter months when the nights were long and dark, her groups made stops along the extensive Underground Railroad, first traveling to the Quaker community of Poplar Neck in Caroline County, Maryland, eventually making stops at the homes of Quaker abolitionist Thomas Garrett in Wilmington, Delaware, and African-American abolitionist and future civil rights activist William Still in Philadelphia, Pennsylvania, before final resettlement in Canada;

Whereas, in the late 1850s, Tubman began to speak before abolitionist audiences to share her dedication and unwavering commitment to the abolitionist cause and the emancipation of slaves;

Whereas Tubman drew admiration from African-American abolitionist Frederick Douglass, a fellow Eastern Shore native of Talbot County, Maryland, who stated, ''I know of no one who has willingly encountered more perils and hardships to serve our enslaved people than you have.'';

Whereas the National Underground Railroad Freedom Center, located in Cincinnati, Ohio, recognizes Tubman as one the most famous conductors along the Underground Railroad and has dedicated a theater in honor of Tubman;

Whereas, in 1859, Tubman purchased a home and several acres of land in Auburn, New York, from William Henry Seward, then United States Senator from New York and future Secretary of State for President Abraham Lincoln;

Whereas Tubman attended her first Women's Rights Convention in Boston, Massachusetts in 1860, beginning a lifelong commitment to the suffrage movement;

Whereas, at the start of the Civil War in 1861, Tubman believed that a Union victory would be a key stepping stone to the abolition of slavery and vowed to assist the cause, joining abolitionist Bostonians and Philadelphians who traveled to Hilton Head Island, South Carolina to provide aid to the Union war effort;

Whereas Tubman used the skills that she learned evading detection and capture on the Underground Railroad to serve as a spy and scout for the Union camp at Port Royal, South Carolina in addition to providing care to Union forces as a nurse and cook;

Whereas, in 1863, the same year that the Emancipation Proclamation was issued, Tubman became the first woman to lead an armed assault during the Civil War on the Raid on Combahee Ferry;

Whereas Tubman led bands of scouts along the marshes and rivers of Port Royal, similar to those of her native Dorchester County, to map the unfamiliar territory for Colonel James Montgomery, commander of the 2nd Regiment South Carolina Volunteer Infantry (African Descent);

Whereas, between June 1 and June 2, 1863, Tubman guided Colonel Montgomery and a detachment of 300 men from the 2nd Regiment South Carolina Volunteer Infantry (African Descent) through the mine-laden waters of the Combahee River in Colleton County, South Carolina, where the Union forces liberated nearly 750 slaves;

Whereas Tubman assisted the newly liberated slaves in the years following the raid and tended to wounded soldiers in the Commonwealth of Virginia before returning to Auburn, New York after the conclusion of the Civil War;

Whereas Tubman dedicated the later years of her life to promoting the women's suffrage movement, traveling to New York City, New York, Boston, Massachusetts, and Washington, District of Columbia, to speak before countless women's groups with fellow suffrage movement leaders Susan B. Anthony and Emily Howland;

Whereas, when asked if she believed women deserved the right to vote, Tubman replied, ''I suffered enough to believe it.'';

Whereas, in 1903, Tubman deeded her property to the African Methodist Episcopal Zion Church of Auburn, New York, to serve as a home for the ''aged and indigent colored people'', which opened on June 23, 1908, as the Harriet Tubman Home for the Aged; and

Whereas, having lived in the home named after her, Tubman passed away on March 10, 1913, at the age of 93: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the 100th anniversary of the death of Harriet Tubman, whose dedication and unwavering commitment to serving in any capacity necessary to pursue the promise of American ideals and the principles of humanity continue to inspire all individuals who cherish freedom;

(2) encourages the people of the United States to honor and preserve the legacy of Tubman;

(3) recognizes the significance of the tireless work of Tubman and the other individuals who bravely served to create the Underground Railroad network to achieve freedom for those individuals enslaved during the Antebellum Era of the United States; and

(4) recognizes the dedication and commitment of the Harriet Tubman Organization of Cambridge, Maryland, and the Harriet Tubman Home, Inc. and the Harriet Tubman Boosters Club, both of Auburn, New York, for preserving the heritage of the United States and promoting the rich history of the United States.

SENATE RESOLUTION 57—DESIGNATING FEBRUARY 28, 2013, AS ''RARE DISEASE DAY''

Mr. BROWN (for himself, Mr. BARRASSO, Mr. WHITEHOUSE, Mr. PRYOR, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 57

Whereas rare diseases and disorders are those that affect a small number of patients, typically less than 200,000 people in the United States;

Whereas, as of the date of approval of this resolution, nearly 7,000 rare diseases affect approximately 30,000,000 people in the United States and their families;

Whereas children with rare genetic diseases account for more than half of the population affected by rare diseases in the United States;

Whereas many rare diseases are serious, life-threatening, and lack an effective treatment;

Whereas rare diseases and conditions include epidermolysis bullosa, progeria, sickle cell anemia, Tay-Sachs, cystic fibrosis, many childhood cancers, and fibrodysplasia ossificans progressiva;

Whereas people with rare diseases experience challenges that include difficulty in obtaining an accurate diagnosis, limited treatment options, and difficulty finding physicians or treatment centers with expertise in their diseases;

Whereas great strides have been made in research and treatment for rare diseases as a result of the Orphan Drug Act (Public Law 97–414; 96 Stat. 2049) and amendments made by that Act;

Whereas 2013 marks the 30th anniversary of the Orphan Drug Act and therefore a time to reflect upon the successes of that Act and the challenges to be addressed in the future;

Whereas both the Food and Drug Administration and the National Institutes of Health have established special offices to advocate for rare disease research and treatments;

Whereas the National Organization for Rare Disorders, an organization established in 1983 to provide services to, and advocate on behalf of, patients with rare diseases, was a primary force behind the enactment of the Orphan Drug Act and remains a critical public voice for people with rare diseases;

Whereas the National Organization for Rare Disorders sponsors Rare Disease Day in the United States to increase public awareness of rare diseases;

Whereas Rare Disease Day has become a global event occurring annually on the last day of February and was observed in more than 60 countries in 2012;

Whereas Rare Disease Day was observed in the United States for the first time on February 28, 2009; and

Whereas Rare Disease Day is anticipated to be observed globally for years to come, providing hope and information for rare disease patients around the world; Now, therefore, be it

Resolved, That the Senate—

(1) designates February 28, 2013, as ''Rare Disease Day'';

(2) recognizes the importance of improving awareness and encouraging accurate and early diagnosis of rare diseases and disorders; and

(3) supports a national and global commitment to improving access to, and developing new treatments, diagnostics, and cures for, rare diseases and disorders.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on February 26, 2013, at 11:50 a.m. in room S–219 of the Capitol.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 26, 2013, at 10 a.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 26, 2013.

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

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 26, 2013.

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

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 26, 2013, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Budget and Economic Outlook: Fiscal Years 2013 to 2023.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''State Leadership and Innovation in Disability Employment'' on February 26, 2013, at 2:30 p.m., in room G50 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. 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 26, 2013, at 3:45 p.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on February 26, 2013, in room SD–628 of the Dirksen Senate Office Building, at 3 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 26, 2013.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on February 26, 2013. The Committee will meet in room 345 of the Cannon House Office Building at 2 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 26, 2013, at 2:30 p.m.

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

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, February 27, 2013, at 10:00 a.m., to conduct a markup of the Omnibus Budget for Senate Committees.

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee at 202–224–6352.

100TH ANNIVERSARY OF THE DEATH OF HARRIET ROSS TUBMAN

Mr. REID. I ask unanimous consent the Senate proceed to S. Res. 56.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 56) recognizing the significance of the 100th anniversary of the death of Harriet Ross Tubman.

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

Mr. REID. I am going to ask unanimous consent that we pass this. First, I read a year and a half or 2 years ago two books about this woman, Harriet Tubman. Stunning. With all the movies being made about courageous, strong Americans, someone should make a movie about this woman. I mean it is just amazing what she was able to do. One little woman did so much to change what went on in America back at that time.

I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 56) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

RARE DISEASE DAY

Mr. REID. I ask unanimous consent the Senate proceed to S. Res. 57.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 57) designating February 28, 2013, as ''Rare Disease Day.''

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

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed

to, the motions to reconsider be considered made and laid upon the table, and there be no intervening action or debate.

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

The resolution (S. Res. 57) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

MODIFICATION TO SEQUESTER ORDER

Mr. REID. I ask unanimous consent that the order with respect to sequester legislation be modified to permit the Republican leader to introduce a bill on Wednesday, February 27, which consists of the language which is at the desk and that all the provisions under the previous order remain in effect.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: the Senator from Montana, Mr. BAUCUS, the Senator from West Virginia, Mr. ROCKEFELLER, the Senator from Oregon, Mr. WYDEN, the Senator from Utah, Mr. HATCH, the Senator from Iowa, Mr. GRASSLEY.

ORDERS FOR WEDNESDAY, FEBRUARY 27, 2013

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow morning, Wednesday, February 27, 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 proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

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

PROGRAM

Mr. REID. Madam President, the Finance Committee reported the nomination of Jack Lew to be Treasury Secretary. We hope to reach an agreement to consider his nomination tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before this body, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Wednesday, February 27, 2013, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 26, 2013:

DEPARTMENT OF DEFENSE

CHARLES TIMOTHY HAGEL, OF NEBRASKA, TO BE SECRETARY OF DEFENSE.