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## Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

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

Let us pray.

Almighty God, sovereign of our Nation and Lord of our lives, thank You for infusing us with the confidence that You order our steps each day. Give our lawmakers courage and a strong resolve to glorify Your Name as they trust the unfolding of Your loving providence. Lord, as they remember what You have already done to bless this Nation, inspire them to march confidently toward tomorrow's difficulties with a total dependence on You. May they recommit themselves each day to faithfully fulfilling the awesome responsibility You have entrusted to them.

We pray in Your mighty Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore 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.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. Kaine). The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in a period of morning business until 5 p.m. today. Following that morning business, the Senate will proceed to executive session to consider the Chen and Failla nominations to be U.S. district

judges, both in the State of New York. At 5:30 p.m. there will be two rollcall votes on confirmation of these nominations.

### NOMINATIONS

Mr. REID. Mr. President, this week the Senate will consider a number of nominations.

Tonight we will vote, as I have just indicated, on Pamela Chen to be a judge for the Eastern District of New York and Katherine Failla to serve as district judge for the Southern District of New York.

Later this week we are going to consider the nomination of Caitlin Joan Halligan to the U.S. Court of Appeals for the DC Circuit. This circuit now has four vacancies. Ms. Halligan's colleagues say she has "a brilliant mind" and "an abiding respect for law." Those are direct quotes. But despite her outstanding credentials and strong support from across the political spectrum, Republicans filibustered her confirmation last Congress.

President Obama is the only President in the 65-year history of the DC Circuit Court not to have a single judge confirmed to that court during his first term. Remember, there are now four vacancies. Since she was nominated, two additional vacancies have opened on the DC Circuit. The court desperately needs more judges.

This week the Senate will consider the nomination of John Brennan to lead the Central Intelligence Agency. Mr. Brennan's nomination is expected to be reported out of the Intelligence Committee tomorrow.

Mr. Brennan served 25 years in the CIA in many extremely important delicate roles and 4 years on the White House national security staff, where he played an instrumental role in finding Osama bin Laden and decimating al Qaida. He is very qualified, he is a wonderful public servant, and he should be confirmed quickly.

This week will be a test of the Republicans' goodwill. My Republican colleagues say they respect the Senate's responsibility to advise and consent. My Republican colleagues say they don't plan to obstruct the confirmation process for the sake of obstruction, but they filibustered President Obama's nominee for Secretary of Defense—for the first time in the history of the country, being a former Republican Senator—delaying Senator Hagel's confirmation for at least 2 weeks.

Republicans say they will not filibuster, but their actions say otherwise. Republicans say they are just requiring 60-vote thresholds, but the difference between a filibuster and requiring a 60-vote threshold on nominations is a distinction with no difference. In a nation founded on the principle of justice for all, requiring a 60-vote threshold on nominations is unfair. It is unfair for all. It is extremely important that we adequately staff our Federal courts, and we have not done that.

At a time when America faces so many threats abroad, it is crucial we have a talented and dedicated individual such as John Brennan leading our Nation's most prominent intelligence agency. Yet Republicans again and again inject politics into the confirmation process, both when considering judicial nominees and, most recently, when considering Cabinet nominees.

There was once a time when Republicans were the ones defending the right of the President to choose the players on his team. Back then it was a Republican in the White House.

In 2001, the senior Senator from Utah touted the "longstanding tradition in the Senate . . . [to] afford the President a significant degree of deference to shape his Cabinet as he sees fit."

Four years later, after President Bush was reelected, the senior Senator from Arizona pointed out that elections have consequences and said, "The President has a right to put into place

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



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the team he believes will serve him best.”

As we consider key nominations this week and in the future, I hope my Republican colleagues honor the long-standing tradition of the Senate that they have identified and we agree with. I urge my Republican colleagues to consider that if the Senate fails to properly staff our national security agencies or the Nation’s judicial system, our inaction will also have consequences.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Vermont.

#### NOMINATIONS

Mr. LEAHY. Mr. President, I thank the majority leader for what he said on these nominations. As he knows, we have an awful lot of them that have come out, and then every time he has tried to move them quickly on the Senate floor there has been opposition from the other side.

It has been frustrating when we actually had nominations that waited months, or will have a cloture vote, and then they will get 90 or 95 votes for confirmation.

Mr. REID. Mr. President, would my friend yield for a question?

Mr. LEAHY. Of course.

Mr. REID. I ask the chairman of the Judiciary Committee to explain to everyone within the sound of our voices how important the DC Circuit is to our country.

Mr. LEAHY. Mr. President, it would be hard to state it any better than the Senator from Nevada has. But so many of the issues we grapple with every single day on this floor—regulatory issues, issues that affect the various departments of government—when there are appeals of those issues, when there are questions of what the Departments do, they invariably go to the DC Circuit. They don’t go to the U.S. Supreme Court.

The U.S. Supreme Court, as the distinguished Presiding Officer and the distinguished majority leader know, takes only a tiny percentage of cases that are appealed. But every one of these major legal issues that are appealed are heard by the DC Circuit, and it is frustrating to know there is a concerted effort on the other side to try to stop having a balance in the DC Circuit.

Every one of us as lawyers would hope we could come into a courtroom

and know that if we have a good case, we would win it; and if we have a bad case, we would lose but that the cards aren’t stacked against us because we are a Republican or Democrat. Because of the makeup of the DC Circuit, more and more people are getting the view—rightly or wrongly—it is stacked. The efforts of the Republican Party to block anybody else from going down there except for people they have vetted increase that impression that the court is stacked. That doesn’t help the system of justice in the United States. It actually doesn’t help whether you are a Republican or a Democrat because it destroys the idea of the impartiality of the courts.

Mr. REID. Mr. President, I ask for permission to ask one more question of the senior Senator.

Mr. LEAHY. Of course.

Mr. REID. Legal scholars have said, and I have read, that they believe the DC Circuit is just a little bit below the Supreme Court; that it hears cases of such significance. That is why it was established some 65 years ago: to take care of cases the Supreme Court couldn’t.

Is that true?

Mr. LEAHY. Mr. President, the Senator from Nevada is absolutely correct. I would even argue that in some areas it is more important than the Supreme Court because on so many of the issues that go there, they will have the final word. The Supreme Court could never hear all of the requests for appeals from the DC Circuit, and they become the final word.

So on the issues that involve average Americans based on what their government does, they will be decided in that circuit court, not in the Supreme Court. So it is extraordinarily important that we have a balanced court there.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### HEALTHCARE

Mr. BARRASSO. Mr. President, I rise today to talk about the policy changes and choices made in Washington and how they affect the spending and the well-being of so many people all around this great country. There has been a great deal of talk recently about how we can get our out-of-control Washington spending under control. How can we curb spending?

We also need to keep in mind some of the policies of the Obama administration and how they have impacted spending and how they have created economic conditions that have forced many of these hard choices to be made

by American families. I believe our weak economic recovery is a result of bad policy choices that have cost Americans their jobs, and it has cost them dollars—money—they cannot spare.

The list of the administration’s bad policy choices is long and, in my opinion, right at the top of that list is the President’s health care law. Last week, we learned from a GAO study requested by Senator SESSIONS that the President’s health care law will add \$6.2 trillion to Washington’s debt. Of course, that is debt on the back of every young person in America and on the back of future generations. It is a debt upon the entire Nation.

It is also adding to the financial burden in this country. Recently, the Obama administration has released more rules for how this health care law will be implemented. The new regulations that have just come out lay out something called “essential benefits.” These are the government-mandated items that health care policies will now have to offer.

Along with other parts of the health care law, these new rules will raise the premiums American families pay for their health coverage. That is not what the American people wanted, that is not what they were promised by the President, and that is not what they need during this difficult economic time.

Remember, President Obama promised that under his health care plan insurance premiums, he said, would go down \$2,500 for the average family by the end of his first term. That has come and gone, but what the President promised the American people has not happened. Instead, premiums have gone up by an average of more than \$3,000 family.

As more provisions of the law kick in, I can tell you it is going to get worse. As the Obama administration puts out more regulations, premiums are going to continue to go up and up. The American people are in for a serious case of premium sticker shock.

This is especially true for young people, people in their twenties, people in their thirties. That is not just my prediction. It is the warning we are getting from State officials who actually supported the President’s health care law. Of course, they supported it before they knew what was in it.

The State insurance commissioner in Oregon has said the new regulations could push up premiums for young consumers by as much as 30 percent next year. According to a recent piece in the Los Angeles Times, that was not an accident. It was an intentional effect of trying to lower prices for older Americans by raising the prices for younger people. In fact, the cost-shifting was a top priority of the AARP during the debate.

Of course, I believe the administration was not honest about it. They did not come out and tell young people: Hey, you are going to have to pay a

higher premium so someone else pays less. No. Democrats in Congress and the White House tried to say young people were going to pay lower prices, but now we are seeing it was never true.

The premium increases are also going to be worse if you do not get insurance through your employer. That is because you may end up in the individual market. A recent Gallup poll found that fewer people are getting their insurance through work. Just since 2008, the number has dropped significantly. Among people between the ages of 18 and 25 years old, only 32 percent now get their health insurance through work.

Healthier people—people who take the time to focus on staying healthy—are actually going to pay more too. Even if you eat a good diet, you exercise, you do the things people would be encouraged to do so they do not get sick, you are going to pay more under the President's health care law.

According to a new survey of insurance companies, younger and healthier customers can expect premium increases of 169 percent, on average, in 2014. That is in the individual market, that more people will find themselves forced into as their employers drop coverage.

The Congressional Budget Office says that even when you take into account the subsidies some of these people will get under the law, premiums will still go up an average of 10 to 13 percent even after the subsidies are applied.

If that happens, a family buying coverage on its own may end up paying \$2,100 a year more because of the health care law. You might ask yourself, why are the premiums going up so fast? It is because of the law's new requirements.

For one thing, there is something called the essential health benefits. We just got new rules on these from the administration. Those are the specific mandates that require insurance plans to cover a wide range of services. For most consumers it is going to mean a more extensive and longer list of benefits. That might sound good, but they may be for things the consumers do not want. It does not matter. Under the law, the consumers have to pay for them. It is still higher costs—much higher costs. People cannot just get the insurance they and their family want, that is right for them, and they can afford. No, that is not enough. They must buy Obama administration-approved health insurance. That is what they have to buy. That is what the law says, and it is going to be much more expensive than what they might want, they might need or they can afford and think is good for them.

Families are going to have to pay for insurance that covers the whole laundry list of benefits, whether they want them or not. Why should the government—Washington—tell a single 33-year-old man he has to pay for ovarian cancer screening? Why should someone

without children have to pay for a plan that covers pediatric eye exams? Even the American Academy of Ophthalmology has said that requirement goes too far. They are worried that once insurance has to cover it, there will be overuse of comprehensive eye exams on children who do not even need them. Of course, that may happen. If it is covered by insurance, people are going to want more of it. That drives up health care costs, and health insurance costs go up even more.

To make matters worse, the law requires the Secretary of Health and Human Services to update the list of these benefits every year. These are the benefits you still may not want—certainly do not want to be forced to pay for—but you are stuck with them now. We all know this list is not going to get any shorter. It is going to grow longer, and the costs are going to continue to go up.

That is what has happened at the State level. Health insurance mandates in some States now include everything from circumcisions to breast implant removal, and mandates add anywhere from 10 to 50 percent to the cost of insurance.

It is no way to run a health care program. Consumers should decide what benefits they want, what benefits they think they may need, not Washington bureaucrats.

Finally, I will give just one more example of how the new rules will drive up premiums. This has to do with new age rating rules in the law. The age rating limits the amount premiums can vary between healthy younger individuals and unhealthy older consumers. This is the most direct way Democrats are taxing the young to pay for everyone else.

Under the President's health care law, the premium charged to a sicker older person cannot be more than three times what a healthy 21-year-old has to pay. So those younger people are going to end up paying more. Rather than pay the higher cost, many younger people will just not purchase insurance at all. They will just pay the law's tax penalty instead. That is because it is still cheaper than the insurance premiums that have been driven up due to the President's health care law. That means premiums will go up even faster for the people left in the insurance pool, and the whole thing will keep spiraling out of control.

The White House says it will not budge on these age-rating rules. So people in their twenties and thirties and early forties should just prepare themselves now for the premium hikes they are going to see under the President's health care law.

Those are just a few of the new rules and just a few of the ways the health care law continues to raise costs and raise premiums for hard-working Americans. It seems to me the President is still in his campaign mode, so he will not admit it, but he is not fooling anybody.

I recently completed a statewide tour of Wyoming. I visited a dozen towns across the State and met with hundreds of people. I can tell you, in those meetings, people still say the health care law is unworkable, it is unaffordable, and it remains very unpopular.

The people of Wyoming, as did people across the country, knew what they wanted from health care reform. They wanted the care they need, from a doctor they choose, at lower costs. What they got were higher premiums, higher taxes, and more government control over their personal health care decisions.

When the new rules were released 1 week ago, HHS Secretary Kathleen Sebelius said: "Being sick will no longer keep you, your family, or your employees from being able to get affordable health coverage."

What she should have added was: The President's own health care law will be the thing that keeps people from getting affordable coverage.

The law that was passed was the wrong solution and the wrong way to reform our health care in this country. Hard-working American families cannot afford it, and they deserve better.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

(The remarks of Mr. NELSON pertaining to the introduction of S. 436 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NELSON. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXECUTIVE SESSION

NOMINATION OF PAMELA KI MAI CHEN TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

NOMINATION OF KATHERINE POLK FAILLA TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations which the clerk will report.

The legislative clerk read the nominations of Pamela Ki Mai Chen, of New York, to be United States District Judge for the Eastern District of New York, and Katherine Polk Failla, of New York, to be United States District Judge for the Southern District of New York.

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

Mr. LEAHY. Mr. President, last week, Congress failed to act to avoid indiscriminate across-the-board cuts from sequestration. These automatic cuts are in the tens of billions of dollars at a time when our economy is finally recovering but remains fragile. Among those who will have to endure these cuts are the overburdened Federal courts already suffering from longstanding vacancies that number almost 90 and have remained near or above 80 for almost 4 years. Budgetary cuts will mean more difficulty for the American people to get speedy justice from our Federal justice system.

Two senior district judges, one appointed by President Reagan and one appointed by President Clinton, wrote last week in U.S. News and World Report that sequestration will "devastate the judicial branch." They wrote: "[C]ourts may need to close periodically, furlough employees, and cut security, thereby, delaying proceedings. These realities, combined with a reduction in supervision of persons on bond and convicted felons who are released from prison, compromise public safety." They conclude: "[Our Federal courts provide access to justice, protect against abuses of power, and defend the Constitution. Failure to avert sequestration by March 1 undermines the ability of the Federal courts to fulfill this Constitutional mandate." I ask unanimous consent that this article be printed in the RECORD at the conclusion of my statement.

As we hear these warnings from judges and other officials across our three branches of Government, I hope Senators understand that sequestration is bad for the courts, bad for the economy, and bad for the American people.

Over the past 4 years, unprecedented obstruction by Senate Republicans has

meant that all judicial nominees have become wrapped around the axle of partisanship. Senators from both sides of the aisle used to agree that Federal courts are supposed to be impartial and outside of politics. Yet, the actions of Senate Republicans over the last 4 years have undermined that principle of our constitutional system and hurt the integrity of the judiciary. I hear this from judges appointed by Republican Presidents and those appointed by Democratic Presidents. They say the unprecedented delays that nominees face politicize the courts and destroy the appearance of impartiality the Federal courts need. Supreme Court Justice Anthony Kennedy said last year that this extreme partisanship erodes the public's confidence in our courts and "makes the judiciary look politicized when it is not, and it has to stop."

This obstruction has also contributed to keeping judicial vacancies at a damagingly high level for over 4 years. Persistent vacancies mean that fewer judges have to take on growing case-loads and make it harder for Americans to have access to speedy justice. There are today 89 judicial vacancies across the country. By way of contrast, that is more than double the number of vacancies that existed at this point in the Bush administration.

Senate Republicans chose to depart dramatically from well-established Senate practices from the moment President Obama took office in their efforts to delay and obstruct his judicial nominations.

Until 2009, judicial nominees reported by the Judiciary Committee with bipartisan support were generally confirmed quickly. Until 2009, we observed regular order, we usually confirmed nominees promptly, and we cleared the Senate Executive Calendar before long recesses. Until 2009, if a nominee was filibustered, it was almost always because of a substantive issue with the nominee's record. We know what has happened since 2009. The average district court nominee has been stalled 4.3 times longer and the average circuit court nominee has been stalled 7.3 times as long as it took to confirm them during the Bush administration. No other President's judicial nominees had to wait an average of over 100 days for a Senate vote after being reported by the Judiciary Committee.

Some Republicans have ignored the facts I just cited even though they came from the nonpartisan Congressional Research Service (CRS). No invented statistic can change the fact that no president's nominees have ever waited as long for a vote as President Obama's.

Senate Republicans have also claimed that President Bush had only 74 percent of his nominees confirmed during his first term. This is also not true. President Bush nominated 231 men and women to serve as circuit and district judges; of them, 205 were confirmed. That is a confirmation rate of

89 percent. During President Obama's first term, only 173 district and circuit judges were confirmed, and a much lower percentage. Contrary to the claims of Senate Republicans the Senate has confirmed far fewer of President Obama's nominees and confirmed them at a significantly lower rate at the same points in his and President Bush's administrations. Senate Republicans talk about how much progress we made during the 112th Congress, when we confirmed 113 of President Obama's circuit and district nominees. But they ignore the fact that 19 of those nominees could and should have been confirmed during the 111th Congress, and the fact that the 60 confirmations they allowed in the 111th Congress was the lowest total for a new president in over 30 years. They ignore the fact that in President Obama's first year in office they allowed just 12 of his circuit and district nominees to be confirmed, which, according to CRS, was the lowest one-year confirmation total since the Eisenhower administration when the Federal bench was barely one-third the size it is today. We have yet to make up the ground we lost during those first 2 years. Looking only at the confirmation total from last Congress while ignoring the historic obstruction of nominations that preceded it and the backlog that was created provides an incomplete and misleading picture.

There can be no question about the effect of the unprecedented effort by Senate Republicans to obstruct President Obama's judicial nominations. Despite bipartisan calls to address longstanding judicial vacancies, the delays and obstruction of judicial confirmations have led to judicial vacancies to the remaining near or above 80 for almost 4 years.

During the vote on Judge Bacharach last week, some Senators defending the filibuster that blocked his confirmation for 7 months claimed that it was just the usual Senate practice in a presidential election year. During the filibuster last year of Judge Bacharach, there was not even a pretense of any substantive concern—Senate Republicans just decided to shut down the confirmation process and contorted the "Thurmond Rule." But personal attacks on me, trying to repackage their own actions as if following the Thurmond Rule, do not change the facts. The fact is that in the past six presidential election years, Senate Democrats have never denied an up-or-down vote to a consensus circuit nominee; Senate Republicans cannot say that. Until last year, no circuit nominee with bipartisan Judiciary Committee support had ever been successfully filibustered. Senators claiming to be upholding Senate tradition while engaging in a filibuster that had no precedent in Senate history are not supported by the facts.

After last year's filibuster, Judge Bacharach waited another 7 months before being allowed a vote on the merits.

The outcome of that vote was that he was confirmed unanimously. It is hard to understand why 7 months of delay were necessary. During the 7 months of additional unnecessary delay since his filibuster, Judge Bacharach could have been working on behalf of the people of Oklahoma, Kansas, New Mexico, Colorado, Wyoming, and Utah. Likewise there is no reason to delay further the confirmation of Caitlin Halligan, whose nomination to the D.C. Circuit was first reported nearly 2 years ago. Senate Republicans justified their filibuster of her nomination a year ago by arguing that the Circuit did not need another judge. Since that time, the number of vacancies on that court has doubled, and it is now more than one-third vacant. It needs Caitlin Halligan. She is the kind of moderate, superbly qualified nominee who should easily be able to be confirmed under any standard by which the Senate has considered judicial nominees in the past. It is well past time to walk back from the precipice marked by the wrongheaded filibuster of Ms. Halligan. The continued filibuster of her nomination does harm to the Senate, to the important D.C. Circuit, and to the American people.

At a time when judicial vacancies have again risen to almost 90, we must do more for our overburdened courts. It is past time for the partisan obstruction to end. We have a long way to go. After 4 years of delay and obstruction, we remain far behind the pace of confirmations we set during President Bush's administration, and there remain far too many judicial vacancies that make it harder for Americans to have their day in court. During President Bush's entire second term, the 4 years from 2004 through 2008, vacancies never exceeded 60. Since President Obama's first full month in office, and as far into the future as we can see, there have never been fewer than 60 vacancies, and for much of that time many, many more. The Senate must do much more to fill these vacancies and make real progress.

Senate Republicans claim that we cannot do more because President Obama has not made a sufficient number of nominations. But it is Senate Republicans themselves, and their unwillingness to work with a President who has reached out to them to submit recommendations and to work with him, that has delayed many nominations.

Unlike his predecessor, President Obama has worked hard to solicit recommendations from home State Senators, including those from the other party. This President has consistently selected qualified, mainstream nominees. For the judicial vacancies in States with 2 Republican Senators, just 11 percent have a nominee. I urge Senate Republicans to do a better job providing consensus recommendations and fulfilling their own constitutional responsibility to "advise" the President on nominations and work with President Obama to fill these vacancies.

The Senate today will finally vote on the nominations of Pamela Chen and Katherine Failla. Both nominees should have been confirmed last year. Pamela Chen is nominated to fill a judicial emergency vacancy on the U.S. District Court for the Eastern District of New York. She has worked as an Assistant U.S. Attorney for the district to which has now been nominated to be a judge for all but one of the last 14 years, rising from a line prosecutor to serve as chief of Civil Rights Litigation, deputy chief of the Public Integrity Section, and chief of the Civil Rights Section, Criminal Division. Between January and April 2008, she served as the deputy commissioner for enforcement at the New York State Division of Human Rights. Previously, she spent 7 years as a trial attorney and senior trial attorney in the Special Litigation Section of the Civil Rights Division of the U.S. Department of Justice. She began her legal career as an associate in private practice. She earned her B.A., with honors, from the University of Michigan, and her J.D. from Georgetown University Law Center. When confirmed, Pamela Chen will be only the second female Chinese-American in U.S. history to serve on a Federal district court. She will also be one of only a few openly gay Federal judges.

Katherine Failla is nominated to serve on the U.S. District Court for the Southern District of New York. Since 2000, she has served as an Assistant United States Attorney in that division, and since 2008 she has served as the chief of the office's Criminal Appeals Unit. Prior to her government service, she was an associate in the New York office of Morgan Lewis & Bockius LLP. In her career, she has tried 10 trials to verdict. After law school, she clerked for the Honorable Joseph E. Irenas, U.S. District Judge for the District of New Jersey. She graduated with honors from the College of William & Mary, and Harvard Law School.

After today's votes, there are still another 15 judicial nominees pending before the Senate. All of these nominees had to be renominated after being returned at the end of the last Congress. It is unusual to have such a backlog so early in a Congress, and this is the result of Senate Republicans' refusal to allow votes on 11 nominees at the end of last year, almost all of whom had been reported with bipartisan support, and their refusal to consider another 4 who had hearings and could have been expedited. I urge that the Senate act quickly on these long-pending nominations. Further delay does not serve the interests of the American people. Hardworking Americans deserve better.

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

[Feb. 27, 2013]

## SEQUESTRATION THREATENS AMERICAN JUSTICE

(By Charles N. Clevert, Joseph H. Rodriguez)

As senior U.S. district judges, we urge members of the House and Senate to act by March 1 to halt sequestration—looming, indiscriminate, 5.1 percent budget cuts for the nation's federal courts. Crippling across-the-board budget cuts would threaten constitutional rights, American justice, and court security. Relatively little light has been shed on the effects that these budget cuts would have on our federal court system.

These cuts would devastate the judicial branch, which receives a mere two 10ths of 1 percent of the federal budget. Federal courts operate on a lean budget and have embraced cost containment by measures including staff reduction below authorized levels. Thus, we urge the House and Senate to act quickly and reach a budget agreement that prevents sequestration and all its attendant harms.

Lawmakers, businesses, and citizens alike must recognize that budget sequestration imperils fundamental constitutional rights and courts that protect those rights. The right to be heard, the right to a speedy and public trial, and the right to effective assistance of counsel in criminal cases are cornerstones of our democracy. Sequestration could dissuade attorneys from accepting appointments to represent indigent defendants because of inadequate funding. Moreover, courts may need to close periodically, furlough employees, and cut security, thereby, delaying proceedings. These realities, combined with a reduction in supervision of persons on bond and convicted felons who are released from prison, compromise public safety. Additionally, offenders with mental health needs or drug and alcohol abuse problems would receive inadequate monitoring and substandard treatment.

Access to justice is not a luxury. If budget cuts slam courthouse doors and postpone trials, some criminal cases may need to be dismissed. Therefore, trust and confidence in our federal courts would be at risk. Additionally, limited funds needed to pay citizen jurors and the priority that must be given to criminal proceedings could delay civil cases as well. At the same time, budget related delays would prevent bankruptcy courts from functioning normally in providing relief to struggling debtors and ailing businesses seeking reorganization. These individuals, businesses, and employees would be harmed and economic recovery will be slowed.

Cuts to courthouse security personnel and programs may be as high as 30 percent. These cuts would compromise the safety of all who visit or work in federal courthouses, including witnesses, jurors, and judges. Recent tragic shootings at or near courthouses in Delaware and South Carolina underscore that concerns about courthouse safety are not theoretical matters; cuts to funding for courthouse safety will only deepen these concerns.

America's courts are the final line of protection for the legal rights of all. They provide access to justice, protect against abuses of power, and defend the Constitution. Failure to avert sequestration by March 1 undermines the ability of the federal courts to fulfill this Constitutional mandate.

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

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

(The remarks of Mr. LEAHY, Ms. COLLINS, Mrs. GILLIBRAND and Mr. KIRK

pertaining to the introduction of S. 443 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. Mr. President, I reserve the remainder of my time.

I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### HALLIGAN NOMINATION

Mr. SESSIONS. Mr. President, I rise to express my opposition to the nomination of Caitlin Halligan to be a judge for the U.S. Circuit Court of Appeals for the D.C. Circuit. That is an important court, one of the most important courts, one step below the Supreme Court.

I would note that the Senate has already once rejected proceeding with consideration of this nomination and, in my opinion, for good reason. We do not do that lightly. We should not do that lightly. But it is an important question, and nominees do have to clear the Senate, and the Senate is not a rubber stamp.

Ms. Halligan has a well-documented record of advocating extreme positions on constitutional issues, pushing legal arguments beyond what I think is reasonable, including in cases involving Second Amendment gun rights, abortion, the death penalty, and others.

But one of the most troubling of her views pertains to the war on terror and the detention of enemy combatants. This is alarming not only because the arguments she has advanced in this regard are contrary to well-settled law, but because the court she seeks to join the D.C. Circuit has a critical role in national security matters, including deciding habeas petitions of terrorist detainees.

As a member of the Association of the Bar of the City of New York's Committee on the Federal Courts, she joined a 2004 report, the self-described purpose of which was specifically to "address, in particular, the role the federal courts should play in striking [the] balance [between, in this case, national security and civil liberties concerns] with respect to the detention and trial of suspected terrorists or their accomplices designated as 'enemy combatants' by the executive branch."

The report comes to the untenable conclusion that the congressional Authorization for Use of Military Force does not authorize the indefinite detention of enemy combatants.

These are prisoners of war. Not only did the Supreme Court hold that it does, in fact, authorize indefinite detention in *Hamdi v. Rumsfeld*, but the Obama administration has argued for a

broad construction of that authority itself. And, in a series of rulings joined by judges across the ideological spectrum, the D.C. Circuit has adopted, itself, that broad definition.

The report also adopts—this is the bar association report. And I have to say, lawyers and bar association committees, they sign on reports dealing with the national security of the United States of America. They sign on reports dealing with how prisoners of war are to be determined and handled. At a time of national crisis, when we are in a national debate about that, they should know what they are talking about, and this bar association did not.

The report also adopts the unsupported view that the war on terrorism "seems closer to a law enforcement effort than to a military campaign."

But I would say to that, the Congress voted and declared it to be a military effort. Tell that to the soldiers in Afghanistan chasing down al-Qaida operatives, that it was not a war.

The report goes on. But this was part of the attempt at the time to undermine President Bush's ability to effectively manage the war effort. The report argues vigorously against the use of military commissions—that is where you try prisoners of war for violations of the rules of war, in military commissions—and maintains that the preferred place to try them are Article III civilian courts, normal civilian courts, except in "exceptional circumstances."

They say, of course, to try them in a civilian court would provide the terrorists—enemies of the United States, participating in a war against the United States—with all the same constitutional rights that a person who defrauded the IRS or robbed a bank would have. But it is a different situation. You do not give those kind of rights to people at war with the United States, whose goal is to destroy the United States and to replace the government. That has never been the position in our country, nor in any other nation in the world that I am aware of. But that is the position she signed on.

While Obama surrogates and supporters during the campaign often attacked Bush and made these kinds of allegations, the Obama administration, after taking office, has been forced to abandon those positions. They are untenable.

One of the report's flawed arguments of why you should try unlawful enemy combatants—that is people at war against the United States in Article III civilian courts is as follows: "It seems self-evident that the same [constitutional] protections [afforded ordinary criminals] should presumptively extend to those individuals whom the government has seized and proposes to detain for an extended, and perhaps indefinite, period of time because they are suspected of having engaged in conduct intended to further terrorist aims, thus violating applicable criminal laws."

Well, applicable criminal laws were violated, but it was an attack on the United States, not a normal crime. And the Nation made a very clear decision on which I thought all of us were in agreement that we had moved from a time of criminal activity to a time of war, and we acted in that fashion. So there is nothing self-evident about the position in the report that an unlawful enemy combatant whose only connection with the United States is his acts of war against it should be afforded the constitutional due process rights of an American citizen who committed a crime.

Andy McCarthy, a former longtime Department of Justice veteran prosecutor, who tried the Blind Sheik case, said this:

The only thing the framers might have found more appalling is the notion that the Constitution licenses lawfare—i.e., that it permits the American people's courts (which, other than the Supreme Court, are creatures of statute not required by the Constitution) to be used by foreign enemies to put on trial the armed forces of the American people over the manner in which they conduct wartime combat operations that have been authorized by the American people's representatives.

I think Andy McCarthy is right about that. I think that is basically what happened. I do not dispute it is fully acceptable for lawyers to defend unpopular clients. However, it is curious to me that while this Nation has hundreds of thousands of fine lawyers and thousands of proven prosecutors, the ones who seem to have a leg up—I am saying this carefully because I have observed this now for 4 years. I think it is significant. The ones who seem to have a leg up in this administration's nomination process are those who have challenged the legal policies of the former President of the United States as he attempted to conduct a war to defend the United States against an enemy dedicated to its destruction.

Time and time again, these are the people who have been nominated for high Department of Justice offices and to the courts. The lifetime appointment to which Ms. Halligan has been nominated demands independence and a commitment to the rule of law and not to a political agenda.

At her hearing, she did attempt to distance herself from the report, variously claiming she had not seen it until just before the hearing and that she had not attended all the meetings at which the report was discussed. She admitted, however, that she could have requested that her name not be on the report, as did four other members of the committee, but she did not. She signed it.

In fact, according to her own testimony, she never took any action to repudiate the report or its contents before her nomination or even before her hearing. The first time she expressed any disagreement with the report, it seems, was at her confirmation hearing. Some call that a confirmation conversion. A serious attorney would have

taken swift action to either remove their name from the report or to repudiate it. No serious attorney would affix their name to a report on such important matters in a time of war without studying it carefully, surely.

It can only be assumed the report represented her views on the role of a civilian Article III court with respect to detention and trial of enemy combatants. It would have done more for her credibility to own up to that fact, rather than paying lip service to what might be more helpful during the confirmation process.

The report continues its irresponsible description of the al-Qaeda supporter and convicted terrorist Ali al-Marri as a “civilian in this country legally, [who] seems suspected of providing logistical support for al-Qaeda sleeper cells: presumably criminal activity, if proven, but not ‘combatant’ activity under any likely definition of the term.” Al-Marri eventually pleaded guilty to providing material support to al-Qaeda and was sentenced to eight years in federal prison. In his guilty plea, he admitted that he attended terrorist training camps in the years prior to the 9/11 terrorist attacks; that he was instructed by Khalid Sheikh Mohammed, the mastermind of 9/11, to enter the U.S. just prior to 9/11 and await further instruction from al-Qaeda; and that while here, he researched chemical weapons and communicated with al-Qaeda members. Investigators also discovered that he had made several phone calls to Mustafa al-Hawasawi who had wired money to the 9/11 hijackers.

When al-Marri’s case came before the Supreme Court, Ms. Halligan, as a private practitioner, donated her legal services pro bono to co-author an amicus brief on his behalf. The brief argued the United States lacked the authority to detain al-Marri as an enemy combatant, and that the AUMF did not authorize his seizure and indefinite military detention, without criminal trial. At the hearing, Ms. Halligan claimed—unconvincingly in my view—that the brief did not represent her personal views. But the fact remains that she chose to donate her professional legal services to defend a radical Islamic terrorist instead of the millions of Americans who need legal representation, or victims of terrorism in this country and all over the world, or women in Afghanistan fighting for equal rights, or those suffering from religious persecution in Islamic countries. The fact that she would sign her name to the Bar report, and her decision to co-author and file an amicus brief in the al-Marri case, is a very serious matter. And those actions cast doubt on her testimony that she was not aware of the contents of the Bar report.

Much of Ms. Halligan’s testimony did not match up with her record as an attorney both in private practice and public service. During her testimony, she attempted to evade the activist views she spent her career advancing,

claiming, for example, that she now embraces original intent as the preferred method of Constitutional interpretation. At the same time, however, she was forced to admit that, prior to her “confirmation conversion,” she had never once espoused such views. That is not surprising, given her well-documented record over the course of many years of advocating for the restriction of Second Amendment rights, including in favor of liability for gun manufacturers, for same sex marriage, for limiting the death penalty, for back pay for unauthorized illegal alien workers, and for affirmative action. All positions utterly unsupportable by an original intent approach to constitutional interpretation.

Her attempts to distance herself from her record were simply unconvincing. There is no question where she stands on these issues. She herself has said that the “courts are the special friend of liberty . . . the dynamics of our rule of law enables enviable social progress and mobility.”

Her testimony did nothing to convince me that her written record does not paint the accurate picture of what her tenure on the bench would look like if she were confirmed. We have judges who follow their oaths to serve under the Constitution and the laws of this country. They are never above it. They are never free to alter the meaning of words to advance a personal agenda.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

Mr. SCHUMER. Reserving the right to object, I have some remarks I would like to make before 5:30.

I do not object.

Mr. SESSIONS. I will try to not utilize the 30 seconds the Senator used in agreeing to this. But I would point out there are other different complaints that we have about the circumstances of this nomination. I do think it is an extraordinary circumstance. I take that decision seriously. There have not been many that I found that to have occurred.

Therefore, I will oppose the motion for cloture and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank my colleague from Alabama for taking only 30 seconds because of the 30 seconds I took to explain to him. I have three parts to my little statement. I will speak briefly on each.

First, I rise in support of the nominations of Katherine Failla for the Southern District of New York and Pam Chen for the Eastern District. I have enthusiastic support for both of them. They are superb nominees to the Federal bench. Let me talk a little bit about each.

Similar to many proud New Yorkers, Chen was not born in New York City.

But she is now a valid and valuable member, not just of the New York Bar but of our entire community. Chen was born in Chicago after her parents came here from China. She came by her zeal for public service honestly because her father worked for the IRS for over 30 years, while her mother was a professor of political science.

When I first met Chen, I do not think it took more than 5 minutes before she talked about how proud she was of her parents, how grateful for the sacrifices they made so she and her brother could excel in later life.

She graduated from the University of Michigan and then Georgetown Law Center. As a young lawyer, she began as a litigator in private practice, and then began her illustrious career in public service by joining the Special Litigation Section of DOJ’s Civil Rights Division.

Fortunately for the people of New York, she came to the Office of the U.S. Attorney for the Eastern District of New York—which serves principally Brooklyn and Long Island—in 1998, and has been there ever since.

At one of the premier U.S. Attorney’s offices in the Nation, she rose to be chief of the civil rights litigation unit and later the civil rights section in that office.

She has prosecuted all manner of public corruption, gang, narcotics, and terrorism cases.

She is one of those highly intelligent, analytical individuals who was probably born to be a lawyer, and, once a lawyer, was almost certainly destined to be a judge.

Born in Edison, NJ, she earned her B.A. from William & Mary, and her law degree from Harvard. After clerking for the Federal court in New Jersey, she practiced in New York City with the law firm of Morgan, Lewis & Bockius, and 6 years later joined the U.S. Attorney’s office.

She has now served as a prosecutor for 12 years. In her work as head of the criminal appeals section, she defends some of the most important criminal convictions in the Nation, including terrorism cases such as the East African bombing case against bin Laden and his associates, complex white-collar cases, and RICO cases.

Her colleagues report to a person that her advice on legal arguments and matters of judgment is the most sought after in the whole \* \* \*

Everyone attests to the fact she is fair, decent, honest, and very smart. I wish to finally add that I look for three qualifications in a nominee: excellence, she clearly has that; moderation, she has that; and all else being present, diversity. Chen will be only the second female Chinese-American article III judge in U.S. history, making this day yet another step forward in our path to making the Judiciary reflect both the talent and depth of experience of our communities.

Katherine Failla is currently U.S. attorney in charge of the important and

prestigious Criminal Appeals Unit in the Southern District of New York. She is one of those highly intelligent, analytical individuals who was probably born to be a lawyer, and once a lawyer, was almost destined to be a judge.

She has served as a prosecutor for 12 years. Her colleagues report to a person that her advice on legal arguments and matters of judgment is the most sought after in the whole office. This is the Southern District of New York. It is an amazing office.

She also came to her dedication to public service through a hard-working family. This is evident through her siblings as well, a school teacher's aide and a submarine commander.

I ask that my colleagues vote for both of them shortly.

#### HALLIGAN NOMINATION

I also wish to say a few words this evening about the President's longest standing nominee to any office, Caitlin Joan Halligan. The DC Circuit is currently one-third vacant; 4 of the 11 slots are without active judges. What some people call the second most important court in the country is firing only on two-thirds of its cylinders. Halligan is one of the President's nominees for two of these four slots. Her nomination has been pending for 23 months.

Since her name has been sent to the Senate, she has not had an up-or-down vote. She has never had an up-or-down vote despite the fact that her academic and professional credentials are superb: Princeton University, GW Law School, prestigious clerkships on the DC Circuit, including Patricia Wald, the first female member of the court, and then to Justice Steven Breyer.

She has never had an up-or-down vote despite the fact that she has spent most of her career in public service as a prosecutor, first with the Office of the New York Attorney General, now as assistant district attorney who serves as the general counsel for the Manhattan DA's office.

She has never had an up-or-down vote despite the fact that she would be only the sixth woman to serve on the court since its inception in 1801. Two years ago, when her nomination was filibustered, many of my colleagues cited the DC Circuit's relatively low caseload for the reason the Senate did not need to confirm another judge. But now, 2 years later, there are only seven judges hearing cases on the court. The caseload for judges has risen 21 percent since President Bush made his last nomination to the court in 2006.

My colleagues know how difficult and time-consuming these cases are. I have great respect for my friend and colleague and the person I exercise with in the gym every morning, JEFF SESSIONS. But to say this is an extraordinary circumstance based on the smidgen of evidence he has mentioned—please, please, please.

Let's hope there is not a concerted effort by the other side to keep this im-

portant DC circuit empty—unfilled. It is unfair and it is not right to this fine women and to the need to proceed with justice in these United States of America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Pamela Ki Mai Chen, of New York, to be United States District Judge for the Eastern District of New York?

The nomination was confirmed.

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

#### VOTE ON NOMINATION OF KATHERINE POLK FAILLA

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Katherine Polk Failla, of New York, to be United States District Judge for the Southern District of New York?

Mr. WHITEHOUSE. 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 clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Ohio (Mr. BROWN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Indiana (Mr. COATS), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kentucky (Mr. PAUL), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 28 Ex.]

YEAS—91

Alexander	Cantwell	Cowan
Ayotte	Cardin	Crapo
Baldwin	Carper	Cruz
Barrasso	Casey	Donnelly
Baucus	Chambliss	Durbin
Bennet	Coburn	Enzi
Blumenthal	Cochran	Feinstein
Blunt	Collins	Fischer
Boozman	Coons	Flake
Boxer	Corker	Franken
Burr	Cornyn	Gillibrand

Graham	Leahy	Rubio
Grassley	Lee	Sanders
Hagan	Levin	Schatz
Harkin	Manchin	Schumer
Hatch	McCain	Scott
Heinrich	McCaskill	Sessions
Heitkamp	McConnell	Shaheen
Heller	Menendez	Shelby
Hirono	Merkley	Stabenow
Hoeven	Mikulski	Tester
Inhofe	Moran	Thune
Isakson	Murphy	Toomey
Johanns	Murray	Udall (NM)
Johnson (SD)	Nelson	Warner
Johnson (WI)	Portman	Warren
Kaine	Pryor	Whitehouse
King	Reed	Wicker
Kirk	Reid	Wyden
Klobuchar	Risch	
Landrieu	Roberts	

#### NOT VOTING—9

Begich	Lautenberg	Rockefeller
Brown	Murkowski	Udall (CO)
Coats	Paul	Vitter

The nomination was confirmed.

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

#### LEGISLATIVE SESSION

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

#### MORNING BUSINESS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each. And I ask unanimous consent that I speak for up to 20 minutes.

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

#### THE SEQUESTER

Mrs. BOXER. Mr. President, one of the virtues of traveling back home is to hear what the people are saying about us. And it isn't good. The people are on anxiety overload. The purpose of my remarks is not to increase anyone's anxiety but just to tell it the way it is.

How did we get to a place where we are having mindless, across-the-board cuts in spending with absolutely no thought? It came about because the Republicans refused to increase the debt ceiling. We were about to default on our obligations, after raising the debt ceiling many times—18 times under Ronald Reagan. And Ronald Reagan warned us in those times never to play games with the debt ceiling. Well, the Republicans did. They played games with the debt ceiling, and they did it because, if you follow what the Republican leader said, his highest priority was defeating President Obama. I am sure they thought that kind of chaos would lead the way. It didn't happen, clearly. Our President was reelected, and he was reelected with the big vote.

We got into this situation with the sequester because there were games

being played with the debt ceiling, and as a way to get out of it, we did something we thought would never come to pass.

We said: OK, give us this ability to raise the debt ceiling so we can pay our bills and not become a third-world nation and not lose our credit rating even more than we have already lost it, and then we will look at deficit reduction. If the supercommittee can't come up with a deal, we will have these across-the-board cuts.

No one thought they would happen, and they are happening. And now what we hear is, oh, it is really no big deal. Our Republican friends are saying it is OK.

Maybe people watching this in their homes may not be touched by the sequester, but let me tell you who will be touched by the sequester, and let me make the argument that when these people are touched by it, we are all touched by it. This is one Nation under God, and when we hurt our people, we get hurt.

Seventy thousand children will not get Head Start. Is that supposed to be good for the country? Ten thousand teacher jobs will be lost. Is that supposed to be good for the country? How about 7,200 special ed teachers, teaching every day kids who have such a hard time just getting dressed in the morning? Is that good for America?

I would argue that this list is terrible for our country. Maybe you don't have a kid in Head Start. I don't. Maybe you don't know a special ed teacher. The point is that we are one country, and we do best when we help our most vulnerable.

How about this: 424,000 HIV tests conducted by the Centers for Disease Control will no longer happen. Is that good for the country, to have HIV-infected people walking around not knowing they have HIV? How about 25,000 fewer breast and cervical cancer screenings? Maybe it is not your wife or your sister or your mom, but somebody's sister or somebody's daughter is not going to find out she has breast cancer. Tell me how that is good for this country.

I am not even talking about the cuts to defense, some of which I think we can do but many of which don't make sense. I am just looking at the cuts to the most vulnerable people. Four million fewer meals will be served to senior citizens. Does that make you proud, Republicans? I hope you are proud. Programs such as Meals on Wheels are going to be impacted, and 600,000 women and children won't get nutrition assistance. There will be 1,000 FBI agents and other law enforcement personnel laid off or furloughed, and 1,000 criminal cases won't be prosecuted. Is that good for America? Maybe your family wasn't the victim of a crime. Maybe it is not your relative who happens to be a law enforcement officer. But this is one Nation under God, with liberty and justice for all.

How does it make sense for these cuts to go into effect when all we have

to do to avert them is reform the Tax Code and take away those juicy little tax loopholes companies that ship their jobs overseas get? How about asking someone who earns \$2 million a year to pay the same effective tax rate as their secretary? What kind of a country is this? You would rather have these kinds of brutal cuts to the least among us than just have a fair Tax Code?

In the last 40 years only one party balanced the budget, and that party is the Democratic Party. Bill Clinton and the Democratic Congress—the only party that ever balanced the budget. So spare me the lectures from my friends on the other side of the aisle about how they are the ones who know how to do it. No, they don't, because when you make these mindless cuts and people are furloughed and they have less money to spend, they don't go to the corner store and take their family for lunch or dinner. They don't spend as they would normally spend, and it is a trickle-down effect on this economy. As a matter of fact, Mark Zandi, the respected, nonpartisan economist, said it is going to take a half a point off economic growth at a time when we are not growing that robustly.

Here is the point. When President Obama inherited the job—because we elected him to it—he faced the \$1.2 trillion deficit of George W. Bush, who had turned the Bill Clinton surplus into raging deficits, and the deficits are down now to \$850 billion. So don't say we are not making progress. A Democratic President is making progress on the deficit. But let's do the rest of this deficit cutting wisely, in a balanced way. We have cut \$1.7 trillion in spending and, yes, \$700 billion in revenue. We have raised taxes on those earning a lot of money. But there are a lot more cuts we have made than revenue increases we have made.

So I come to the floor to say this is a self-inflicted wound. And if I hear anyone say: It doesn't really affect me, let me tell you that is not true because when our kids are hurt, we are hurt. When our health care system is hurt and people are walking around with diseases, we are all hurt. When our senior citizens don't get the meals, we are all hurt. Otherwise, what is the point in having a country if it is everyone for themselves? That isn't the greatness of America.

So I was proud to vote to avert the sequester. We had a majority vote before we left here for the weekend, but my Republican friends filibustered that. We had over 50 votes to get rid of the sequester, and the Republicans filibustered. Enough already. I hope they will come to their senses so we can do this deficit reduction in a serious way that makes sense.

#### CLIMATE CHANGE

Mrs. BOXER. Now I wish to talk about climate change. It is one of the most serious threats facing our Nation. All you really have to do is look out

the window to see it is already happening.

I would like to talk about a great thing that happened recently. When USA TODAY, the Nation's largest newspaper in print form—more people read that paper than any other. They announced in a front-page story last Friday, on March 1, that they are going to spend a year looking at the issue of climate change.

This is the front page. They show that the temperatures are going up. They talk about more asthma. But let's look at what they say because I am appalled that with all of this going on around us, we seem to have no way forward on this issue. I am going to be here every Monday after votes to talk about this, and I urge every Member of the Senate, Democratic or Republican, who cares about this issue to join me. We have to wake up the American people to the fact that this Senate is doing nothing. Even though I believe there is a majority for doing something, we don't have the 60 votes. So let's talk about it.

This is what USA TODAY says:

"Why you should sweat climate change."

More American children are getting asthma and allergies, and more seniors are suffering heat strokes. [Already] food and utility prices are rising. Flooding is overrunning bridges, swamping subways and closing airport runways.

We know this is true.

People are losing jobs in drought-related factory closings. Cataclysmic storms are wiping out sprawling neighborhoods. Towns are sinking.

And Congress does nothing.

USA TODAY:

This isn't a science-fiction, end-of-the-world scenario. . . . these scenes are already playing out somewhere in the United States, and they're expected to get worse in the years ahead.

People need to act quickly.

Climate change is not a place and time distant—it's here and now.

That is a quote from Kim Knowlton, who is a health professor at Columbia University, and this was shown in USA TODAY.

The most recent decade was the Nation's hottest on record.

This isn't a guess, this is the truth.

The most recent decade was the Nation's hottest on record, and 2012 was the hottest single year. The average U.S. temperature has risen 1.5 degrees Fahrenheit since reliable recordkeeping began in 1895—80% of that has occurred since 1980.

The economic costs of all these changes are enormous—not only for those directly affected but for the nation's taxpayers, who are stuck with the bills for disaster relief, national flood insurance and drought-related crop losses.

Now, what are we supposed to do about this? Clearly, scientists tell us there is too much carbon pollution in the air, and I will show you where it is coming from. The electricity sector gives us 34 percent of the carbon; the transportation sector, 27 percent of the carbon comes from there; the industrial sector, 20 percent; the agriculture

sector, 7 percent; residential and commercial building, 11 percent.

We know President Obama has done an amazing job in leading us, with Members here in the Senate, bipartisan. Senators SNOWE and FEINSTEIN worked so hard on this. He said it is time for us to get better fuel economy. Fuel efficiency is going to take carbon out of the air, and we are moving toward 55 miles per gallon. That is excellent. And we can continue to make great progress as we move toward plug-in hybrids—I drive one of those myself—and eventually electric cars. I can tell you, when you drive those cars, you don't visit those gas stations. It saves you money. It is a win-win. The environment gets cleaned up. You save money. It is all good.

We know the electricity sector is complicated, but what we want to do—many of us here—is to say: If you put a price on carbon, it will move us away from the dirtiest types of electricity production toward clean, clean electricity.

