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Senate

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER MURPHY, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

Eternal Father, we thank You for the life and legacy of the man called Madiba Nelson Mandela, and for the exemplary footprints he left in the sands of time. Inspired by his great life, may our lawmakers deal fairly and wisely with the great issues of our time.

Lord, help our Senators to remain tethered to a firm faith in You, committing their lives and our country to Your will. May they demonstrate their faith daily, remembering that faith without action is not real. Empower them to work together for the peace and prosperity of America, as they seek spiritual moorings in today's turbulent times.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 9, 2013.

To the Senate:

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

PATRICK J. LEAHY,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

WORKFORCE INVESTMENT ACT OF 2013—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 243, S. 1356.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The bill clerk read as follows:

Motion to proceed to Calendar No. 243, S. 1356, a bill to amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in morning business until 4 o'clock this afternoon. At 4 p.m. the Senate will resume consideration of S. 1197, the National Defense Authorization Act. At 5 p.m. the Senate will proceed to executive session to consider the nomination of Patricia Millett to be U.S. circuit judge for the DC Circuit postcloture. At 5:30 p.m. then, the Senate will vote on confirmation of the Millett nomination.

MEASURES PLACED ON THE CALENDAR—S. 1774, S. 1775, H.R. 1965, AND H.R. 2728

Mr. REID. Mr. President, I think there are four bills—and the clerk can help both of us—at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for the second time.

The bill clerk read as follows:

A bill (S. 1774) to reauthorize the Undetectable Firearms Act of 1988 for 1 year.

A bill (S. 1775) to improve the sexual assault prevention and response programs and activities of the Department of Defense, and for other purposes.

A bill (H.R. 1965) to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes.

A bill (H.R. 2728) to recognize States' authority to regulate oil and gas operations and promote American energy security, development, and job creation.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

THE NEXT TWO WEEKS

Mr. REID. Mr. President, welcome back. I hope the Acting President pro tempore and staff and all the other Senators had a wonderful Thanksgiving. It was a very good Thanksgiving for us. We had all of our children and all of our grandchildren, except one; she had to work. She lives in New York now.

This week the U.S. Senate begins a short 2-week work period, and I hope it is only 2 weeks. But it could bleed over the weekend before Christmas. I know I come to the floor and say a lot of times that we are going to have to work weekends, but we may really have to work the next couple weekends. We have had a wonderful 2-week break. It was important for all of us.

REMEMBERING NELSON MANDELA

But before I discuss the business before this body, I mourn—as we all mourn—the loss but I also celebrate the life of South Africa's great emancipator Nelson Mandela. He once said: ''Difficulties break some men but make

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

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others.'' His dedication to peace and justice was forged in the fire of adversity—27 years in prison, among other things.

But while he endured great hardship for the cause of universal suffrage, his capacity for forgiveness was as boundless as his dedication to democracy, freedom, and equality.

He leaves a legacy that is so significant. It will inspire current and future leaders for generations to come.

SCHEDULE

Mr. President, now as to our schedule. This week, as South Africa mourns the founder of its democracy, the Senate must continue its work in our democracy.

I suggest to my colleagues that the Senate, as I have indicated, will work long nights—I think we are going to come in earlier than we normally do—and possibly weekends to complete the workload we have before the holidays.

During this next work period—the one we are now engaged in—we must complete work on the National Defense Authorization Act. It is my understanding that the two bodies, the two committees, have come up with something. I hope we get a message from the House soon, and I hope we can dispose of this very quickly.

We must address the issue of additional sanctions against Iran. We must pass an agriculture jobs conference report. We must ensure seniors on Medicare can keep their doctors by adjusting physician payments. We must consider a large number of nominations. And we must complete a budget agreement that protects our economy and ensures our government can continue the work of the people.

I am not going to talk about each of these individually other than that I think it is so shortsighted what the Republicans are doing regarding the famous SGR or physician payments for Medicare. There is money to take care of this problem—a number of different sources—not the least of which are the overseas contingency funds. We had money set aside for the wars in Iraq and Afghanistan. They are being phased out. There is still almost $1 trillion left. I cannot understand why the Republicans refuse to use that money. No one except the Republicans opposes closing these tax loopholes—and not Republicans around the country. It is only the Republicans in Congress who oppose them, not Republicans around the country. These loopholes are so big you could drive the biggest vehicle in the world through them. But we are where we are.

Despite the costly Republican government shutdown this fall, last week's jobs report proved that the American economy continues to gain steam. Private sector businesses have added more than 8 million jobs over the last 45 consecutive months.

If Republicans had not insisted on shortsighted, draconian cuts that forced layoffs of tens of thousands of teachers, firefighters, and police officers, the economy would be growing even faster than it is today. The Acting President pro tempore knows—we all know—that we need an infrastructure program. For every $1 billion we spend as a government on infrastructure—roads, bridges, dams, highways, water and sewer systems—we create almost 50,000 high-paying jobs.

Despite last week's good economic news, Congress can and must do even more to create jobs for the millions of Americans who are still looking for work.

As to unemployment compensation, we need these extended benefits. There are 1.5 million people in America who have been out of work for more than 26 weeks. We must replace the meat-ax cuts that have happened with the sequestration with smart savings, reducing the deficit by closing wasteful tax loopholes, and making job-creating investments that spur economic growth.

As we close out this year, I hope Republicans and Democrats can put aside our differences and work together to produce results for the middle class.

The Acting President pro tempore served in the House. I served in the House. I am fortunate to serve here in the Senate. When I first came to this body, Democrats had to focus on what they thought the foundation of democracy was. Republicans did the same. They thought they knew the right thing to do. But, you know, we could never get what we wanted. Each side could not get what it thought was the way it should be. So what did we do? We worked together and came up with compromises to move legislation forward. Let's get back to where we were. That is what this body needs. So I hope we can put aside our differences and work together like we used to.

It is also time for Republicans to work with us—instead of against us—to make the landmark health reform law more workable.

I remind my Republican colleagues that the Affordable Care Act is the law and has been the law of the land for 4 years, and it was upheld by the Supreme Court.

As Democrats have predicted for months, enrollment in Affordable Care Act exchanges is picking up speed as we approach the New Year. As Americans learn more about the benefits of this law, more and more of them are logging on to shop for affordable, quality insurance through the State and national exchanges. The rollout of the national Affordable Care Act Web site was rocky, to say the least, when it came out.

Congress had to make crucial improvements to other landmark programs, such as Social Security and Medicare, when they were first enacted as well. These big legislative deals can have some wrinkles in them. It does not mean Social Security is bad. It does not mean Medicare is bad. It means they are hard to get started. It is just the same for ObamaCare.

But now, I repeat, many of the major problems with the health care site have been fixed, hundreds of thousands of Americans are logging on every day to research plans they think could work for them and sign up for insurance they know they need.

States that embraced the Affordable Care Act—such as Kentucky and Washington—have also reported successes with their exchanges. And thanks to the health care law, in a few short weeks no one can ever again be denied insurance just because they have a preexisting condition—because they are a cancer survivor, because they live with diabetes, because they had acne growing up or because they are a woman.

Because of this landmark law, insurance companies can no longer cancel your policy when you get sick, charge you more, I repeat, because you are a woman, or set an arbitrary limit on the care you receive.

Millions of seniors have saved billions of dollars on medicine because of the Affordable Care Act. Why? Because it closed the gap in prescription drug coverage, the so-called doughnut hole.

Millions of young people have stayed on their parents' health plans. And 17 million Americans will qualify for tax credits to purchase the coverage they need and the coverage they deserve.

There are still problems with the Affordable Care Act and ways we can make it better if we work together. But we cannot improve the law without help from some reasonable Republicans. It time for my Republican colleagues to give up their fantasy of repealing a law that is already benefiting tens of millions of Americans and start working with us to make the Affordable Care Act succeed instead.

RESERVATION OF LEADER TIME

Mr. REID. Mr. President, will the Chair announce the business of the day.

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4 o'clock p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

MINIMUM WAGE

Mr. BROWN. Mr. President, 75 years ago President Roosevelt signed the Fair Labor Standards Act written, in

part, by Senator Hugo Black of Alabama. He actually sat at this desk as he was writing the minimum wage law and some of the Fair Labor Standards Act legislation in the 1930s.

This legislation ensured that American workers would receive a minimum wage and work reasonable hours. We know what that has done for families in this country. We also know that the minimum wage hasn't even been close to keeping up with the cost of living and with inflation. We also know a number of other facts about the minimum wage.

The minimum wage is $7.25 an hour. Many minimum wage workers are working and making $7.25, $8 or $9—less than what we want to raise the minimum wage to so all would get a raise. We know that many of those workers work in the fast food industry.

The CEO of a fast food corporation makes about $8.7 million or $8 million a year, while his employees average something around $19,000 a year.

I am not one of those who says they have to work a million hours to get to the $8 million a year. To put into perspective what has happened with wages, as wages for CEOs and top management have gone up, we have seen the productivity of workers go up. We know that wages for those workers have simply not kept up, not only for minimum-wage workers but for workers overall.

Since the 1970s, and especially since 2000, profits have gone up, productivity has gone up, executive salaries have gone up dramatically, yet workers wages have been stagnant. There is no better example of that than the minimum wage. The minimum wage was raised my first year in the Senate.

My first speech on the Senate floor was with Senator Barack Obama sitting in the Presiding Officer's chair. Senator Kennedy and Senator Byrd were on the floor that day talking about and debating increasing the minimum wage.

We did that in a bipartisan way in 2007. The bill was signed by President Bush. That is good news.

The bad news is there was no cost-of-living adjustment. There was no escalation so that the wage would keep up with inflation. There has not been a minimum wage increase since then.

Here is another fact about the minimum wage. For tipped workers, those who work in diners—in many cases those who work pushing wheelchairs at airports don't work for the airlines. They work for a subcontracting company that pays subminimum wage.

Valets and people who are in positions in hotels where they might get tipped, their minimum wage is only $2.13 an hour. A woman working the floors of a diner, a man who is pushing a wheelchair or driving a cart in an airport, their minimum wage is only $2.13 an hour. Some are paid more than that, but some of them are paid as little as $2, $3 or $4 an hour, supposedly expecting that tips will make up the difference and get them to the minimum wage or above.

The assistant majority leader, who has joined me on the floor, has been working with Senator HARKIN and several others of us on legislation for the new minimum wage increase. We want to increase the minimum wage $2.10 an hour, 90 cents at the President's signature, then another 90 cents, and another 90 cents. We also want to increase the tipped minimum wage—not increased for 22 years—to lock it in at 70 percent of the real minimum wage.

As the real minimum wage increases by the year 2016 under our legislation, and a worker's minimum wage would then be $10.10 an hour, a subminimum wage of a tipped employee in an airport or restaurant would then be $7 and a few cents an hour. Both of those wages, the tipped minimum wage and a minimum wage, will have a cost-of-living adjustment so we don't have to come back every 6 years and have a big political fight to raise the minimum wage. It shouldn't be a big political fight because clearly people in this country overwhelmingly—Democrats, independents, and Republicans—think the minimum wage should be increased.

It will not only be the tipped employee or the minimum wage worker at a fast-food restaurant who gets a raise from what is now $7.50 or $8 an hour or even $9 an hour. As the minimum wage goes up, so will the wages for many of low-income, slightly above minimum wage workers.

In a fast food restaurant where perhaps the night manager may make a couple of dollars more an hour than the line workers who are at the counter—although the night manager does plenty of that too—the night manager might make a couple of dollars above or $3 above minimum wage. There we raise the minimum wage, thus raising everybody's wage. Then the night manager's wage will increase too.

The opponents to the minimum wage—and it is amazing to me that people can sit in this institution, with the good salaries that we make as Members of the Senate and Members of the House in both parties, with good benefits, good health insurance, decent pensions paid for by taxpayers, and oppose the minimum wage. It equally amazes me that they can oppose extending unemployment benefits. In my State alone—and I know in the assistant majority leader's State of Illinois and in the Presiding Officer's State, for a significant number of people, over 120,000, in my State alone, their Christmas present will be that unemployment benefits have stopped for them, have been eliminated, unless Congress acts. That is why it is so important, not only to enact a minimum wage in the weeks ahead but that we extend unemployment benefits for those workers who are looking for jobs.

These aren't people who don't want to work. These are people looking for jobs. They have to look for jobs in order to qualify. It is not a lot of money. It is 40 or 50 percent typically of their wage, of what they used to make.

There aren't enough jobs in this country. There aren't enough jobs in Connecticut, Illinois, and Ohio that they can find jobs, and then we take the unemployment benefits away.

No. 1, think of what it means to that family and, No. 2, as the assistant majority leader knows, this helps our economy. When people are receiving unemployment benefits, they are spending it. They are spending it in Toledo at the grocery store. They are spending it in Cleveland at the hardware store. They are spending it in Dayton at the auto repair shop to fix their car, so they can go out, get a job, and go to work. All of those are reasons why extending the minimum wage and extending unemployment insurance is so important.

One further point before yielding to the assistant majority leader from Illinois, unemployment is not called welfare, it is unemployment insurance. People pay in when they are working. They hope they are going to pay in for a long time and that they are not going to lose their jobs. But if they lose their jobs, they collect their insurance. They paid in. That is what insurance is. If things aren't working right, one gets unemployment benefits, unemployment insurance, social insurance. This is why this is so important.

I yield to the Senator from Illinois.

Mr. DURBIN. Will the Senator from Ohio yield for a question through the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I ask of the Senator from Ohio if he recalls that it was not that long ago the issues that we are discussing were marginally bipartisan issues. When it came to raising the minimum wage periodically, Senator Ted Kennedy, who used to sit back at that desk, led the effort. It would turn out to be a bipartisan vote to increase the minimum wage.

Over the years, that reflected a bipartisan consensus that if one is working for a living in America, they ought to be able to get by or at least have a little bit put away for their future.

We are finding more and more that people working for a minimum wage cannot get by. I listened to public radio over the break. There was a lady on there who works in the hospitality industry, I believe, and explained she was on food stamps. She said she had a small family and made $7.25 an hour. With her children she still qualified for SNAP, the food stamp program.

I did a quick calculation in my mind—I believe this is correct—and she was making somewhere in the range of $14,000 to $15,000 a year at $7.25 an hour, the minimum wage in many parts of the United States. She still qualified for a helping hand to feed her children.

This is not a lazy person. This is a person who gets up and goes to work. My guess is it is not an easy job. She is

making $7.25 but still needs a helping hand.

I find it interesting that issues that used to be bipartisan to help people such as her, working people, have now become too partisan. We should have a bipartisan consensus that regularly we increase the minimum wage in America to keep up with the cost of living. I hope we all agree that if we have a working mom, who is doing her best, and needs a helping hand to feed her children, food stamps should be available to her.

Of the 47 million Americans receiving food stamps, 22 million of the 47 million are children, 1 million are veterans, and 9 million are elderly and disabled. Three-fourths of the recipients of food stamps fall into those categories: children, veterans, the elderly, and the disabled. Yet we are up against a battle on the farm bill about whether we are going to make deep cuts in food stamps. It seems to me this is counterproductive. We should be helping working families—those who struggle paycheck to paycheck—to get by, to at least feed their children.

Going back to the point made by the Senator from Ohio, when we look across the board at the vulnerability of working families, it is wages, food on the table, and many times it turns out to be health insurance. The number one reason for bankruptcy in America today is the failure of people to be able to pay their medical bills.

What we are trying to do with the Affordable Care Act is to say to everyone in my State, the 1.8 million uninsured people in Illinois, we will give them a chance—possibly for the first time in their lives—to have health insurance so they won't go broke when they get sick. To me, when we start putting it together, it is the paycheck, the food, the health care, and the housing.

In a country such as ours that wants to build the next middle class, to me this is the bedrock of what we need to provide to working families. It seems we have fallen far away from that goal of trying to provide for working families. It has become too partisan.

I was on a talk show with the Senator from Ohio who shares the State with Senator BROWN, and he gave the classic argument against raising the minimum wage: It is a job killer. He said: If we raise the wage 50 cents, $1 an hour, whatever it is, there will be fewer jobs.

It turns out that history and the economic analyses prove him wrong. That is the argument that has been made against increasing the minimum wage since Franklin Roosevelt first increased it back in the 1930s.

I ask the Senator from Ohio, when we take a look at the vulnerability of working families in America and those who have lost their jobs trying to find another, the basics that we are talking about give them a fighting chance to survive, to help raise their families, and maybe to send their kids to school for a better education and for a better future. Failing to do that does just the opposite.

Last week fast food workers across the country led a 1-day strike to bring attention to low-wage workers who can't make a living on their current wages.In Chicago, some 200 workers took to the street in protest.

This is only one part of a much larger discussion in recent days about growing economic disparities in this country and the plight of low-wage workers.In November, Pope Francis stated, ''While earnings of a minority are growing, so too is the gap separating the majority from the prosperity enjoyed by those happy few.''

Only last week President Obama echoed these concerns in his address focused specifically on income inequality.In a speech at the Center for American Progress, the President noted that more than half of all Americans at some point in their lives will experience poverty.

The week before Thanksgiving, a Walmart in Ohio was running a food drive to help the hungry have a happy Thanksgiving.That kind of generosity and empathy is commendable. What is noteworthy, though, is that the food drive was specifically to support Walmart associates—their own employees—in need.

It reminded me of an effort McDonalds launched earlier this year to help their employees create a budget.

According to that budget, the only way to make ends meet for someone making the minimum wage and working 40 hours a week at McDonalds would be to work a second job.

Washington Post's Wonkblog analyzed the chart and found that a worker making the minimum wage would have to work 75 hours a week to have the after-tax income in the McDonalds sample budget.

But low wages are not a problem just in the fast food industry or other historically low-wage fields; it is catching up to other traditional jobs that used to be able to support a family.

There may be fewer better examples of this than in the banking sector.

The banking industry last year posted $141.3 billion in profits.

The median executive pay—$552,000.

And yet a recent report found that 39 percent of bank tellers in New York are enrolled in some form of public assistance.

Low wage work is just not enough to get by.

Working 40 hours per week at $7.25 per hour translates to $15,080 per year.

That's about $400 less than the Federal poverty level guidelines for a family of two.

If we accept the McDonald's sample budget, a worker making the minimum wage would have to work 75 hours a week to have the after-tax income necessary to make ends meet. Working 75 hours a week at minimum wage—with no vacation days and limited benefits, if any—one can make $24,720 a year, after tax.

I want to say that it is not possible, but the reality is that many people do it. Yet how do people raise a family working that many hours?

One way people get by is they are forced to turn to government assistance programs like the Supplemental Nutrition Assistance Program, SNAP, Low-Income Heating and Energy Assistance, LIHEAP, the Children's Health Insurance Program, CHIP, the Emergency Food Assistance program, TEFAP, Temporary Assistance to Needy Families, TANF, Section 8 housing assistance, and, yes, the Affordable Care Act.

According to a recent UC Berkeley study, undertaken in partnership with the University of Illinois, 52 percent of families of fast-food workers are enrolled in one or more public assistance programs. Subsidizing low wage employment through these programs costs the Federal Government $3.9 billion annually.

Instead of trying to find solutions to ensure full time work is adequate to support a family, many of my colleagues are attacking the very public assistance programs that allow working families at minimum wage jobs to get by.

For many of these working families, SNAP is the first place to turn.

At a time when almost 15 percent of households have trouble keeping food on the table, SNAP has helped 47 million Americans buy groceries.In Illinois, more than 2 million people—that is in one in seven residents—rely on SNAP benefits to buy the food they need.

In my lifetime, Walmart transitioned to also selling food. Walmart now accounts for nearly 30 percent of all groceries sold in the United States.Yet after working at a grocery store all day, imagine having to turn to your SNAP benefits to be able to take your own groceries home with you or after working at the grocery store all day, a person must turn to their local food bank.

This is the reality for working people. I wish to stress—working people.

The House Republican solution for this is in its farm bill, where it cut $40 billion from SNAP. The House bill gets its ''savings'' by kicking 3.8 million people out of the program. That includes children, single mothers, unemployed veterans, and Americans who get temporary help from SNAP to make ends meet while they look for work.

This is unacceptable. If a farm bill conference agreement were to reach the floor including the House language, I would vote against it without a second thought.

But it doesn't stop with SNAP.

One of biggest challenges for low-income workers is that they are living paycheck-to-paycheck, making sacrifices simply to keep the heat on—with no savings for emergencies, and most low-income workers have no healthcare coverage.With no savings

and no health care. When someone in the family is too sick to ignore it, the emergency room is the only real option.

With the Affordable Care Act, many of these workers and their families can now afford health care, either through the expansion of Medicaid or, in the very near future through a private plan in the exchanges, using Federal subsidies.According to the CBO, 12 million people in America are newly eligible for Medicaid. Another 23 million people will be able to buy private health insurance.

How are Republican proposing to help these working families? They want to repeal the Affordable Care Act.

Go back to no coverage. Apparently, these families don't work hard enough to deserve it.

We have to protect these programs, but we need to do more than that.

More and more working families are being forced to rely on government assistance programs because their work does not support a living wage.

If working should be a requirement for receiving public assistance, I would take it a step further and propose that if someone is working full time, they shouldn't need public assistance.

Since 1967, the Federal minimum wage has increased from $1.40 to $7.25.While at first glance this seems like significant progress, when adjusted to current dollars the value of the minimum wage has actually declined by 12.1 percent.

Had the minimum wage kept pace with inflation, it would be $10.74 an hour today.If the minimum wage were increased to $10.10, more than 30 million workers would receive a raise, and 88 percent of those workers are adults.

If the minimum wage were $10.10, a full-time worker being paid minimum wage would go from making $15,080 a year to $21,000.That can be the difference between getting by and living in poverty.

Workers in America, full-time workers, are falling behind.

Attacking or cutting programs that working poor or needy rely on will not solve the problem. It only ignores it.

In the coming weeks I hope my colleagues will join me in supporting policies that provide all Americans with the opportunity to improve their lives. Full-time, low-wage workers should not have to live in poverty.

I would ask the Senator from Ohio if he would include in this the Affordable Care Act.

Mr. BROWN. That is right. First, the points that the assistant majority leader was making about the bipartisanship has been exactly right. What is most—not discouraging but perhaps the most disappointing part of this is even as recently as 2007, when President Bush signed this bill—it was my first month or two in the Senate when we passed it. It was a big bipartisan vote in the House. I don't remember exactly the numbers in the Senate. Many Republicans joined. I believe almost every Democrat or maybe every Democrat—but it was gladly signed by the Republican President of the United States.

From the time of the minimum wage, when Senator Hugo Black sat at this desk and helped to write the minimum wage law and President Roosevelt signed the bill, for all of these decades the minimum wage in fits and starts has kept up with inflation—most of the time—until the 1980s. It has been signed on by people from both parties; the same with the extension of unemployment benefits that we discussed, this extension of unemployment benefits, social insurance. They pay in when they don't need it. When they need it, they can take money out of the social insurance fund and receive unemployment benefits if they can't find a job.

These are very tough times. Some of my colleagues, I don't think, understand sometimes how tough a time it is for so many families.

The President of the United States, the last President from Illinois before this one, Abraham Lincoln, used to talk about getting out of the White House and going out and getting his public opinion bath that he needed to hear from the public.

I know Senator DURBIN does that throughout his State of Illinois. I know Senator MURPHY of Connecticut, the Presiding Officer, does the same.

We go out and listen to people. We are talking to somebody making $8 or $9 an hour, and this minimum increase will increase their pay. They probably don't have insurance because they can't afford it. They are probably eligible for the SNAP program because of their low income, and so it is the least we can do.

These are people who work as hard as we do. We have jobs we get a lot out of. We are well paid, we have good benefits, and we also have wonderful opportunities to serve the public. So many people in these jobs are barely making it. They work jobs where they are on their feet all day. The woman in the diner is making $3 or $4 an hour and hoping people will tip her to get her up to $7 or $8 or $9 an hour. She is working every bit as hard as my colleagues and I work. Yet she has so little to show for it.

This is an opportunity for us, as people who care about this country and care about the people who live in this country—people who are doing such hard work cleaning hotel rooms, cleaning our schools, making sure our schools are clean and the trash is taken out, people who are serving our food—for the people in these kinds of jobs—home care workers who are barely making it—the least we can do is make sure the minimum wage gets them somewhat close to a decent lifestyle and standard of living and that we do better, if they are laid off, with unemployment insurance and that they get a chance with the Affordable Care Act so they can buy affordable health insurance because they will get some help and they can draw on food stamps if they are eligible, if they need them on these low wages.

There is no reason we can't, in the Christmas spirit, if you will, do what has been done on a bipartisan basis during my lifetime and that of my colleague Senator DURBIN, where both parties would step up and do it.

Mr. DURBIN. Mr. President, if my colleague will yield, through the Chair, for one last point, he raised something that brought to my mind a recent story I read about the new Pope, Pope Francis. What an extraordinary man, this Catholic. I am amazed at this man, his humility and his popularity with Catholics and non-Catholics alike, those of different faiths and those of no faith. They say that of an evening he will take off his papal garb and put a simple suit on and go out into the streets of Rome with a friend and meet with poor people and talk to them. I can't even envision in my mind what that must be like, but it sure tells me a lot about him, and I think it is a reminder to all of us of two things: When he gives a message to the world about income inequality, it is not a political message to the United States or one country; it is a more basic message about the values in life whatever your religious beliefs or whether you have a religious belief.

When he takes off the papal garb and goes out as an ordinary person, I hope it is a reminder to all of us that we need to keep in touch with the very people we represent, some of whom are not wealthy enough to have a lobbyist or to be politically articulate during a campaign but deserve our representation just as much.

Mr. BROWN. I thank my colleague.

Pope Francis I, as he integrated these kinds of things into his life, he exhorted his parish priests—similar to Lincoln saying ''I need my public opinion bath''—to smell like the flock and to get among people and talk to them and learn from them, to smell like the flock, to be one of them. I am not Catholic. I know my friend from Illinois is Roman Catholic. But this Pope has really brought us to a different level. He has called upon our better angels, if you will.

Before yielding to Senator DURBIN for his remarks, I have one more point to make about the minimum wage. The belief among many is that the minimum wage is for a bunch of teenagers. That is simply not true. Most minimum wage earners in this country are not teenagers; most of them are supporting themselves and in many cases supporting a spouse or a family or someone in their family who is disabled or a close friend. This is a wage people really depend on to get along. It is not just spending money for a high school kid; families depend on this.

That is why it is so important that in the next few weeks we raise the minimum wage; tie this subminimum wage, tipped wage, to that increase and

index it for inflation so we don't have to do this every 3 or 4 years just to keep up with inflation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

REMEMBERING PRESIDENT NELSON MANDELA

Mr. DURBIN. Mr. President, I would like to join my colleagues and people all around the world in expressing my condolences to the people of South Africa on the passing of their great leader Nelson Mandela.

Nelson Mandela ended his extraordinary autobiography, entitled ''Long Walk to Freedom,'' with these words:

> I have walked that long road to freedom. I have tried not to falter; I have made missteps along the way. But I have discovered the secret that after climbing a great hill, one only finds that there are many more hills to climb. I have taken a moment here to rest, to steal a view of the glorious vista that surrounds me, to look back on the distance I have come. But I can rest only for a moment, for with freedom comes responsibilities, and I dare not linger, for my long walk is not yet ended.

Sadly, President Nelson Mandela's long walk and his noble life are indeed now ended, but his influence on the world will endure for a long time to come. As the editorial cartoonist for the Washington Post put it, Nelson Mandela was ''larger than life—and death.''

Through enormous strength of character and a determination unlike many people in this world, Nelson Mandela helped his beloved South Africa to end the vicious system of apartheid and begin a new walk toward multiracial democracy. His dream, he often said, was that South Africa would become ''a rainbow nation at peace with itself and with the world.''

Nelson Mandela astonished the world with his capacity to forgive—even to forgive those who jailed him and persecuted his family. There was an interview on television I saw yesterday morning on ABC in which Nelson Mandela spoke about his imprisonment shortly after he had been released. He had spent 27 years in prison, part of it on Robben Island, which I have had the opportunity to visit, to actually stand in Nelson Mandela's tiny cell. It is an island off of Capetown. The waters around it are shark infested so the prisoners won't try to escape from that island. They can just barely make out the land mass away from that island, but they are separated—separated on this piece of land in the middle of this ocean. There Nelson Mandela lived for almost 25 years. He lived in this cell, many times in isolation. He labored in a quarry nearby, which we visited. The sunlight bouncing off of the rocks in that quarry virtually blinded him for the rest of his life. He wore sunglasses and begged photographers not to use flashbulbs the rest of his life because of the damage that had been done to his eyes.

The prisoners on Robben Island—many of them sharing his political philosophy and opposing apartheid—tried to create a university atmosphere where they taught one another all they could remember and all they knew. They devoured information from the outside world in an effort to try to keep in touch with what was going on.

In this interview, as he was released from his imprisonment, Nelson Mandela was asked by the interviewer about his warden and his guards at the prison. He talked about the deep emotional ties they developed, how this guard he came to know—I believe his name was Gregory—was a real gentleman, in the words of Nelson Mandela, and how, when Mandela was finally released, there was a moment of emotion as they knew they would part after all these years of such a close relationship. I recall that story because so many times when I have given commencement addresses I have used as an example Nelson Mandela's decision, when elected President of South Africa, to invite that guard from his prison to be there as one of his honored guests at his inauguration as President of South Africa. That, to me, speaks volumes.

Nelson Mandela taught us powerful lessons about justice, tolerance, and reconciliation. As the first democratically elected President of South Africa, Mandela was the father of a new nation. Like George Washington, the father of our Nation, he chose consciously, deliberately, to walk away from power. In doing so, he reminded us that the peaceful, orderly transition of power is one of the hallmarks of a real democracy.

The prestigious Ibrahim Prize for Achievement in African Leadership was created in 2007 to recognize African leaders who served their people by voluntarily stepping down from power, as President Mandela did. Sadly, this year, for the second year in a row, the award committee couldn't identify one African leader who met that standard. Leaders in neighboring Zimbabwe, as well as Syria, Egypt, Venezuela, Cuba, and so many other nations torn by conflict and manipulated divisions, would do well to ponder this measure of Nelson Mandela's greatness.

One of the great honors of my life was meeting President Mandela when he came to Washington in September 1998, near the end of his Presidency, to receive the Congressional Gold Medal. The Congressional Gold Medal is the highest honor this Congress can bestow on a civilian. President Mandela noted that he was humbled to be the first African to ever receive it.

In his brief remarks at the Gold Medal ceremony, President Mandela thanked the American people and Congress for our help in bringing an end to the odious system of apartheid through congressionally imposed economic sanctions and other measures. These are Nelson Mandela's words:

> If today the people of South Africa are free at last to address their basic needs; if the countries of southern Africa have the opportunity to realize the potential for development through cooperation; if Africa can devote all her energies and resources to her reconstruction; then it is not least because the American people identified with and lent their support to the struggle to end apartheid, including critically through action by this Congress.

I remember that battle. I remember that debate. I was brand new to the U.S. House of Representatives, just a few years in service, and the debate came up as to whether the United States would continue to impose sanctions on the apartheid racist Government of South Africa. I sat on the floor, convinced that we should do so, and listened to the critics of that policy. Many of them came to the floor and said things I couldn't believe. They characterized Nelson Mandela as nothing more than a Communist who should never be trusted to lead that country. I thought to myself, he might have had a flirtation with communism at some point in his life, but this man is speaking to the basic principles that are consistent with America's values and principles.

I found it interesting last week, after Nelson Mandela died, to read the editorial in the Wall Street Journal about Nelson Mandela. I commend it to people to understand where that thinking came from, that belief that the United States should not be involved in trying to strike down the apartheid form of government. If you will read that editorial about Nelson Mandela's death, you will find the following names mentioned: Carl Marx, Lenin—I am trying to recall who else. I think Che Guevara was mentioned, as well as communism. Stalin was mentioned in there. In just a few sentences about Nelson Mandela, the Wall Street Journal editors decided to put all those names in there as touchstones and reference points to his life. It is an indication of how people can get it just plain wrong even at the highest levels of journalism in the United States, as they did in the debate in Congress.

We passed the sanctions legislation in—I believe the year was 1985 or 1986. We sent it to President Reagan, and he vetoed it. We overrode President Reagan's veto so that the sanctions went forward to condemn apartheid and do what we could to change it in South Africa 30 years ago.

I can recall that because a Congressman at the time, Howard Wolpe of Michigan, was the chairman of the Africa subcommittee. He came to me one day as a new Member of the House and said: I want to do a congressional delegation trip to Africa. Would you like to go?

I said: I would be honored. I have never been there, and I would like to go.

We put our itinerary together, included South Africa, and then, when we applied for visas, that apartheid government denied visas to all the Members of Congress who had voted for sanctions, which included Chairman

Wolpe and myself, and so the trip never took place. It took several years, a change in government, and the arrival of Nelson Mandela to see a welcoming South Africa and visas issued to Members of Congress who wished to visit.

President Mandela asked the American Congress and the people to continue to walk with the people of South Africa to help them develop their economy and strengthen their democracy. As I have said, I have traveled to the countries in Africa. I have seen the progress that can occur when governments are accountable to their people and really serve democracy. This Congress can pay a truly fitting tribute to President Mandela's life by heeding the request he made to us to help Africa, to help South Africa strengthen its economies in ways that will benefit not only that continent but the United States of America.

I mentioned earlier the parallels between President Washington and President Mandela. Nelson Mandela was also his nation's Abraham Lincoln. I do not exaggerate. I will close with a story.

We all know the words of President Lincoln's majestic second inaugural address, which took place right outside those doors. It was in 1865. As he looked forward to the end of the Civil War, he turned to this war-torn nation that had lost so many in this battle that had gone on for years, and he said:

> With malice toward none; with charity for all; with firmness in the right as God gives us to see the right, let us strive on to finish the work we are on.

A friend would later note that Lincoln's features when he gave that address were ''haggard with care, tempest tossed and weather beaten.'' But with the nightmare of the Civil War almost over, Washington, DC, was poised for a joyous celebration of victory.

For the first time, African-American troops marched down the streets in the inaugural parade after President Lincoln gave that address, and Blacks mingled with the inaugural crowd right outside here on the Capitol lawn.

It was a rainy, overcast day when Lincoln gave his second inaugural address. But a friend of his noted: Just as President Lincoln stepped forward to take the oath of office, the Sun, which had been obscured by rain clouds, burst forth in splendor. President Lincoln saw it. The next day the President asked a friend: Did you notice that sunburst? It made my heart jump.

The skies were also overcast the day Nelson Mandela received the Congressional Gold Medal here in Washington. On that day, the dark bronze bust of Martin Luther King, Jr., had been moved from one side of the Rotunda so that Lincoln and Dr. Martin Luther King appeared to preside together over the ceremony awarding the Congressional Gold Medal to Nelson Mandela. As President Mandela started to speak, rays of sunlight began to pour into the Rotunda. They illuminated the base of the statues first and then rose gradually until, by the time President Mandela finished speaking, both Lincoln and King were bathed in bright sunlight. With a little imagination, you could almost hear Lincoln say: Did you notice that sunburst? It made my heart jump.

Like Lincoln, President Mandela now belongs to the ages. And while our hearts are heavy today with President Mandela's passing, the world can take inspiration from the lessons he taught us while he walked among us.

REMEMBERING DU QUOIN MAYOR JOHN REDNOUR, SR.

As we mourn the passing of Nelson Mandela, the great noble leader who changed history, we also take a moment to recall other leaders closer to home. One of those leaders, and a friend of mine, had his memorial service this week. His name was not well known to many outside of southern Illinois, but he was a good man and a good friend, and he worked throughout his life to create opportunities and a sense of community. His name was John Rednour, although almost everybody skipped the first name and called him Rednour. He passed away on December 1, at age 78. He had just retired as mayor of Du Quoin, IL, a small town in southern Illinois, where he presided as mayor for a remarkable 24 years. During his tenure, he prided himself on balancing the budget and investing in the city's future. He did it year after year.

Amazingly, public service was his third career. John Rednour began his working life as an ironworker—a member of the United Ironworkers. He also worked as a shoemaker. In 1970, he moved to Du Quoin with his wife Wanda and three kids. In the early 1980s, he began his second career, when he brought together local shareholders and took control of a struggling local bank. He converted it into one of the soundest, most profitable banks in southern Illinois. But it was John Rednour's third career—his work as mayor of Du Quoin—that really distinguished his public service. As a mayor, he was a fiscal conservative. But he was also a person who believed in giving people a chance.

John Rednour was a proud Democrat. In fact, he was the former chairman of the Illinois Democratic Party. He rode on Air Force One with President Jimmy Carter and had good relationships with Presidents including President Obama. The politicians whose careers he helped launch or advance could have filled a stadium. But he knew there were things more important than party politics. He always made it a habit to meet with new Du Quoin city council members and offered the same advice: Do what is good for Du Quoin. Do what is right for the people. That is certainly good advice for any officeholder.

Over the years, my wife Loretta and I were fortunate to be visitors at John Rednour's home at their annual State fair parties for the Du Quoin State fair. We always appreciated seeing that great crowd at the social event of southern Illinois for the year, and then staying overnight and waking up in the morning as Wanda, his wife, made her famous Texas pancakes. We loved them. And people gathered from all over the community as Wanda kept making the pancakes.

John's funeral last week was attended by the Governor of our State, Pat Quinn, Members of Congress, including current Congressman BILL ENYART, former Congressmen Glenn Poshard, Jerry Costello, and Ken Gray, and many other elected officials.

The anecdote that best captured the spirit of John Rednour was offered in eulogy by his grandson. He said he once asked his grandfather why he gave money to homeless people every time he saw them. John Rednour replied: Because it's the right thing to do. Simple as that, it was the right thing to do.

Carl Sandburg, another son of Illinois, wrote a poem called ''Prayers of Steel.'' It is a prayer of a working person asking for a useful life. John Rednour was an ironworker. These words about a steelworker apply to him as well:

> Lay me on an anvil, O God.
> Beat me and hammer me into a crowbar.
> Let me pry loose old walls.
> Let me lift and loosen old foundations.
> Lay me on an anvil, O God.
> Beat me and hammer me into a steel spike.
> Drive me into the girders that hold a skyscraper together.
> Take red-hot rivets and fasten me into the central girders.
> Let me be the great nail holding a skyscraper through blue nights into white stars.

John Rednour must have prayed those words, or something like them, often. And God must have heard them, because John Rednour achieved much good in his life—a leader of workers, a businessman, a banker, a mayor, a husband, father, grandfather, great-grandfather, and a friend to legions.

For decades, John Rednour was the great nail that held his community together and helped move it forward. His contributions will enable his beloved Du Quoin to continue to reach for the stars for years to come.

THE MINIMUM WAGE

Mr. President, last week fast-food workers across the country led a 1-day strike to bring attention to low-wage workers who can't make a living on their current wages. In Chicago, 200 workers took to the streets.

But this is only one part of a much larger debate, a debate in recent days about the growing economic disparities in the United States of America and the struggles of low-wage workers.

In November, Pope Francis stated:

> While the earnings of a minority are growing exponentially, so too is the gap separating the majority from the prosperity enjoyed by those happy few.

Just last week, President Obama echoed those concerns in an address on income inequality. He spoke at the Center for American Progress, and he

noted that more than half of all Americans at some point in their lives will experience poverty.

The week before Thanksgiving, a Walmart in Ohio was running a food drive to help the hungry have a happy Thanksgiving. That kind of generosity and empathy is commendable. What was noteworthy, though, is the food drive was specifically to support their associates—their own employees. It reminded me of an effort McDonald's launched earlier this year to help their employees create a budget. According to that budget, the only way to make ends meet for someone making minimum wage and working 40 hours at McDonald's was to take a second job.

Washington Post's Wonkblog analyzed the chart and found that a worker making minimum wage would have to work 75 hours a week to have the aftertax income this company thought was basic to a family budget.

Low wages aren't a problem just in the fast-food industry, and I don't want to pick on Walmart and McDonald's. It is catching up in many other traditional jobs that used to be able to support a family.

There may be fewer better examples of this than in the banking sector. The banking industry in America last year posted $141.3 billion in profits. The median executive pay in the banking industry in America is $552,000 a year. Yet a recent report found that 39 percent of bank tellers in the State of New York are on public assistance.

Low-wage work is just not enough to get by. Working 40 hours a week at $7.25 translates into $15,080 a year. That is about $400 less than the Federal poverty level guidelines for a family of two.

If you accept the sample budget we have talked about, a worker making the minimum wage would have to work 75 hours a week to have the aftertax income necessary to make ends meet. Working 75 hours a week at a minimum wage with few or no vacation days and limited benefits, if any, you can make $24,720 a year after taxes. I want to say it is not impossible to do that, but the reality is many people actually have to do it. How do you raise a family working 75 hours a week? When do you have time to sit down with your kids and even read a book?

One way people get by is they are forced to turn to government assistance programs such as the Supplemental Nutrition Assistance Program, the SNAP program, historically known as food stamps, or the LIHEAP program, Low Income Heating and Energy Assistance Program, which helps to pay for heating and cooling bills; the Children's Health Insurance Program, the CHIP program, which provides health insurance for the children of the poorest families; the Emergency Food Assistance Program, TEFAP; the Temporary Assistance to Needy Families program, TANF; the section 8 housing program; and, yes, the Affordable Care Act, which is providing for the first time health insurance for some of the working poor who have never had insurance as a benefit at any time in their lives.

According to a recent study at the University of California-Berkeley undertaken in partnership with the University of Illinois, 52 percent of families of fast-food workers are on public assistance. Thirty-nine percent of the bank tellers in New York, 52 percent of the families of fast-food workers are on public assistance.

Subsidizing low-wage employment through these programs costs the Federal Government $3.9 billion annually. Think about what that means. It means that working families across America paying their taxes are not only sustaining this government, they are sustaining the low-wage workers in their communities who cannot survive without a helping hand from a government program that keeps food on the table or may provide health insurance.

Instead of trying to find solutions to ensure full-time work so it is adequate to support a family, many of my colleagues are now attacking these programs. The House Republicans oppose the farm bill primarily because they want to make deep cuts in the food stamp program for families barely getting by and feeding their children. That strikes me as wrong. We are too good a Nation.

If we are going to have a political fight over saving money and cutting spending, for goodness sake, let's not start first with the children, the elderly, the disabled, and the veterans who are receiving food stamps. That, to me, defines the politics and the values of some Members of Congress.

SNAP is the first place many people turn when they struggle, this food stamp program. At a time when almost 15 percent of households in America have trouble keeping food on the table, SNAP helps 47 million Americans buy their groceries. In Illinois, more than 2 million people—about one in seven of our residents—rely on food stamp benefits. In my lifetime, we have seen many companies that are selling food across America now finding they are selling a large part to those who are coming in with food stamps.

After working at a grocery store all day, imagine having to turn to your SNAP benefits to buy the groceries you need to take home to feed your family; or, after working at a grocery store all day, you go to your local food bank. I have visited quite a few of those. I am sure the Presiding Officer has too. What is amazing going to a food bank is the people who are there. They are not the people you might expect. Some of them are elderly people on Social Security, barely getting by. They need that food bank, twice a month sometimes, to have enough food on the table to live for another month.

There are also a lot of people who work for a living in those food banks. I remember going to central Illinois and visiting one of those food bank warehouses. I saw a well-dressed young lady there who I thought was on the staff. I learned later she was a single mom with two kids. She had a part-time job that didn't pay very well. She qualified for food stamps and also went to the food bank with some frequency. But she wanted to come and thank me, because the food stamp program now allowed her to use her food stamp benefits at farmers markets so she could take her kids out to buy fresh fruits and vegetables at that time of year. For her it was a great side trip for the kids to meet the farmers and learn a little more about life here. She thought getting them the food was secondary to that experience for which she wanted to come and thank me.

The farm bill conference needs to reach an agreement which will not penalize the poorest people in America—not penalize the children, the veterans, the elderly, and the disabled who count on food stamps.

One of the biggest challenges we face is to make sure our workers all across America have a minimum wage they can get by on, have food stamps, if necessary, but also have access to health insurance. That is where the Affordable Care Act comes in. Now 1.8 million Illinoisans have no health insurance. Many are going to have their first chance to be covered by health insurance because of the Affordable Care Act. According to the Congressional Budget Office, 12 million people in America are going to be eligible for Medicaid, and 23 million will for the first time buy private health insurance, and they won't be discriminated against because someone in the family has a preexisting condition. They will not be caught in a situation where there are limits on the amount of coverage these policies offer. They are going to have opportunities for preventive care and regular wellness checkups. For many of them it is going to be the first time in their lives they have ever had this luxury and peace of mind.

We have to protect these programs and we have to do more. More and more working families make it clear that the Federal minimum wage needs to be increased. Since 1967 it has gone up $1.40 to $7.25. This may seem like significant progress, but when you adjust it to current dollars, the value of the minimum wage has actually declined over that period by 12 percent. Had the minimum wage kept up with inflation, it would be $10.74 today, not $7.25.

If the minimum wage is increased to $10.10—which I support and we want to bring it to the floor for a vote—more than 30 million American workers will get a raise. What will they do with that money? They will go shopping, of course. They live paycheck to paycheck. A little more money means shoes, clothes, food, the basics in life. When they go shopping and create more economic activity, it creates even more jobs.

Workers in America—full-time workers, hard-working Americans—are falling behind through no fault of their own. Attacking or cutting programs that help these struggling families is just wrong. We have to work together to help them.

In the coming weeks I hope my colleagues on both sides of the aisle will restore the bipartisan tradition of supporting working families. I urge my colleagues to support an increase in the minimum wage and to resist these efforts to make deep cuts in the food stamp, or SNAP, program.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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.

ORDER OF PROCEDURE

Mr. REID. This is an announcement to all the Senators. Due to the myriad of problems with the weather, there are Senators who are still stranded and trying to get here, so we are going to have to put off the votes this afternoon. We will not have votes this afternoon. We will have votes in the morning.

I ask unanimous consent that the previous order with respect to the vote on the confirmation of the Millett nomination be modified so the vote will follow leader remarks on Tuesday, December 10. Also, there will be no morning business tomorrow morning. Following leader remarks, we will go right to the business of the day.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I apologize to everyone for the late notice, but we have been trying to scramble around to see if we could have enough participation tonight. Most people have been able to get here, but some of them—certainly it is not their fault—tried to get here last night and still are not here. I am sorry for the late notice, but that is where we are.

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.

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

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

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

Mr. MURPHY. I ask unanimous consent to speak in morning business.

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

UNDETECTABLE FIREARMS ACT

Mr. MURPHY. Mr. President, we are about to hit the 1-year mark since the tragic shooting in Sandy Hook, CT, which took the lives of 20 little boys and girls, 6- and 7-year-olds, and 6 of their educators who cared for them.

It should be a source of great embarrassment to the Senate and the House of Representatives that we have not moved the ball forward 1 inch when it comes to the issue of protecting the thousands of people all across this country who are killed by guns every year. This is the case even while 90 percent of Americans agree that people should have proof that they are not a criminal before they buy a gun and that there is really no reason why we should allow military-style weapons to get into the hands of ordinary Americans. We should be embarrassed by the fact that we are not doing more to try to stem the scourge of gun violence that plagues our Nation today. But we should be even more embarrassed if this week we cannot pass a commonsense extension and update to the Undetectable Firearms Act, a bipartisan piece of legislation that has been on the books since 1988. Most people in this country have no idea it exists because up until this week it has been so noncontroversial.

In an effort to explain to my colleagues a little bit about why this is so important, I wish to take my colleagues back 60 years to World War II. In World War II the allies developed a very small firearm called the Liberator. The Liberator was capable of only firing one shot. It was a very small, little gun. The idea was that we would get this out to the resistance movement in Europe and they would be able to conceal this very small firearm so they could get close enough to a German soldier, use the one bullet in the gun to kill the soldier, and then take his weapon. That program never went very far.

Fast forward to 70 years later, to a University of Texas student who came up with a design for a new undetectable firearm—a plastic gun that can be reproduced on what is now known as the 3D printer—named the Liberator. It is very similar to the gun that was developed by the resistance movement during World War II. Witness also the fact that once he posted the plans for that plastic undetectable gun online, those plans were downloaded 100,000 times in short order across this country before the Department of State used its authority to take down those plans.

I don't know exactly what the designs for this gun were, but it can be used in the exact same way the original Liberator gun was used. It is a plastic gun which is undetectable by imaging equipment, by metal detectors. It can be used to get into a very secure place such as, let's say, a government building. The ones being designed today, such as the one the young guy in Texas put online, can't fire more than a couple of bullets, but it can fire enough bullets to injure a law enforcement officer or a security officer, take their gun, and do even more damage.

So we have two problems today when it comes to this new issue of undetectable plastic guns:

First, the law passed in 1988 that bans the manufacture, possession, or sale of undetectable firearms—firearms that can't be picked up with a metal detector, that can essentially move into secure locations without being identified—expires today. If we don't pass an extension, tomorrow it will be legal in this country to create an undetectable firearm.

The second problem is this new technology that is pretty widely available, already called 3D printing, has made it very easy to make firearms that comply with the existing law but are still potentially undetectable.

Why is that? Because to be a legal weapon, you have to have a certain amount of the weapon be metal so it can be picked up by a metal detector or an x ray machine. But because we can now make very creatively constructed weapons with 3–D printers, that piece of metal can be easily removed before it goes through a metal detector and still be used without the metal on the other side of the detection unit, thus essentially erasing the benefit of having a metal component if the metal component can just be stripped out.

It is a pretty simple update we have to make here. All we have to say is that the metal piece of the gun has to be integral to the firing mechanism of the gun so that if you take the metal out to get it through a metal detector it does not work on the other end. But we are having a hard time getting that commonsense update—just recognizing the advancement of technology—passed in the Senate and in the House of Representatives.

So we have these two problems: one, the underlying bill—which is still really good law even without the update—is expiring. We have to pass it here. Second, we need this update to be taken care of.

This is not science fiction anymore. The threat of undetectable firearms has always been around and that is why in 1988 both parties got together to pass it. It has been extended since then. But it is no longer science fiction that somebody can make a gun in their basement basically obliterating the utility of all of our Nation's firearms laws and use it to perpetrate great evil throughout this country.

Mr. President, 3–D printers cost only about $2,000 today. Most futurists are pretty certain that in maybe a decade or more most Americans will have access to this technology. Just like the photocopier and the personal computer seemed out of reach at some point for most middle-class Americans, maybe today the 3–D printer is, but in a decade or more it might be another household appliance that sits right next to your computer printer.

Second, we know how dangerous plastic guns are because people have tested this premise. One investigative journalist in Israel took a plastic gun into

the Israeli Parliament—got through the serious security that surrounds that building, got into the Parliament, and sat 10 rows behind Benjamin Netanyahu with a plastic gun in his possession. So this is not science fiction. It is not just a perceived or imagined threat. This is real, this is now, and we have to do something about it.

One of the things that has happened in the wake of Sandy Hook is that schools have invested in enormous amounts of security. I am somebody who does not believe ultimately that is the way you keep schools safe. But to the extent that schools have put in more metal detectors, have put in more security platforms around their entryways and exit ways, it does not do any good if somebody can walk through that school, who wants to do great damage within it, with a plastic firearm that will be legal in this country in one way, shape, or form if we do not pass an updated version of this bill right now this week.

It is time we recognize the future is here, plastic guns are real. As we approach the 1-year anniversary of the most horrific school shooting this country has ever seen, it is time for us to do what we have many times before: reauthorize and update the Undetectable Firearms Act.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1197, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1197) to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid (for Levin/Inhofe) amendment No. 2123, to increase to $5,000,000,000 the ceiling on the general transfer authority of the Department of Defense.

Reid (for Levin/Inhofe) amendment No. 2124 (to amendment No. 2123), of a perfecting nature.

Reid motion to recommit the bill to the Committee on Armed Services, with instructions, Reid amendment No. 2305, to change the enactment date.

Reid amendment No. 2306 (to (the instructions) amendment No. 2305), of a perfecting nature.

Reid amendment No. 2307 (to amendment No. 2306), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, before we left for the Thanksgiving break, Senator INHOFE and I said we would come to the Senate floor today to update Members on the status of the National Defense Authorization Act for Fiscal Year 2014.

Before the break we spent a week on the Senate floor trying to bring more amendments up and to have them debated and voted on, but we were unable to do so. We tried to reach agreement to limit consideration to defense-related amendments, but we were unable to do that. We tried to get consent to vote on two sexual assault amendments—the Gillibrand amendment and the McCaskill amendment—that had been fully debated, but we could not get that consent. We tried to get consent to lock in additional amendments for votes and to move a package of cleared amendments, but we were unable to do so.

At this point, the House of Representatives will be adjourning for the year at the end of this week, and there is simply no way we can debate and vote on those amendments to the pending bill, get cloture, pass the bill, go to conference with the House, get a conference report written, and have it adopted by the House of Representatives all before the House goes out of session this Friday. There simply is no way all of those events can take place to get a defense bill passed.

So Senator INHOFE and I believe it is our responsibility to the Armed Services Committee, to the Senate, to our men and women in uniform, and to the country to do everything we can to enact a defense authorization bill. For this reason, we are taking the same approach we took when we were unable to finish the bill and go to conference with the House in 2008 and 2010. What we did is we sat down with our counterparts on the House side—in this case, chairman BUCK MCKEON and ranking member ADAM SMITH of the House Armed Services Committee—and we set our staffs to work to come up with a bill that would have a chance of getting passed by both Houses.

The four of us have reached agreement on a bill that we hope will be passed by the House before it recesses this Friday and, if it does, then be considered by the Senate next week.

We worked hard to blend the bill that was overwhelmingly voted out of the Senate Armed Services Committee with the bill that was overwhelmingly approved by the House of Representatives. We have worked, as we always do, on the SAS Committee on a bipartisan basis.

We took into consideration as many proposed Senate amendments as we could. We focused on amendments that had been cleared on the Senate side when the bill was being debated in the Senate. We approached these amendments and others in much the same manner as we did provisions that were in the bill, working to come up with language, wherever possible, that could be accepted on the Democratic and Republican sides in both the Senate and the House.

The bill we have come up with is not a Democratic bill or a Republican bill. It is a bipartisan defense bill, one that serves the interests of our men and women in uniform and preserves the important principle of congressional oversight over the Pentagon. Here are some examples of what will be in the bill that will be considered by the House later this week and then hopefully by the Senate next week.

The bill will extend the authority of the Department of Defense to pay combat pay and hardship duty pay for our troops. The bill, relative to Guantanamo, includes that part of the Senate language easing restrictions on overseas transfers of Gitmo detainees, but it retains the House prohibitions on transferring detainees to the United States.

Although we were unable to consider the Gillibrand and McCaskill amendments on the Senate floor or in the bill itself that will be forthcoming, the bill includes more than 20 other provisions to address the problem of sexual assault in the military that were in the Senate bill that came to the floor out of the committee and that were in the House of Representatives bill as well.

These provisions include the following: They provide a special victims' counsel for survivors of sexual assault, make retaliation for reporting a sexual assault a crime under the Uniform Code of Military Justice. The provisions require commanders to immediately refer all allegations of sexual assault to professional criminal investigators. They would end the commanders' ability to modify findings and convictions for sexual assaults, and would require higher level review of any decision not to prosecute allegations of sexual assault.

The bill will do the following that will be hopefully coming here next week: Make the Article 32 process more like a grand jury proceeding. Under the UCMJ, the Uniform Code of Military Justice, currently the proceeding that is taken under Article 32 is more like a discovery proceeding rather than a grand jury proceeding, and it has created all kinds of problems, including for victims of sexual assault who would have to appear and be subject to cross-examination by the defense.

This bill will extend supplemental impact aid to help local school districts educate military children. The bill will extend existing military land withdrawals in a number of places that would otherwise expire, leaving the military without critical testing and training capabilities. The bill includes a new land withdrawal to enable the Marine Corps to expand its training area at 29 Palms.

The bill provides needed funding authority for the destruction of the Syrian chemical weapons stockpile and for efforts of the Jordanian Armed Forces to secure that country's border with Syria.

Earlier today GEN Martin Dempsey, the Chairman of the Joint Chiefs of

Staff, wrote a letter to the leadership of the Senate and the House of Representatives in which he strongly urges completion of action on the National Defense Authorization Act this year. General Dempsey's letter provides a long list of essential authorities that will lapse if this bill is not enacted. This is just one paragraph from his letter:

The authorities contained [in the National Defense Authorization Act] are critical to the Nation's defense and urgently needed to ensure we all keep faith with the men and women, military and civilian, selflessly serving in our Armed Forces.

Mr. President, I ask unanimous consent that General Dempsey's letter, with that attachment, be printed in the RECORD.

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

CHAIRMAN OF THE JOINT CHIEFS OF STAFF,
Washington, DC, December 9, 2013.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington. DC.

As we enter the final weeks of December, I write to urge you to complete the National Defense Authorization Act this year. The authorities contained therein are critical to the Nation's defense and urgently needed to ensure we all keep faith with the men and women, military and civilian, selflessly serving in our Armed Forces. Allowing the Bill to slip to January adds yet more uncertainty to the force and further complicates the duty of our commanders who face shifting global threats. I also fear that delay may put the entire Bill at risk, protracting this uncertainty and impacting our global influence. For your reference, enclosed is a list summarizing expiring authorities.

I deeply appreciate congressional efforts to achieve a budget deal and subsequent appropriations. Your efforts to provide the Joint Chiefs the Time, Certainty, and Flexibility in both our budget and authorities will help ensure we keep our Nation safe from coercion.

I appreciate your continued concern for and support of our men and women in uniform

Sincerely,

MARTIN E. DEMPSEY,
General, U.S. Army.

LIST OF EXPIRING AUTHORITIES

Title	Expiration
Authority Issues:	
Afghanistan Security Forces Fund	9/30/2013
Authority for Joint Task Forces to Provide Support to Law Enforcement Agencies Conducting Counter-Terrorism Activities	9/30/2013
Authority for Reimbursement of Certain Coalition Nations for Support Provided to United States Military Operations	9/30/2013
Authority to Provide Additional Support for Counter-drug Activities of Other Countries	9/30/2013
Authority to Support Unified Counter-drug and Counter-terrorism Campaign in Colombia	9/30/2013
Commanders Emergency Response Program in Afghanistan	9/30/2013
Authority to Establish a Program to Develop and Carry Out Infrastructure Projects in Afghanistan	9/30/2013
Logistical Support for Coalition Forces Supporting Operations in Afghanistan	9/30/2013
Pakistan Counterinsurgency Fund (DoS)	9/30/2013
Task Force on Business and Stability Operations in Afghanistan and Economic Transition Plan and Economic Strategy for Afghanistan	9/30/2013
Enhancement of Authorities Relating to DoD Regional Centers for Security Studies	9/30/2013
Authority to Support Operations and Activities of the Office of Security Cooperation in Iraq	9/30/2013
Ford Class Carrier Construction Authority	9/30/2013
North Atlantic Treaty Organization Security Investment Program	9/30/2013
Reintegration Activities in Afghanistan	12/31/2013

LIST OF EXPIRING AUTHORITIES—Continued

Title	Expiration
Military Special Pays and Bonuses	12/31/2013
Expiring Bonus and Special Pay Authorities provided by P.L. 112–239, sections 611–615 (National Defense Authorization Act for Fiscal Year 2013)	12/31/2013
Travel and Transportation Allowances	12/31/2013
Authority to Waive Annual Limitation on Premium Pay and Aggregate Limitation on Pay for Federal Civilian Employees Working Overseas	12/31/2013
Non-Conventional Assisted Recovery Capabilities	9/30/2013
Support of Foreign Forces Participating in Operations to Disarm the Lord's Resistance Army	9/30/2013
Authority to Provide FAA War Risk Insurance to CRAF Carriers	12/31/2013
Authority to Provide Temporary Increase in Rates of Basic Allowance for Housing Under Certain Circumstances	12/31/2013
Acquisition Issues:	
New Starts, Production Increases, Multiyear Procurements	Various
80/20 Rule	N/A
General Transfer Authority & Special Transfer Authority	N/A
AP of Virginia Class	10/1/2013

Mr. LEVIN. We have not failed to pass a National Defense Authorization Act for 52 years even when, as I mentioned, in a couple cases in recent years the final bill was the result of a process like we have had to follow with this year's authorization bill.

This is not the best way to proceed, but our troops and their families and our Nation's security deserve a defense bill, and this is the only practical way to get a defense bill done this year. There is no other way, because, as I indicated before, the House of Representatives is—we could not get a bill done before the end of this week if we brought back the bill that was pending before Thanksgiving. There is no way we can do it. And the experience in the week before the Thanksgiving recess demonstrated pretty clearly there is no way we could get a defense bill, such as the one that was pending, passed in this body before the end of this week.

The problem is that the House of Representatives is done at the end of this week. If we use the pending bill that was previously pending as the vehicle, we cannot possibly get to a conference, get an agreement on a conference, get a conference report, go back to the House of Representatives, and then get a conference report here, because the House of Representatives is done on Friday.

This is the only path to a bill. We have not missed in 52 years, and the reason we do not miss is our troops and their families and the national security of this country. That is why we have not failed. We cannot fail this year. The only practical way to avoid failure is if we follow the course which Senator INHOFE and I are now proposing to this body. Again, it is not the preferred course. It just happens to be the only course.

I thank Senator INHOFE and all the members of our committee for the way they have worked on this bill for now almost a whole year and for the final product, which I believe will have the full committee support or at least almost all of us. There were only three members of our committee who did not vote for the bill that came to the floor before.

I yield the floor.

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

Mr. INHOFE. Mr. President, first of all, let me express my appreciation for not just since this last Monday—a week ago today—when we met and put together a negotiated settlement, a negotiated bill, but all year long, in the previous year, Senator LEVIN has been very good to work with. We did our best to get a bill. We passed our bill out of committee months ago—months ago—and the problem has been here.

I am critical of the leadership of the Senate and a lot of the people who wanted amendments. I have to say this: On the Republican side, we agreed, finally, to cut it down to 25 amendments, which I think is very reasonable, and we were denied that. I could be critical. It does not do any good to be critical of the majority right now because we are where we are now.

The chairman has stated that looking at December we only have between now and Friday at 11 o'clock. That is it; the House is gone. They have already made that decision. They have made the announcement. It is going to happen. So mechanically, if we are all going to embrace and love each other and not disagree with anything, it still could not be done. There is no way in the world we can have a defense authorization bill this year except to do the negotiated bill we got together on.

By the way, when people say they want to wait until January, keep in mind that on December 31 the services will no longer be authorized to pay hazardous pay to the troops serving in hostile-fire areas. After December 31 the services will no longer be authorized to offer 37 specific special and incentive pays, including enlistment and reenlistment bonuses.

These people in service, those who have been in service, we know they approach them when it is getting close to the time they are going to get out. They say: These are the benefits that are going to be there if you will reenlist. It is absolutely necessary that they have that information. All of a sudden, we are pulling the rug out from under them, after they had anticipated what their reenlistment would be.

Those things stop December 31. If you say: Well, we will come back in January and do it, I can show you this calendar right here. We start on January 6, and we are going to be in the CR on January 15. There is no way they are going to pay any attention to Defense authorization during that time period. There is not the time to do it.

I will not be redundant and repeat what the chairman talked about that would not happen.

Gitmo is controversial. However, the provisions in the Fiscal Year 2013 NDAA which prohibit the transfer of Gitmo detainees to the United States have expired. The prohibitions, which are currently in effect, which prevent the transfer of detainees to the United States are provisions which were included in an Appropriations Act. That Act, which has been extended due to

the CR, is set to expire in January. Therefore, it is important to enact the FY'14 NDAA since our bill will extend these prohibitions for all of 2014. Of course, we also passed prohibitions on construction and modifying facilities in the United States. However, all of these prohibitions could come to an end if we do not have this bill.

Now, we have covered this. I appreciate the fact—and I want to repeat what the chairman said—that we actually had and cleared and considered some 87 amendments. In this bill we got 79 of the amendments; that is, Democratic and Republican amendments. So we have done this in the areas where we are supposed to be accomplishing it.

I looked at some of the things in military construction. We will have to stop work on any major projects that are currently under construction. I mean, they could be partway through a project. For example, the bill contains $136 million to continue construction for the replacement of a command center for the U.S. Strategic Command at Offutt Air Force Base in Nebraska. If this amount is not authorized for appropriations, DOD will have to stop work halfway through construction, leading to a contract claim, lost time, maybe even lawsuits, but certainly extra work. I can say the same about areas in Maryland, Kentucky, Washington, Texas, and New York. If we look at the construction of aircraft carriers, without the congressional action we have in this bill to update the statutory cap on construction of the CVN–78—the USS *Ford*, the first aircraft carrier of the *Ford* class—the Navy will be forced to cease construction of the CVN–78 when it is already 75 percent complete, denying our Nation this critical asset after we have already spent $12 billion on it. We are talking about huge amounts of money. We are talk about defending the United States of America.

I hate to think we got here the way we did. We should not have had to do that. There is some blame to go around on both sides, but nonetheless we have been unable to do it the way we have done it in the past.

I will tell you something that is kind of interesting. We did a study. We found that in the last 30 years we have never gone into January before. Never. Not once.

The two times we went in were after a veto of the bill, and then after that we immediately overrode the veto and we were home free. So this has not happened before. For people to say that it has and that it is not unusual to go into January, factually that is just not true.

So we have special operations, and we have land use agreements. This is a big one that will ensure special operations forces have sufficient access to training ranges. The SEALs, the Navy SEALs—I think many of us have been to the Chocolate Mountain Aerial Gunnery Range in California, which serves an indispensable role in training the Navy SEALs for deployment. Failure to adopt the NDAA agreement we are talking about now will result in sending Navy SEALs to combat with insufficient training, undermining mission effectiveness and increasing the risk of losing lives.

So we have every reason to be concerned about this. We have only one way that we are going to be able to get a defense authorization bill. If we do not do it, this will be the first year in 52 years that we have not had one. So that is how serious this is. I do not like the way it was done, but I can like the end product.

I think the chairman mentioned the sexual assault discussion we have had. We had the Gillibrand amendment, and we had the McCaskill amendment. We did not get a chance to talk about those. But we actually have 27 specific reforms to support victims and encourage sexual assault reporting, expanding it and so forth. So we have done a lot.

I do not think anyone can argue that we would in any way be better off not having an authorization bill or just lumping it together and putting it on a clean CR. That is not any way to do business. It does not accomplish any of what I just mentioned and that the chairman mentioned as progress in this bill.

With that, I am happy to join the chairman of the committee in a bipartisan way to help try to defend America. The first thing we need to do is to pass our negotiated bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the chairman and ranking member if necessary as we discuss this legislation——

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

Mr. MCCAIN. Or lack of legislation, which may be unique in the history of the Senate in that for 51 years this body has passed a defense authorization bill, gone to conference between the two Houses, and sent a bill to the President's desk—legislation that I think most Americans would agree is our first priority, and that is to defend the security of this Nation.

I guess one of the questions I have for the distinguished chairman of the committee, and obviously the ranking member, is that by us not acting on this bill before the end of the year, is it not true, I would ask Chairman LEVIN, that we have already done some damage to the military and our readiness? Is it not also true that in the years that Senator LEVIN and I and Senator INHOFE have been together in the Armed Services Committee, we have never tried to do an authorization bill in a week? There are too many issues that are worthy of debate and votes on the part of this body. So is it not true, I would ask Senator LEVIN, that if we fail to take up this legislation, we will be embarking into unknown and uncharted waters because then we will be leaving it, isn't it true, to various appropriations bills or continuing resolutions or a patchwork kind of addressing what I would argue—and I do not know how anyone could dispute—is the most important obligation the Congress of the United States has; that is, to authorize the provisions in law that are necessary to defend this Nation? I would ask the Senator from Michigan those questions.

Mr. LEVIN. The point of the Senator from Arizona is extremely well taken. There is, relevant to his point, a list of expiring authorities which we have just received from the Chairman of the Joint Chiefs, General Dempsey. I put that letter in the Record; we got it literally a few hours ago—listing some of the expiring authorities, including a number that the Senator mentioned and——

Mr. MCCAIN. Would the chairman mention a couple of those?

Mr. LEVIN. Special pay and bonuses, combat pay, travel and transportation allowances, nonconventional assisted recovery capability, the authorities to do MILCON, which were mentioned by the Senator from Oklahoma. It is a long list. There will be a real chasm if we don't do this this year. You cannot just say: Well, it will go to next year. Senator INHOFE pointed out, I believe, that in one or two cases where it actually did get signed in the year after the bill was passed, it was because there was a veto by a President and the veto override took place, I believe, in the weeks after January.

But these expiring authorities are very serious. We are going to tell men and women in combat that there is a gap in their combat pay? We don't know for sure that it will ever be filled. This is what General Dempsey mentioned in his letter. He said: Allowing the bill to slip to January adds yet more uncertainty to the force and further complicates the duty of our commanders who face shifting global threats. I also fear that delay may put the entire bill at risk, protracting this uncertainty and impacting our global influence.

Then he gave us a list of the expiring authorities.

So the Senator from Arizona raises a very critical issue. Now, it is not desirable for us to pass a bill as we have. But with the help of the Senator from Arizona when he was the ranking member, we were able, on two occasions, in a situation where there were objections to amendments being offered on the Senate floor—I will not go into all the details, but 2 of the last 5 years we were put in a position where we could not get the usual course followed, where the bill had a full amendment process on the Senate floor—it had some, as this bill has, but not enough time. Then we ran into that wall, and we were able to work out a bipartisan resolution to present to the Senate, sort of a virtual conference report—not

technically a conference report but a bill, a fresh bill, a new bill which merged and blended the bill that passed the Senate Armed Services Committee in those 2 years with the bill that passed the House of Representatives. We then on a bipartisan basis presented those two bills to the Senate, and they were passed.

Mr. INHOFE. Let me mention a couple of others to the Senator from Arizona. His specific question is, What expires on December 31? In addition to the hazard pay that was articulated by the chairman, we also have the reenlistment bonus. I think any of us who have served in the military remember that as you get close to your date of discharge, you make a plan for the future as to what you are going to do in terms of reenlistment. It is all based on assumptions of reenlistment bonuses. If all of a sudden they disappear, you could not have that. What is that going to do to our forces? Impact Aid. Impact aid is something people do not really think about unless they happen to be in an area that has a lot of military activity where people have been taken off the tax rolls. On January 1, impact aid would end.

So, yes, there is a lot of concern over this. We talked for a long time about what will happen with this bill in terms of military construction that is partially done or the building of various platforms. But what would actually happen as of January 1 would be really a crisis if we were to have to stop these things.

Mr. MCCAIN. I should have stated at the beginning that I am very proud of the leadership that both Senator INHOFE and Senator LEVIN have provided to the Armed Services Committee.

I serve on a number of committees and have served on a number of committees in my time in the Senate. The bipartisanship and cooperative legislating that is exemplified by both Senators makes me proud and makes me believe there is still some hope for bipartisanship in the Senate. Their leadership has been vital in putting together an authorization bill which is, as we have described, incredibly important.

I ask both of my colleagues, I am hearing—especially now from this side of the aisle—it is OK if we let this go over into January. After all, we only have another week. We have the farm bill, we have the budget agreement, et cetera. The House, the other side of the Capitol, is going out of session.

Why isn't it OK to wait until January? We will be back early in January and work on this legislation then.

I am sure I know the answer, but I ask of the chairman if that isn't nearly as easy as it sounds, even if, contrary to custom in January, we would do anything legislatively.

Mr. LEVIN. The Senator points out the reality, which is what is likely to happen in January. There is another reality that what will happen in January is it will be very difficult to get to this bill because of the crushing business of CRs and other crushing business in January, even if we meet in January.

The shortest answer I could give to my friend from Arizona is the following: I am in combat. I am in combat somewhere in the world and I am going to read: Combat pay stops on December 31.

There are dozens of these kinds of authorizations that are listed in General Dempsey's letter, dozens of them, that just stop on December 31. Take only that one. Think about that and what kind of an impression we are giving to our men and women who are in combat, in harm's way, when they read: Combat pay stops.

Yes, maybe it will be extended in January or in February, but that is actually unsatisfactory. It will be outrageous for us not to pass this bill.

Mr. MCCAIN. Does the Senator from Oklahoma have a response?

Mr. INHOFE. Yes. I wish to note that the average time it takes to debate on the floor and to pass the NDAA is 9 days. That is the average over the last 10 years.

As I look at the calendar for January, we return on January 6 and we have the CR on January 15. We are going to be spending that time on the CR. Then, of course, we will be faced with the debt ceiling. I don't see that is going to happen. I think it is going to happen in some other way, but it is not going to happen in these reforms.

I very much appreciate the Senator from Arizona calling this to attention, that we can't wait until January. It is not going to work. We know it is going to expire December 31. We also know it can't happen in January because there flat isn't time.

Mr. MCCAIN. I don't know if my colleagues wish to respond, but I wish to make two comments: One is that I am deeply disappointed—deeply, deeply disappointed—in the majority leader for not taking up this legislation much earlier. The majority controls the calendar. That is one of the key elements of the majority winning elections and majority in the Senate.

For us to wait since June, when we passed the bill out of the Armed Services Committee, until only a short time ago and then only allowing a few days is a grave disservice—not so much to the Members of the Senate—and a lack of prioritization of the importance of this legislation.

I am deeply disappointed the majority leader of the Senate, because of his manipulation of the calendar, has put us in this position.

Having said that, I spent time—as I know the Senator from Oklahoma and the Senator from Michigan, our distinguished chairman—in the company of the men and women who serve. One of our obligations, as members of the Armed Services Committee, is to spend time with the military. I know the Senator from Oklahoma and the chairman do as well.

Their morale isn't good. They have seen sequestration take place, across-the-board cuts that have been done with a meat ax and not a scalpel.

All three of us would agree there are enormous savings that could be enacted in our Nation's Defense Department. We haven't even received an audit of the Defense Department. Year after year we demand that an audit be conducted by the Department of Defense by a certain year, and it has never happened.

We are not apologists. In fact, I believe the chairman and the ranking member have been zealous in their efforts to reduce waste, mismanagement, and duplication in the Armed Services and the Defense Department through their work on the Armed Services Committee.

The morale of our men and women who are serving is being harmed. It is not something that shows up in dollars and cents, but it does show up over time.

I say to the Senator from Michigan it does show up over time in their willingness to remain in the military. I was recently in Fort Campbell, KY, with the Senator from Tennessee, Mr. ALEXANDER. We had an excellent briefing from the colonels, the generals, and the chief master sergeants of the U.S. Army.

Their unanimous view was that they believe we in the Congress of the United States are not taking care of them. They have always looked to us to provide them with the pay, the benefits, the housing, the equipment, and the training that is necessary to do their job.

They don't believe we are doing that anymore. They believe, when we enact sequestration with a meat-ax cut across the board—don't ask me about it. Ask General Odierno and the Chiefs who testified before the Armed Services Committee about the devastating effect of cuts to readiness, training, acquisition and, most of all, on the morale of the men and women who are serving. They literally don't know, some of them, what they are going to be doing the next day. The next day they don't know if they will be able to fly their airplanes, run their tanks or have the exercises that have been planned for months and even years. They don't know because we are almost day-to-day trying to apportion funds that are remaining in the most efficient and beneficial way.

I stand before my colleagues in the Senate and the two leaders in the authorization committee, and I am embarrassed—embarrassed—and a bit ashamed that we have done this to these good men and women who are willing to put their lives in harm's way to defend us. We can't even pass a bill that authorizes what they need to defend this Nation. It is shameful.

I wish to thank the chairman and ranking member for the hard work they have done on this legislation and the thousands of hours they have spent

on behalf of defending this Nation and the men and women who serve it.

I yield the floor.

Mr. LEVIN. I thank the Senator from Arizona for everything he has been doing for so many decades for this country, including our committee. It is invaluable. We are going to get this bill passed. That is our determination.

It will be a shock to every American if we are unable to pass the Defense authorization bill. It will be totally intolerable. I know Senator INHOFE and I will help Senator MCCAIN and others get this bill done this year.

I yield the floor.

Mr. INHOFE. One last comment I wish to make is people listen to us speak on the floor and do not understand the full impact. I carry this card with me. The very top military person in the country, the Chairman of the Joint Chiefs of Staff, General Dempsey, told our committee: We are putting our military on a path where the force is so degraded and so unready that it would be immoral to use force.

He is the No. 1 Chief. The No. 2 Chief is Admiral Winnefeld, who stated that ''there could be for the first time in my career instances where we may be asked to respond to a crisis and we will have to say that we cannot.''

We can't correct all of that with this bill, but we can keep it from getting worse and get back and do what we have done over the last 52 years and pass the NDAA bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. 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 PATRICIA ANN MILLETT TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

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

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I know we are not voting on this nomination today. I think it will be tomorrow. But I do not think there will be time to make remarks tomorrow, so I am expressing not only my opposition to the nominee being confirmed but also the bigger issue of whether or not there should even be any additional judges put on the DC Circuit.

Approximately 6 months ago, on June 4, 2013, the President simultaneously nominated three people for the DC Circuit. Everyone knew then, just as they know now, that these judges are not needed. The DC Circuit has the lowest caseload in the country by far, based on the standards that the Democrats established just a few years ago when a Republican was in the White House. In fact, the caseload on the DC Circuit is so low that on April 10, 2013, approximately 2 months prior to these nominations, I introduced legislation together with every Republican member of the committee to eliminate one seat of the DC Circuit and move two others to different circuits where they had bigger caseloads and needed additional help. That would be the sensible way to address this issue. Don't spend $1 million in taxpayers' money, per year, per judge, on judgeships that are not needed.

That is common sense, especially when the judges currently on the court say—and I quote one of them—in a letter:

> If any more judges were added now there wouldn't be enough work to go around.

Don't waste $3 million a year. Instead, simply move the seats to where they are needed, where there is a much bigger caseload. That would be the sensible and the good government approach.

But being sensible and good stewards of taxpayer dollars is not what the other side had in mind when they hatched this scheme. Far from it. No, the administration's move here was clear from the very beginning. They knew they could not pass their liberal agenda through a divided Congress. The American people had already rejected that agenda at the ballot box. But the administration still runs the Federal agencies, and through the agencies the administration can ignore the will of the American people and continue to pursue a job-killing agenda.

It doesn't matter that the American people do not want their government to pass cap-and-trade fee increases. The administration will simply force it upon the American people anyway through the Environmental Protection Agency.

It doesn't matter that the employer mandate penalty under ObamaCare does not apply to the 34 States that have not created insurance exchanges. The administration forced the employer mandate upon the American people anyway through an IRS regulation.

This has been the plan of the administration. It cannot get its liberal agenda through the Congress, but it has saddled the American people with its job-crushing agenda anyway through agency regulation.

But there is a catch to this scheme, a very big catch. Agency decisions are reviewed by the Federal judiciary. That happens to be our very independent third branch of government. So for this scheme to work, the White House needed to stack the DC Circuit with judges who were rubberstamps for its agenda.

As a result, the administration decided to ram their agenda through the agencies and simultaneously stack the DC Circuit with judges they believe would rubberstamp that agenda. That is why, on the very same day the President made these three nominations, I said:

> It's hard to imagine the rationale for nominating three judges at once for this court given the many vacant emergency seats across the country, unless your goal is to pack the court to advance a certain policy agenda.

During the last few months we have debated this issue, and throughout the debate the other side has tried their best to obscure the objective. They have manipulated caseload statistics in an effort to deny the obvious: Judges are not needed and will not have enough work to go around as is.

They twisted the words of the administrative office of the U.S. Courts. They claimed that the Chief Justice of the United States believes these judgeships are needed, when of course statistics show that is not remotely close to being true. They even stooped so low as to accuse Republicans of gender bias. But no matter how the other side manipulated the data or tried to conceal their agenda, they could not overcome the simple and basic facts everyone knew to be true; that is, that under the standard established by the Democrats under the Bush administration, these judgeships are not needed and should not be confirmed.

As a result, when the Senate considered these nominations, it denied consent. The other side lost the debate. Under normal circumstances, that would have been the end of this matter but not this time. This time there is a Democrat in the White House, not a Bush in the White House, and a Republican minority in the Senate.

The caseload statistics that carried the day in 2006 when we had a Republican majority in this body no longer matter to today's Democratic majority. This time apparently there are only three Members of the majority who care more for the Senate as an institution than they do for their party or short-term political gain. Of course, the biggest difference is that this time what is at stake is a radical agenda and the other side's effort to remove any meaningful check and balance on that agenda.

In short, it is ObamaCare. In short, it is climate change regulation, and the method for doing it is Presidential rule by fiat. The other side decided they were no longer willing to play by the rules they established and pioneered in 2006 when we had a Republican President and a Republican majority in the

Senate. They lost the debate, so a couple weeks ago they changed the rules of the game in the middle of the fourth quarter. They triggered the so-called nuclear option because salvaging ObamaCare and insulating cap-and-trade fee increases from meaningful judicial review were just two important ideological battles that this administration wanted to get done one way or the other.

But, as I said, the end game for this scheme has been clear ever since it was formulated. So I wasn't surprised to read media accounts confirming the reasons the Democrats broke the Senate rules in order to get these nominees confirmed.

For instance, on November 23, The Hill newspaper ran an article with this headline: ''Filibuster change clears path for Obama climate regs crackdown.'' The Hill newspaper had this to say:

> Green groups might be the biggest winners from Senate Democrats' decision to gut the minority party's filibuster rights on nominations. Their top priority—President Obama's second-term changes on climate change—is likely to have a better shot at surviving challenges once Obama's nominees are confirmed for the crucial U.S. Court of Appeals for the District of Columbia.

The Washington Post wrote:

> Democrats say the shift in the court will be especially important given that Obama's legislative proposals have little chance to prevail in the GOP controlled House. . . . The most contentious issues likely to face the appeals court are climate change regulations being pursued by the EPA. . . . The measures represent Obama's most ambitious effort to combat climate change in his second term—coal-fired power plants are a key source of emissions—at a time when such proposals have no chance of passage in Congress.

The same Washington Post article acknowledged the importance of removing the judicial check on ObamaCare.

> The court is expected to hear a series of other legal challenges as well, including lawsuits related to elements of the Affordable Care Act, the Consumer Financial Protection Bureau and new air-quality standards.

Here is how one liberal environmental media outlet described the change:

> When the Senate Democrats blew up the filibuster Thursday, they didn't just rewrite some rules. They struck a mortal blow to a tradition that has blockaded effective action on climate change.

According to media reports, it was these same liberal interest groups that pressured the majority leader to break the rules in order to change the rules. According to The Hill newspaper:

> [The] Sierra Club was part of a coalition of liberal groups and unions that pressured Senate Majority Leader HARRY REID to limit the use of the filibuster through a majority vote.

So if there was any doubt whatsoever about why the other side took such drastic action—changing the very historic process of the Senate—there should not be any doubt any longer. The other side could no longer stand up to the more extreme wing of their party. Under pressure from those interest groups, the other side willy-nilly tossed aside some 225 years of Senate history and tradition.

What is more, by joining the majority leader and voting to break the rules, every Senator who did so empowered the President to install judges whose appointments are specifically designed to rubberstamp the President's regulatory agenda. No one is going to be able to hide from this vote. Not only is this a power grab, it is much more than that. It is the erosion of a constitutional principle which has been established since 1787—and stated very clearly in the Federalist Papers—why the separation of powers is so important to our government. It was to make sure that no one person has all the power. The White House is so committed to a policy agenda that the American people don't want that it co-opted the majority of the Senate in its scheme to remove a meaningful judicial check on the executive branch of government and their agenda.

This is about a White House trying to rig the game so it can impose its cap-and-trade fee increases on the American people even though the American people don't support it. This is about a last-ditch effort to salvage ObamaCare and regulations, such as the IRS rule imposing the employer mandate penalty in 34 States, which is in direct conflict with the statute. How will they do it? By installing judges the White House believes will rubberstamp their edict.

I urge my colleagues to stand up to this White House, stand up to the radical liberal interest groups. Don't cast your vote for cap-and-trade fee increases and for judges that will rubberstamp that and don't cast another vote for ObamaCare. Instead, vote against this nomination. It is not needed.

I yield the floor.

Mr. DURBIN. Mr. President, I rise in support of the nomination of Patricia Millett to serve on the D.C. Circuit, the second most important court in the nation. Ms. Millett, who is currently in private practice, is recognized as one of the leading appellate lawyers in the country. She has argued 32 cases before the Supreme Court and dozens more in other appellate courts.

Ms. Millett served in the Solicitor General's office under both Democratic and Republican presidents. Seven former Solicitors General including prominent Republicans Paul Clement, Ted Olson and Ken Starr—sent a letter in support of Ms. Millett saying she ''has a brilliant mind, a gift for clear, persuasive writing, and a genuine zeal for the rule of law. Equally important, she is unfailingly fair-minded.''

At her hearing before the Senate Judiciary Committee, no Senator questioned Ms. Millett's qualifications or fitness for the Federal bench. She is simply an outstanding nominee. Ms. Millett is also a proud product of Illinois. She grew up in Marine, a small town in the southern part of the state. Her mother was a nurse and her father was a history professor at Southern Illinois University—Edwardsville.

Ms. Millett graduated summa cum laude from the University of Illinois and magna cum laude from Harvard Law School. She clerked for 2 years for Judge Thomas Tang on the Ninth Circuit Court of Appeals.

She is part of a military family. Her husband Robert King served in the Navy and was deployed as part of Operation Iraqi Freedom.

Ms. Millett also comes highly recommended by distinguished members of the Illinois legal community.

I received a letter from Patrick Fitzgerald, the former U.S. Attorney for the Northern District of Illinois, expressing ''strong support'' for Ms. Millett's nomination and urging ''prompt consideration of her candidacy on the merits.''

I also received a letter from 28 prominent attorneys including former Illinois Governor James Thompson, a Republican, and current Illinois State Bar Association president Paula Holderman.

They expressed their strong support for Ms. Millett, saying that ''she embodies the evenhandedness, impartiality, and objectivity required for the federal judiciary, as evidenced by her more than 10 years of service in the Solicitor General's office in both the Clinton and Bush Administrations.''

The bottom line is that Ms. Millett is an outstanding nominee with broad support from across the ideological spectrum. There is no question that she is well-qualified to serve on the bench, and she will serve with distinction.

I urge my colleagues to support her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

EXTENSION OF MORNING BUSINESS

Mr. NELSON. Mr. President, there are some good things that are going on, and I wish to talk about that.

First, I ask unanimous consent that the Senate be in a period of morning business until 6:15 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

THE GOOD NEWS

Mr. NELSON. Mr. President, there are some tough times around here, but I usually look for the good news. There is good news. Would anyone have believed 6 months ago that most of the chemical weapons in Syria would be dismantled at this point? In our wildest expectations we could not have expected that. But for the technicalities and specifics of the inspection,

that clearly appears to have occurred or is well on its way to occurring.

We have had 43 straight months of private sector job growth in the economy. When Bear Stearns and Lehman Brothers went down, we were in a financial death spiral. Little by little we are coming out of it. Of course, the news just announced last Friday on the jobs report gives another indication that the economy is beginning to take hold, and we see that in the confidence that is being expressed. We see that in the real estate market, and we certainly see that in the financial markets in New York.

Let me give you another piece of good news that most people would not think about. There has been the discovery of a former Martian lake. As we reach out into the cosmos to try to find any indication of life, scientists are now thinking that this Martian lake might have harbored life billions of years ago—about the time some of the scientists suggest that small microcosm of life might have started on this planet. If this proves out, we are going to Mars not just with robots. Eventually, in the 2030s, we will go with humans, and when we get there, we will find out if that is true. If it is true, was there life that developed? If there was life that developed, was it civilized? If it was civilized, what happened and what can we learn from that that might help us as a civilized life? So I see good signs.

I see the good signs of Senator Kerry as our Secretary of State and what he is doing in trying to bring the parties together in the Middle East. So instead of everything being doom and gloom, I see good things.

EXTENDING THE UNDETECTABLE FIREARMS ACT OF 1988

Mr. NELSON. Senator SCHUMER and I are here for another reason. We don't want to make a mistake. For some number of years, there has been on the books a law which will expire at midnight tonight that has protected us from weapons going through detectors that are not made of metal which the detectors can't detect. Of course, not only are we talking about government buildings and other secure facilities, but clearly we are talking about airports as well.

So now computer technology has advanced to the point, ever since we had that old law, that a person can actually, with a computer, through 3D processing, laying down plastic layer upon plastic layer, create a weapon that cannot be detected with most of the detectors we have today. That old law needs to be updated, but apparently there are those who do not want it updated. So, as a last gasp, we are appealing to the Senate, before the stroke of midnight tonight when this law will be erased, to continue the old law that will at least go after the plastic-type weapons, plastic guns, of which their manufacture—it is required that they have some part of metal in them in order to detect them. But the technology has surpassed that. They can now manufacture them with 3D printing to have no metal parts and they will still shoot a bullet. That is what we are going to have to update. So with the simple click of a mouse, things are changed and it makes it practically invisible to metal detectors and other screening devices.

I thank the senior Senator from New York, who has taken the lead on this issue. He has recognized this problem. He has asked me to join him.

The House of Representatives last week passed similar legislation to not do what we ought to do to update the law but to continue the current ban on such weapons for another 10 years. They obviously pose a very serious threat to our national security as well as to Americans' personal security, and we need to do everything we can to keep them out of the hands of people who want to do harm to others.

Mr. President, I am looking forward to the comments of the senior Senator from New York.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I would like to wait for Senator GRASSLEY—here he is. I will speak for a minute and then propound my unanimous consent request, and then Senator GRASSLEY will propound his request, I presume.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I wish to thank my good colleague from Florida who has been a great partner on this very important issue. He outlined it well. I will just speak for a few minutes on this subject.

The bottom line is very simple. There are bad people who always want to evade the law, and there are good people—most Americans, the vast majority—who want to protect the law. Our job is to prevent the bad people without hurting the good people. We will have different views on the issue of gun control as to where to draw that line, but it seems to me on this issue there should be no dispute whatsoever. As the Senator from Florida outlined, there is new technology that for the first time will allow guns to be made that function without metal. That presents a serious danger—some might even say a mortal danger—to our safety because if a person can pass a gun through a metal detector with the very purpose to stop guns from getting into delicate areas, such as airports, sports stadiums, courts, and schools, it can create real havoc. To allow plastic guns that can fire one bullet, two bullets, three bullets, four bullets into these places creates real danger for our citizenry.

There were some wise people back in 1988, even before these guns could be developed, who passed a law that said we should not allow them to exist. It was a good law. The trouble is, as my colleague from Florida has outlined, technology has advanced, so not only are these guns real, but they can be made so that the law that exists and expires tonight can be evaded.

If one were to add an easily removable piece of metal to one of these plastic guns, walk with it, with that metal on it—legal under present law—take it off as a person puts the gun through a metal detector, so it is all plastic, and then quietly insert it back on the gun after it goes through a metal detector, one would have a gun on both sides of the metal detector that is legal under present law, the law that expires tonight, and a person can then evade the very purpose that we have metal detectors at our airports, sports stadiums, and other places—to prevent guns from being smuggled in.

So what we would ideally like to do, the Senator from Florida and I, is say that those types of guns, as well as guns that are purely plastic, should be illegal and that a gun must have some metal in it that can't be removed easily—and those guns would be legal, but those guns wouldn't be smuggled through metal detectors.

Now, years ago, it seemed as though this was all fiction. I remember that in the movie ''In the Line of Fire,'' John Malkovich, seeking to kill the President, takes months to make a gun out of plastic. It was science fiction. But in the last few years that science fiction has become a reality. Three-D printers—a technology overall that is miraculous—can create a trachea for a baby so the baby can live. Three-D printers can create car parts at a much cheaper price. But they can also create plastic guns. Technology allows them to be sold for $1,000 or a little more than $1,000, so just about anyone can get one, certainly a terrorist intent on doing evil. So the ban takes on new urgency.

Today there is good news and bad news. The good news is that the House of Representatives has passed a bill to extend that ban for 10 years. The bad news is that the dangerous loophole I mentioned is still in the bill. Under existing law—the law that expires tonight—one can make one of these undetectable guns perfectly legal by simply attaching a metal handle at the last moment when you want to slip it somewhere where it could be very dangerous and then remove the metal part and make the gun invisible to the metal detector. All the Senator from Florida and I wish to do is simply require that the metal piece be permanently affixed to the gun. Any gun without a permanent metal piece would be illegal—a simple fix that will save lots of lives. Unfortunately, the House bill that passed keeps the present loophole in the law.

I haven't heard any argument against our amendment other than: Nose in the camel's tent; this will allow people to do other bad things. But I haven't heard one specific argument against our closing the loophole

in the law the way we want to do it. Unfortunately, from what I am told, there will be an objection to that and we will just pass a 10-year extension. That is better than nothing, but it doesn't get us across the finish line. The House bill is a step in the right direction, certainly better than letting the law expire, but it still has a glaring loophole in it.

So I hope we can pass a bill that not only extends the current ban but closes the loophole that allows for the manufacture of guns that can evade detection by simply removing a piece of metal. It is a simple fix to the existing statute that won't interrupt any lawful commerce in arms. One can be the most fervent believer in the Second Amendment, and the amendment we propose does not interfere with anyone's right to have a gun—none. All we do is keep the legislative language up to speed with technological developments.

In conclusion, a few years ago these undetectable plastic guns were science fiction. Now they are frighteningly real. That is why we have to extend the ban and hopefully close the loophole.

I again thank my colleague Senator NELSON, as well as my colleague in the House, Congressman ISRAEL, and so many others who have joined us in this, including Senator MURPHY, Senator WHITEHOUSE, and Senator SCHATZ, who have been partners in trying to get this done.

Now I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3626, which is at the desk; that the Nelson-Schumer, et al. amendment, which is also at the desk, be agreed to; the bill, as amended, be read three times and passed; and that the motions to reconsider be made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is this objection?

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3626, which was received from the House. I ask unanimous consent that the bill be read a third time and passed and that the motion to reconsider be made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is this objection?

Without objection, it is so ordered.

The bill (H.R. 3626) was read the third time and passed.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I don't think I find fault with anything Senator SCHUMER said, except as a matter of timing and when to consider those things. Before making any changes to current law, Congress needs to gain an understanding of printed gun manufacturing technology and its relation to permanent metal parts. There are other technical issues that should be resolved before any legislation passes that reflects scientific and manufacturing process realities.

Today is the day the current plastic gun ban expires. The House had already passed a 10-year extension on a bipartisan vote. The only way to be sure the current ban remains on the books is to pass the House bill, which the Senate just did. Since the Democrats wish to extend current law, there are no current circumstances that demanded immediate changes to the law.

Every previous extension of the bill has occurred on a bipartisan basis and has lasted for at least 5 years so that Congress does not need to constantly revisit it. Before Thanksgiving, my colleague, the Senator from New York, offered only a 1-year extension. Ten years is much better, and the 1-year extension proposal contained none of the substantive provisions the Senator from New York offered with mere hours to go before current law expires.

After the Senate passes the House bill—which we did—Congress then has a responsibility to review the issue, hold hearings and obtain expert testimony, and consider alternative legislation, including what the Senator from New York has suggested. The date of expiration of the current ban has been set for many years. If anybody in the Senate is so concerned about what they consider to be a loophole in the law, this obviously should have been done through hearings and the introduction of legislation long ago. We did not even see the language of the proposed amendment I objected to until this afternoon. Dropping a bill at the eleventh hour without any investigation into the technological situation demonstrates that their real objectives were things other than just getting an extension.

Under current law, ''the Attorney General shall ensure that rules and regulations adopted pursuant to this paragraph do not impair the manufacture of prototype firearms or the development of new technology.'' That is a quote from the proposed language that I objected to—or that is in present law, but the amendment of the Senator from New York strikes that language. It seems to me that the Justice Department's regulations should not impair new technology or firearm manufacturing, so I don't know why that change should have been suggested. I am willing to listen to anybody's arguments to the contrary, but that is the way I see it, and I am glad we have taken the action we have.

I yield the floor.

The PRESIDING OFFICER (Ms. WARREN). The Senator from New York.

Mr. SCHUMER. Madam President, I thank my colleague from Iowa. Obviously, I disagree. I think we should be closing this loophole. The language may have been available this afternoon, but the concept was out there for weeks and weeks, if not longer. But I appreciate his language, and he said he did not object to any specifics that I have mentioned here.

So I look forward. We are going to work hard with the Senator from Iowa and others, with whom I disagree on interpretations of the Second Amendment in general, to try and come to an agreement here to close a loophole that we do not think touches any Second Amendment rights in any way at all. If we can work together over the next few months, weeks, with hearings and other things, and convince our colleagues that we have no intent other than to close this loophole and make sure the very law the Senator from Iowa wished to renew is simply made whole, given the new technology and the loophole is closed, I look forward to that opportunity.

So I appreciate my colleague's remarks. I wish we had passed this amendment. I think it would have made the bill better, stronger, with fewer loopholes, but that does not mean we cannot try to do that over the next several months. I appreciate the opportunity to do so with my friend, the only other ''Charles E.'' in the Senate.

Mr. DURBIN. Madam President, undetectable plastic guns used to be a hypothetical security threat. But now the threat is real.

3–D printer technology has evolved to the point where a person can make a functioning plastic handgun in a matter of hours. These guns are lethal, and the technology used to make them is getting better—and cheaper—every day.

It is a serious concern that the plastic in these guns does not set off walk-through metal detectors. Many of our buildings are protected by these walk-through detectors—courthouses, schools, government buildings, sports arenas, concert venues, and more.

The Undetectable Firearms Act sensibly bans guns that are not detectable by these types of metal detectors. It is essential that we reauthorize this important law.

I am glad the House of Representatives passed an extension of this law last week. It is important that we not let this law expire.

But it is also important for Congress to update this law to close a potentially dangerous loophole.

Under the current law, a plastic gun can be legal if the gun owner simply clips a piece of metal onto the gun, even if the metal is unnecessary to the functionality of the gun. This is a problem because the person could simply unclip the metal from the gun to pass through a metal detector and then have a fully-functioning gun inside a secure location.

We need to close this loophole and make sure that the functional components of guns are detectable by walk-through metal detectors.

I do not mean to be alarmist about the risk that these plastic guns pose, but the risks are real.

Earlier this year the Jerusalem Post reported that an Israeli journalist tried to prove this point by bringing a plastic gun to a press conference at the Israeli Knesset. He got the gun through security, and he filmed himself pointing the gun at Prime Minister Netanyahu.

Fortunately the gun was unloaded and the journalist had no intent to harm anyone. But we should take steps to protect against the risks of these undetectable guns before a tragedy occurs.

I will support efforts to extend the current law, but I also urge my colleagues to work to close this loophole as quickly as possible.

Mr. MARKEY. Madam President, I thank Senator SCHUMER and Senator NELSON for their work on the extension of the Undetectable Firearms Act.

Plastic guns printed from 3D printers are one thing: dangerous. They have no place in our society. These 3D-printed guns can be used to dodge security checks the way Tom Brady dodges opposing defenses. Members of the law enforcement community, police men and women, the ATF, TSA, FBI, and Secret Service all support this legislation because it will make our communities safer. I share their concerns and the concerns of so many of my constituents in Massachusetts. I come here today to express my support for this bill because the safety of our children and communities must be our top priority. No parent, student, or traveler should be worried that a plastic 3D gun could be left undetected and find its way into an airplane, a train, or a classroom.

I am pleased we are passing this legislation today, but we must all remember that this is the bare minimum. Passing this legislation keeps plastic guns from becoming legal, but it does not crack down on the torrents of assault weapons filling our streets or ensure that all gun sales must include a background check. Neither does it close the loophole that allows a plastic gun with a single piece of removable metal to evade the ban.

Even after this bill passes, we must continue to fight for commonsense gun safety regulations. In 1994, I worked with my colleagues and now-Vice President BIDEN to enact tougher gun control laws that helped remove dangerous Chinese assault weapons from our streets. At the time, it seemed like an insurmountable task, but we got those weapons of war off our streets. Today we face a challenge that seems similarly insurmountable. So I hope that in the coming days and weeks the Senate and Congress acts in a bipartisan manner to curb the epidemic of gun violence in our country. I will work with any Member of this Chamber, on either side of the aisle, to enact comprehensive gun control legislation that will keep our neighborhoods, our communities, our cities, and our public safe. I look forward to working with my colleagues to ensure that we finally put tough gun safety laws on the books and get these dangerous weapons off our streets and out of our neighborhoods.

Thank you.

Mr. LEAHY. Madam President, on December 3, 2013, the House of Representatives passed a 10-year reauthorization of the Undetectable Firearms Act. This law prohibits firearms that are undetectable by widely deployed security screening technologies such as x-ray and metal detectors. These are the standard technologies used by law enforcement officials to protect the public in State and Federal government buildings, courthouses, airports, and a host of other public spaces and events and these are the same technologies that protect the public and elected officials in the Capitol and congressional office buildings, where so many congressional staff and members of the public work and participate in the democratic process in an open and accessible environment. It is not difficult to appreciate why lethal weapons capable of evading such detection cause significant concern for the law enforcement community. This law has been the widely supported policy of Congress since 1988, when the legislation was signed by President Reagan. Ten years ago, Senator HATCH and I came together to reauthorize this law in 2003.

While today's legislation is an important step to reauthorize this law, we have more work to do. Law enforcement experts have urged Congress to make modest changes necessary to close a loophole that allows an individual who makes a firearm using 3D printing technology to easily evade the reach of the current law. I support those changes in order to better protect the public and update the current law in a responsible way.

Unfortunately, these recommendations have been met by Republican objections. As the expiration of this law has crept closer and the issue has gained the greater attention of law enforcement officials and Members of Congress, I worked in the Senate to find bipartisan support for a reauthorization of the law that would include these needed updates. I was disappointed that no Republican senator was willing to engage in a joint effort to responsibly update the law.

Today, a functioning, all-plastic, undetectable gun manufactured in the home using publicly available technology is not theoretical; it is reality. Unfortunately, the legislation we pass today fails to provide law enforcement officials with the best tools possible to keep pace with current and rapidly developing technology. This reauthorization does give Congress time to consider necessary updates to the law that law enforcement experts believe are critical to close the loopholes that have been exposed by emerging technologies.

I hope that as we go forward, Members of Congress on both sides of the aisle will closely examine the improvements we need to make to this law and will act responsibly in addressing them. Given this law's long history of bipartisan support, we should work together to carefully consider the recommendations that law enforcement experts have made to make this law better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, I too thank Senator GRASSLEY for arranging so we could proceed with the current law. I have found Senator GRASSLEY to be someone who will listen, who will deliberate, and who will try to do what he thinks is in the best interests of the people, in this particular case, the security interests of the people. I would ask Senator GRASSLEY to consider, as we meet about this over the course of the next several weeks or months, since we both fly in to Washington, DC—and if you are on flights like this Senator is, there may be a good chance there is an air marshal on that flight because the flight is so sensitive coming in to a city where you are only seconds—if an airplane aborts a landing, you are only within seconds of that airplane being near some of the centers of the U.S. Government, such as the Capitol, such as the White House, such as the Supreme Court. If a person were able to sneak a plastic gun through, then it seems to me that poses a much greater threat to the security interests of this country and its people.

If it is, in fact, legal to have a gun where you can remove that piece of metal and someone has been able to sneak that through the metal detectors at the place of origin of that person's flight, then it seems to me we are asking for trouble. In the great tradition of the Second Amendment of protecting people and letting them have their rights to guns, this is an aberration of that right that we need to duly consider and protect against.

I thank Senator GRASSLEY for coming here and extending the law today.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

EXTENSION OF MORNING BUSINESS

Mrs. SHAHEEN. Madam President, I ask unanimous consent that the Senate be in a period of morning business until 7 p.m., with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Tennessee.

ORDER OF PROCEDURE

Mr. ALEXANDER. Madam President, I intend to speak for more than 10 minutes when I get the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Certainly I do not have any objection to that.

Mr. ALEXANDER. Madam President, I ask unanimous consent that I be allowed to speak for as much time as I may require after Senator REID does what he wants to do on the floor tonight, which would not interfere with the Senator from New Hampshire going ahead at this time.

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

Mr. ALEXANDER. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Thank you, Madam President and Senator ALEXANDER.

PASSING A BUDGET

Mrs. SHAHEEN. Madam President, I come to the floor this evening to talk about the importance of Congress doing its job and passing a budget. We need a budget that is going to provide certainty for our economy, that will eliminate reckless spending cuts, and that will foster job creation.

We hear this week that Senate Budget Committee Chair PATTY MURRAY and House Budget Committee Chair PAUL RYAN may be close to just such an agreement. I think that is very good news because we need a budget deal so we can put an end to the manufactured crises that have hurt too many families and businesses in New Hampshire and across this country.

I know I speak for so many of us here in the Senate when I say our primary focus really should be on continuing to put in place an environment that creates jobs, that lays a foundation for economic growth. And that is one of the things that getting a budget deal would help do.

We have recently seen some signs of progress in the economy. The jobs report on Friday was positive with over 200,000 private-sector jobs added in November, and we have now had 45 straight months of private-sector job growth. But we all know we are not out of the woods yet. We have a lot more work to do, and we need to build on the momentum that is there to get more people back to work.

When I travel around New Hampshire, my constituents tell me they are very frustrated with the gridlock in Washington, and what they want is for us to come together here in Congress, to agree on a budget, and to take action that supports economic growth.

Granite Staters are absolutely right. With a potential budget agreement, we have an opportunity to eliminate some of the uncertainty in our economy, to eliminate some of those harmful cuts that are part of sequestration—the automatic budget cuts—and to finally set some priorities that will help us create jobs.

Sadly, too much in the past few months has had the Congress moving from one manufactured crisis on the budget to another. It has cost the economy severely. It has hurt job creation. As economist Mark Zandi recently noted: ''As long as lawmakers stay deadlocked over the direction of the federal budget, the economic recovery will not gain momentum.''

So I am very hopeful we can reach a deal that will provide the Appropriations Committee with a roadmap for the rest of 2014 and 2015.

I have heard from a lot of small businesses in New Hampshire that one of the challenges they are currently facing post government shutdown—and certainly for so many small businesses and families, they were hurt by that government shutdown, which cost the economy about $24 billion, and they are now looking at what the potential impact in the future will be from sequestration. Those spending cuts have halted Federal contracts, in many cases, for small businesses. They have caused uncertainty that is affecting job creation and hiring.

One of the New Hampshire business owners with whom I met recently said: ''You hear about how CEOs are hesitant to hire—this is why''—this uncertainty around sequestration, around what we are going to do about a budget for the country.

These indiscriminate cuts from sequestration have not just hurt job creation. They have also affected programs that are critical to families in New Hampshire and across the country.

One of those programs I had a chance to visit last week is the Meals on Wheels Program. I helped deliver meals in Rockingham County. The Presiding Officer knows Rockingham County very well. It is just across the boarder from Massachusetts, which she represents. I had really ambivalent feelings about delivering those meals to seniors because on the one hand people were so appreciative and we got to help people who needed those hot meals, but on the other hand what I heard from those seniors was the effect that sequestration and spending cuts were having on the program. Those spending cuts have slashed $81,000 from Rockingham Nutrition's Meals on Wheels budget. According to Debra Perou, the agency's executive director, Rockingham Nutrition is delivering 17,000 fewer meals as a result of those cuts. She told me it was a very tough day when they had to try to figure out who was going to get cut from getting those meals on wheels.

The seniors with whom I met in Salem told me they were frustrated that nothing was happening to eliminate those reckless spending cuts.

I met a former engineer from Raytheon, Larry Somes and his wife Lillian. Lillian not only has dementia developing, but she has macular degeneration. It has made it difficult for her to cook. Larry's pension from Raytheon does not go as far as it did 25 years ago when he retired. He said: ''Congress isn't doing anything [to help].''

Well, Larry is not alone, sadly. In Salem, 25 percent of Meals on Wheels recipients are older than 85. For these seniors—who are unable to cook for themselves—Meals on Wheels makes it possible for them to keep their housing and independence.

One of the things the seniors did this fall was to do a campaign where the program asked all of the seniors who received Meals on Wheels if they would write a message about how they felt about the program on a paper plate and send it to their elected officials so we would know what they are thinking. So I brought some of those messages, and they are short so they will not take much time to read. But I think it is important to read some of these messages so all of us have a chance to hear how our seniors are feeling.

This one is not signed, but it says:

> Seniors need Meals on Wheels to keep them in their homes and healthy. Put yourself in their position. Do you like to eat? Do you want to be in your home?

> Thank you Meals on Wheels. I am crippled and walk with a walker. I can't cook much anymore. I'm a diabetic so I have to eat, eat right. Thanks to everyone who cooks and delivers. God bless you.

> Keep Meals on Wheels. The homebound people are in need and look forward to getting a healthy meal and seeing someone every day.

That is the other aspect that is so important about Meals on Wheels. It is not just about delivering that hot meal. It is about making sure someone is checking in on our older Americans who are living alone, who sometimes do not see people because they are housebound. These messages are telling about how important this program is.

As Maria and Bill say:

> As this plate is empty, so will my wife's meals be. She has a serious medical problem and needs these meals. Think of this when you sit in your dining room tonight to have your meal. Thank you for your help keeping these meals coming.

Then from Denise, she says:

> Please don't take my food away. I need it.

That says it all.

The work Rockingham Christian and Meals On Wheels does is critical for seniors in that part of New Hampshire. They are joined by nine other Meals On Wheels Programs around New Hampshire. They serve thousands of people throughout the State. Last year alone Meals On Wheels delivered more than 1.2 million meals to 11,596 people in New Hampshire. The services are critical not only for improving the lives of seniors but also for reducing health care spending. The yearly cost of Meals On Wheels for a single senior is equivalent to the cost of 9 days in a nursing home or 1 or 2 days in the hospital. This is not a program that is important to seniors because it keeps them healthy and keeps them in their homes; this is a program that is cost-effective because if we are not able to keep seniors in their homes with something to eat, they are going to wind up in nursing homes and they are going to wind up in hospitals.

Programs such as Meals On Wheels are not where we should be cutting. We

should focus on wasteful and duplicative programs, not those with a proven track record of success. That is why a budget agreement is so critical. This year the Senate Appropriations Committee passed a bill that provided full funding for Meals On Wheels, but without a budget agreement, we have not been able to restore cuts to this very vital program.

We all know sequestration was designed to never go into effect. It was designed to be so harmful and reckless that we in Congress would find a better, smarter way to reduce our deficit. But because of sequestration, too many families and small businesses in New Hampshire have felt firsthand the dramatic effects of us failing to do our job. With the potential budget agreement coming from Senator MURRAY and Congressman RYAN, we will have an opportunity to reduce these impacts, to finally get to work replacing the harmful cuts from sequestration with a responsible plan that will grow our economy and create jobs.

Finally, it is my hope that a budget agreement will also include an extension of unemployment benefits for the millions of Americans who lost their jobs through no fault of their own. In New Hampshire, our unemployment rate is lower than the national average and has been consistently throughout this recession, but that does not help if you are in a household where the breadwinners are unemployed. That household has a 100-percent unemployment rate. So despite the significant progress for our economy since the recession, the unemployment rate remains unacceptably high. For millions of Americans, finding a job remains very difficult in this market. Unemployment benefits remain a vital lifeline while they seek new work. So if we do nothing before the end of this year, about 1.3 million Americans will lose their extended unemployment benefits starting in January. Millions more will exhaust their benefits over the course of 2014. In New Hampshire, an estimated 8,500 individuals will be affected.

Failing to extend these benefits will not only hurt these families, but it will also affect our economic recovery because failing to extend unemployment for these Americans would result in 240,000 fewer jobs created in 2014. To put that into perspective, the recent jobs report showed that our economy gained 200,000 jobs in the month of November. Failing to extend unemployment benefits would be the equivalent of sacrificing an entire month of job creation.

At this fragile point in our economic recovery, we should not be letting this critical program expire for these Americans. I hope we can reach an agreement. I hope that agreement will begin to roll back those cuts from sequestration, will extend unemployment benefits for those families who really need them, and that we can get this done in a timely fashion so that the government continues to operate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 44, 144, 189, 303, 334, 356, 358, 359, 361, 362, 367, 371, 372, 378, 379, 380, 387, 388, 390, 391, 403, 404, 406, 407, 408, 409, 410, 412, 413, 414, 415, 416, 417, 418, 420, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, and 452; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid on the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee.

Mr. ALEXANDER. Reserving my right, and I will make my remarks on this matter after the majority leader has completed his business today, I would note that on the last day we were here, November 21, there were only 16 nominations on the Executive Calendar that had been there more than 3 weeks, only 8 more than 9 weeks, and the Republicans were ready to confirm more than 40 who had been there only a few weeks. The Democratic majority changed the rules of the Senate in a way that creates a Senate without rules. Until I understand better how a Senator is supposed to operate in a Senate without rules, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I am not going to respond in any detail to my friend, and he is my friend. There is no way of explaining how the Republicans could arbitrarily refuse to nominate four of the most qualified people, frankly, because they turned down one woman twice for the DC Circuit. This is, some say, a court more important than the U.S. Supreme Court. The Republicans, without any question about their integrity, their education, their experience, said no. Why? Because they don't want President Obama to have these people in this important court. They want to keep the court with the majority of Republicans. That is wrong. It is wrong, and there were many reasons we did what we did, but it was the right thing for the country and it is the right thing for democracy.

I ask unanimous consent that the Senate proceed to consider the following nominations: Calendar Nos. 330, 347, 348, 349, 350, 382, 383, 384, 385, 386, 434, 435, 436, and 437; that the nominations be confirmed; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee.

Mr. ALEXANDER. Reserving my right to object, again I will make my comments after the majority leader has completed his business, but all Senate Republicans wanted with the DC Circuit judges was to do what Democratic Senators insisted on doing in 2006, transferring judges from a court where they are not needed to courts where they are needed.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. That explanation is as flat as a bottle of beer that has been open for 6 months.

NOMINATION OF CHAI RACHEL FELDBLUM TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. REID. I move to proceed to consider Senate Calendar No. 378.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Chai Rachel Feldblum, of the District of Columbia, to be a member of the Equal Employment Opportunity Commission.

CLOTURE MOTION

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

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

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 Chai Rachel Feldblum, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission.

Harry Reid, Sherrod Brown, Richard J. Durbin, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard

Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet.

LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

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

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF ELIZABETH A. WOLFORD TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK

Mr. REID. I move to proceed to executive session to consider Calendar No. 330.

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

The motion was agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Elizabeth A. Wolford, of New York, to be United States District Judge for the Western District of New York.

CLOTURE MOTION

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

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

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 Elizabeth A. Wolford, of New York, to be United States District Judge for the Western District of New York.

Harry Reid, Sherrod Brown, Richard J. Durbin, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet.

LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

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

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF LANDYA B. McCAFFERTY TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW HAMPSHIRE

Mr. REID. I move to proceed to executive session to consider Calendar No. 347.

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

The motion was agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Landya B. McCafferty, of New Hampshire, to be United States District Judge for the District of New Hampshire.

CLOTURE MOTION

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

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

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 Landya B. McCafferty, of New Hampshire, to be United States District Judge for the District of New Hampshire.

Harry Reid, Sherrod Brown, Richard J. Durbin, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet.

LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

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

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF PATRICIA M. WALD TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

Mr. REID. I now move to proceed to executive session to consider Calendar No. 361.

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

The motion was agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Patricia M. Wald, of the District of Columbia, to be a Member of the Privacy and Civil Liberties Oversight Board.

CLOTURE MOTION

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

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

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 Patricia M. Wald, of the District of Columbia, to be a Member of the Privacy and Civil Liberties Oversight Board.

Harry Reid, Sherrod Brown, Richard J. Durbin, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet.

LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

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

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF BRIAN MORRIS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA

Mr. REID. I ask unanimous consent to proceed to executive session to consider Calendar No. 348.

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

The motion was agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Brian Morris, of Montana, to be United States District Judge for the District of Montana.

CLOTURE MOTION

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

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

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 Brian Morris, of Montana, to be United States District Judge for the District of Montana.

Harry Reid, Sherrod Brown, Richard J. Durbin, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Michael F. Bennet, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin.

LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

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

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF SUSAN P. WATTERS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA

Mr. REID. I now move to proceed to executive session to consider Calendar No. 349.

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

The motion was agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Susan P. Watters, of Montana, to be United States District Judge for the District of Montana.

CLOTURE MOTION

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

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

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 Susan P. Watters, of Montana, to be United States District Judge for the District of Montana.

Harry Reid, Sherrod Brown, Richard J. Durbin, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet.

LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

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

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF DEBORAH LEE JAMES TO BE SECRETARY OF THE AIR FORCE

Mr. REID. I move to proceed to executive session to consider Calendar No. 358.

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

The motion was agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Deborah Lee James, of Virginia, to be Secretary of the Air Force.

CLOTURE MOTION

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

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

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 Deborah Lee James, of Virginia, to be Secretary of the Air Force.

Harry Reid, Sherrod Brown, Richard J. Durbin, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet

LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

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

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF HEATHER ANNE HIGGINBOTTOM TO BE DEPUTY SECRETARY OF STATE FOR MANAGEMENT AND RESOURCES

The PRESIDING OFFICER. I move to executive session to consider Calendar No. 444.

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

The motion was agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Heather Anne Higginbottom, of the District of Columbia, to be Deputy Secretary of State for Management and Resources.

CLOTURE MOTION

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

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

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 Heather Anne Higginbottom, of the District of Columbia, to be Deputy Secretary of State for Management and Resources.

Harry Reid, Sherrod Brown, Richard J. Durbin, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet.

LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

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

The motion was agreed to.

EXECUTIVE SESSION

ANNE W. PATTERSON TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS)

Mr. REID. I move to proceed to executive session to consider Calendar No. 406.

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

The motion was agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Ambassador, to be an Assistant Secretary of State (Near Eastern Affairs).

CLOTURE MOTION

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

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

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 Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Ambassador, to be an Assistant Secretary of State (Near Eastern Affairs).

Harry Reid, Richard J. Durbin, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Benjamin L. Cardin, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Michael F. Bennet.

LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent to proceed to legislative session.

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

The motion was agreed to.

EXECUTIVE SESSION

JEH CHARLES JOHNSON TO BE SECRETARY OF HOMELAND SECURITY

Mr. REID. I move to proceed to consider calendar No. 450.

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

The motion was agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Jeh Charles Johnson, of New Jersey, to be Secretary of Homeland Security.

CLOTURE MOTION

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

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

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 Jeh Charles Johnson, of New Jersey, to be Secretary of Homeland Security.

Harry Reid, Sherrod Brown, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet.

LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

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

The motion was agreed to.

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR TOBY M. WILLIFORD

• Mr. BEGICH. Madam President, I wish to pay tribute to MAJ Toby M. Williford for his exceptional dedication to duty and service to the U.S. Army and to the United States of America. Toby has served for the last 2 years as a congressional budget liaison for the Secretary of the Army and will soon depart for his next duty assignment.

A native of Hobbs, NM, Toby earned his commission from Tarleton State University in 2003. Major Williford's assignments have been diverse and include 24 months of combat experience. While a lieutenant, he served in F Company, 1–66 Armor Battalion and Headquarters and Headquarters Company 4th Forward Support Battalion as a platoon leader, executive officer, and support operations officer, both stateside and in combat during Operation Iraqi Freedom. After promotion to captain, Toby served in the 17th Combat Support Sustainment Battalion as commander of the 539th Transportation Company and deployed to Kuwait for his second combat tour.

After returning from his second deployment, Toby began his studies as an Army congressional fellow, earning a master's of professional studies in legislative affairs from the George Washington University. He was then assigned as a congressional fellow in my office in 2011. Toby was subsequently assigned as a congressional budget liaison officer in the office of the Assistant Secretary of the Army for Financial Management and Comptroller with responsibility for the ammunition and missile procurement portfolios. Toby advised the Army's senior leaders, fostering and strengthening the relationship between Congress and the U.S. Army.

Major Williford's leadership throughout his career has positively impacted his peers and superiors, soldiers and civilians alike. As a congressional budget liaison officer, he worked directly with the House and Senate Appropriations Committees to educate and inform Representatives, Senators, and staff about the diverse and important ammunition and missile procurement initiatives of the U.S. Army.

On behalf of a grateful nation, I join my colleagues today in recognizing and commending MAJ Toby M. Williford for over a decade of active service to his country in the U.S. Army. We wish Toby, his wife Amanda, and their four children, Addison, Aubrey, Tate, and Alyssa, all the best as they continue their journey of service to our great Nation.•

WITNESSES TO HUNGER

• Mr. CASEY. Madam President, I stand today to recognize the 5-year anniversary of Witnesses to Hunger. Launched in 2008, Witnesses to Hunger is a research and advocacy project founded by the Center for Hunger-Free Communities at Drexel University in Philadelphia, PA.

In 2008, Dr. Mariana Chilton provided cameras to 42 single-parent women in Philadelphia, simply asking that they use them to take pictures to tell us about their lives and their children. These women, seeing the opportunity to spread awareness and create change, accepted Dr. Chilton's challenge and started documenting the poverty and hunger that they face on a daily basis. Their photographs provide a window into the lives of mothers who understand the challenges of raising a family on a limited income.

Since inception this project has grown, expanding throughout Pennsylvania and the country. Over the last 5 years, the Witnesses have grown by more than 29 participants. By encouraging advocacy and community engagement, Witnesses to Hunger has empowered mothers in cities across the country by uniting their voices. Living it each day, these remarkable mothers understand the trials of hunger and raising a family more than anyone else. These powerful photographs serve to start a dialogue and bring much needed attention to the issues that impact their lives daily.

Photography is an opportunity for these women to share their lives with others. I had the privilege of bringing the Witnesses to Hunger's exhibit to Capitol Hill in Washington DC, the State Capital in Harrisburg, PA and to several other cities within the Commonwealth. I am humbled to have played a small part in sharing the stories of their lives. These women have begun a movement that has inspired countless others and will inspire many more yet to come. They inspire me and challenge me to do more in the Senate. I am incredibly grateful for the guidance they provide. We need more projects like Witnesses to Hunger to continue to raise awareness of the struggles that everyday mothers go through to raise a family in communities across the country.•

TRIBUTE TO PATRICIA E. GRANT

• Mr. INHOFE. Madam President, I wish to honor the life of Patricia E. Grant, a Hall of Fame golfer, a commended veteran, and a woman some have called ''the type of American our country needs to look up to.''

Born March 12, 1921, her family moved to Cushing, OK, where Pat won the Oklahoma State High School Golf Championship as a 13-year old freshman, repeating the win three times before her high school graduation. While attending Oklahoma Baptist University, where she received a scholarship in exchange for teaching golf to fellow students, Pat won the Women's Oklahoma Golf Association State Amateur Championship four times and was the first female to be inducted into the OBU Athletic Hall of Fame. In 1946, she became the only person in history to win the contest 5 years in a row, and even went on to a sixth win in 1949. Ultimately, Pat won golf tournaments all over the world and was inducted into the Women's Oklahoma Golf Hall of Fame in April 2010.

When World War II broke out, Pat enlisted in the U.S. Army, alongside her sister Mary Margaret. Pat held many assignments across the globe, including that of assisting the chief legal counsel during the Nuremberg Trials. She received 23 letters of commendation while in the Army, and retired after 22 years of active duty with the rank of Lieutenant Colonel, one of only 60 women to attain the rank at the time.

Not quite ready for retirement, Pat earned her law degree in 1966 and practiced family law in Texas for 30 years. She was named Woman of the Year by the Texas Federation of Business and Professional Women's Clubs in 1972 as a result of her service.

After retiring for good in 1995, Pat remained active, playing golf into her 70s, learning how to belly dance, and piloting an ultralight aircraft every Saturday morning. She passed away November 26, 2013, greatly loved by friends and family.

Mr. President, I ask that you join me today in celebrating the life of Pat Grant.•

AGREEMENT ON SOCIAL SECURITY BETWEEN THE UNITED STATES AND THE SWISS CONFEDERATION, CONSISTING OF A PRINCIPAL AGREEMENT AND AN ADMINISTRATIVE AGREEMENT—PM 25

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports and papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)),

I transmit herewith an Agreement on Social Security between the United States of America and the Swiss Confederation, signed at Bern on December 3, 2012, (the ''U.S.-Swiss Agreement''). The Agreement consists of two instruments: a principal agreement and an administrative arrangement, and upon entry into force, will replace: the Agreement between the United States of America and the Swiss Confederation on Social Security with final protocol, signed July 18, 1979; the Administrative Agreement between the United States of America and the Swiss Confederation for the Implementation of the Agreement on Social Security of July 18, 1979, signed December 20, 1979; and the Supplementary Agreement between the two Contracting States, signed June 1, 1988.

The U.S.-Swiss Agreement is similar in objective to the social security agreements already in force with most of the European Union member states, Australia, Canada, Chile, Japan, Norway, and the Republic of Korea. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The principal updates encompassed in the Agreement include amendments to rules for entitlement to Swiss disability pensions paid to ensure equality of treatments between U.S. and Swiss nationals, updates to personal information confidentiality provisions, and modifications necessary to take into account changes in U.S. and Swiss laws since 1988.

The U.S.-Swiss Agreement contains all provisions mandated by section 233 of the Social Security Act and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4) of the Social Security Act.

I also transmit, for the information of the Congress, a report prepared by the Social Security Administration explaining the key points of the U.S.-Swiss Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act on the number of individuals affected by the Agreement and the effect of the Agreement on the estimated income and expenditures of the U.S. Social Security program. The Department of State and the Social Security Administration have recommended the U.S.-Swiss Agreement and related documents to me.

I commend the U.S.-Swiss Agreement on Social Security and related documents.

BARACK OBAMA.

THE WHITE HOUSE, *December 9, 2013.*

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 2013, the Secretary of the Senate, on November 22, 2013, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 28. Concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

The message also announced that pursuant to 46 U.S.C. 2501, and the order of the House of January 3, 2013, the Speaker appoints the following Member of the House of Representatives to the National Historical Publications and Records Commission: Mr. BARR of Kentucky.

The message further announced that pursuant to 46 U.S.C. 51312(b), and the order of the House of January 3, 2013, the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Merchant Marine Academy: Mr. KING of New York.

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 255. An act to amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions, and for other purposes.

H.R. 1095. An act to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed money recovered at airport security checkpoints to nonprofit organizations that provide places of rest and recuperation at airports for members of the Armed Forces and their families, and for other purposes.

H.R. 1105. An act to amend the Investment Advisers Act of 1940 to provide a registration exemption for private equity fund advisers, and for other purposes.

H.R. 1204. An act to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes.

H.R. 1241. An act to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes.

H.R. 1846. An act to amend the Act establishing the Lower East Side Tenement National Historic Site, and for other purposes.

H.R. 1900. An act to provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to the siting, construction, expansion, or operation of any natural gas pipeline projects.

H.R. 1963. An act to amend the Water Conservation and Utilization Act to authorize the development of non-Federal hydropower and issuance of leases of power privileges at projects constructed pursuant to the authority of the Water Conservation and Utilization Act, and for other purposes.

H.R. 2388. An act to take certain Federal lands located in El Dorado County, California, into trust for the benefit of the Shingle Springs Band of Miwok Indians, and for other purposes.

H.R. 2650. An act to allow the Fond du Lac Band of Lake Superior Chippewa in the State of Minnesota to lease or transfer certain land.

H.R. 2719. An act to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs, and for other purposes.

H.R. 3309. An act to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections, and for other purposes.

H.R. 3547. An act to extend the application of certain space launch liability provisions through 2014.

H.R. 3588. An act to amend the Safe Drinking Water Act to exempt fire hydrants from the prohibition on the use of lead pipes, fittings, fixtures, solder, and flux.

H.R. 3626. An act to extend the Undetectable Firearms Act of 1988 for 10 years.

ENROLLED BILL SIGNED

At 6:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker pro tempore (Mr. DENHAM) has signed the following enrolled bill:

H.R. 3626. An act to extend the Undetectable Firearms Act of 1988 for 10 years.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. MURPHY).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1095. An act to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed money recovered at airport security checkpoints to nonprofit organizations that provide places of rest and recuperation at airports for members of the Armed Forces and their families, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1105. An act to amend the Investment Advisers Act of 1940 to provide a registration exemption for private equity fund advisers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1204. An act to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1241. An act to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1846. An act to amend the Act establishing the Lower East Side Tenement National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1900. An act to provide for the timely consideration of all licenses, permits, and

approvals required under Federal law with respect to the siting, construction, expansion, or operation of any natural gas pipeline projects; to the Committee on Commerce, Science, and Transportation.

H.R. 1963. An act to amend the Water Conservation and Utilization Act to authorize the development of non-Federal hydropower and issuance of leases of power privileges at projects constructed pursuant to the authority of the Water Conservation and Utilization Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2388. An act to take certain Federal lands located in El Dorado County, California, into trust for the benefit of the Shingle Springs Band of Miwok Indians, and for other purposes; to the Committee on Indian Affairs.

H.R. 2650. An act to allow the Fond du Lac Band of Lake Superior Chippewa in the State of Minnesota to lease or transfer certain land; to the Committee on Indian Affairs.

H.R. 2719. An act to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3309. An act to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1774. A bill to reauthorize the Undetectable Firearms Act of 1988 for 1 year.

S. 1775. A bill to improve the sexual assault prevention and response programs and activities of the Department of Defense, and for other purposes.

H.R. 1965. An act to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes.

H.R. 2728. An act to recognize States' authority to regulate oil and gas operations and promote American energy security, development, and job creation.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 255. An act to amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3694. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ocean Dumping; Sabine-Neches Waterway (SNWW) Ocean Dredged Material Disposal Site Designation'' (FRL No. 9903–26–Region 6) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Environment and Public Works.

EC–3695. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Octadecanoic Acid, 12-Hydroxy-, Homopolymer, Ester with 2-Methyloxirane Polymer with Oxirane Monobutyl Ether; Tolerance Exemption'' (FRL No. 9903–18) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Environment and Public Works.

EC–3696. 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; New York; Determination of Clean Data for the 1987 PM10 Standard for the New York County Area'' (FRL No. 9903–24–Region 2) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Environment and Public Works.

EC–3697. 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 Implementation Plans; Florida: General Requirements and Gasoline Vapor Control; Correcting Amendment'' (FRL No. 9903–23–Region 4) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Environment and Public Works.

EC–3698. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Maricopa County Area'' (FRL No. 9838–6) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Environment and Public Works.

EC–3699. 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 Implementation Plans; Tennessee; Revisions to the Knox County Portion of the Tennessee State Implementation Plan'' (FRL No. 9903–17–Region 4) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Environment and Public Works.

EC–3700. 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; New Hampshire; Transportation Conformity and Conformity of General Federal Actions'' (FRL No. 9903–21–Region 1) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Environment and Public Works.

EC–3701. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Electronic Reporting Under the Toxic Substances Control Act'' (FRL No. 9394–6) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Environment and Public Works.

EC–3702. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''West Virginia: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 9903–08–Region 3) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Environment and Public Works.

EC–3703. 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 Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Georgia; Redesignation of the Atlanta 1997 8-Hour Ozone Moderate Nonattainment Area to Attainment'' (FRL No. 9903–32–Region 4) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Environment and Public Works.

EC–3704. 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 Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina; Redesignation of the Charlotte; 1997 8-Hour Ozone Moderate Nonattainment Area to Attainment'' (FRL No. 9903–37–Region 4) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Environment and Public Works.

EC–3705. 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 Implementation Plans; State of Missouri; Restriction of Emission of Sulfur Compounds and Emissions Banking and Trading'' (FRL No. 9903–14–Region 7) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Environment and Public Works.

EC–3706. 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; Rescission of Federal Implementation Plan; Wyoming; Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revisions'' (FRL No. 9902–13–Region 8) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Environment and Public Works.

EC–3707. 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; Illinois'' (FRL No. 9902–26–Region 5) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Environment and Public Works.

EC–3708. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2013 Revisions to the Greenhouse Gas Reporting Rule and Final Confidentiality Determinations for New or Substantially Revised Data Elements'' (FRL No. 9902–95–OAR) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Environment and Public Works.

EC–3709. 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 Implementation Plans; Florida; Approval of Revision to the State Implementation Plan'' (FRL No. 9902–98–Region 4) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Environment and Public Works.

EC–3710. 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 Implementation Plans; Mississippi; Transportation Conformity SIP—Memorandum of Agreement'' (FRL No. 9902–58–Region 4) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Environment and Public Works.

EC–3711. 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; Montana; Revisions to the Administrative Rules of Montana—Air Quality, Subchapter 7, Subchapter 16 and subchapter 17'' (FRL No. 9817–4) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Environment and Public Works.

EC–3712. 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; Ohio; Ohio NO_X SIP Call Rule Revision'' (FRL No. 9901–38–Region 5) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Environment and Public Works.

EC–3713. 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 Implementation Plans; Texas; Control of Air Pollution by Permits for New Construction or Modification; Permits for Specific Designated Facilities'' (FRL No. 9903–00–Region 6) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Environment and Public Works.

EC–3714. 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; Ohio; Ohio SO2 Air Quality Rule Revisions'' (FRL No. 9902–03–Region 5) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Environment and Public Works.

EC–3715. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife; Notice of 12-Month Finding on a Petition to List the Sperm Whale (Physeter macrocephalus) as an Endangered or Threatened Distinct Population Segment (DPS) in the Gulf of Mexico'' (RIN0648–XA983) received in the Office of the President of the Senate on November 21, 2013; to the Committee on Environment and Public Works.

EC–3716. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''NRC Personnel Security Program'' (Management Directive 12.3) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Environment and Public Works.

EC–3717. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Health Insurance Provider Fees'' (RIN1545–BL20) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Finance.

EC–3718. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Proposed Revision of Procedures for Requesting Competent Authority Assistance Under Tax Treaties'' (Notice 2013–78) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Finance.

EC–3719. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Proposed Revision of Procedures for Advance Pricing Agreements'' (Notice 2013–79) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Finance.

EC–3720. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Information Reporting of Mortgage Insurance Premiums'' (RIN1545–BL48) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Finance.

EC–3721. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rules Relating to Additional Medicare Tax'' (RIN1545–BK54) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Finance.

EC–3722. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Authority for Voluntary Withholding on Other Payments'' (RIN1545–BL93) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Environment and Public Works.

EC–3723. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2014 Section 1274A CPI Adjustments'' (Rev. Rul. 2013–23) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Finance.

EC–3724. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Inclusion of Income of Section 9010 Fee Collected from Customers'' (Rev. Rul. 2013–27) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Finance.

EC–3725. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified 2- or 3-Wheeled Plug-In Electric Vehicle Credit Under Section 30D(g)'' (Notice 2013–67) received during adjournment of the Senate in the Office of the President of the Senate on November 21, 2013; to the Committee on Finance.

EC–3726. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modifications of Certain Derivative Contracts'' (RIN1545–BK13) received in the Office of the President of the Senate on November 21, 2013; to the Committee on Finance.

EC–3727. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008; Technical Amendment to External Review for Multi-State Plan Program'' (RIN1545–BI70) received in the Office of the President of the Senate on November 21, 2013; to the Committee on Finance.

EC–3728. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Reduction or Suspension of Safe Harbor Contributions'' (RIN1545–BI64) received in the Office of the President of the Senate on November 21, 2013; to the Committee on Finance.

EC–3729. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification of ''Use-or-Lose'' Rule for Health Flexible Spending Arrangements (FSAs) and Clarification Regarding 2013–2014 Non-Calendar Year Salary Reduction Elections under Section 125 Cafeteria Plans'' (Notice 2013–71) received in the Office of the President of the Senate on November 21, 2013; to the Committee on Finance.

EC–3730. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Unpaid Losses Discount Factors and Payment Patterns for 2013'' (Notice 2013–79) received in the Office of the President of the Senate on November 21, 2013; to the Committee on Finance.

EC–3731. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Salvage Discount Factors and Payment Patterns for 2013'' (Rev. Proc. 2013–37) received in the Office of the President of the Senate on November 21, 2013; to the Committee on Finance.

EC–3732. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2014 Limitations Adjusted as Provided in Section 415(d), etc.'' (Notice 2013–73) received in the Office of the President of the Senate on November 21, 2013; to the Committee on Finance.

EC–3733. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2013–75) received in the Office of the President of the Senate on November 21, 2013; to the Committee on Finance.

EC–3734. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—December 2013'' (Rev. Rul. 2013–26) received in the Office of the President of the Senate on November 21, 2013; to the Committee on Finance.

EC–3735. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant

to law, the report of a rule entitled ''Medicaid Program; Disproportionate Share Hospital Allotments and Institutions for Mental Diseases Disproportionate Share Hospital Limits for Fiscal Year 2012, and Preliminary Fiscal Year 2013 Disproportionate Share Hospital Allotments and Limits'' (RIN0938–AR91) received in the Office of the President of the Senate on November 21, 2013; to the Committee on Finance.

EC–3736. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; End-Stage Renal Disease Prospective Payment System, Quality Incentive Program, and Durable Medical Equipment, Prosthetics, Orthotics, and Supplies'' (RIN0938–AR55) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Finance.

EC–3737. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs ....'' (RIN0938–AR54) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Finance.

EC–3738. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Extension of Expiration Date for Mental Disorders Body System Listings'' (RIN0960–AH49) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Finance.

EC–3739. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to an evaluation of community-based prevention and wellness programs; to the Committee on Finance.

EC–3740. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Home Health Prospective Payment System Rate Update for Calendar Year 2014, Home Health Quality Reporting Requirements, and Cost Allocation of Home Health Survey Expenses'' (RIN0938–AR52) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Finance.

EC–3741. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Revisions to Payment Policies under the Physician Fee Schedule, Clinical Laboratory Fee Schedule and Other Revisions to Part B for Calendar Year 2014'' (RIN0938–AR56) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SANDERS, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 944. A bill to amend title 38, United States Code, to require courses of education provided by public institutions of higher education that are approved for purposes of the All-Volunteer Force Educational Assistance Program and Post-9/11 Educational Assistance to charge veterans tuition and fees at the in-State tuition rate, and for other purposes (Rept. No. 113–123).

By Mr. MENENDEZ, from the Committee on Foreign Relations, with amendments:

S. 1386. A bill to provide for enhanced embassy security, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. SANDERS for the Committee on Veterans' Affairs.

*Constance B. Tobias, of Maryland, to be Chairman of the Board of Veterans' Appeals for a term of six years.

*Linda A. Schwartz, of Connecticut, to be Assistant Secretary of Veterans Affairs.

*Sloan D. Gibson, of the District of Columbia, to be Deputy Secretary of Veterans Affairs.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. BURR:

S. 1778. A bill to require the Attorney General to report on State law penalties for certain child abusers, and for other purposes; to the Committee on the Judiciary.

By Mr. TOOMEY (for himself, Mr. SCHUMER, Mr. PORTMAN, and Mr. CASEY):

S. 1779. A bill to amend the Safe Drinking Water Act to exempt fire hydrants from the prohibition on the use of lead pipes, fittings, fixtures, solder, and flux; to the Committee on Environment and Public Works.

By Mr. ENZI (for himself and Mr. MURPHY):

S. 1780. A bill to clarify that funding for the standard setting body designated pursuant to section 19(b) of the Securities Act of 1933, the Securities Investor Protection Corporation, and the Public Company Accounting Oversight Board is not subject to the sequester; to the Committee on the Budget.

By Mr. VITTER (for himself, Mr. INHOFE, and Mr. CRAPO):

S. 1781. A bill to amend the Clean Air Act to clarify the definition of accidental release, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANDERS:

S. 1782. A bill to provide for health care for every American and to control the cost and enhance the quality of the health care system; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. LEE, Mr. HATCH, and Mr. GRASSLEY):

S. 1783. A bill to enhance public safety by improving the effectiveness and efficiency of the Federal prison system with offender risk and needs assessment, individual risk reduction incentives and rewards, and risk and recidivism reduction; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 1784. A bill to improve timber management on Oregon and California Railroad and Coos Bay Wagon Road grant land, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON (for himself and Mr. RUBIO):

S. Res. 312. A resolution calling on the government of Iran to fulfill their promises of assistance in this case of Robert Levinson, one of the longest held United States civilians in our Nation's history; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself, Mr. RISCH, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BOOZMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CHAMBLISS, Mr. COONS, Mr. CRAPO, Mr. ENZI, Mrs. FEINSTEIN, Mrs. FISCHER, Mrs. HAGAN, Mr. HATCH, Ms. HEITKAMP, Ms. HIRONO, Mr. HOEVEN, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KAINE, Mr. KING, Mr. KIRK, Mr. LEVIN, Mr. MANCHIN, Mr. MENENDEZ, Mrs. MURRAY, Mr. PORTMAN, Mr. PRYOR, Mr. ROBERTS, Mr. RUBIO, Mr. SCHATZ, Mr. SCOTT, Mrs. SHAHEEN, Mr. TESTER, Mr. THUNE, Mr. UDALL of New Mexico, Mr. WARNER, Mr. WHITEHOUSE, and Ms. AYOTTE):

S. Res. 313. A resolution designating November 30, 2013, as ''Small Business Saturday'' and supporting efforts to increase awareness of the value of locally owned small business; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 226

At the request of Mr. TESTER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 226, a bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

S. 264

At the request of Ms. STABENOW, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 264, a bill to expand access to community mental health centers and improve the quality of mental health care for all Americans.

S. 313

At the request of Mr. CASEY, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 411

At the request of Mr. ROCKEFELLER, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator

from New York (Mr. SCHUMER) were added as cosponsors of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 749

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 749, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 857

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 857, a bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition.

S. 932

At the request of Mr. BEGICH, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 932, a bill to amend title 38, United States Code, to provide for advance appropriations for certain discretionary accounts of the Department of Veterans Affairs.

S. 951

At the request of Mr. ENZI, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 951, a bill to amend the Mineral Leasing Act to require the Secretary of the Interior to convey to a State all right, title, and interest in and to a percentage of the amount of royalties and other amounts required to be paid to the State under that Act with respect to public land and deposits in the State, and for other purposes.

S. 972

At the request of Mr. COBURN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 972, a bill to prohibit the Secretary of Health and Human Services replacing ICD–9 with ICD–10 in implementing the HIPAA code set standards.

S. 1085

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1085, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for small businesses.

S. 1116

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1116, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 1149

At the request of Mr. NELSON, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1149, a bill to reauthorize the ban on undetectable firearms, and to extend the ban to undetectable firearm receivers and undetectable ammunition magazines.

S. 1187

At the request of Ms. STABENOW, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1187, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 1302

At the request of Mr. HARKIN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Virginia (Mr. WARNER) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1332

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1406

At the request of Ms. AYOTTE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1406, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 1456

At the request of Ms. AYOTTE, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Colorado (Mr. UDALL), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1456, a bill to award the Congressional Gold Medal to Shimon Peres.

S. 1462

At the request of Mr. THUNE, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1462, a bill to extend the positive train control system implementation deadline, and for other purposes.

S. 1500

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1500, a bill to declare the November 5, 2009, attack at Fort Hood, Texas, a terrorist attack, and to ensure that the victims of the attack and their families receive the same honors and benefits as those Americans who have been killed or wounded in a combat zone overseas and their families.

S. 1618

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1618, a bill to enhance the Office of Personnel Management background check system for the granting, denial, or revocation of security clearances or access to classified information of employees and contractors of the Federal Government.

S. 1690

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1690, a bill to reauthorize the Second Chance Act of 2007.

S. 1706

At the request of Mr. BROWN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 1706, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 1712

At the request of Mr. HATCH, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1712, a bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1719

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1719, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program, and for other purposes.

S. 1728

At the request of Mr. CORNYN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1728, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve ballot accessibility to uniformed services voters and overseas voters, and for other purposes.

S. 1735

At the request of Mr. ALEXANDER, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Missouri (Mr. BLUNT) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1735, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to exclude from the definition of health insurance coverage certain medical stop-loss insurance obtained by certain plan sponsors of group health plans.

S. 1740

At the request of Ms. LANDRIEU, the names of the Senator from Hawaii (Ms. HIRONO), the Senator from Connecticut

(Mr. BLUMENTHAL) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 1740, a bill to authorize Department of Veterans Affairs major medical facility leases, and for other purposes.

S. 1749

At the request of Mr. SCHATZ, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1749, a bill to improve master plans for major military installations.

S. 1753

At the request of Mr. NELSON, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1753, a bill to extend Government liability, subject to appropriation, for certain third-party claims arising from commercial space launches.

S. 1756

At the request of Mr. BLUNT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1756, a bill to amend section 403 of the Federal Food, Drug and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants, similar retail food establishments, and vending machines.

S. 1759

At the request of Mr. SANDERS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1759, a bill to reauthorize the teaching health center program.

S. RES. 299

At the request of Mr. SCHUMER, the names of the Senator from Nevada (Mr. REID), the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. MARKEY), the Senator from Hawaii (Mr. SCHATZ), the Senator from Nevada (Mr. HELLER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. KIRK), the Senator from Delaware (Mr. COONS), the Senator from Virginia (Mr. WARNER), the Senator from Oregon (Mr. WYDEN), the Senator from Maryland (Mr. CARDIN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Ohio (Mr. BROWN), the Senator from New Jersey (Mr. BOOKER), the Senator from Illinois (Mr. DURBIN), the Senator from Colorado (Mr. BENNET), the Senator from Utah (Mr. HATCH), the Senator from Iowa (Mr. HARKIN), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from California (Mrs. BOXER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 299, a resolution congratulating the American Jewish Joint Distribution Committee on the celebration of its 100th anniversary and commending its significant contribution to empower and revitalize developing communities around the world.

AMENDMENT NO. 2142

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 2142 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2144

At the request of Ms. MURKOWSKI, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 2144 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2176

At the request of Mr. RISCH, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 2176 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2343

At the request of Mr. MERKLEY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Washington (Mrs. MURRAY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 2343 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2418

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 2418 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2419

At the request of Mr. UDALL of New Mexico, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 2419 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2499

At the request of Mr. BEGICH, his name was added as a cosponsor of amendment No. 2499 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. LEE, Mr. HATCH, and Mr. GRASSLEY):

S. 1783. A bill to enhance public safety by improving the effectiveness and efficiency of the Federal prison system with offender risk and needs assessment, individual risk reduction incentives and rewards, and risk and recidivism reduction; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Prison Reform Act of 2013''.

SEC. 2. PURPOSES.

The purposes of the Act are to—

(1) increase public safety by improving the effectiveness and efficiency of the Federal prison system, and to reduce the recidivism rates of Federal offenders;

(2) establish offender risk and needs assessment as the cornerstone of a more effective and efficient Federal prison system;

(3) implement a validated post-sentencing risk and needs assessment system that relies on dynamic risk factors to provide Federal prison officials with guidelines to address the individual criminogenic needs of Federal offenders, manage limited resources, and enhance public safety;

(4) enhance existing recidivism reduction programs and increase prison jobs and other productive activities by incentivizing Federal prisoners to reduce their individual risk of recidivism by successfully completing such programs, and by successfully maintaining such jobs and activities over time;

(5) reward all Federal prisoners who successfully complete evidence-based intervention and treatment programs, and maintain prison jobs and other productive activities, with the ability to earn and accrue time credits and additional privileges;

(6) reward Federal prisoners who successfully reduce their individual risk of recidivism by providing them with the ability to transfer into prerelease custody when they are reassessed as low risk and have earned sufficient time credits;

(7) expand the implementation of evidence-based intervention and treatment programs designed to reduce recidivism, including educational and vocational training programs, prison jobs, and other productive activities, to ensure that all Federal prisoners have access to them during their entire terms of incarceration;

(8) perform regular outcome evaluations of programs and interventions to assure that they are evidence-based and to suggest changes and enhancements based on the results; and

(9) assist the Department of Justice in addressing the underlying cost structure of the Federal prison system and ensure that the Department can continue to run our prisons safely and securely without compromising the scope or quality of the Department's many other critical law enforcement missions.

SEC. 3. DUTIES OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—The Attorney General shall carry out this section in consultation with—

(1) the Director of the Bureau of Prisons;

(2) the Director of the Administrative Office of the United States Courts;

(3) the Assistant Director for the Office of Probation and Pretrial Services;

(4) the Chair of the United States Sentencing Commission;

(5) the Director of the National Institute of Justice; and

(6) the inspector general of the Department of Justice.

(b) DUTIES.—The Attorney General shall, in accordance with subsection (c)—

(1) develop an offender risk and needs assessment system in accordance with section 3621A of title 18, United States Code, as added by section 4 of this Act;

(2) develop recommendations regarding recidivism reduction programs and productive activities in accordance with section 5;

(3) conduct ongoing research and data analysis to determine—

(A) the best practices regarding the use of offender risk and needs assessment tools;

(B) the best available risk and needs assessment tools and the level to which they rely on dynamic risk factors that could be addressed and changed over time, and on measures of risk of recidivism, individual needs, and responsivity to recidivism reduction programs;

(C) the most effective and efficient uses of such tools in conjunction with recidivism reduction programs, productive activities, incentives, and rewards; and

(D) which recidivism reduction programs are the most effective—

(i) for prisoners classified at different recidivism risk levels; and

(ii) for addressing the specific needs of individual prisoners;

(4) on a biennial basis, review the system required under paragraph (1) and the recommendations required under paragraph (2), using the research conducted under paragraph (3), to determine whether any revisions or updates should be made, and if so, make such revisions or updates;

(5) hold periodic meetings with the officials listed in subsection (a) at intervals to be determined by the Attorney General; and

(6) report to Congress in accordance with section 6.

(c) METHODS.—In carrying out the duties under subsection (b), the Attorney General shall—

(1) consult relevant interested individuals and entities; and

(2) make decisions using data that is based on the best available statistical and empirical evidence.

SEC. 4. POST-SENTENCING RISK AND NEEDS ASSESSMENT SYSTEM.

(a) IN GENERAL.—Subchapter C of chapter 229 of title 18, United States Code, is amended by inserting after section 3621 the following:

"§ 3621A. Post-sentencing risk and needs assessment system

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Attorney General shall develop and release for use by the Bureau of Prisons an offender risk and needs assessment system, to be known as the 'Post-Sentencing Risk and Needs Assessment System', which shall provide risk and needs assessment tools (developed under subsection (b)) in order to—

''(1) classify the recidivism risk level of all prisoners as low, moderate, or high as part of the intake process, and ensure that low-risk prisoners are grouped with low-risk prisoners in all housing and assignment decisions;

''(2) assign covered prisoners to appropriate recidivism reduction programs or productive activities based on that classification, the specific criminogenic needs of the covered prisoner, and in accordance with subsection (c);

''(3) reassess the recidivism risk level of covered prisoners periodically using an appropriate reassessment tool, and reassign the covered prisoner to appropriate recidivism reduction programs or productive activities based on the revised classification, the specific criminogenic needs of the covered prisoner, and the successful completion of recidivism reduction programs in accordance with subsection (d); and

''(4) determine when a covered prisoner who has been classified as having a low recidivism risk level is qualified and eligible to transfer to prerelease custody in accordance with subsection (d).

''(b) RISK AND NEEDS ASSESSMENT TOOLS.—

''(1) IN GENERAL.—The Attorney General shall—

''(A) adapt the Federal Post Conviction Risk Assessment Tool developed and utilized by the Administrative Office of the United States Courts in order to develop suitable risk and needs assessment tools to be used under the System described under subsection (a) by using the research and data analysis required under section 3(b)(3) of the Federal Prison Reform Act of 2013 (in accordance with the methods required under section 3(c) of the Federal Prison Reform Act of 2013) to make the most effective and efficient tools to accomplish the assessments, assignments and reassessments described in paragraphs (1) through (4) of subsection (a); and

''(B) ensure that the risk and needs assessment tool to be used in the reassessments described in subsection (a)(3) measures indicators of progress and improvement, and of regression, including newly-acquired skills, attitude, and behavior changes over time.

''(2) USE OF EXISTING RISK AND NEEDS ASSESSMENT TOOLS PERMITTED.—In carrying out this subsection, the Attorney General may determine that—

''(A) other existing risk and needs assessment tools are sufficiently effective and efficient for the purpose of accomplishing the assessments and reassessments described in paragraphs (1) through (4) of subsection (a); and

''(B) the tools described in subparagraph (A) shall be used under the System instead of developing new tools.

''(3) VALIDATION ON PRISONERS.—In carrying out this subsection, the Attorney General shall statistically validate any tools that are selected for use under the System on the Federal prison population, or ensure that the tools have been so validated.

''(c) ASSIGNMENT OF RECIDIVISM REDUCTION PROGRAMS OR PRODUCTIVE ACTIVITIES.—The System shall provide guidance on the kind and amount of recidivism reduction programming or productive activities assigned for each classification of prisoner and shall provide—

''(1) that, after the end of the phase-in period described in section 3621(h)(3), the higher the risk level of a covered prisoner, the more recidivism reduction programming the covered prisoner shall participate in, according to the covered prisoner's specific criminogenic needs;

''(2) that low, moderate, and high risk covered prisoners may be separated during programming in accordance with practices for effective recidivism reduction;

''(3) information on best practices concerning the tailoring of recidivism reduction programs to the specific criminogenic needs of each covered prisoner so as to best lower each covered prisoner's risk of recidivating;

''(4) that a covered prisoner who has been classified as low risk and without need of recidivism reduction programming shall participate in productive activities, including prison jobs, in order to remain classified as low risk;

''(5) that a covered prisoner who successfully completes all recidivism reduction programming to which the covered prisoner was assigned shall participate in productive activities, including a prison job; and

''(6) that each covered prisoner shall participate in and successfully complete recidivism reduction programming or productive activities, including prison jobs, throughout the entire term of incarceration of the covered prisoner.

''(d) RECIDIVISM REDUCTION PROGRAM AND PRODUCTIVE ACTIVITY INCENTIVES AND REWARDS.—The System shall provide the following incentives and rewards to covered prisoners that have successfully completed recidivism reduction programs and successfully completed productive activities:

''(1) FAMILY PHONE AND VISITATION PRIVILEGES.—A covered prisoner who has successfully completed a recidivism reduction program or a productive activity shall receive, for use with family (including extended family), close friends, mentors, and religious leaders—

''(A) up to 30 minutes per day, and up to 900 minutes per month that the covered prisoner is permitted to use the phone; and

''(B) additional time for visitation at the penal or correctional facility in which the covered prisoner is imprisoned, as determined by the person in charge of the penal or correctional facility.

''(2) TIME CREDITS.—

''(A) IN GENERAL.—A covered prisoner who has successfully completed a recidivism reduction program or productive activity shall receive time credits as follows:

''(i) LOW RISK.—A covered prisoner who has been classified as having a low risk of recidivism shall earn 30 days of time credits for each period of 30 days during which the covered prisoner has participated in a recidivism reduction program or productive activity that the covered prisoner has successfully completed.

''(ii) MODERATE RISK.—A covered prisoner who has been classified as having a moderate risk of recidivism shall earn 15 days of time credits for each period of 30 days during which the covered prisoner has participated in a recidivism reduction program or productive activity that the covered prisoner has successfully completed.

''(iii) HIGH RISK.—A covered prisoner who has been classified as having a high risk of recidivism shall earn 8 days of time credits for each period of 30 days during which the covered prisoner has participated in a recidivism reduction program or productive activity that the covered prisoner has successfully completed.

''(B) AVAILABILITY.—A covered prisoner may not receive time credits under this paragraph for a recidivism reduction program or productive activity that the covered prisoner has successfully completed—

''(i) before the date of the enactment of this section; or

''(ii) during official detention before the date on which the covered prisoner's sentence commences under section 3585(a).

''(C) PRERELEASE CUSTODY.—

''(i) IN GENERAL.—A covered prisoner who is classified as having a low risk of recidivism, who has earned time credits in an amount that is equal to the remainder of the covered prisoner's imposed term of imprisonment, and who the person in charge of the penal or correctional facility in which the covered prisoner is imprisoned determines is otherwise qualified for prerelease custody, shall be eligible to be transferred into prerelease custody in accordance with section 3624(c)(3).

''(ii) GUIDELINES.—The System shall include guidelines, for use by the Bureau of Prisons and the Office of Probation and Pretrial Services, for prisoners placed in halfway houses or home confinement under section 3624(c)(3), for different levels of supervision, requirements and consequences based on the prisoner's conduct, including electronic monitoring, work, community service, crime victim restoration activities, sanctions and a return to prison with a reassessment of recidivism risk level under the System as a result of certain behavior, which shall be consistent with a structured sanctions model that consistently and swiftly punishes violations and uses mild sanctions in order to improve compliance and success rates and reduce recidivism rates.

''(D) INELIGIBLE PRISONERS.—A covered prisoner shall be ineligible to receive time credits under this section if the covered prisoner—

''(i) has been convicted of any Federal crime of terrorism, as that term is defined under section 2332b(g)(5);

''(ii) is detained on any charge related to a Federal crime of terrorism, as that term is defined under section 2332b(g)(5);

''(iii) has been convicted of a Federal crime under section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326(a)), relating to the reentry of a removed alien, but only if the alien is described in paragraph (1) or (2) of subsection (b) of that section;

''(iv) has been convicted of any Federal crime of violence, as that term is defined under section 16;

''(v) has been convicted of any Federal sex crime, as that term is defined under section 3509;

''(vi) has been convicted of any Federal crime involving child exploitation, as that term is defined under section 2 of the PROTECT Our Children Act of 2008 (42 U.S.C. 17601); or

''(vii) has been convicted of more than 2 Federal crimes arising from more than 1 course of conduct.

''(3) RISK REASSESSMENTS AND LEVEL ADJUSTMENT.—A covered prisoner who has successfully completed recidivism reduction programming or successfully completed productive activities shall receive periodic risk reassessments with an appropriate reassessment tool (with high and moderate risk level covered prisoners receiving more frequent risk reassessments), and if the reassessment shows that the covered prisoner's risk level or specific needs have changed, the Bureau of Prisons shall update the covered prisoner's risk level or information regarding the covered prisoner's specific needs and reassign the covered prisoner to appropriate recidivism reduction programs or productive activities based on such changes, and provide the applicable time credits to the covered prisoner.

''(4) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives described in this subsection shall be in addition to any other rewards or incentives for which a covered prisoner may be eligible, except that a covered prisoner shall not be eligible for the time credits described in (2) if that covered prisoner has accrued time credits under another provision of law based solely upon participation in, or successful completion of, such program.

''(e) PENALTIES.—The System shall provide guidelines for the Bureau of Prisons to reduce rewards earned under subsection (d) for covered prisoners who violate the rules of the penal or correctional facility in which the covered prisoner is imprisoned, a recidivism reduction program, or a productive activity, which shall provide—

''(1) general levels of violations and resulting reward reductions;

''(2) that any reward reduction that includes the forfeiture of time credits shall be limited to time credits that a covered prisoner earned as of the date of the covered prisoner's rule violation, and not applicable to any subsequent credits that the covered prisoner may earn; and

''(3) guidelines for the Bureau of Prisons to establish a procedure to restore time credits that a covered prisoner forfeited as a result of a rule violation based on the covered prisoner's individual progress after the date of the rule violation.

''(f) BUREAU OF PRISONS TRAINING.—The Attorney General shall develop training protocols and programs for Bureau of Prisons officials and employees responsible for administering the System, which shall include—

''(1) initial training to educate employees and officials on how to use the System in an appropriate and consistent manner, as well as the reasons for using the System;

''(2) continuing education; and

''(3) periodic training updates.

''(g) QUALITY ASSURANCE.—In order to ensure that the Bureau of Prisons is using the System in an appropriate and consistent manner, the Attorney General shall monitor and assess the use of the System, which shall include conducting periodic audits of Bureau of Prisons facilities regarding the use of the System, and shall ensure the development of risk and needs indicators and measurement processes that are both reliable and valid.

''(h) DETERMINATIONS AND CLASSIFICATIONS UNREVIEWABLE.—There shall be no right of review, right of appeal, cognizable property interest, or cause of action, either administrative or judicial, arising from any determination or classification made by any Federal agency or employee while implementing or administering the System, or any rules or regulations promulgated under this section.

''(i) DEFINITIONS.—In this section:

''(1) COVERED PRISONER.—The term 'covered prisoner' means a prisoner who is not ineligible to receive time credits under this section pursuant to subsection (d)(2)(D).

''(2) PRISONER.—The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense.

''(3) PRODUCTIVE ACTIVITY.—The term 'productive activity'—

''(A) means a group or individual activity, including participation in a job as part of a prison work program, that is designed to allow prisoners classified as having a low risk of recidivism to remain productive and thereby maintain a low risk classification; and

''(B) may include the delivery of the activities described in paragraph (4)(C) to other prisoners.

''(4) RECIDIVISM REDUCTION PROGRAM.—The term 'recidivism reduction program' means a group or individual activity that—

''(A) has been shown by empirical evidence to reduce recidivism;

''(B) is designed to help prisoners succeed in their communities upon release from prison; and

''(C) may include—

''(i) classes on social learning and life skills;

''(ii) classes on morals or ethics;

''(iii) academic classes;

''(iv) cognitive behavioral treatment;

''(v) mentoring;

''(vi) substance abuse treatment;

''(vii) vocational training;

''(viii) faith-based classes or services;

''(ix) victim-impact classes, victim-offender dialogue, or other restorative justice programs; and

''(x) a prison job.

''(5) RISK AND NEEDS ASSESSMENT TOOL.—The term 'risk and needs assessment tool' means an objective and statistically validated method through which information is collected and evaluated to determine—

''(A) the level of risk that a prisoner will recidivate upon release from prison; and

''(B) the recidivism reduction programs that will best minimize or reduce the risk that a particular prisoner will recidivate upon release from prison.

''(6) SUCCESSFULLY COMPLETED.—The term 'successfully completed'—

''(A) means that—

''(i) as determined by the person in charge of the penal or correctional facility of the Bureau of Prisons in which the covered prisoner is imprisoned, that the covered prisoner—

''(I) regularly attended the recidivism reduction program or productive activity;

''(II) actively engaged and participated in the recidivism reduction program or productive activity;

''(III) completed all assignments or tasks in a manner that has allowed the covered prisoner to realize the criminogenic benefits of the recidivism reduction program or productive activity;

''(IV) did not regularly engage in disruptive behavior that seriously undermined the administration of a recidivism reduction program or productive activity; and

''(V) satisfied the requirements of subclauses (I) through (IV) for a time period that has allowed the covered prisoner to realize the criminogenic benefits of the recidivism reduction program or productive activity; and

''(ii) the covered prisoner satisfied the requirements of subparagraph (A) for a time period of not less than 30 days; and

''(B) shall not be construed to mean that the covered prisoner is no longer participating in the particular recidivism reduction program or productive activity, if—

''(i) the covered prisoner has satisfied the requirements of clause (i) and (ii) of subparagraph (A); and

''(ii) the recidivism reduction program or productive activity will continue to help the covered prisoner to further reduce risk level of the covered prisoner, or maintain the risk level of the covered prisoner.

''(7) SYSTEM.—The term 'System' means the Post-Sentencing Risk and Needs Assessment System established under subsection (a).

''(8) TIME CREDIT.—The term 'time credit' means the equivalent of 1 day of a prisoner's sentence, such that a prisoner shall be eligible for 1 day of prerelease custody for each credit earned.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 229 of title 18, United States Code, is amended by inserting after the item relating to section 3621 the following:

''3621A. Post-sentencing risk and needs assessment system.''.

SEC. 5. RECIDIVISM REDUCTION PROGRAM AND PRODUCTIVE ACTIVITY RECOMMENDATIONS.

The Attorney General shall—

(1) review the effectiveness of recidivism reduction programs and productive activities, including prison jobs, that exist as of the date of the enactment of this Act in facilities operated by the Bureau of Prisons;

(2) review available information regarding the effectiveness of recidivism reduction programs and productive activities, including prison jobs, that exist in State-operated prisons throughout the United States, provided that the Attorney General shall make no rule or regulation requiring any State government to provide information for, or participate in, such review;

(3) conduct or fund research to evaluate established programs offered through organizations that do not rely on Federal funding in order to demonstrate the effectiveness of such programs in reducing recidivism;

(4) identify the most effective recidivism reduction programs that are evidence-based;

(5) survey all Federal agencies to determine which products purchased by the agencies could be manufactured by prisoners participating in a prison work program without reducing job opportunities for workers in the United States who are not in the custody of the Bureau of Prisons; and

(6) make recommendations to the Bureau of Prisons regarding—

(A) replication of the most effective recidivism reduction programs that are evidence-based;

(B) the expansion of effective, evidence-based recidivism reduction programming capacity;

(C) the expansion of productive activities, including prison jobs; and

(D) the addition of any new effective programs and activities that the Attorney General finds, using the methods described in section 3(c), would help to reduce recidivism.

SEC. 6. REPORTS.

(a) ANNUAL REPORTS.—Not later than January 1, 2015, and every January 1 thereafter, the Attorney General, in consultation with the inspector general of the Department of Justice, shall submit to the appropriate committees of Congress a report that contains the following:

(1) A summary of the activities and accomplishments of the Attorney General in carrying out this Act and the amendments made by this Act.

(2) An assessment of the status and use of the System by the Bureau of Prisons, including the number of prisoners classified at each risk level under the System at each facility of the Bureau of Prisons.

(3) A summary and assessment of the types and effectiveness of the recidivism reduction programs and productive activities in facilities operated by the Bureau of Prisons, including—

(A) evidence about which programs and activities have been shown to reduce recidivism;

(B) the capacity of each program and activity at each facility, including the number of prisoners along with the risk level of each prisoner enrolled in each program and activity; and

(C) identification of any problems or shortages in capacity of such programs and activities, and how these should be remedied.

(4) An assessment of the Bureau of Prisons' compliance with section 3621(h) of title 18, United States Code, as added by section 7 of this Act.

(5) An assessment of progress made toward carrying out the purposes of this Act, including any savings associated with—

(A) the transfer of low risk prisoners into prerelease custody under this Act and the amendments made by this Act; and

(B) any decrease in recidivism that may be attributed to the implementation of the System or the increase in recidivism reduction programs and productive activities required by this Act and the amendments made by this Act.

(b) PRISON WORK PROGRAMS REPORT.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Director of the Bureau of Prisons, shall submit to the appropriate committees of Congress a report on the status of prison work programs at facilities operated by the Bureau of Prisons, including—

(1) a strategy to expand the availability of such programs without reducing job opportunities for workers in the United States who are not in the custody of the Bureau of Prisons;

(2) an assessment of the feasibility of expanding such programs, consistent with the strategy required under paragraph (1), so that, not later than 5 years after the date of enactment of this Act, not less than 75 percent of eligible low-risk offenders have the opportunity to participate in a prison work program for not less than 20 hours per week; and

(3) a detailed discussion of legal authorities that would be useful or necessary to achieve the goals in paragraphs (1) and (2).

(c) SAVINGS REPORTS.—Not later than 180 days after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit to the appropriate committees of Congress a report containing—

(1) an analysis of current and projected savings associated with this Act and the amendments made by this Act; and

(2) a strategy to reinvest a portion of such savings into expansions of recidivism reduction programs and productive activities, including prison work programs, by the Bureau of Prisons.

SEC. 7. USE OF SYSTEM AND RECOMMENDATIONS BY BUREAU OF PRISONS.

(a) IMPLEMENTATION OF SYSTEM GENERALLY.—Section 3621 of title 18, United States Code, is amended by adding at the end the following:

''(h) POST-SENTENCING RISK AND NEEDS ASSESSMENT SYSTEM.—

''(1) DEFINITIONS.—In this section, the terms 'covered prisoner', 'prisoner', 'productive activity', 'recidivism reduction program', 'risk and needs assessment tool', 'successfully completed', 'System', and 'time credit' have the meanings given such terms in section 3621A.

''(2) IMPLEMENTATION.—Not later than 180 days after the Attorney General develops and releases the System, the Bureau of Prisons shall—

''(A) implement the System and complete a risk and needs assessment for each prisoner, regardless of the prisoner's length of imposed term of imprisonment; and

''(B) expand the effective recidivism reduction programs and productive activities offered by the Bureau of Prisons and add any new recidivism reduction program or productive activity necessary to effectively implement the System, in accordance with the recommendations made by the Attorney General under section 5 of the Federal Prison Reform Act of 2013 and with paragraph (3).

''(3) PHASE-IN.—In order to carry out paragraph (2), so that every covered prisoner has the opportunity to complete the kind and amount of recidivism reduction programming the covered prisoner is assigned or participate in productive activities in order to effectively implement the System and that is recommended by the Attorney General, the Bureau of Prisons shall, subject to the availability of appropriations, develop and operate such recidivism reduction programs and productive activities—

''(A) for not less than 20 percent of covered prisoners by the date that is 1 year after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (2)(A);

''(B) for not less than 40 percent of covered prisoners by the date that is 2 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (2)(A);

''(C) for not less than 60 percent of covered prisoners by the date that is 3 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (2)(A);

''(D) for not less than 80 percent of covered prisoners by the date that is 4 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (2)(A); and

''(E) for all covered prisoners by the date that is 5 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A) and thereafter.

''(4) PRIORITY DURING PHASE-IN.—During the phase-in period described in paragraph (3), the priority for such programs and activities shall be accorded based on, in order, the following:

''(A) RECIDIVISM RISK LEVEL.—The recidivism risk level of covered prisoners (as determined using a risk and needs assessment tool under the system), with low risk covered prisoners receiving first priority, moderate risk covered prisoners receiving second priority, and high risk covered prisoners receiving last priority.

''(B) RELEASE DATE.—Within each such risk level, a covered prisoner's proximity to release date.

''(5) PRELIMINARY EXPANSION OF RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.—On and after the date of enactment of the Federal Prison Reform Act of 2013, the Bureau of Prisons may—

''(A) expand any recidivism reduction program or productive activity in effect at a facility of the Bureau of Prisons as of such date; and

''(B) offer to a covered prisoner who has successfully completed such programming and activities the incentives and rewards described in—

''(i) section 3621A(d)(1); and

''(ii) section 3621A(d)(2)(A), except a covered prisoner may receive up to 30 days of time credits for each period of 30 days during which the covered prisoner participated in a recidivism reduction program or productive activity that the covered prisoner successfully completed, with the amount of time credits to be determined by the person in charge of the penal or correctional facility in which the covered prisoner is imprisoned.

''(6) RECIDIVISM REDUCTION PARTNERSHIPS.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall issue regulations requiring the person in charge of each penal or correctional facility of the Bureau of Prisons to expand the availability of recidivism reduction programming and productive activities by entering into partnerships with each of the following:

''(A) Nonprofit organizations, including faith-based and community-based organizations, that will deliver recidivism reduction programming in the facility, on a paid or volunteer basis.

''(B) Institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) that will deliver academic classes in the facility, on a paid or volunteer basis.

''(C) Private entities that will, on a volunteer basis—

''(i) deliver vocational training and certifications in the facility;

''(ii) provide equipment to facilitate vocational training or employment opportunities for prisoners;

''(iii) employ prisoners; or

''(iv) assist prisoners in prerelease custody or supervised release in finding employment.

''(7) PENALTIES.—Effective on January 1, 2015, and every January 1 thereafter, if the most recent report submitted by the Attorney General under section 6(a) of the Federal Prison Reform Act of 2013 indicates that the Bureau of Prisons has failed to implement the System or complete a risk and needs assessment for each prisoner, or has failed to expand the recidivism reduction programs and productive activities offered by the Bureau of Prisons and add any new recidivism reduction programs and productive activities necessary to effectively implement the System, in accordance with paragraphs (2) through (6), the amount available for the then current fiscal year for salaries and expenses for the Central Office (Headquarters) of the Bureau of Prisons shall be reduced to the amount equal to 95 percent of the amount available for such salaries and expenses for the most recent fiscal year (including any reduction under this paragraph).''.

(b) PRERELEASE CUSTODY.—

(1) IN GENERAL.—Section 3624(c) of title 18, United States Code, is amended—

(A) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) PRISONERS WITH A LOW RISK OF RECIDIVATING.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'qualified prisoner' means a prisoner who has—

''(I) been classified under the System as having a low risk of recidivating;

''(II) earned time credits in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment; and

''(III) been classified by the person in charge of the penal or correctional facility of the Bureau of Prisons in which the prisoner is imprisoned as otherwise qualified to be transferred into prerelease custody; and

''(ii) the terms 'prisoner', 'System', and 'time credit' have the meanings given such terms in section 3621A.

''(B) RECOMMENDATION.—The person in charge of the penal or correctional facility of the Bureau of Prisons in which a qualified prisoner is imprisoned shall submit a recommendation, with a statement of the rationale and all supporting documentation, including the qualified prisoner's full behavioral record, that the qualified prisoner be transferred into prerelease custody to the United States district court in which the qualified prisoner was convicted, and a judge for such court shall, not later than 60 days after the submission of the recommendation, approve or deny such recommendation.

''(C) STANDARD.—A judge may only deny a recommendation to transfer a qualified prisoner into prerelease custody under this paragraph if the judge finds by a preponderance of the evidence that the qualified prisoner should not be transferred into prerelease custody based only on evidence of the actions of the qualified prisoner after the conviction of the qualified prisoner, including the behavioral record of the qualified prisoner, and not based on evidence from the underlying conviction.

''(D) FAILURE TO RULE.—The failure of a judge to approve or deny a recommendation to transfer at the end of the 60 day period described in subparagraph (B) shall be deemed as an approval of such recommendation.

''(E) APPROVAL.—If a recommendation relating to a qualified prisoner is approved under subparagraph (B) or deemed approved under subparagraph (D)—

''(i) the qualified prisoner shall be placed in a halfway house or sent to home confinement, if that qualified prisoner will be able to stay in a residence approved by the person in charge of the penal or correctional facility of the Bureau of Prisons in which a qualified prisoner is imprisoned; and

''(ii) the time limits under paragraphs (1) and (2) shall not apply.

''(F) SUPERVISION.—

''(i) IN GENERAL.—The Director of the Bureau of Prisons, in conjunction with the Assistant Director for the Office of Probation and Pretrial Services, shall ensure that a qualified prisoner placed in home confinement under subparagraph (E) shall be supervised by probation officers and remain in home confinement until the qualified prisoner has served not less than 85 percent of the imposed term of imprisonment of the qualified prisoner.

''(ii) HOME CONFINEMENT SUPERVISION SYSTEM.—The Assistant Director for the Office of Probation and Pretrial Services shall implement a home confinement supervision system for all qualified prisoners placed in prerelease custody pursuant to transfers awarded under this paragraph that shall—

''(I) use the most cost-effective electronic monitoring systems available, which shall be procured using a competitive bidding process;

''(II) be adapted to the best practices of State criminal justice systems using electronically monitored home confinement as an alternative to incarceration;

''(III) allow probation officers to continuously monitor the locational status of each qualified prisoner placed in home confinement pursuant to a transfer awarded under this paragraph; and

''(IV) not exceed a cost, including administrative expenses, of $16 per day per qualified prisoner in home confinement pursuant to a transfer awarded under this paragraph.

''(G) LEVEL OF SUPERVISION.—The person in charge of the penal or correctional facility of the Bureau of Prisons in which a qualified prisoner is imprisoned or a probation officer shall use the guidelines developed by the Attorney General under section 3621A(d)(2)(C) to determine the level of supervision and consequences for certain actions for a qualified prisoner transferred into prerelease custody under this paragraph.

''(H) MENTORING SERVICES.—Any person that provided mentoring services to a qualified prisoner placed in a halfway house or in home confinement while the qualified prisoner was in a penal or correctional facility of the Bureau of Prisons shall be permitted to continue such services after the qualified prisoner has been transferred into prerelease custody, unless the person in charge of the penal or correctional facility of the Bureau of Prisons demonstrates, in a written document submitted to the person, that such services would be a significant security risk to the qualified prisoner, persons who provide such services, or any other person.

''(I) DETERMINATIONS AND CLASSIFICATIONS UNREVIEWABLE.—There shall be no right of review, right of appeal, cognizable property interest, or cause of action, either administrative or judicial, arising from any determination or classification made under this paragraph, or any rules or regulations promulgated under this paragraph.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall—

(A) take effect on the date of enactment of this Act; and

(B) apply on and after the date on which the Attorney General implements the System.

SEC. 8. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate; and

(B) the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives.

(2) COVERED PRISONER.—The term ''covered prisoner'' means a prisoner who is not ineligible to receive time credits under section 3621A of title 18, United States Code pursuant to subsection (d)(2)(D) of such section.

(3) PRISONER.—The term ''prisoner'' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense.

(4) PRODUCTIVE ACTIVITY.—The term ''productive activity''—

(A) means a group or individual activity, including participation in a job as part of a prison work program, that is designed to allow prisoners classified as having a low risk of recidivism to remain productive and thereby maintain a low risk classification; and

(B) may include the delivery of the activities described in paragraph (5)(C) to other prisoners.

(5) RECIDIVISM REDUCTION PROGRAM.—The term ''recidivism reduction program'' means a group or individual activity that—

(A) has been shown by empirical evidence to reduce recidivism;

(B) is designed to help prisoners succeed in their communities upon release from prison; and

(C) may include—

(i) classes on social learning and life skills;

(ii) classes on morals or ethics;

(iii) academic classes;

(iv) cognitive behavioral treatment;

(v) mentoring;

(vi) substance abuse treatment;

(vii) vocational training;

(viii) faith-based classes or services;

(ix) victim-impact classes, victim-offender dialogue, or other restorative justice programs; and

(x) a prison job.

(6) RISK AND NEEDS ASSESSMENT TOOL.—The term ''risk and needs assessment tool'' means an objective and statistically validated method through which information is collected and evaluated to determine—

(A) the level of risk that a prisoner will recidivate upon release from prison; and

(B) the recidivism reduction programs that will best minimize or reduce the risk that a particular prisoner will recidivate upon release from prison.

(7) SUCCESSFULLY COMPLETED.—The term ''successfully completed''—

(A) means that—

(i) as determined by the person in charge of the penal or correctional facility of the Bureau of Prisons in which the covered prisoner is imprisoned, that the covered prisoner—

(I) regularly attended the recidivism reduction program or productive activity;

(II) actively engaged and participated in the recidivism reduction program or productive activity;

(III) completed all assignments or tasks in a manner that has allowed the covered prisoner to realize the criminogenic benefits of the recidivism reduction program or productive activity;

(IV) did not regularly engage in disruptive behavior that seriously undermined the administration of a recidivism reduction program or productive activity; and

(V) satisfied the requirements of subclauses (I) through (IV) for a time period that has allowed the covered prisoner to realize the criminogenic benefits of the recidivism reduction program or productive activity; and

(ii) the covered prisoner satisfied the requirements of subparagraph (A) for a time period of not less than 30 days; and

(B) shall not be construed to mean that the covered prisoner is no longer participating in the particular recidivism reduction program or productive activity, if—

(i) the covered prisoner has satisfied the requirements of clause (i) and (ii) of subparagraph (A); and

(ii) the recidivism reduction program or productive activity will continue to help the covered prisoner to further reduce risk level of the covered prisoner, or maintain the risk level of the covered prisoner.

(8) SYSTEM.—The term ''System'' means the Post-Sentencing Risk and Needs Assessment System established under section 3621A of title 18, United States Code, as added by section 4 of this Act.

(9) TIME CREDIT.—The term ''time credit'' means the equivalent of 1 day of a prisoner's sentence, such that a prisoner shall be eligible for 1 day of prerelease custody for each credit earned.

By Mr. WYDEN:

S. 1784. A bill to improve timber management on Oregon and California Railroad and Coos Bay Wagon Road grant land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I rise to introduce a bill to end the gridlock on the Oregon and California, O&C, lands and secure a new future. I recently unveiled my legislation in Oregon alongside Governor Kitzhaber, premier forest scientists, and a cross-section of supporters from timber, county, collaborative group and environmental interests. With the introduction of this bill, I look forward to working with supporters and interested parties, as well as the entire Oregon delegation, to end decades of uncertainty and broken forest policy with a science-driven solution.

The 2.1 million acres of O&C grant lands have a history known too well by Oregonians. After the Oregon and California Railroad violated the terms of its land grant, Congress revested the lands to federal ownership in 1916. In 1937, Congress directed how the Department of the Interior was to manage these lands and laid out a formula for distributing timber receipts to the 18 Oregon counties with O&C lands. The high logging harvests of the 1980s made way for the spotted owl timber wars, and today the lands are ground zero for the battle between those seeking to halt logging in the Northwest and those seeking to return to the unsustainable logging levels of a bygone era.

My bill ends the O&C gridlock by using science to guide management of the O&C lands while upholding bedrock federal environmental laws. This bill provides the jobs that Oregonians need, certainty of timber supply that timber companies require, and continued environmental protections that our treasures deserve. It is legislation that I believe can pass both houses of Congress and be signed by the President.

The first step the bill takes is to divide the O&C lands—with roughly half set aside for forestry emphasis and the other half for conservation emphasis—to put a stop to the uncertainty and conflicting priorities that have contributed to Federal management failure on these lands and produce wins on both sides of the historic timber conflict. The forestry emphasis lands will employ proven forestry practices, known as ''ecological forestry,'' to mimic natural processes and create healthier, more diverse forests. Modeling using Bureau of Land Management analysis confirms that ecological forestry will roughly double the harvest on O&C lands compared to the last 10 years, meaning more jobs for rural Oregon.

On the conservation side, my bill protects nearly a million acres of land, while designating wilderness lands, wild and scenic rivers, and other special areas. It creates 87,000 acres of wilderness and 165 miles of wild and scenic rivers. In all, it will permanently conserve nearly a million acres of O&C lands, which would be the single biggest increase in Oregon's conservation lands in decades. That includes special areas protected for recreation, which is an increasingly important part of our rural economy, and is responsible for 141,000 jobs in Oregon alone. Perhaps the most important conservation win in the bill is the first-ever legislative protection for old growth trees and stands on O&C lands.

This strategy of dividing the lands into conservation and timber emphasis and protecting old growth takes the most controversial harvests off the table. Timber harvests and thinning projects must protect water quality, highly erodible land, wetlands, endangered or threatened species, and tribal cultural sites. Mills and timber companies that rely on federal forests will have new certainty of a sustainable yield from the harvested lands. This bill upholds the Endangered Species Act and other bedrock environmental laws while providing expedited procedures and strict timelines for legal and environmental reviews. Two large scale environmental impact statements—one each for moist and dry forests—will study 10 years of work in the woods, rather than a single project. Anyone with concerns will have a chance to sue over those studies, but once the environmental review is approved, any timber sale consistent with the 10-year study can go ahead, without triggering a new legal stumbling block or procedural boulder that brings everything to a stop.

Above all, forest policy should be dictated by science, not lawyers. The forestry principles used in this bill are based on the work of Drs. Norm Johnson and Jerry Franklin, two respected Northwest forestry scientists, and built off of forestry approaches used around the globe. The bill also establishes the first ever legislative protections for O&C streams thanks in large part to the work of one of the Northwest's foremost water resources experts, Dr. Gordon Reeves. The Northwest Forest Plan's stream protections are extended to key watersheds and four drinking water emphasis areas, with additional lands designated for conservation, to protect drinking water. Science also guides how the agency can treat trees near streams and a scientific committee will evaluate stream buffers and reserves in areas dedicated to timber harvests, increasing or decreasing the boundaries as needed to address the ecological importance of streams. This acknowledges that one size does not fit all.

The bill also creates new tools to reduce fire danger in the dry forests of Southern Oregon. In areas that have grown prone to catastrophic fires, this bill reduces tree density and provides new tools for treating forest lands near residences. For the first time, county governments will have the flexibility to reduce fire danger within a quarter mile of homes, and private landowners can more easily protect against fire within 100 feet of their own homes.

The O&C solution that I present today will indeed secure a new future for the O&C lands. Management will be based on science, not lawyers. Counties will be able to count on dependable forest revenues. Communities will have steady jobs, and mill's timber to process, in place of a struggle to survive. My bill certainly doesn't provide everything all sides want, but it can get everyone what they need. I look forward to working with Congressmen DEFAZIO, WALDEN and SCHRADER and our colleagues in the Senate and House of Representatives to pass an O&C solution into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 312—CALLING ON THE GOVERNMENT OF IRAN TO FULFILL THEIR PROMISES OF ASSISTANCE IN THIS CASE OF ROBERT LEVINSON, ONE OF THE LONGEST HELD UNITED STATES CIVILIANS IN OUR NATION'S HISTORY

Mr. NELSON (for himself and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 312

Whereas United States citizen Robert Levinson is a retired agent of the Federal Bureau of Investigation (FBI), a resident of Coral Springs, Florida, the husband of Christine Levinson, and father of their 7 children;

Whereas Robert Levinson traveled from Dubai to Kish Island, Iran, on March 8, 2007;

Whereas, after traveling to Kish Island and checking into the Hotel Maryam, Robert Levinson disappeared on March 9, 2007;

Whereas, in December 2007, Robert Levinson's wife, Christine, traveled to Kish Island to retrace Mr. Levinson's steps and

met with officials of the Government of Iran who pledged to help in the investigation;

Whereas, for more than 6 years, the United States Government has continually pressed the Government of Iran to provide any information on the whereabouts of Robert Levinson and to help ensure his prompt and safe return to his family;

Whereas officials of the Government of Iran promised their continued assistance to the relatives of Robert Levinson during the visit of the family to the Islamic Republic of Iran in December 2007;

Whereas, in November 2010, the Levinson family received a video of Mr. Levinson in captivity, representing the first proof of life since his disappearance and providing some initial indications that he was being held somewhere in southwest Asia;

Whereas, in April 2011, the Levinson family received a series of pictures of Mr. Levinson, which provided further indications that he was being held somewhere in southwest Asia;

Whereas Secretary John Kerry stated on August 28, 2013, ''The United States respectfully asks the Government of the Islamic Republic of Iran to work cooperatively with us in our efforts to help U.S. citizen Robert Levinson.'';

Whereas, on September 28, 2013, during the first direct phone conversation between the leaders of the United States and Iran since 1979, President Barack Obama raised the case of Robert Levinson to President of Iran Hassan Rouhani and urged the President of Iran to help locate Mr. Levinson and reunite him with his family;

Whereas November 26, 2013, marked the 2,455th day since Mr. Levinson's disappearance, making him one of the longest held United States civilians in our Nation's history; and

Whereas the FBI has announced a $1,000,000 reward for information leading to Mr. Levinson's safe return: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that Robert Levinson is one of the longest held United States civilians in our Nation's history;

(2) notes recent pledges by newly appointed officials of the Government of Iran to provide their Government's assistance in the case of Robert Levinson;

(3) urges the Government of Iran, as a humanitarian gesture, to intensify its cooperation on the case of Robert Levinson and to immediately share the results of its investigation into the disappearance of Robert Levinson with the United States Government;

(4) urges the President and the allies of the United States to continue to raise with officials of the Government of Iran the case of Robert Levinson at every opportunity, notwithstanding other serious disagreements the United States Government has had with the Government of Iran on a broad array of issues, including human rights, the nuclear program of Iran, the Middle East peace process, regional stability, and international terrorism; and

(5) expresses sympathy to the family of Robert Levinson for their anguish and expresses hope that their ordeal can be brought to an end in the near future.

SENATE RESOLUTION 313—DESIGNATING NOVEMBER 30, 2013, AS ''SMALL BUSINESS SATURDAY'' AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF THE VALUE OF LOCALLY OWNED SMALL BUSINESS

Ms. LANDRIEU (for herself, Mr. RISCH, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BOOZMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CHAMBLISS, Mr. COONS, Mr. CRAPO, Mr. ENZI, Mrs. FEINSTEIN, Mrs. FISCHER, Mrs. HAGAN, Mr. HATCH, Ms. HEITKAMP, Ms. HIRONO, Mr. HOEVEN, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KAINE, Mr. KING, Mr. KIRK, Mr. LEVIN, Mr. MANCHIN, Mr. MENENDEZ, Mrs. MURRAY, