EXECUTIVE SESSION

NOMINATION OF ALAN F. ESTEVEZ TO BE A PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE

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

The assistant legislative clerk read the nomination of Alan F. Estevez, of the District of Columbia, to be a Principal Deputy Under Secretary of Defense.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 will be equally divided and controlled in the usual form prior to a vote on the motion to invoke cloture on the nomination.

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

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

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Vermont.

MILLETT NOMINATION

Mr. LEAHY. Mr. President, today we are debating whether the Senate is going to be allowed to vote on the confirmation of Patricia Millett. She is nominated to fill the vacancy that our current Chief Justice John Roberts previously occupied on the U.S. Court of Appeals for the DC Circuit.

If she is confirmed, as of course she should be, she will be only the sixth woman to serve on the DC Circuit in its more than 120-year history. She is an extraordinary nominee. She has impeccable credentials for this important appellate court.

I, like so many others across this country, hope that her confirmation is not going to suffer from the partisanship and gridlock that consumed Congress earlier this month.

Ms. Millett was born in Dexter, ME and now calls Virginia home, but growing up she lived in Kansas, Virginia, Ohio, and Illinois. She earned her undergraduate degree, summa cum laude, from the University of Illinois at Urbana-Champaign and her law degree, magna cum laude, from Harvard Law School. She served as a law clerk for Judge Thomas Tang on the U.S. Court of Appeals for the Ninth Circuit in Phoenix, AZ.

Patricia Millett has had a brilliant legal career. She has argued 32 cases before the Supreme Court. Until recently, she held the record for the most Supreme Court arguments by a woman attorney before the court. She has argued dozens of cases in the Federal courts of appeal. She has briefed numerous cases in the Supreme Court and also appellate courts across the Nation.

Ms. Millett has extensive experience on issues that come before the D.C. Circuit. She served for 15 years in the U.S. Department of Justice in both Democratic and Republican administrations. She worked for 4 years on the appellate staff of the civil division. She argued cases in Federal and State appellate courts, including the successful constitutional defense of the Religious Freedom Restoration Act, and the inclusion of ''In God We Trust'' on Federal currency.

She spent over a decade in the Solicitor General's office. Her stellar reputation led a bipartisan group of seven former Solicitors General to praise her as ''unfailingly fairminded.''

In 2004, Republican Attorney General John Ashcroft awarded Ms. Millett the Attorney General's Distinguished Service Award for representing the interest of the United States before the Supreme Court.

Since 2007, she has led the Supreme Court practice in the Washington, DC, office of Akin Gump. Her work in private practice spans commercial litigation, administrative law, constitutional matters, statutory construction, and even criminal appeals. She has represented Army reservists and business interests, including the Chamber of Commerce as well as civil rights plaintiffs.

Ms. Millett is a nominee with unquestionable integrity and character. She has committed herself to pro bono work. She has done this throughout her career. She has also engaged in some very significant community service. She helps the neediest among us, volunteering through her church to prepare meals for the homeless and serving regularly as an overnight monitor at a local shelter. Twenty years after serving as a law clerk in Arizona, Patricia Millet will return next summer with her family for a mission trip with the White Mountain Apache tribe in Fort Apache, AZ.

It is interesting that in a press conference I held yesterday when we had spouses of people in the military, we talked about another aspect of her career. Her husband is now a retired Navy reservist, but as a military spouse when he was called up, Ms. Millett has a personal understanding of the sacrifice we ask of our servicemembers and their families.

At the very height of her legal career, her husband was called on to deploy as part of Operation Iraqi Freedom. Of course he left, as those who are called to serve do, but she was left at home with two young children. And what did she do? She did what spouses all over this country do. She filled the role of both parents at home while her husband served in the Navy overseas.

In fact, just the other day the Senate passed a bipartisan resolution to honor families like Ms. Millett's family. We commemorate October 26 as the Day of the Deployed.

Not only is she committed to her own military family, she has helped to secure employment protections for members of our National Guard and Reserve through her pro bono legal work.

I know the distinguished Presiding Officer is concerned about the Guard and Reserve in his State of Massachusetts as I am in my State of Vermont. Ms. Millet also knows the strains that they face. In a case decided by the Supreme Court in 2011, Ms. Millett represented an Army reservist who was fired, in part, because some of his coworkers who stayed at home didn't like his military absences. She stood up for every Guard member and every reservist in Vermont or Massachusetts or any other State in this country. The successful arguments Ms. Millett helped craft have made it easier for all members of our Reserve and National Guard to protect their right under the Uniformed Services Employment and Reemployment Rights Act.

Through her legal work, she has earned broad bipartisan support. This includes the support of Peter Keisler, Carter Phillips, Kenneth Starr, Ted Olson, Paul Clement, and a bipartisan group of 110 appellate practitioners, as well as 37 Deputy Solicitors General and assistants to the Solicitor General from both Republican and Democratic administrations.

She is supported by both the national president of the National Fraternal Order of Police, Chuck Canterbury; the Deputy Commissioner of the New York Police Department, Douglas Maynard; the President of the National Bar Association, John Page; and Andrea Carlise, the current President of the National Conference of Women's Bar Associations. Ms. Millet has the support of the military community including Major General Clark H. McNair, Jr., U.S. Army, Retired; Michael Hall, Command Sergeant Major, U.S. Army, Retired; Blue Star Families; and the Gallant Few.

Based on Ms. Millett's advocacy in private practice, she has the support of former executive vice president at the Chamber of Commerce Litigation Center, Robin Conrad, who declares that Ms. Millett is:

> a non-ideological, non-partisan, 'lawyer's lawyer,' who has proven herself to be a trusted advisor to business with a practical appreciation of the challenges faced by businesses, large and small. She is open-minded, fair, even-tempered and superbly qualified to serve on the District of Columbia Circuit.

In fact, the list is so long, I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

If a President was to be given a textbook about the type of nominee to send to the Senate, or if Senators were given a textbook of the type of person to confirm, this would be the golden standard right here. We should not even be having this debate. She should have been confirmed unanimously weeks ago. She is the kind of nominee we should support because hers is a great American story of dedication, diligence, patriotism, and extraordinary professional ability.

I hope nobody is going to get involved in partisan politics and choose to filibuster her nomination. She deserves to be confirmed.

I understand that some Republicans have newfound concerns about the number of judges on the D.C. Circuit. During the Bush administration, Senate Republicans voted unanimously to fill four vacancies on the D.C. Circuit—giving the court a total of 11 judges in active service. Today there are only eight judges on the court. What has changed? It is not the caseload—that has remained fairly constant over the past 10 years. The only thing that has changed is the party of the President nominating judges to the court.

Incidentally, a Republican President nominated a man named John Roberts to the seat Ms. Millett has now been nominated to. When his nomination came up for a vote on the Senate floor, as I recall, all Democrats and all Republicans supported him for that seat. While Democrats did not agree with him philosophically on all issues, we knew he was highly qualified, and he was confirmed.

I don't think it is any stretch to say she is just as qualified. It is the same seat, but the only difference is it is a Democratic President who has nominated her. The standards should be the same. The same standards that allowed John Roberts to be confirmed to that seat with a Republican President are the same standards that should allow her to be confirmed to the seat with a Democratic President. She should be confirmed.

I want to talk about the caseload. The caseload was 121 pending appeals per active judge when President Bush was in office. The Republican-controlled Senate had no problem in confirming the 11th judge to that court.

Now, when the caseload is 185 pending appeals per active judge instead of 121 with a Democratic President, we are told: Gosh, we have to cut back. We have too many judges. It doesn't pass the giggle test. The fact is that this is what Republicans said. They voted for nominees to fill these 11 seats. Now, when three of those seats are vacant and we are trying to fill one—the same one John Roberts had—some are saying maybe we have too many judges. Back then we had 121 appeals pending per active judge and now we have 185. No matter how we do it, the issue simply comes down to, is this nominee qualified?

I have had the great privilege of serving in this body for almost 40 years. I have voted on thousands of judges nominated by both Republicans and Democrats. I voted to confirm the vast majority of them whether we had a Republican President or a Democratic President. Thinking back through all of those thousands of judges, I have a hard time finding even a handful who were as well qualified as this woman is or where there is as much of a need to have somebody in there.

This is important. This is not only important on the merits—and on the merits it is an easy case—but there should be no delay based on politics. At a time when the American people are looking at the Congress and saying: What are you people doing—first the shutdown and then other things—we should not allow one more example that will bring the scorn of the American people toward this great body by saying no to somebody when every single person, no matter what their politics are and no matter what part of the country they are from, knows how qualified she is.

I was thinking yesterday about when the group representing spouses in the military spoke about what she did to maintain her legal career but first and foremost to take care of her family while her husband was abroad and even then to do such things as help provide food to food kitchens for those less able and less fortunate. When we see a background such as this, we think it is too good to be true, but in this case it is all true. So let's confirm her.

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

LETTERS RECEIVED FOR PATRICIA MILLETT

June 24, 2013—Robin Conrad, Former Executive Vice President, National Chamber Litigation Center, Chamber of Commerce

July 2, 2013—Independent Group of Private Attorneys, Law Professors, and Former Judges

July 2, 2013—Jefferson Keel, President, National Congress of American Indians

July 3, 2013—Barbara Arnwine, President and Executive Director, and Jon Greenbaum, Chief Counsel and Senior Deputy Director, Lawyers' Committee for Civil Rights Under Law

July 3, 2013—Stuart Bowen, Jr.

July 3, 2013—Solicitors General at the Department of Justice, 1989–2009

July 3, 2013—Dan Schweitzer, Supreme Court Counsel, National Association of Attorneys General

July 3, 2013—Lisa Soronen, Executive Director, State and Local Legal Center

July 8, 2013—Jessica Adler, President, Women's Bar Association of the District of Columbia

July 8, 2013—Silvia Burley, Chairperson, California Valley Miwok Tribe

July 8, 2013—Major General Clark H. McNair, Jr., U.S. Army, Retired

July 8, 2013—Leonard Forsman, Chairman, Tribal Council of the Suquamish Tribe

July 8, 2013—Lilly Ledbetter

July 8, 2013—Judge Timothy Lewis, Former Federal Judge of the Third Circuit Court of Appeals

July 8, 2013—Carter Phillips and Peter Keisler, Attorneys

July 8, 2013—Douglass B. Maynard, Deputy Commissioner, NYPD

July 9, 2013—Chuck Canterbury, National President, National Fraternal Order of Police

July 9, 2013—David Diaz, Co-Chair, Endorsements Committee of the Hispanic Bar Association of the District of Columbia

July 9, 2013—37 Assistant, Deputy, and Acting Solicitors General

July 9, 2013—Ofelia L. Calderon, President, Hispanic Bar Association of the Commonwealth of Virginia

July 9, 2013—Nancy Duff Campbell and Marcia D. Greenberger, Co-Presidents, National Women's Law Center

July 9, 2013—Chuck Wexler, Executive Director, Police Executive Research Forum

July 9, 2013—Wade Henderson, President, and Nancy Zirkin, Executive Vice President, The Leadership Conference on Civil and Human Rights

July 10, 2013—John Page, President, National Bar Association

July 11, 2013—John E. Echohawk, Executive Director, Native American Rights Fund

July 17, 2013—Maryse Allen, President, Virginia Women Attorneys Association

July 17, 2013—Gene Rossi, Assistant U.S. Attorney and Chief of the Specials Unit, Eastern District of Virginia

July 17, 2013—Douglas Kendall, President, and Judith Schaeffer, Vice President, Constitutional Accountability Center

July 23, 2013—Mary Grace A. O'Malley, Attorney

July 23, 2013—Catherine M. Reese, Attorney

September 11, 2013—Andrea Carlise, President, National Conference of Women's Bar Associations

September 29, 2013—Matthew Crotty, U.S. Army and National Guard Veteran

September 30, 2013—Karl Monger, Major, Retired U.S. Army Reserves, and Executive Director, GallantFew, Inc.

October 1, 2013—Michael Hall, Retired from the U.S. Army after 31 years of active duty, Command Sergeant Major, Retired U.S. Army

October 4, 2013—Karen Kelly, wife of General John F. Kelly, the Commander of the United States Southern Command

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senate right now is considering the Estevez nomination, and the time is equally divided between both sides.

Mr. LEAHY. Mr. President, I yield the floor. I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 Alan F. Estevez, of the District of Columbia, to be a Principal Deputy Under Secretary of Defense.

Harry Reid, Carl Levin, Robert Menendez, Charles E. Schumer, Jack Reed, Kirsten E. Gillibrand, Sheldon Whitehouse, Richard Blumenthal, Jeff Merkley, Christopher A. Coons, Debbie Stabenow, Christopher Murphy, Patty Murray, Tom Harkin, John D. Rockefeller IV, Bill Nelson, Benjamin L. Cardin.

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

The question is, Is it the sense of the Senate that debate on the nomination of Alan F. Estevez, of the District of Columbia, to be a Principal Deputy Under Secretary of Defense, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

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

The yeas and nays resulted—yeas 91, nays 8, as follows:

[Rollcall Vote No. 223 Ex.]

YEAS—91

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

NAYS—8

Cornyn	Paul	Scott
Crapo	Risch	Sessions
Cruz	Rubio	

NOT VOTING—1

Inhofe

The PRESIDING OFFICER. On this vote, the yeas are 91, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Pursuant to the provisions of S. Res. 15 of the 113th Congress, there will now be up to 8 hours of postcloture consideration on the nomination equally divided in the usual form.

The Senator from Alaska.

Mr. BEGICH. Madam President, I ask unanimous consent that at 12 noon today all postcloture time on the Estevez nomination be yielded back and the Senate proceed to a vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

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

Mr. BEGICH. For the information of all Senators, we expect a voice vote on the Estevez confirmation. The next vote in order will be cloture on the Archuleta nomination. Senators should expect a rollcall vote at noon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I know we are in the postcloture time on the Estevez nomination. I wanted to explain why it was necessary for me to put a hold on this nomination this last March. This is a very important position, the second ranking acquisition official at the Department of Defense.

Actually my objection does not have anything to do with Mr. Estevez personally, who I trust will do an admirable job in this very important position. But the reason I put a hold on the nomination was so I could try to get the attention of the Department of Defense to protest the Department's business relations with a notorious Russian arms dealer. For the last few years, the Pentagon has been buying helicopters, Mi-17 helicopters, from Rosoboronexport, a Russian arms dealer, to supply the Afghan military. But this is the arms dealer, of course, who is supplying Bashar al-Assad with the weapons he is using in Syria in that civil war to kill his own innocent civilian population.

The Pentagon itself has confirmed that Bashar al-Assad security forces have used these very same Russian-made weapons to massacre an untold number of civilians. Yet the Department of Defense has stubbornly refused—I do not think arrogant is too strong a word—stubbornly and arrogantly refused to end its relationship with Assad's personal arms supplier.

In fact, since 2011, the Pentagon has given more than $1 billion—$1 billion—to Rosoboronexport in no-bid contracts. It is planning to spend another $345 million on the company's Mi-17 helicopters in 2014.

Let me be clear. By purchasing Mi-17s from Rosoboronexport, our own Department of Defense is effectively subsidizing the mass murder of Syrian civilians, which is, by all accounts, simply outrageous.

To make matters worse, the Mi-17 program is apparently plagued by internal corruption. According to published news reports, there are at least two separate ongoing criminal investigations into the U.S. Army office that manages the procurement and sustainment contracts for the Mi-17s. Last month, I joined 31 of my congressional colleagues in a bipartisan letter to the Attorney General of the United States, urging him to utilize all available resources to support these criminal investigations.

For that matter, I have also joined with 12 of my Senate colleagues in a bipartisan letter to General Dempsey, the Chairman of the Joint Chiefs of Staff at the Pentagon, asking him for assurances that its contracts with Rosoboronexport are not being abused by corrupt Russian officials.

Americans have good reason to be concerned. It is their tax dollars that are being used to buy these helicopters from Russia for the Afghan military.

Russia has a particularly bad track record. They received an abysmal grade of D-minus in Transparency International's latest Government Defence Anti-Corruption Index. In 2011, Russia's chief military prosecutor publicly stated that 20 percent of his country's annual military equipment budget is being stolen by corrupt officials and contractors. One independent watchdog believes that figure could be as high as 40 percent.

In short, there are plenty of legitimate reasons and questions about why American tax dollars are going to Rosoboronexport. On a per-aircraft basis, the U.S. Army is paying Rosoboronexport more than double what the Russian military itself is paying to buy nearly identical helicopters. About 1 year ago, I convinced the Pentagon to conduct a formal audit of the Army's 2011 no-bid contract. Unfortunately, that audit went nowhere due to persistent stonewalling by—you guessed it—Rosoboronexport.

In other words, we still have a lot of questions and the Pentagon and Rosoboronexport still owe us a lot of answers which we don't yet have. One question is what prompted the Department of Defense to buy Russian helicopters in the first place? To my knowledge, there are plenty of American manufacturers of helicopters that would be anxious to compete for this no-bid contract. By relying upon Moscow to supply the Afghan military with essential equipment, we have given the Kremlin significant leverage over U.S. foreign policy. Moreover, equipping the Afghans with Russian helicopters will make it virtually impossible to achieve any real level of interoperability between the U.S. and Afghan helicopter fleets.

The Department of Defense has repeatedly and disingenuously claimed that a 2010 study of Afghanistan's helicopter requirements shows the necessity of buying Mi-17 helicopters from Russia. In fact, the unclassified portion of that study found that the ideal aircraft for the Afghan military was a particular American-made helicopter.

Why are we buying Russian helicopters when there are American manufacturers that can meet that very same requirement? It makes no sense whatsoever, and the Department of Defense has steadfastly refused to cooperate with reasonable inquiries into why in the world they continue to persist along this pathway.

The reality is the Department of Defense has plenty of alternatives to buying Mi-17s from Russia, but for some reason or reasons known only to them, they steadfastly refuse to consider any of these alternatives. The most sensible and cost-effective alternative would involve keeping many of the Mi-

17s the Afghans already have on hand and life-extending them, instead of retiring them early, which is what is happening now. In other words, Mi-17s that the Afghans already have are being retired early rather than being life-extended because of the Pentagon's stubborn insistence on buying new ones to replace these existing helicopters. In fact, a majority of the Mi-17s the Afghan military already has have more than half of their useful lifetime left in terms of flight hours, and they are being retired early so the Pentagon can buy these new helicopters to replace them.

It makes no sense whatsoever, particularly at a time when I know we are all concerned about our defense expenditures and making sure the Defense Department has the resources they need in order to keep America safe and maintain our commitments around the world. Why would the Defense Department be acting so irresponsibly as they are in the purchase of these Mi-17 helicopters?

While I don't have any personal objection to the nomination of Mr. Alan Estevez, I could not support cloture on the nomination.

Along with my friends and colleagues on both sides of the aisle, I am going to do everything I can to shine a bright light on the Pentagon's troubling relationship with a Russian arms dealer, which is also Bashar al-Assad's arms dealer from which he purchases weapons to kill innocent civilians in Syria. What reasonable person wouldn't be troubled by this tangled relationship?

Ideally, the Mi-17 program would simply be terminated. At the very least, it should be placed on constant and vigorous congressional oversight, and that would serve the interests of U.S. taxpayers and U.S. national security alike.

For all of these reasons, I could not support a cloture vote on the nomination of Mr. Estevez. I am going to continue to come back to the floor and use other vehicles.

I see the distinguished chairman of the Armed Services Committee on the floor. I know we are going to be taking up the Defense authorization bill later on this year, and I will be reaching out to him and other colleagues on both sides of the aisle to try to bring an end to this troubling relationship with Rosoboronexport and to seek alternative means—hopefully, from American manufacturers—for this requirement for the Afghan military.

I ask unanimous consent to have printed in the RECORD two letters, one dated August 5, 2013, to GEN Martin E. Dempsey, and a letter dated September 16, 2013, addressed to the Attorney General of the United States, Eric Holder.

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

U.S. SENATE,
Washington, DC, August 5, 2013.

General MARTIN E. DEMPSEY,
Chairman of the Joint Chiefs of Staff, Joint Staff Pentagon, Washington, DC.

DEAR GENERAL DEMPSEY: We write to express deep concern over your support for the ongoing Department of Defense (DoD) procurement of helicopters from Rosoboronexport, the Russian Federation's official arms export firm, as well as DoD's seeming blindness to the real risk of both Russian corruption in these deals and over-reliance on a potentially hostile power. You are on the record, as recently as your Senate reconfirmation hearing on July 18, saying that we should ''stay the course with the existing program.'' In the interests of national security and proper stewardship of taxpayer dollars, we ask you to reconsider.

In June, DoD awarded Rosoboronexport a $572 million contract for the procurement of 30 more Mi-17 helicopters for the Afghan Special Mission Wing, ignoring the recommendation of the Special Inspector General for Afghan Reconstruction (SIGAR) to halt this procurement. SIGAR, in its June 28 report, cast doubt on the validity of the requirement for the aircraft, providing ample evidence that it is based on unrealistic and outdated projections. We request an explanation of DoD's decision. We also understand that DoD plans to buy approximately 15 more of these aircraft using FY14 funds.

As you know, while Rosoboronexport receives huge payments from DoD, it also continues to serve as a key enabler of atrocities in Syria, transferring weapons and ammunition to prop up the bloodthirsty regime of Bashar al-Assad. DoD has confirmed that Assad's forces have used these very weapons to murder Syrian civilians, and the United Nations estimates that over 100,000 people have been killed. DoD has now awarded well over $1 billion in no-bid contracts to this Russian state-controlled firm, which handles more than 80 percent of Russia's arms exports. What's more, as recently as 2005, Russia reportedly forgave more than $10 billion of Syria's past arms sales debt. As such, DoD has put American taxpayers in the repugnant position of subsidizing the mass murder of Syrian civilians.

While DoD's relationship with this firm is troubling on many levels, the prospect that American taxpayers have been made into unwitting victims of Russian corruption demands special scrutiny. Rosoboronexport is an arm of the Russian Federation and a key component of Russia's defense establishment, in which corruption is rampant. In June, the British nonprofit group Transparency International published its Government Defence Anti-Corruption Index, giving Russia a D-minus rating as one of the worst-ranked exporters. This group found ''evidence of organised crime penetration into defence and security establishments, and little evidence of the government's ability to address this,'' and it concluded that several top Ministry of Defence officials have convictions on their records.

In May 2011, Russia's chief military prosecutor publicly stated that 20 percent of Russia's own military equipment budget is stolen by corrupt officials and contractors each year, citing practices such as ''fake and fictitious invoices'' and ''kickbacks for state contracts.'' The head of Russia's National Anti-Corruption Committee independent watchdog put his estimate at 40 percent. Concerns about corruption in Russia's arms trade also reportedly led Iraq to cancel a $4.2 billion arms deal with Russia last year. We have very serious concerns over where the proceeds of DoD's Mi-17 contracts might be going.

In September 2012, one of us raised concerns about the price per aircraft that DoD was paying to Rosoboronexport and persuaded DoD to direct the Defense Contract Audit Agency (DCAA) to conduct a formal audit of the Army's 2011 no-bid contract with the firm. In May of this year, we learned that, due to a total lack of cooperation by Rosoboronexport and months of stalling tactics, DCAA had to abandon the audit. At the same time, DoD was negotiating the $572 million no-bid contract with this firm, but failed to use that leverage to secure its cooperation with the audit. DoD should complete this audit.

We need your personal assurance that American taxpayers are not being cheated out of their hard-earned dollars by corrupt Russian officials and contractors who may be lining their own pockets. Further, we request a briefing on exactly what due diligence DoD did on this issue prior to awarding these contracts to Rosoboronexport, as well as what continuing safeguards DoD has in place to prevent this.

The strategic vulnerabilities that DoD's Mi-17 program have potentially created are also deeply troubling. DoD argues that its direct relationship with Russia's official arms exporter provides essential benefits, such as recognition of ''Russian Military Airworthiness Authority,'' special tools and test equipment, and engineering ''reach back'' for Mi-17s, which it says includes service bulletins, certification of modifications, root cause corrective actions, lifting of life limits on parts, counterfeit part mitigation, special access to technical info, support for future modifications and fielded aircraft. If DoD's dependence on Russia for Afghanistan's future rotary airlift capacity is as complete as DoD suggests, this raises serious questions: (1) If the Afghan military continues to operate Russian aircraft for decades to come, can it ever be fully independent of Russia? (2) Should Russia decide at some point to withhold support for the Afghan Mi-17 fleet, does DoD have a fallback plan to ensure the Afghan fleet's readiness? (3) Does the overreliance on Russia fostered by this Mi-17 program put the U.S. at risk of Russian coercion or blackmail on other security issues, such as the crisis in Syria, Iran's drive to obtain nuclear weapons, U.S. missile defense, arms control negotiations, or the security of former Soviet republics?

We are concerned by DoD's apparent failure to consider the strategic implications of sourcing mission-critical military equipment from a potentially hostile power such as Russia. DoD's preference for Russian helicopters will also make it highly difficult to achieve robust interoperability between the U.S. and Afghan helicopter fleets, which is in the long-term interests of both nations. These problems are self-inflicted, and this policy is extremely shortsighted.

For these reasons, we ask that DoD cancel all current contracts with Rosoboronexport, as it has previously confirmed it has the right to do at any time, and fully sever its business relationship with this firm.

Sincerely,

John Cornyn, U.S. Senator; Mark Begich, U.S. Senator; Kelly Ayotte, U.S. Senator; Mark Kirk, U.S. Senator; John Boozman, U.S. Senator; Jeff Sessions, U.S. Senator; David Vitter, U.S. Senator; Charles E. Schumer, U.S. Senator; Richard Blumenthal, U.S. Senator; Kirsten E. Gillibrand, U.S. Senator; Christopher Murphy, U.S. Senator; Roger F. Wicker, U.S. Senator; Ron Wyden, U.S. Senator.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 16, 2013.

Hon. ERIC HOLDER,
Attorney General, U.S. Department of Justice, Pennsylvania Avenue, NW., Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: We write with great concern about reported allegations of criminal activity by one or more government officials within the Department of the Army's Non-Standard Rotary Wing Aircraft (NSRWA) Project Management Office, which leads the Department of Defense's troubled Mi–17 helicopter program. These allegations, if substantiated, would represent not just a violation of the law, but also a breach of the public trust.

According to an August 29, 2013, report from Reuters, the Defense Criminal Investigative Service has been conducting a criminal investigation and is examining ''questionable transactions'' by NSRWA, including potentially improper payments to Russian companies involved in Mi–17 overhauls, as well as problematic personal ties between one or more Army officials and these foreign entities.

In addition, the Special Inspector General for Afghanistan Reconstruction has launched a probe into NSRWA's procurement of new Mi–17 helicopters, according to the Reuters report. Since 2011, NSRWA has negotiated and executed more than $1 billion worth of contracts for procurement of these Russian aircraft from Rosoboronexport, Russia's state-controlled arms exporter who simultaneously continues to supply weapons and ammunition to the Syrian government.

The prospect that American taxpayers have been made into unwitting victims of corruption demands special scrutiny. On a per aircraft basis, the Army is paying Rosoboronexport more than double what the Russian military itself is paying right now to buy nearly identical helicopters. These facts, taken together with the news report, raise very serious questions about the Army's entire Mi–17 program, including whether the various contracts for procurement and overhaul were the products of criminal misconduct.

In light of these ongoing concerns, we urge you to utilize all available resources, including the Federal Bureau of Investigation, to support any criminal investigation into these matters. If the allegations are founded, we urge you to ensure the guilty parties are prosecuted to the fullest extent of the law. Thank you for your consideration of this important request.

Sincerely,

John Cornyn, U.S. Senator; Richard Blumenthal, U.S. Senator; John Boozman, U.S. Senator; Mark Kirk, U.S. Senator; Kelly Ayotte, U.S. Senator; Mark Begich, U.S. Senator; Roger F. Wicker, U.S. Senator; Christopher A. Coons, U.S. Senator; David Vitter, U.S. Senator.

Rosa L. DeLauro, Member of Congress; Kay Granger, Member of Congress; James P. Moran, Member of Congress; Frank R. Wolf, Member of Congress; John Garamendi, Member of Congress; Jack Kingston, Member of Congress; Michael H. Michaud, Member of Congress; Betty McCollum, Member of Congress; Jackie Speier, Member of Congress; Janice D. Schakowsky, Member of Congress; Elizabeth H. Esty, Member of Congress; Steve Stivers, Member of Congress; Daniel T. Kildee, Member of Congress; Joe Courtney, Member of Congress; Jim Bridenstine, Member of Congress; James P. McGovern, Member of Congress; Steve Cohen, Member of Congress; Alan S. Lowenthal, Member of Congress; Carol Shea-Porter, Member of Congress; William L. Owens, Member of Congress; Juan Vargas, Member of Congress; Tom Cole, Member of Congress; Ken Calvert, Member of Congress.

Mr. CORNYN. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I very much support the nomination of Alan Estevez to be Principal Deputy Under Secretary of Defense for Acquisition, Technology and Logistics.

Mr. Estevez is a career civil servant who has served under Presidents of both political parties since 1981, when he started work at the Military Traffic Management Command. Over the last 30 years, Mr. Estevez has developed an expertise in military logistics, eventually rising to become the first career Federal official to hold the position of Assistant Secretary of Defense for Logistics and Materiel Readiness, a position in which he provides civilian oversight for more than $190 billion of DOD logistics operations. He previously played a key role in reengineering Department of Defense transportation processes and in helping to address logistics deficiencies identified during Operation Desert Shield.

Mr. Estevez is the recipient of the 2010 Presidential Rank Distinguished Executive Award and the 2006 Presidential Rank Meritorious Executive Award, two Office of the Secretary of Defense medals for Meritorious Civilian Service, and the 2005 Service to America Medal awarded by the Partnership for Public Service.

He is extremely well qualified for this position. I am pleased we have now achieved cloture so his nomination may be voted on at noon.

I don't know of opposition to him and his personal qualifications. I understand the debate over the helicopter issue. He is not the one who ordered nor can he reverse it. That issue is an issue which has been raised by a number of Senators, including the Senator from Texas. Senator BLUMENTHAL has raised it in committee as well.

The letter that went out to the Chairman of the Joint Chiefs has not yet been answered. However, I have spoken to General Dunford about this matter, and I will have more to say about that when this issue is raised either on the Defense authorization bill or on some other matter.

For the time being, let me say simply that helicopter is a requirement which has been set by our generals, not by our Pentagon people, civilians. It is a top priority that the Afghans be supplied that helicopter because it is the one they have flown. The Army of Afghanistan has used that helicopter. So without getting into the merits of this, because this is left for a later time by the Senator from Texas, I am grateful the debate cannot be connected to the Estevez nomination, where it has no relevance, since he didn't accept the requirement nor can he reverse the decision. It will be set for a later time—hopefully, after the Senators receive the answer to the letter they sent to the Chairman of the Joint Chiefs of Staff.

I very strongly support the Estevez nomination and look forward to a confirmation vote, either by voice vote or rollcall vote, as necessary, at noon. I thank the Presiding Officer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BLUMENTHAL. Madam President, I come to the floor today to speak on two separate and distinct matters relating to the military.

REMEMBERING OUR ARMED FORCES

JUSTIN ELDRIDGE

Mr. BLUMENTHAL. Madam President, no one in this body other than I had the privilege to know Justin Eldridge of Waterford, CT. Justin was a true American hero, a patriot—a U.S. marine who served our country in Afghanistan and who scarcely more than 24 hours ago took his own life at his home. My thoughts and prayers are with Justin's wife Joanna and their four children and all of Justin's family and friends, fellow marines, who grieve his loss at this difficult time.

I first came to know Justin when he formed a chapter of the Marine Corps League in southeastern Connecticut. He believed deeply in the Marine Corps and in service to his country, his family, and in the values and traditions and ethos of all of our great U.S. marines and the men and women who wear the uniform.

Yesterday, Justin Eldridge lost his own battle—a long battle with post-traumatic stress that he fought heroically after serving in the Marine Corps for 8½ years before his medical retirement in 2008. Even after he returned home from Afghanistan, Justin had a long fight ahead of him. He returned home with the signature wounds of this war—both traumatic brain injury and post-traumatic stress—and he worked for years to get the specialized treatment he needed. He tried hard to be there for his family. According to his wife Joanna, his four children loved having him around.

He faced another all-too-common problem in this country—health care at the Veterans' Administration and accessing the care he needed. He was admitted to the VA hospital and began a long road of treatment. I cannot express in words how deeply sorry I am that treatment evidently proved unsuccessful—perhaps not the result of the VA or its doctors or its hospital because we are only beginning to learn as a country and society how to confront post-traumatic stress and traumatic brain injury with the specialized diagnosis and care these diseases demand.

Even in grief we should not forget Justin's service to his country and his joy and his pride in that service—and he deserved both joy and pride—as well as his long-fought battle here at home.

I wish to take this occasion to encourage anyone who is suffering from post-traumatic stress, traumatic brain injury, or any other wounds of war to reach out for help. The Veterans Crisis Line is there to help you. Anyone who needs that help can call 1–800–273–TALK. Courage is shown not only on the battlefield but afterward upon return when an individual in need of help seeks it, as Justin did.

Justin's story also reminds us of the heroic caregivers who take care of our Nation's veterans. We owe thanks to the people who dedicate their lives to helping those who have served.

Joanna also deserves our thanks because she was there for Justin, by his side throughout his treatment. She never gave up; she never relented; she never surrendered. She was his full-time caregiver, participating in the VA's caregiver program.

Justin himself continued to give back. I will never forget my conversations with him at that Marine Corps League event and afterward by email and phone.

Joanna is a strong advocate for all veterans, as we should all be. She studied psychology in college and hopes to go to law school. She wants to dedicate her life to being a veterans advocate, and I commend her and all of our military families, all of our military spouses who are there for their loved ones who seek to reach out. We need to keep faith with those veterans. We need to know and discover what will conquer the demons that often threaten to subdue our bravest and most selfless veterans when they come back and to give them the courage and the strength they need to conquer these dreaded diseases that we ourselves have a complicity in creating. We have an obligation and an opportunity to do more and we must keep faith and make sure no veteran is left behind.

My heart and prayers go to Justin's family and, of course, I know I am joined by all the Members of this body not only in grieving but in offering our help and service if there is anything we can do.

Madam President, I would like to speak on a topic that has been discussed by two of my colleagues this morning, the senior Senator from Texas, Senator CORNYN, and the chairman of the Armed Services Committee, Chairman CARL LEVIN. I thank my colleagues for joining me in raising a vital issue that must be addressed by this body and by Alan Estevez—a well-qualified nominee for the position of Principal Deputy Under Secretary of Defense for Acquisition, Technology and Logistics.

I will vote for the confirmation today of Alan Estevez. I believe he is well qualified and has the credentials to perform with distinction in this role. I hope that uppermost on his list of priorities will be the Mi-17 helicopter acquisition that is so misguided and wrongheaded in the way it has been handled by our own Department of Defense.

If one were to stop at Stella's corner restaurant on Main Street in Stratford, CT, for lunch or a cup of coffee and ask the folks there: What do you expect from your government? I think one of the things they would say is they expect the Congress and all of us here to keep our country safe; and that when it comes to buying the equipment for our troops and allies, we should do so, hands down, no doubt about it, by buying American. It should be made in America, manufactured in Connecticut or in the United States. Nothing could be more simple or straightforward. Yet somehow that Main Street common sense is simply ignored across the river at the Department of Defense, the Pentagon, where so many decisions are made.

Since becoming a member of the Armed Services Committee I have become aware the Department of Defense committed almost $1 billion to provide Afghanistan a fleet of Mi-17 helicopters. Let me clarify: Russian helicopters going to Afghanistan with American tax dollars, bought from the Russian export agency that at the same time is selling arms to Bashar Assad to kill his own people in Syria.

Since 2005, the United States has been procuring Mi-17s to build the capacity of the Afghan military and is working toward a total fleet size of approximately 80 helicopters. The Afghan military had approximately 50 Mi-17s as of last year, and this year the Army awarded a $572 million contract to purchase another 30, with approximately 15 more to come, to replace the aging helicopters the Afghan military has already run into the ground and failed to maintain.

The contract to award these helicopters was managed in a way to prevent any American helicopter companies from bidding on the work, even though the analysis of the Department of Defense in 2010 concluded the made-in-America CH–47D Chinook helicopter is the most cost-effective single platform type fleet for the Afghan Air Force over a 20-year life cycle.

I acknowledge I may be partial to helicopters made in Connecticut. The best helicopters in the world are made in Connecticut by the Sikorsky employees who happen to stop at Stella's on Main Street for lunch or a cup of coffee, and I see them there all the time. The H–92 troop transport helicopter or H–60 should also be considered by the Department of Defense for this mission. But at the end of the day, ''made in the USA'' ought to be the ruling principle. Made in the USA—American helicopters for the American military and American allies.

In 2011, the Army contracted with the Russian state-owned arms export firm Rosoboronexport. Yes, the very same Rosoboronexport that arms our enemies in Iran and is a key enabler of Assad's ongoing slaughter of his own civilians in Syria. Women and children in Syria die by the arms provided by Rosoboronexport—purchased by Assad with money financed by Russian banks and purchased from Rosoboronexport. These are well-documented crimes against humanity—war crimes that eventually should be prosecuted.

I am working with my colleague Senator AYOTTE on legislation to strengthen the contracting provisions that prohibit ''contracting with the enemy.'' These contracts are, in effect, supporting enemy purchases. Before us is a glaring example of contracting with the enemy.

We have all heard testimony that preventing mass atrocities in Syria was complicated by their air and naval defense systems that prevent the protection of civilians in Syria and threaten its neighbors in Turkey and Jordan. Where did those systems come from? The answer is Rosoboronexport—the same systems that could shoot down our planes if we pursue additional measures against Syrian war crimes, the same entity that arms Iran, where we currently are seeking solutions against nuclear armament, and where we have said all options should be on the table in terms of our military action. The Department of Defense thinks the best thing for our long-term national security is to pay the Russian arms dealer that threatens global stability and our own freedom of action.

But it gets worse. Without question we have overpaid for these Russian helicopters. A general told me the best way to think about these helicopters is they are ''flying refrigerators'' that we never should have bought in the first place. We paid about $18 million a copy, while Russia sold other nations Mi-17s for $4 million each. What a bargain. Other countries buy each helicopter for $4 million, we pay $8 million.

And it is still worse. The Army acquisition office that handled this contract is now under investigation for ''questionable transactions,'' including potentially improper payments to Russian companies involved in the repair of these helicopters as well as problematic personal ties between the Army officials in this office and those foreign entities.

If I went to Stella's and I told this absolutely remarkable story, I am hoping the folks there would say: No, you must be making this up. This couldn't happen at the U.S. Department of Defense. No way in the United States of America, not with our tax dollars. But in fact it is all true, and I have tried to cite the facts as objectively and dispassionately as possible.

I suspect for anybody at Stella's who might have believed this incredible tale, they would have said: Well, if a tenth of that is true, what are you going to do to stop it? What are you going to do to end this waste of taxpayer money and the insult and outrage to the American taxpayer? Well,

we did something. At my urging, and through the work of my colleagues who have spoken, including Senator CORNYN, Congress, in the Defense Appropriations Act, expressly prohibited the Department of Defense from spending any more taxpayer money on Russian helicopters and doing business with Rosoboronexport.

In fact, I wrote to the Secretary of Defense about this program. I have written numerous letters, and I have met with the Chairman of the Joint Chiefs of Staff. Did that stop these purchases? No. The $½ billion contract recently signed, recently completed, now under way by the U.S. Army for more Russian helicopters, used previously appropriated funds to ignore the will of Congress. Clearly, the spirit and intent of the National Defense Authorization Act was to end these purchases. The U.S. Department of Defense, in effect, has defied the will of Congress.

So here we are today, almost $1 billion out the door and the near certainty these helicopters are going to be used to smuggle drugs—that is right, smuggle drugs in Afghanistan. That purchase has occurred. The contract has been completed. And we can be sure, just as they failed to maintain those helicopters in the past, they will fail again in the future because the Afghan national security forces don't have the people trained to maintain the helicopters. In fact, right now it doesn't have the people trained to fly those helicopters. And in a few years what the American taxpayer will have to show for this folly is rusted scrap heaps at Bagram Air Force Base.

I understand that some in the Pentagon started this program with good intentions. Their thinking may have been that the Afghans already had some of these helicopters in the process of standing up their capability to defend themselves, they ought to have a few more, and then transition to a more capable helicopter. I have heard from our generals that we need these helicopters because the Afghans know how to fly them. But the fact is this program was never designed to be sustainable after we leave Afghanistan. My hope is we will leave Afghanistan sooner rather than later. There is simply no transition in place now or in the foreseeable future to buy American, to train those Afghan pilots how to fly those American helicopters, how to maintain American helicopters.

When the Russians forced us to procure the helicopters from them directly, rather than excess helicopters from countries like the Czech Republic, we should have made a course correction immediately, even if we thought those kinds of helicopters were necessary in the short term. There were options and alternatives that should have been pursued and they were not.

That is why I believe the plan requested by the senior Senator from Texas makes a lot of sense. He has asked the Department of Defense for an alternative plan for meeting the Afghan requirements. We cannot walk away from a problem that we created. We cannot walk away from the need for a transition. But there is a better way to get there. The answer, very simply, is buy American, buy American helicopters.

I expect Mr. Estevez will be confirmed today. But I want to say to him please, as one of your priorities, figure out a way to end these purchases from Rosoboronexport. You owe it to the Members of this body. You owe it to the American people to find a way to buy American and to keep faith with the brave men and women who will use the equipment that you will help purchase with taxpayer dollars. I know you take this responsibility seriously, and I hope that you will bring that seriousness of purpose to these issues because they are important, not just to the military and not just to taxpayers, but most especially to the American men and women who wear the uniform of the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

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

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

OBAMACARE

Mr. COATS. Madam President, I have come to the floor many times over the past several months to outline the problems that we are facing with the rollout of the ObamaCare law, problems that my constituents are facing, as are people all across the country. While it is important to discuss the generic and macro effects of this law—and we see it unrolling before us every day—it is also important to understand what the direct effects are on people at a personal level.

Last week, during our break, I traveled throughout Indiana and talked to a number of people. Many of them came up to me voluntarily to tell me the effects of the confusing, complex, and seemingly intractable aspects of ObamaCare. Let me read for the record just a couple of statements that were made.

An email that I received from Daniel in Elkhart, IN, summarizes the experiences of hundreds of thousands of Hoosiers and millions of Americans are having with the Web site alone. He wrote:

> I have tried for two weeks to apply through the marketplace, only to electronically sign my application and be kicked back to my profile page. This is the most bizarre system I have ever experienced. If a company put a business Web site together like this, they would go out of business.

Anthony in Indianapolis shared similar concerns. He said:

> I have been unable to get through the healthcare.gov Web site. My wife must notify our insurance company by November 15 if she will keep her existing plan . . . I understand there are problems with the Web site. I think we all understand that at this point.
>
> I heard the President say you could sign up in person, on the phone or on paper. But the two navigators I called said that until the Web site works, they cannot help. I called the 1–800 number but the healthcare.gov rep [said his] computer froze up and could not help. I hear about the tech surge, how there will be a few rough spots—Another understatement—
>
> and how they will be fixed. Senator, if you listen to the news the problems with the system are much deeper than the President let on [in his] Tuesday [address]. I need help and I don't think the system will be in operation in time for me to make an informed decision.

These are two statements from only two of the many Hoosiers who described similar problems to me—which is probably why, when asked about the ObamaCare Web site, an experienced online and database programmer told CBS News, ''I would be ashamed and embarrassed if my organization delivered something like that.''

We know this law passed the Senate on Christmas Eve in 2009 without any bipartisan support. One party alone put this law into place. We now know that over $400 million have been spent to create a Web site so Americans who are mandated to enroll in ObamaCare can go and sign up for it. We know that nearly 4 years of notice has been in place to get the Web site up. This rollout, as one Democratic Senator said over the weekend, has been a disaster.

If the administration, after nearly 4 years of effort and over $400 million, can't get the Web site right, how in the world can anybody believe that the Federal Government can manage this monstrous and dysfunctional law that has been imposed on the American people?

Despite the Web site's numerous glitches and many other implementation problems, the administration still insists on fining taxpayers if they do not sign up and purchase ObamaCare under the mandate. What an irony it is. You need to sign up or you are going to get fined. The Web site is so dysfunctional you can't sign up, but you are still going to get fined. That is mind-boggling, head-scratching, and simply unacceptable.

We know that there have been numerous attempts to repeal this law and replace it with something far more acceptable, affordable, and implementable. We now know that the defund effort, that resulted in the shutdown, failed to gain the necessary votes to achieve that goal. But attempting to repeal this law is the responsible thing to do. In September I introduced a bill to delay the roll out of the ObamaCare mandates for a year. As the problems with the health care law pile up, I am going to continue to push for this delay. The delay makes sense because the program is simply too dysfunctional to be implemented.

The bottom line, however, is that I want this delay so the American people have another chance to learn what is in this law, to evaluate as to whether or not they want this to go forward as the health care law of the United States or

whether they think a viable alternative is that we have the responsibility to put forward—and many of us have advocated components of that—whether or not that alternative is the better way to go.

I know it has been said by the President and others that in 2012 the public went to the polls to vote for the Presidential election. Therefore, that vote certified that the American people supported and wanted ObamaCare.

First of all, that was not the primary issue. It was one of the issues that was a determinative factor in the outcome of that election but not nearly ''the'' factor, because most Americans at that point still had not had the opportunity or the experience that they are having now, finding out exactly just how this law works and does not work; finding out all the dysfunction and learning that all of those campaign promises made or promises made when the law was passed have simply been broken. ''You can keep the insurance policy that you have now. No problem. Won't cost a penny more. No problem.''

On and on it goes. ''Keep the doctor that you want.'' Americans are finding out that none of this is true. ''Premiums will not rise.'' Premiums are rising for many Americans. ''This will be easy. Go to a Web site, sign up, punch in, put your name in, you are on board. Everything will be great.''

None of this has worked. Why not delay this process, not just to learn what is here, but to give the American people another opportunity to vote, to walk into the polling booth. A number of Members will have to stand up and either explain why they supported this or why they didn't support it. Americans will have a choice. We will put alternatives in front of them.

That is the purpose of the delay for a year: No. 1, because it is dysfunctional; No. 2, because Americans deserve a second chance to express their opinions on this bill. This has already been passed by the House of Representatives. My colleague, Representative TODD YOUNG of Indiana sponsored that. It gained bipartisan support, and 22 Democrats, House Democrats, recognized the need to give Americans the same relief from ObamaCare that businesses are receiving. Delay on the employer mandate, which the President has proposed and put into practice, and doing that for the individuals and families who do not fall under the employer category only, is a matter of fairness. That also is something that has to be addressed.

Recently, several Senate Democrats have come out in support of delaying parts or all of the President's health care law as well. I think the opportunity is before us to put the brakes on trying to jam through something that simply is dysfunctional and not working and secondly to give the American people the opportunity to go back to the polls and decide whether or not this is the way they want their health care programs to go forward.

We have had nothing but broken promises. We are learning about how difficult it is for the Government to manage even the first step, let alone the one-sixth of the economy that deals with our health care. This is important for all Americans. I am urging my colleagues to support this effort to give the American people another chance to look at a more viable and more affordable alternative.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent to address the Senate for 5 minutes.

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

Mr. UDALL of Colorado. Madam President, I appreciate the opportunity to say a few words today in support of my fellow Coloradan, Katherine Archuleta, and her nomination to be Director of the Office of Personnel Management. I have known her for years and have tremendous respect for her. She has given much of her life to public service, and her dedication to her community, her State, and her country is a testament to her character. I am very confident that she will be a steady hand at the helm of OPM. I urge all my colleagues to support her confirmation.

Not everyone watching may be familiar with the Office of Personnel Management, but it is an important agency. Let me talk about Colorado in that context. Thousands of Federal employees are in Colorado, including those who are helping to rebuild our State in the wake of September's tragic flooding count on OPM. It is a critical part of the integrity and strength of the entire Federal workforce. It is responsible, among other duties, for employee recruitment and employee retention and for managing Federal benefit and retirement programs.

We all expect Federal agencies and departments to function effectively and efficiently for our constituents. As someone who ran a nonprofit in Colorado for 10 years, I know the importance of maintaining a talented and motivated workforce. Strong workforce management leads directly to better work, better service, and better outcomes, which is why it is so important to have someone leading OPM who is an advocate for Federal employees and also a strong manager with high expectations.

Again, that is why I stand here this morning. I believe Katherine will be this type of leader. She has years of high-level management experience. She is sharp, hard working, and she is dedicated to the goal of making government work as effectively and efficiently as possible.

She has an impressive resume, as I noted at her hearing when I had an opportunity to introduce her. She has local and State-level experience. She served senior roles in two Denver mayoral administrations as well as extensive experience here in Washington serving as the chief of staff to the former U.S. Secretary of Transportation Federico Pena in the 1990s, and more recently to U.S. Secretary of Labor Hilda Solis.

In between her years of public service in Denver and also in Washington, Katherine consulted with charities, nonprofits, cities, regional governments, and businesses to help them pursue community development, workplace diversity, and crisis management strategies.

If you look for a common thread throughout Katherine's career, it is her capacity and talent to work with individuals and organizations, identify priorities, and then, notably, to create the conditions for successful implementation of those priorities. That is what we need at the helm of OPM. It is what Americans expect and demand.

As we look at Katherine's career, she has demonstrated an ability to lead, to motivate, and to work constructively with a diverse range of people and personalities. She is a true westerner. She has personal integrity. She has a strong sense of right and wrong, she has obvious pride in the work she does, and that makes her a topnotch choice to lead our Federal workforce.

For all those reasons, I am honored to speak in support of Katherine Archuleta's nomination, and hopefully we will confirm her quickly. She is eminently qualified for this position, and she deserves an up-or-down vote as soon as possible.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). All time has expired.

The question is, Will the Senate advise and consent to the nomination of Alan F. Estevez, of the District of Columbia, to be a Principal Deputy Under Secretary of Defense?

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Katherine Archuleta, of Colorado, to be Director of the Office of Personnel Management.

Harry Reid, Bill Nelson, Barbara A. Mikulski, Patty Murray, Barbara Boxer, Bernard Sanders, Amy Klobuchar, Carl Levin, Thomas R. Carper, Jr., Tim Johnson, Patrick J. Leahy, Max Baucus, Robert Menendez, Richard J. Durbin, John D. Rockefeller IV, Tim Kaine, Mazie K. Hirono.

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

The question is, Is it the sense of the Senate that debate on the nomination of Katherine Archuleta, of Colorado, to be Director of the Office of Personnel Management, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

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

The yeas and nays resulted—yeas 81, nays 18, as follows:

[Rollcall Vote No. 224 Ex.]

YEAS—81

Alexander	Gillibrand	Murphy
Baldwin	Grassley	Murray
Baucus	Hagan	Nelson
Begich	Harkin	Paul
Bennet	Hatch	Portman
Blumenthal	Heinrich	Pryor
Blunt	Heitkamp	Reed
Boxer	Hirono	Reid
Brown	Hoeven	Rockefeller
Cantwell	Isakson	Sanders
Cardin	Johanns	Schatz
Carper	Johnson (SD)	Schumer
Casey	Kaine	Scott
Chambliss	King	Sessions
Chiesa	Kirk	Shaheen
Coats	Klobuchar	Shelby
Cochran	Landrieu	Stabenow
Collins	Leahy	Tester
Coons	Levin	Thune
Corker	Manchin	Toomey
Crapo	Markey	Udall (CO)
Donnelly	McCain	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Fischer	Merkley	Whitehouse
Flake	Mikulski	Wicker
Franken	Murkowski	Wyden

NAYS—18

Ayotte	Cruz	McConnell
Barrasso	Enzi	Moran
Boozman	Graham	Risch
Burr	Heller	Roberts
Coburn	Johnson (WI)	Rubio
Cornyn	Lee	Vitter

NOT VOTING—1

Inhofe

The PRESIDING OFFICER. On this vote, the yeas are 81, the nays are 18. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

NOMINATION OF KATHERINE ARCHULETA TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Katherine Archuleta, of Colorado, to be Director of the Office of Personnel Management.

The PRESIDING OFFICER. Pursuant to the provisions of S. Res. 15 of the 113th Congress, there will now be up to 8 hours of postcloture consideration of the nomination equally divided in the usual form.

The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise to speak on this nomination and to oppose it because of the recent actions of the Office of Personnel Management with regard to the Washington exemption from ObamaCare. I voted just now against cloture on the nomination, and I will vote against the nomination itself later today because of these very serious matters.

OPM, the office to which this nominee is nominated and which she would head, has issued an illegal rule that is very offensive and flies in the face of the ObamaCare statute language itself, and this nominee has pledged to continue to enforce that illegal rule and illegal policy.

Furthermore, OPM has completely stonewalled Members, including myself, my colleague Senator HELLER, and others regarding how they came to that decision and, importantly, whom they talked with, whom they e-mailed with, and whom they met with in coming to the decision to create this illegal Washington exemption.

Let me back up a little bit and explain exactly what we are talking about. Really, this story started several years ago in the ObamaCare debate. During the original debate on the ObamaCare statute, several conservatives, including myself, pushed an amendment that said every Member of Congress and all of our official congressional staff have to use the same fallback plan as is there for all other Americans—originally, it was called the public option, and then it became known as the exchanges—no special rules, no special treatment, no special subsidy. In fact, that is one of the very few battles in that debate we won because that provision was adopted during the consideration of the ObamaCare statute. It was adopted right here in the Senate.

So in the statutory language as it finally passed into law is that section, and that section says very clearly that every Member of Congress and all of our official congressional staff have to go to the ObamaCare exchanges for our health care—the same fallback plan as is there for all other Americans—no special rules or privileges or subsidies or exemptions. We go there. Well, I guess this became an example of what NANCY PELOSI was talking about when she famously said: Well, we have to pass the law in order to figure out what is in it—because the law did pass. It had that specific statutory provision. Then people on Capitol Hill started reading it, and they came to that section and a lot of them said: Oh, you know what. We can't live with this. We can't have this. We can't be pushed to the same fallback plan as all other Americans. We can't stand for this.

From that moment on, a furious lobbying campaign and scheming behind the scenes started to avoid that provision fully going into effect, to avoid the pain of that provision, the pain of ObamaCare that millions of other Americans are facing as we speak. Meetings happened, leadership meetings happened, Member meetings happened, furious scheming behind the scenes, and a lot of lobbying. Ultimately, that lobbying of the Obama administration paid off because in early August of this year, right after Congress got out of town for the August recess, conveniently right after Congress left the scene of the crime, the Obama administration issued a special rule with no basis in the law, in my opinion, no basis in the ObamaCare statute. This special rule was a special exemption for Congress, a carve-out to take all of the financial sting out of that ObamaCare section.

What this special OPM rule is—and, again, OPM, the Office of Personnel Management, was the agency that came up with this illegal rule after this furious lobbying, after President Obama became personally involved, literally personally participated in the discussions leading to this rule. What this illegal rule does is essentially two things. First of all, the rule says: Well, ''official congressional staff''—we do not know who that is. We cannot possibly determine who official congressional staff are, so we are going to leave it up to each individual Member of Congress to figure out who is their official staff.

Well, I would submit that is just ludicrous on its face. Congressional staff is congressional staff. Official staff is anyone who works for us through the institution of Congress versus outside entities and institutions, such as our campaign staff. So leaving it up to each individual Member of Congress is contrary to the statute on its face. It is outrageous on its face. But under this OPM rule, that is exactly what they do. So an individual Member of Congress can say: Well, these 10 people are not official staff. They are on my staff, but for some magical reason they are not official for purposes of this mandate. In fact, under this rule a Member can say: Nobody on my congressional staff is official staff for purposes of this mandate. And we see Members doing that as we speak. We see examples of that being reported in the press as we speak—Members deciding, ''Well, nobody is official staff. I do not have official staff'' because it will mean they will have to go to the ObamaCare exchange and live by the same rules through the same experience as other Americans. That is flatout ridiculous.

But that is not the only thing the OPM rule did. It did a second thing that is perhaps even more outrageous. It said Members of Congress and staff who do go to the exchange—they get to take along with them a huge taxpayer-funded subsidy that no other American at similar income levels has, enjoys, going to the ObamaCare exchanges. This is a huge subsidy worth at least $5,000 for individuals and $10,000 or $11,000 for families. Again, no other American at similar income levels is privy to that sort of subsidy.

Again, I believe this part of the OPM rule is flatout illegal. It is not in the ObamaCare statute. There was discussion of it. There were drafts that allowed that to happen, but the language that was put in the law did not include that subsidy. It was specifically left out. And, in fact, magically transforming what was, under previous law, a Federal employees health benefits plan subsidy, magically transforming