That is what we are trying to do. So Senator SANDERS wrote a very strong bill of which I am a cosponsor. It would put a price on carbon and we would take the funds we get from that price on carbon—I think it is \$20 a ton when you start—and it will bring in many billions. What we will do with it is 60 percent of it will go to the people to soften the blow of higher electricity prices until we have moved to clean energy. We have to move on this.

On residential and commercial buildings, I have a bill to move forward through the GSA, the biggest landlord in the country, and we can move forward with economies to those buildings by making sure the windows do not let in all that air or let all that heat escape, we can make those weather-related improvements and we can encourage them to move to solar and other ways. The industrial sector is the same. Once there is a price on carbon, they will move toward putting solar and the rest.

In closing, we have one self-inflicted wound called the sequester. We can get out of it easily by working together on deficit reduction in a balanced way and stop these mindless cuts that hurt the people of our Nation, the children of our Nation, the seniors of our Nation, law enforcement of our Nation—our busiest airports, trains, and the rest. We can avoid all that if we are smart and we say we want a balanced approach.

I believe if we recognize what USA Today is saying, which is we should sweat climate change because it is happening now, if we can come together we can move forward and do our part. We just heard, in the Environment and Public Works Committee—I am proud to chair it—we heard from four scientists. They were asked if we do nothing what will happen. They said parts of our Nation will not exist anymore. Imagine hearing people say no more Atlantic City, no more New Orleans. In Florida—you wouldn't recognize it.

That is the first answer. We did not even get to what happens in the West.

We know from Senators such as TOM UDALL what would happen to that beautiful State of New Mexico. It would become a desert environment; no more green, and the fires have already been starting. I am sad to say we have done little to nothing. I can only say this President has done whatever he could do. Any progress we have had has come from his executive orders and, I might add, the States.

My home State of California is moving forward, creating jobs in clean energy, moving forward, being a model, and I am going to support them and our Governor, Jerry Brown. He gets this. It doesn't take a degree in climatology to see what is happening to our climate—and it is happening. We understand it.

I saw a movie, "Chasing Ice." O God, if you have not seen it, I suggest you watch it. This is a great photographer who goes to four different places, including Montana, Greenland, Iceland, and Alaska. He puts these cameras up there to watch the glaciers. You see what happens over 2 years. These glaciers are disappearing. This is not some kind of cry for attention on my part. I love my grandkids, and I want them to have a planet that is habitable for them. They deserve that. They are going to look back to this time someday and say: My goodness, what were they thinking?

It is not too late for us. With USA Today leading the way, I think we can turn public opinion around and get going on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

(The remarks of Mrs. GILLIBRAND pertaining to the introduction of S. 443 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. GILLIBRAND. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

#### NOMINATION OF CAITLIN JOAN HALLIGAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. REID. Mr. President, I have been told the Republicans are not able to clear an agreement for consideration of the Halligan nomination. Therefore, I move to proceed to Calendar No. 13 and proceed in executive session to do that.

The PRESIDING OFFICER. The question is on the motion to proceed.

Without objection, the motion is agreed to. The clerk will report the nomination.

The legislative clerk read the nomination of Caitlin Joan Halligan, of New York, to be a United States Circuit Judge for the District of Columbia Circuit.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER (Mr. DONNELLY). 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 nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Barbara Boxer, Benjamin L. Cardin, Robert P. Casey, Jr., Bill Nelson, Barbara A. Mikulski, Amy Klobuchar, Al Franken, Jack Reed, Sheldon Whitehouse, Robert Menendez, Kirsten E. Gillibrand, Richard Blumenthal, Max Baucus, Sherrod Brown, Dianne Feinstein

Mr. REID. Mr. President, I ask unanimous consent that the quorum under rule XXII be waived.

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now proceed to legislative session.

#### MORNING BUSINESS

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

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

#### TRIBUTE TO ROSSI RALENKOTTER

Mr. REID. Mr. President, I rise to recognize a milestone in Nevada history as my friend Rossi Ralenkotter celebrates 40 years with the tourism industry. As president of the Las Vegas Convention and Visitors Authority, LVCVA, Rossi has been influential in transforming Las Vegas into a globally recognized brand and an entertainment destination. I am proud to honor him today.

After moving to Las Vegas in 1951 and graduating from Bishop Gorman High School, Rossi served our Nation in the United States Air Force. Upon returning home to Southern Nevada, he entered the tourism industry. Las Vegas hasn't been the same since.

Rossi championed the use of research and data in developing advertising and marketing strategies for Southern Nevada. He helped establish the LVCVA's research department in the early 1970's.

This innovative approach transformed advertising and marketing for the LVCVA.

Rossi was part of the effort to bring professional sports to Southern Nevada and he convinced the Triple-A baseball affiliate in Spokane, WA, to move to Las Vegas. He worked in partnership with other communities to bring NASCAR and the NBA All-Star Game to Southern Nevada. When the National Finals Rodeo outgrew Oklahoma City, Rossi helped persuade the event to make Las Vegas its new home.

By the 1990s, Rossi was overseeing incredible growth in Southern Nevada's tourism industry and changing the face of Las Vegas from a regional gaming market into an international resort destination. Rossi was part of the team that developed the most successful tourism ad campaign in history. Today, Las Vegas is synonymous with "What happens here, stays here." Rossi was named Co-Brand Marketer of the Year by Brandweek magazine for his work with this advertising campaign.

Every resident of Clark County has benefited from Rossi's successful marketing and branding effort. Tourism supports jobs for 370,000 Southern Nevada residents and generates more than \$41 billion for the local economy. Today, 20 of the world's 27 largest hotels and resorts are located on Las Vegas Strip. And our resorts count on Rossi and the LVCVA to help fill rooms. Under Rossi's leadership, Las Vegas has also transformed itself from a weekend destination into the number one trade show destination in North America for 18 consecutive years. With the slogan "Vegas means business," Rossi and his team have attracted and signed multiyear contracts to host major conventions from the Consumer Electronics Show to the International Apparel show known as MAGIC.

Rossi's magic touch and marketing brilliance caught the attention of national leaders in the tourism industry. Last year, Rossi became the chairman of our Nation's largest tourism group, US Travel. He was appointed to the Commerce Department's Travel and Tourism Advisory Board and serves as a delegate to the White House Conference on Tourism. The American Marketing Association and the Travel and Tourism Research Association have both presented Rossi with a Lifetime Achievement Award.

While everyone knows that "What happens in Vegas, stays in Vegas," it is my honor to make sure that what has happened on Rossi's watch is properly recognized. On behalf of the U.S. Senate, I am proud to congratulate Rossi Ralenkotter on 40 years in the tourism industry. All Nevadans have benefited from his leadership at the LVCVA and I look forward to many more years of working together.

#### S. 415, THE SMALL BUSINESS DISASTER RECOVERY ACT

Mr. COCHRAN. Mr. President, I am pleased to join the Senator from Lou-

isiana in introducing the Small Business Disaster Recovery Act. The purpose of this bill is to streamline certain burdensome procedures for small businesses that are affected by a Presidentially declared disaster. This bill would complement provisions adopted by this body and enacted into law earlier this year that the Senator from Louisiana and I sponsored to improve FEMA procedures. Like the bill we are introducing today, we derived these provisions from our States' experiences with Hurricane Katrina. They will not cost anything, but they will improve government services at times when they are most critical.

Through two budget-neutral provisions, this bill continues to improve the way we respond and recover from disasters using the lessons that we have learned from past disasters. Current practice dictates that small business owners can only use their homes as collateral for a post-disaster loan. The legislation's first provision clarifies that the collateral requirement for SBA disaster loans can include business assets of actual value other than a primary residence. This removes a key obstacle to small business owners who want to restart operations after a disaster but are unable or unwilling to use their homes when they could conceivably provide sufficient business assets as collateral for the loan.

The bill clearly states that these assets should be of equal or greater value to the amount of the loan and ensures that the Small Business Administration is responsive to the needs of small businesses seeking disaster loans less than the maximum allowable. I encourage the Small Business Administration to ensure that the asset requirements for collateral are established in a way that minimizes any potential waste, fraud, and abuse. This bill will maintain the traditional standards for appropriate collateral assets, which include commercial real estate, machinery and equipment, business inventory, and furniture and fixtures.

The second provision included in this legislation addresses assistance provided by small business development centers, or SBDCs, to out-of-State businesses. It seeks to repeal processes that discourage SBDCs to work across State lines when doing so actually makes good sense. Sharing resources and knowledge across State lines is essential when disasters overwhelm local capacity or expertise. This legislation has the support of the Association of Small Business Development Centers and the International Economic Development Council because it encourages such information and resource sharing.

I am pleased to join the distinguished Senator from Louisiana in encouraging States and SBDC networks to formalize partnerships across State lines before disasters strike. We are both aware that any action or decision that takes place prior to a disaster is an action that does not waste time or resources during a time of crisis. The

Emergency Management Assistance Compact system shows how well this can work.

I thank the Senator from Louisiana and her staff for working with me and my staff to make sure that this legislation addresses the need for SBDCs to be properly reimbursed for work when they appropriately respond to concerns in another state.

The reforms in this bill represent commonsense lessons that we have learned from our constituents after experiencing the effects of some of the most severe natural disasters in our Nation's history. I urge serious consideration of this legislation and invite other Senators to cosponsor this bill.

#### ADDITIONAL STATEMENTS

##### OBSERVING RARE DISEASE DAY

• Mr. BROWN. Mr. President, since 2009, the last day of February has been observed as National Rare Disease Day to raise awareness of and provide support for Americans living with a rare disease or disorder.

By definition, each rare disease or disorder affects a small patient population, less than 200,000 people. However, the combined 7,000 individual rare diseases affect nearly 30 million Americans. Sadly, children with rare genetic diseases account for more than half of the rare disease population.

Many of these rare diseases are serious, even life-threatening: epidermolysis bullosa; progeria; muscular dystrophy; sickle cell anemia; Tay-Sachs; cystic fibrosis; many childhood cancers; and fibrodysplasia ossificans progressiva.

Patients with rare diseases face unique challenges. Too many of these conditions lack effective treatments and cures. And too often people with rare diseases experience challenges in obtaining an accurate diagnosis. In addition, there is often difficulty finding physicians or treatment centers with the necessary expertise in rare diseases or disorders.

Great strides have been made in research and treatment as the result of the Orphan Drug Act, legislation passed in 1983 to encourage pharmaceutical companies to bring treatments for rare diseases to market.

This year, the Rare Disease Day Resolution also pays tribute to the 30th Anniversary of the Orphan Drug Act and calls for us to reflect upon the successes of that Act and the challenges to be addressed in the future to prevent, identify, combat, and treat rare diseases.

Rare Disease Day is also an important opportunity to honor lifesaving advances in science and research that continue to transform the diagnosis, treatment, and standard of care for many orphan diseases, thanks in no small part to the advocacy efforts of the National Institutes of Health, the medical community, patients and their

families, and rare disease organizations, especially the National Organization for Rare Disorders.

By designating February 28, 2013, as Rare Disease Day, I hope we create greater awareness of these conditions, encourage accurate and early diagnosis of rare diseases and disorders, and help demonstrate and support a national and global commitment to improve treatment options for individuals with rare diseases and disorders.●

#### REMEMBERING BARRY HORSTMAN

● Mr. PORTMAN. Mr. President, today I wish to remember Barry M. Horstman of Cincinnati, OH, for his dedication to his community and distinguished career in journalism. Mr. Horstman passed away suddenly while working in the newsroom of the Cincinnati Enquirer on February 25, 2013.

Known as a “newsman’s newsman,” Barry Horstman developed a reputation as a tough but fair investigative reporter who showed his commitment to his community by being relentless in his work.

Horstman’s passion for journalism was inspired by his fourth grade teacher who encouraged him to write. In high school, he started a column for the Western Hills High School newspaper called “Straight from the Horstman’s Mouth.” He went on to earn a journalism degree from The Ohio State University.

While a student, Horstman worked at the Cincinnati Post, jumpstarting his long and fruitful career in journalism. Horstman’s career included positions as a Washington correspondent for Scripps Howard News Service, a reporter at the Los Angeles Times, a reporter for the Cincinnati Post, and a writer and supervisor for the Las Vegas Sun before he returned to his hometown to join the Cincinnati Enquirer in 2008.

Barry covered me off and on for over 20 years, and even when I might have wished his story had been written a little differently, I never questioned his professionalism as a journalist, his commitment to reporting the facts as he saw them, and his decency and fairness as a person.

A local history buff, Horstman wrote profiles of local Cincinnati area newsmakers that were compiled into a book published in 1999: 100 Who Made a Difference: Greater Cincinnati Who Made a Mark on the 20th Century. He was known for his high energy and enthusiasm in all endeavors, especially for taking fantastic vacations around the globe.

Horstman grew up on the west side of Cincinnati, raised in an apartment above the Glenmore Bowl, the bowling alley managed and later owned by his father, Les. He was an avid runner and a talented bowler.

I honor Barry Horstman for his dedication to Cincinnati and contributions to the field of journalism.●

CONTINUATION OF THE NATIONAL EMERGENCY ORIGINALLY DECLARED IN EXECUTIVE ORDER 13288 ON MARCH 6, 2003, WITH RESPECT TO THE ACTIONS AND POLICIES OF CERTAIN MEMBERS OF THE GOVERNMENT OF ZIMBABWE AND OTHER PERSONS TO UNDERMINE ZIMBABWE’S DEMOCRATIC PROCESSES OR INSTITUTIONS, AS RECEIVED DURING RECESS OF THE SENATE ON MARCH 1, 2013—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13288 of March 6, 2003, with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe’s democratic processes or institutions is to continue in effect beyond March 6, 2013.

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe’s democratic processes or institutions has not been resolved. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, March 1, 2013.

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

#### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2013, the Secretary of the Senate, on March 1, 2013, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 47. An act to reauthorize the Violence Against Women Act of 1994.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, she had presented to the President of the United States the following enrolled bill:

S. 47. An act to reauthorize the Violence Against Women Act of 1994.

#### 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-550. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Fenpyrazamine; Pesticide Tolerances” (FRL No. 9373-9) received in the Office of the President of the Senate on February 26, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-551. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Pyrooxasulfone; Pesticide Tolerances” (FRL No. 9379-9) received in the Office of the President of the Senate on February 26, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-552. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Acetochlor; Pesticide Tolerances” (FRL No. 9377-6) received in the Office of the President of the Senate on February 26, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-553. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Pyraflufen-ethyl; Pesticide Tolerances” (FRL No. 9379-6) received in the Office of the President of the Senate on February 26, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-554. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Regulation of Fuels and Fuel Additives: Identification of Additional Qualifying Renewable Fuel Pathways under the Renewable Fuel Standard Program” (FRL No. 9686-3) received in the Office of the President of the Senate on February 26, 2013; to the Committee on Environment and Public Works.

EC-555. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Delaware; The 2002 Base Year Emissions Inventory for the Delaware Portion of the Philadelphia Nonattainment Area for the 1997 Annual Fine Particulate Matter National Ambient Air Quality Standard” (FRL No. 9786-4) received in the Office of the President of the Senate on February 26, 2013; to the Committee on Environment and Public Works.

EC-556. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Declaration of Prion as a Pest Under FIFRA; Related Amendments; and Availability of Final Test Guidelines” (FRL No. 9372-7) received in the Office of the President of the Senate on February 26, 2013; to the

Committee on Environment and Public Works.

EC-557. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Technical Amendments" (FAC 2005-66) received in the Office of the President of the Senate on February 26, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-558. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items" (FAC 2013-007) received in the Office of the President of the Senate on February 26, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-559. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Changes to Time-and-Materials and Labor-Hour Contracts and Orders" (FAC 2011-025) received in the Office of the President of the Senate on February 26, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-560. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Definition of Contingency Operation" (FAC 2013-003) received in the Office of the President of the Senate on February 26, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-561. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-66; Introduction" (FAC 2005-66) received in the Office of the President of the Senate on February 26, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-562. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Small Entity Compliance Guide" (FAC 2005-66) received in the Office of the President of the Senate on February 26, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-563. A communication from the General Counsel, National Mediation Board, transmitting, pursuant to law, the report of a rule entitled "Representation Procedures and Rulemaking Authority" (RIN3140-AZ01) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-564. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-589, "The Elizabeth Ministry, Inc. Affordable Housing Initiatives Real Property Tax Relief Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-565. A communication from the Chairman of the Council of the District of Colum-

bia, transmitting, pursuant to law, a report on D.C. Act 19-591, "Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-566. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-592, "Public Library Hours Expansion Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-567. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-593, "Howard Town Center Real Property Tax Abatement Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-568. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-610, "Ignition Interlock Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-569. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-611, "Chuck Brown Park Designation Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-570. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-612, "Breath Test Admissibility in Criminal Proceedings Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-571. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-590, "Neighborhood Contractor Daytime Parking Permit Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-572. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-613, "Grandparent Caregivers Program Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-573. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-615, "Sustainable DC Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-574. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-616, "Controlled Substance, Alcohol Testing, Criminal Background Check and Background Investigation Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-575. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-625, "Access to Justice for Bicyclists Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-576. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-626, "Greater Mount Calvary Way Designation Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-577. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-627, "Child Sexual Abuse Re-

porting Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-578. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-628, "Closing of a Public Alley in Square 393, S.O. 11-08780, Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-579. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-629, "District Department of Transportation DC Streetcar Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-580. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-630, "Reckless Driving Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-581. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-631, "Public Vehicle-for-Hire Innovation Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-582. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-633, "Regulation of Body Artists and Body Art Establishments Clarifying Amendments Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-583. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-634, "Excise Tax Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-584. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-637, "Affordable Dwelling Unit Hardship Waiver Temporary Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-585. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-638, "Pipefitting, Refrigeration and Air Conditioning Mechanic Occupations Equality Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-586. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-639, "Department of Parks and Recreation Revenue Generation Clarification Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-587. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-640, "Foster Youth Statements of Rights and Responsibilities Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-588. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-641, "Criminal Fine Proportionality Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-589. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-642, "Basic Business License Renewal Amendment Act of 2012"; to the

Committee on Homeland Security and Governmental Affairs.

EC-590. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-643, "Autonomous Vehicle Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-591. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-644, "New and Used Tire Dealer License Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-592. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-645, "Department of Parks and Recreation Fee-based Use Permit Authority Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-593. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-646, "Pre-litigation Discovery of Insurance Coverage Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-594. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-647, "Consumer Protection Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-595. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-648, "Workforce Job Development Grant-Making Authority Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-596. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Audit of the District's Workforce Development Programs"; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON of South Dakota, from the Committee on Banking, Housing, and Urban Affairs:

Special Report entitled "Report on the Activities of the Committee on Banking, Housing, and Urban Affairs of the United States Senate During the 112th Congress pursuant to Rule XXVI of the Standing Rules of the United States Senate" (Rept. No. 113-2).

## 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. BAUCUS (for himself and Mr. TESTER):

S. 434. A bill to authorize and implement the water rights compact among the Blackfoot Tribe of the Blackfeet Indian Reservation and the State of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. MENENDEZ:

S. 435. A bill to ban the exportation of crude oil or refined petroleum products derived from Federal land, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON (for himself and Mrs. MCCASKILL):

S. 436. A bill to require that the salaries of Members of Congress be sequestered during any sequester under the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

By Mr. MENENDEZ:

S. 437. A bill to authorize the Department of Housing and Urban Development to transform neighborhoods of extreme poverty into sustainable, mixed-income neighborhoods with access to economic opportunities, by revitalizing severely distressed housing, and investing and leveraging investments in well-functioning services, education opportunities, public assets, public transportation, and improved access to jobs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. BEGICH):

S. 438. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for professional school personnel in early childhood education, to expand the deduction for certain expenses of teachers to teachers in early childhood education, and to modify the credit for dependent care services; to the Committee on Finance.

By Mr. REID (for Mr. BEGICH):

S. 439. A bill to amend the Elementary and Secondary Education Act of 1965 by establishing a program to support the modernization, renovation, or repair of career and technical education facilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. BEGICH):

S. 440. A bill to amend the Higher Education Act of 1965 to provide for loan forgiveness for early childhood educators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. BEGICH):

S. 441. A bill to amend the Elementary and Secondary Education Act of 1965 by establishing a program to provide professional development activities for educators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. BEGICH):

S. 442. A bill to establish a program to provide child care through public-private partnerships; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Ms. COLLINS, Mr. DURBIN, Mrs. GILLIBRAND, Mr. KIRK, Mr. BLUMENTHAL, and Mr. KING):

S. 443. A bill to increase public safety by punishing and deterring firearms trafficking; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mr. KING):

S. 444. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes; to the Committee on Appropriations.

By Mr. FRANKEN (for himself, Mr. LEAHY, Mr. BLUMENTHAL, Mr. COONS, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. GRAHAM, and Mr. BOOZMAN):

S. 445. A bill to improve security at State and local courthouses; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. BARR, Mr. THUNE, Mr. GRASSLEY, Mr. ROBERTS, Mr. ENZI, Mr. CORNYN, Mr. ISAIAHSON, Mr. TOOMEY, and Mr. CRAPO):

S.J. Res. 9. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Se-

curity Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program; to the Committee on Finance.

## ADDITIONAL COSPONSORS

S. 117

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 117, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 172

At the request of Mr. MERKLEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 172, a bill to amend the Truth in Lending Act to address certain issues related to the extension of consumer credit, and for other purposes.

S. 209

At the request of Mr. PAUL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 209, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal Reserve banks by the Comptroller General of the United States, and for other purposes.

S. 217

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 217, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational elementary schools and secondary schools on such schools' athletic programs, and for other purposes.

S. 218

At the request of Mr. LEVIN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 218, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 230

At the request of Mr. PORTMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 230, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 237

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 237, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 294

At the request of Mr. TESTER, the name of the Senator from Alaska (Ms. MURKOWSKI) 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 names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors 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. 309

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 309, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 316

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 316, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, to eliminate the requirement that the United States Postal Service prefund the Postal Service Retiree Health Benefits Fund, to place restrictions on the closure of postal facilities, to create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 325

At the request of Mr. TESTER, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 325, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 326

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 326, a bill to reauthorize 21st century community learning centers, and for other purposes.

S. 338

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor 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. 359

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cospon-

sor of S. 359, a bill to amend the Controlled Substances Act to exclude industrial hemp from the definition of marihuana, and for other purposes.

S. 367

At the request of Mr. CARDIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor 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 South Dakota (Mr. THUNE) 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 Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 375, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 379

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 379, a bill to rescind \$45 billion of unobligated discretionary appropriations, and for other purposes.

S. 399

At the request of Mr. HATCH, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 399, a bill to protect American job creation by striking the Federal mandate on employers to offer health insurance.

S. 415

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 415, a bill to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, to address assistance to out-of-State small business concerns, and for other purposes.

S. 429

At the request of Mr. NELSON, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 429, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. RES. 26

At the request of Mr. MORAN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 26, a resolution recognizing that access to hospitals and other health care providers for patients in rural areas of the

United States is essential to the survival and success of communities in the United States.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON (for himself and Mrs. MCCASKILL):

S. 436. A bill to require that the salaries of Members of Congress be sequestered during any sequester under the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

Mr. NELSON of Florida. Mr. President, I, like many of my colleagues, have just flown in our Nation's airways, going through a fairly crowded airport in Florida, coming into a crowded airport here in Washington, and in 30 days those TSA lines are going to get longer.

For the international flights, I and others have worked very hard to get additional customs agents to cut the time it takes to process our international visitors. In airports such as Miami and Orlando where there is quite a bit of international traffic, getting those additional customs folks has meant a great deal because we even had some airlines that would come in, for example, to Orlando, and they would have to keep the international passengers on the airplane for upwards of an hour before they could get off the airplane so that there was room, with the personnel available.

Well, you see where I am going, because all of that is going to change unless—as the Good Book says, come, let us reason together. Unless our sharply divided politics—be it partisan, be it ideological—unless we can come together and reach consensus to stop this ridiculous thing that went into effect last Friday called the sequester, which was never intended to go into effect, but because of the inability of the parties to come together, in fact, it is in effect, and it is cutting, in an indiscriminate way, like a meat cleaver across the board.

In certain agencies, such as the Department of Transportation, it even gets exacerbated because the cuts can only occur in certain accounts. Thus, civilian employees are going to be furloughed.

It is also happening in the Department of Defense. In my State of Florida alone, there are going to be 31,000 defense civilian employees who are going to be furloughed. What does a furlough mean? It means that after the 30-day notice, so about 30 days from now, that number of employees—in this example, in the Defense Department—is going to be laid off 1 day a week, under the law, for up to a maximum of 22 weeks. Is that in the interest of national security? Of course not.

Why is it exacerbated in the Department of Defense? Because the existing appropriations law—remember, we are not operating on a current law; we are operating on last year's appropriations

law. That has so constrained the managers—in other words, the Secretary, the Deputy Secretary—that they can't move the money around, and what they are having to do is to take the sequester cuts out of operations and maintenance instead of out of acquisitions of systems or programs. That is the worst possible place—out of operations and maintenance.

Now, I am an optimist. I couldn't be in this business if I were not an optimist. I have ultimate faith in the American people. And I know every one of these Senators here, from the extreme left to the extreme right, are all good people, and there can be consensus found if everybody would get out of their little silos and realize the greater good.

Senator CLAIRE MCCASKILL and I want to help them, so we are filing a bill today. Since this was never intended and all these civilian Federal employees are going to be furloughed, our bill will say that Members of Congress will get docked the same percentage of their pay that the furloughed workers are docked in the percentage of their pay.

Now, the question is, Will this pass? I hope it doesn't pass because I hope it is not necessary to pass. We have 30 days of notice before the furloughs take place. I am certainly hopeful that happens by the end of this month, clearly by the time of March 27 when the existing appropriations bill—which is last year's appropriation—ceases to exist and the government can come to a screeching halt unless we continue the appropriations for the remainder of the fiscal year.

I am hopeful our legislation will not pass, but somebody needs to understand how ridiculous this whole thing is. Conservatives want to cut spending. You can do it in a more intelligent and rational way. If we are going to get serious about \$4 trillion of deficit reduction over the decade—and we have already enacted policies that will take us down about 2.5 trillion of deficit reduction—we have about \$1.5 trillion to go in enacting policies over that decade and we ought to be able to do that in a nanosecond.

Senator MCCASKILL and I want to try to help nudge the process along. What is good for the goose is good for the gander. You are going to dock all of these civilian employees who have lives, who have families, who have children, who have expenses, who need to buy milk and so forth and so on. You are going to dock them their pay because of the inability of the Members of Congress to get together to do what should have been done, by the way, a year and a half ago when this whole thing was enacted. The meat cleaver sequester was put there because it was so ridiculous that surely it would encourage, a year and a half ago, the supercommittee of six from the House, six from the Senate, half and half of each party—surely it was going to encourage them to come together in

agreement. All it needed was one vote. Instead of a 6-to-6 deadlock it would have been 7 to 5. It did not happen, and here we are a year and a half later.

What is good for the goose is good for the gander. If you are going to dock Federal workers' pay because you are going to force them into a furlough which was never intended, is not rational policy, is not good administration, then you are going to be docked your own pay.

This is not pontificating. Again, I say I hope this never passes because I hope it is moot. But it is trying to bring into focus just how ridiculous the goings-on here are right now. So I am very hopeful.

I say I love the Members of the Senate, every one of these Members of the Senate. I have a great relationship with almost every one of these Senators. They are all good people. We need to come together, give a strong statement of consensus building, and then send it down there to the House and tell them they have to get off the dime.

By Mr. LEAHY (for himself, Ms. COLLINS, Mr. DURBIN, Mrs. GILLIBRAND, Mr. KIRK, Mr. BLUMENTHAL, and Mr. KING):

S. 443. A bill to increase public safety by punishing and deterring firearms trafficking; to the Committee on the Judiciary.

Mr. LEAHY. Today I am proud to introduce modified legislation to combat the practice of straw purchasing and illegal trafficking in firearms. Since my initial introduction of the Stop Illegal Trafficking in Firearms Act at the very beginning of the 113th Congress on January 22, I have had productive conversations with several Senators who share my goal of reducing this destructive criminal conduct. Today I am pleased to be joined by Senator COLLINS, Senator DURBIN, Senator KIRK, Senator GILLIBRAND, and Senator BLUMENTHAL. These Senators understand the weaknesses in our current law and the challenges faced by law enforcement officials. I thank them for their commitment to this legislation, for their support of law enforcement, and for their cooperation in making progress in our collective efforts to prevent and reduce gun violence.

I hope that as other Senators on both sides of the aisle become more familiar with our bipartisan proposal, they will understand how it provides law enforcement with the tools they need to go after those who engage in the straw purchasing and illegal trafficking of firearms. The practice of straw purchasing is used for one thing to put firearms into the hands of those that are prohibited by law from having them. Many are then used to further violent crimes.

I have heard again and again from Senators on both sides of the aisle that keeping guns away from those who should not have them is a goal worth pursuing. This bill will further that ef-

fort and help answer the call from Gabrielle Giffords and so many Americans for us to take action.

I want to commend the senior Senator from Maine, Senator COLLINS, for her leadership on this matter and for her willingness to work across the aisle to make real progress. She helped unite us to get this done. Without her, we would not have made the progress we have, or be in position to consider this comprehensive response to what law enforcement has told us they need.

This week, the Senate Judiciary Committee will continue our consideration of four measures to reduce gun violence. The issue of gun trafficking and straw purchasing is before the Committee. I will amend my original trafficking bill that is pending on the Committee agenda with the text of this bipartisan compromise, which combines the proposals that I put forward with Senator DURBIN at the beginning of this Congress as well as proposals that have been championed by Senator GILLIBRAND and Senator KIRK. Our substitute amendment will improve the language already pending before the Committee. As I did before introducing any measure related to gun violence this year, I also hope to continue my outreach to the Judiciary Committee's Ranking Member. I invite Senator GRASSLEY and other members of the Committee from both sides of the aisle to join with us so that I can report this measure with strong bipartisan support and without delay for consideration by the Senate.

Law enforcement officials have complained for years that they lack the legal tools necessary effectively to combat illegal straw purchasing and firearms trafficking. Congressional inquiry during the last Congress put a spotlight on the very difficult legal environment within which law enforcement officials currently operate. In fact, one of the whistleblowers who testified about the misguided tactics used by Federal law enforcement in firearms trafficking investigations in Arizona described the current laws as "toothless." If we are to address gun violence, we should respond to this clear vulnerability that is being exploited by criminals.

The Stop Illegal Trafficking in Firearms Act will make important changes to Federal firearms statutes that will better equip law enforcement officials to investigate and prosecute the all-too-common practices of straw purchasing and illegal trafficking of firearms. Straw purchases typically involve a person, who is not prohibited by Federal law, purchasing a firearm on behalf of a prohibited person, or at the direction of a drug trafficking or other criminal organization. These practices result in the support of larger criminal organizations, and the illegally obtained guns are often sold and re-sold across state lines. This trafficking in firearms results in the proliferation of illegal firearms and gun violence in our communities. Straw

purchasers circumvent the purposes of the background check system, and they put law enforcement officials and law-abiding firearms dealers in difficult positions. Gun trafficking and straw purchasing make our communities less safe.

Under current law, there is no specific statute that makes it illegal to act as a straw purchaser of firearms. Nor is there a law directly on point to address the illegal trafficking of firearms. As a result, prosecutors must cobble together charges against a straw purchaser using so-called “paperwork” violations such as misrepresentations on a Federal form. These laws are imperfect, and do not give prosecutors the leverage needed to encourage straw buyers, often the lowest rungs on a ladder in a criminal enterprise, to provide the information needed for investigators and prosecutors to go after those directing and profiting from such activity.

The bipartisan bill we introduce today will add two new provisions to our Federal criminal code to specifically prohibit serving as a straw purchaser of firearms and trafficking in firearms. The bill establishes tough penalties for these offenses in an effort to punish and importantly, deter this conduct. We need a meaningful solution to this serious problem. Talk about prosecuting mere paperwork offenses is no answer.

Under current law, it is a crime to transfer a firearm to another with the knowledge that the firearm will be used in criminal activity. This bill would strengthen this existing law by prohibiting such a transfer where the transferor has “reasonable cause to believe” that the firearm will be used in criminal activity. We listened to concerns about family members who give firearms as gifts and other transfers that are not designed to get around the existing background check system. As a result, the bill contains important exemptions for the innocent transfer of a firearm as a gift, or in relation to a legitimate raffle, auction or contest.

Another key provision of our bipartisan bill is that it complements existing law that makes it a crime to smuggle firearms into the United States by specifically prohibiting the smuggling of firearms out of the United States. In light of what we know is occurring, particularly on our Southwest border, this is an important improvement to current law and another tool that was needed but missing over the last few years.

The provisions laid out in our legislation are focused, commonsense remedies to the very real problems of firearms trafficking and straw purchasing. Our bill does not affect lawful purchases from Federal firearms licensees, and in no way alters their rights and responsibilities as sellers of a lawful commodity. I hope Federal firearms licensees welcome a stronger deterrent to keep criminal straw purchasers out of their business.

The problems of gun trafficking and straw purchasers, particularly along the Southwest border, are matters we have been talking about for years. Senator DURBIN chaired a hearing on border violence back in early 2009. Law enforcement officials have called for a firearms trafficking statute that can be effective to go after straw purchasers. That is something agents did not have when they initiated Operation Wide Receiver during the Bush administration and later the disastrous Fast and Furious effort. Their frustration with the limits of the current law contributed to their looking for another way to make a difference in their fight against gun trafficking. Their initiative was a failure. What we need to do now is to create better law enforcement tools. I hope that those who have been concerned about Fast and Furious, whose investigation established that it was the local ATF agents in Arizona who initiated and so poorly implemented that effort, will join with us to close the loophole in the law that Mexican drug cartels are continuing to exploit.

Our bill was drafted at the request of law enforcement. It will provide needed tools to fight against the drug cartels and other criminals who threaten our communities. It will not undermine the Second Amendment rights of lawful gun owners. It has the support of many law enforcement organizations—both leadership and rank and file. Indeed, the original bill I introduced with Senator DURBIN has been supported by the National Fraternal Order of Police, the National Law Enforcement Partnership to Prevent Gun Violence, the Federal Law Enforcement Officers Association, the International Association of Chiefs of Police, the Major Cities Chiefs Association, the National District Attorneys Association, and the Police Executive Research Forum. I urge everyone who cares about keeping firearms out of the hands of criminals to join in this effort.

We have an obligation to find solutions to reduce gun violence and I thank these Senators for their strong leadership. We can do this in a way consistent with the rights guaranteed by the Second Amendment. I believe our bipartisan legislation meets those goals. As Chairman of the Judiciary Committee, a Senator, a Vermonter, an American, a father and a grandfather, I look forward to continuing our progress on this important legislation.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me begin my remarks by thanking the distinguished chairman of the Judiciary Committee for his very gracious comments and for his extraordinary leadership on a bill that I believe can bring all of us together.

I also want to thank our other cosponsors of the bill, particularly Senator GILLIBRAND, who has had a great interest in cracking down on the practice of straw purchasing.

The practice of straw purchasing is intended to achieve one result—to put a gun in the hands of a criminal. These individuals are easily exploiting currently weak Federal laws to obtain guns.

Peter Forcelli, ATF Supervisory Special Agent and Fast and Furious whistleblower, told the House Oversight and Government Reform Committee in June of 2011 that: “Some people view [the current penalties for straw purchasing] as no more consequential than doing 65 in a 55 zone.”

These guns are frequently sold, resold, and trafficked across State lines, resulting in the proliferation of illegal firearms in our communities. This has also fueled the violence across our southern border associated with Mexican drug cartels as well as gang violence in our cities.

Straw purchasing and gun trafficking put guns in the hands of criminals. According to the ATF, of the nearly 94,000 firearms that have been recovered in Mexico in the last 5 years, more than 64,000 were sourced to the United States. Similarly, a large percentage of the guns used in crimes in our largest cities were trafficked across State lines.

The congressional inquiry into the ATF’s Wide Receiver and Fast and Furious investigations revealed how difficult it is for law enforcement officials to deter and punish these crimes effectively.

Current loopholes in Federal law make preventing and prosecuting these offenses very difficult for law enforcement officials. Right now, a straw purchaser can only be prosecuted for lying on a Federal form, which is treated as a paperwork violation.

Because straw purchasers by definition are nonprohibited persons and can lawfully purchase a firearm, prosecuting these individuals is difficult and any potential punishment is likely to be minimal.

Because of these weak laws, prosecutors have minimal leverage over straw purchasers who, in turn, have little incentive to cooperate and assist law enforcement in investigating trafficking crimes and crimes involving gun violence. For years, law enforcement has been asking Congress for better tools to crack down on this type of criminal conduct.

It is time to give law enforcement the tools it needs to combat this activity effectively.

Our bill reflects a combination of advice from law enforcement officials and leadership by many Senators. It gives law enforcement officials the comprehensive framework they have been seeking from Congress.

First, the bill creates new, specific criminal offenses for straw purchasing and trafficking in firearms. Instead of a slap on the wrist, these crimes would be punishable by up to 25 years in prison.

The proposal also increases the punishment for an individual who serves as

an organizer of a straw purchasing or trafficking enterprise.

This bipartisan bill also strengthens existing laws that make it unlawful to smuggle guns into the United States.

The bill protects legitimate private sales and is drafted to avoid sweeping in innocent transactions and placing unnecessary burdens on lawful private sales.

When buying from a private seller, the buyer is only in violation of the new straw purchasing prohibition if the buyer purchases a firearm for someone known to the buyer as a prohibited person, meaning a felon, drug addict, someone subject to a domestic violence order, or someone with serious mental illness.

When buying from a federally licensed firearms dealer, it is prohibited to buy a firearm on behalf of or for another person. This is consistent with current law that requires a person buying from a dealer to certify that they are the "actual buyer." It is important to note, however, that the bill also expressly exempts transactions like gifts and transfers that occur in raffles and auctions.

The bill is supported by numerous organizations, including the Fraternal Order of Police, the Federal Law Enforcement Officers Association, the FBI Agents Association, the International Association of Chiefs of Police, the Major Cities Chiefs Association, the National Law Enforcement Partnership to Prevent Gun Violence, the National District Attorneys Association, and the Police Executive Research Forum.

This bill helps to keep guns out of the hands of criminals without infringing in any way upon the second amendment right of law-abiding citizens.

I urge my colleagues to support this much needed legislation.

I am, again, very pleased to have been able to work under the leadership of the chairman of the Judiciary Committee. I am delighted he is going to proceed to mark up our bipartisan compromise this week, and I thank him for the opportunity to work with him.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I rise to talk about an issue that every mother in America is thinking about. Every parent in America who saw what happened in Connecticut bleeds for this issue. We have to do something in our country about senseless gun crime. We have to do something about making sure criminals do not have easy access to weapons to shoot down our children and loved ones in the areas that should be the safest places for them. We have seen these mass deaths, whether at a school, whether at a university, whether in a movie theater, whether in a community center; these crimes are happening over and over again.

I can tell you that from when I was first appointed to the Senate in 2009, I have realized our State of New York

suffers from grave gun crime all across our State. We have gang violence. We have gun trafficking. We have straw purchasing. Networks of weapons flow into our State. Eighty-five percent of the weapons used in crimes in my State come from out of State and 90 percent of those weapons are illegal.

I had to look into the eyes of parents who had just lost their daughter because of a stray bullet from a gang member. Nyasia's parents deserve an answer. The parents of the children in Connecticut deserve an answer.

I have good news today because the Senate is working on a bipartisan bill that is introduced today by the chairman of the Judiciary Committee, Chairman LEAHY, to begin to solve this problem. This bill has wide bipartisan support. It started out with Senator MARK KIRK and I working together. He has a real tough problem in Illinois with gang violence that he wanted to address and crack down on. That bipartisan work began to address other bipartisan work. The ranking member, Senator GRASSLEY, was very interested in this bill and has been working with us to shape the bill, make it stronger. SUSAN COLLINS, who has been a leader on this issue, began to work with us to shape this bill and make it better. Senator LEAHY and Senator DURBIN have been working on the issue separately. We all joined forces to begin to write a bill that can tackle this problem, to make it a stronger solution, a better solution.

We now have cosponsors. We have the Presiding Officer right now, Senator JOE DONNELLY. We have both Senators from Connecticut who must answer the parents of their State, that they are doing something about these senseless deaths. Senator BLUMENTHAL, a former attorney general, knows what law enforcement needs to take on these criminals. Senator MURPHY, Senator KLOBUCHAR—also a previous attorney general—know what it takes to crack down on these kinds of crime and this senseless death. Senator KING, an Independent, also signs on to this bill because he knows it can do something to crack down on gun violence in this country.

Of all the laws on the books in this country today, not one Federal law says you cannot buy a truckload of guns, bring them to another State, and sell them to a criminal network. It is not even prohibited. You would not believe it. How could that be true in a country such as ours, where the Federal Government's No. 1 job is to protect our families? That is what this bill does. It makes it a Federal crime to traffic, to be a straw purchaser, to sell these guns to criminal networks with the intent of breaking the law.

The law enforcement agencies—whether it is ATF, NYPD, FBI—will now have the tools they need on the Federal level to begin to tackle this crisis.

I urge my colleagues on both side of the aisle, if they want to do something

about the senseless gun deaths in this country, this is a bill they can support. For all the law-abiding gun owners in this country who support the second amendment, as I do, they can look at this bill and say: That is a bill we are supporting; that bill should pass because it goes after the criminals and the illegal weapons that are the scourge of this country. Thirty people get killed a day because of gun violence—30 deaths. One is too many. When I look at Nyasia's parents, one is too many.

Enough is enough. I am certain that when this bill passes this Chamber and when law enforcement begins to have the tools, we will save lives.

I thank my colleagues again for all the hard work they have done. I thank Senator MARK KIRK for his courage for being the first Republican to stand up to do a gun bill, the first bipartisan gun bill introduced in this Chamber.

• Mr. KIRK. Mr. President, I rise in support of the Stop Illegal Trafficking in Firearms Act of 2013, which I am proud to join in introducing with Senator LEAHY, GILLIBRAND, DURBIN and COLLINS. There are an estimated 33,000 gangs with 1.4 million active members who live in our neighborhoods, towns and cities across the United States. With more than 100,000 gang members, the city of Chicago has more gang members who terrorize its residents than any other city in the United States. The Chicago Crime Commission also reported the existence of an additional 15,000 gang members operating in our suburbs.

Gangs such as the Vice Lords, Gangster Disciples, and the Latin Kings are responsible for nearly 80 percent of the city's homicides, which just last summer amounted to 500 deaths in Chicago. These homicides are most often perpetrated with illegal weapons. Law enforcement officers in Chicago confiscate an average of 13,000 illegal weapons each year. It must end.

That is why I have joined this bipartisan group to take serious action to prevent weapons trafficking and straw purchasing, where a third party member legally purchases a firearm then sells or trades it to a criminal who is legally barred from purchasing such a weapon. Our bipartisan, consensus legislation includes the Gun Trafficking Prevention Act, which Senator GILLIBRAND and I introduced earlier this year, that would for the first time make it a Federal crime to traffic illegal guns. The Stop Illegal Trafficking in Firearms Act also strengthens the tools law enforcement need to crack down on straw purchasers, particularly those who transfer those weapons in furtherance of crimes of violence or drug trafficking. This legislation also calls upon the Sentencing Commission to substantially increase the penalties when these crimes are committed by individuals affiliated with gangs and other criminal enterprises.

A portion of this new anti-illegal gun trafficking legislation is named after

Hadiya Pendleton, a 15-year-old who was shot and killed by gang gunfire in Chicago. For Hadiya and thousands of other victims, my hope is we can break through the gridlock here in Washington to actually get something done to save lives.●

By Ms. COLLINS (for herself and Mr. KING):

S. 444. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes; to the Committee on Appropriations.

Ms. COLLINS. Mr. President, I rise today to discuss two separate problems facing our Nation—the first is sequestration, which is underway now and indiscriminately affecting a wide range of programs. The second is the prospect of a long-term Continuing Resolution to fund the Federal government for the remainder of the fiscal year, also not the way we should be doing business. Both will result in damage to our military readiness.

In order to tackle these two separate but equally devastating problems, I am introducing two measures today.

The first bill, which I am pleased to join my colleague, Senator UDALL, in sponsoring, will help mitigate the consequences of sequestration by providing Department and agency heads additional flexibility in implementing the cuts. The second bill, which I am introducing with my colleague from my home state of Maine, Senator King, will fund the Department of Defense for the remainder of the fiscal year at levels approved by the Senate Appropriations Committee in the funding bill that was reported unanimously by the Committee on August 2, 2012.

As Deputy Secretary of Defense Ash Carter has repeatedly warned, failing to pass an annual defense appropriations bill and requiring the Pentagon to operate under last year's law will continue to lead to dangerous absurdities that have ramifications that last far beyond the six months left in this fiscal year.

Military readiness will suffer. A hollow force will be created. The Pentagon will be unable to increase production rates for existing weapons, start new programs, or sign multiyear procurement contracts that would provide significant savings for taxpayers.

When I questioned Deputy Secretary Carter on February 14, at a Senate Appropriations Committee hearing about what the continuing resolution means for the Navy and our domestic shipbuilding capability, he testified that:

We're in the absurd position where we're five months into the fiscal year and we have the authority to build the ships that we built last year and no authority to build the ships that we plan to build this year. That's crazy . . . and that has nothing to do with sequestration, by the way, that's the CR.

I have long argued that we need to bring the annual appropriations bills to the floor to be considered individually on their merits. I believe that CRs represent an abdication of our responsibility

and should be avoided altogether. But given where we find ourselves today, at the very least we should be able to come together to pass the full-year Department of Defense funding bill and the Military Construction/Veterans Affairs appropriations.

With regard to sequestration, we have known this day could arrive for a year and a half now. Yet, instead of working together to avert sequestration and replace it with a more rational alternative, the time has been spent jockeying for partisan advantage and engaging in a blame game. Last week, the Senate spent time voting against proceeding to debate on two partisan proposals that both sides knew beforehand were doomed.

The bill Senator UDALL and I are introducing today is a bipartisan effort to mitigate the harmful effects of sequestration. As a result of sequestration, vital priorities such as defense, education, transportation, and biomedical research, all face indiscriminate, meat-ax cuts. No distinction is made between high-performing programs and poorly performing ones.

The legislation we introduce today seeks to fix that. Instead of mindless across-the-board budget cuts, this legislation provides the heads of Federal agencies and departments with the flexibility to implement the savings targets required by the Budget Control Act until such time as a bipartisan agreement is reached to replace the sequester cuts or until Congress passes new appropriations bills for fiscal year 2013 that meet the sequester levels.

The bill requires these agency and Department heads to submit their proposals to the Appropriations committees of both the House and the Senate for approval.

This approval is an important step in the process because these Committees know the budget of each agency and can provide oversight of agency plans. This provides a strong incentive for each agency to put forth serious plans in order to avoid the across-the-board sequestration cuts that would otherwise take effect.

Let me emphasize that while our proposal is intended to mitigate the harmful and mindless across-the-board approach of sequestration, a comprehensive, bipartisan approach to put our fiscal house in order must remain a top priority.

I urge my colleagues to support both bills that we are introducing today.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 25. Mr. PAUL submitted an amendment intended to be proposed by him to the resolution S. Res. 64, authorizing expenditures by committees of the Senate for the period March 1, 2013, through September 30, 2013; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 25. Mr. PAUL submitted an amendment intended to be proposed by

him to the resolution S. Res. 64, authorizing expenditures by committees of the Senate for the period March 1, 2013, through September 30, 2013; which was ordered to lie on the table; as follows:

On page 31, line 22, strike "IN GENERAL.—The Senate National" and insert the following: "RECONSTITUTION.—"

(A) IN GENERAL.—The Senate National  
On page 32, between lines 2 and 3, insert the following:

(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as extending or providing funding authority to the Working Group.

On page 35, strike line 2 and all that follows through page 36, line 3, and insert the following:

(1) DESIGNATION OF PROFESSIONAL STAFF.—  
On page 36, strike line 14 and all that follows through page 37, line 2.

On page 37, line 3, strike "(C)" and insert "(B)".

On page 37, line 8, strike "(D)" and insert "(C)".

On page 37, line 10, strike "(4)" and insert "(3)".

On page 37, strike lines 13 through 22 and insert the following:

(2) LEADERSHIP STAFF.—The majority leader of the Senate and the minority leader of the Senate may each designate 2 staff members who shall be responsible to the respective leader.

On page 37, line 23, strike "(4)" and insert "(3)".

On page 39, strike line 3 and all that follows through page 40, line 2.

On page 40, line 3, strike "(d)" and insert "(c)".

#### NOTICES OF HEARINGS

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, March 7, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled "Safe and Supportive Schools: Lessons from the Field."

For further information regarding this meeting, please contact Leanne Hotek of the committee staff on (202) 228-6685.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, March 12, 2013, at 2:30 p.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled "Job Corps Budget Shortfall: Safeguarding Workforce Training for America's Disconnected Youth."

For further information regarding this meeting, please contact Anna Porto of the committee staff on (202) 224-5363.

#### ORDERS FOR TUESDAY, MARCH 5, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate

completes its business today, it adjourns until 10 a.m. tomorrow, Tuesday, March 5, 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 until later in the day, and that following any leader remarks, the Senate proceed to a period of morning business until 11:45 a.m., 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 30 minutes and the Republicans controlling the second 30 minutes; further, that following morning business, the Senate

proceed to consideration of S. Res. 64; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly caucus meetings.

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

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PROGRAM

Mr. REID. Mr. President, there will be at least one rollcall vote tomorrow at 12:15 p.m. on the Paul amendment to S. Res. 64.

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ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the

Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:32 p.m., stands adjourned until Tuesday, March 5, 2013, at 10 a.m.

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CONFIRMATIONS

Executive nominations confirmed by the Senate March 4, 2013:

THE JUDICIARY

PAMELA KI MAI CHEN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

KATHERINE POLK FAILLA, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.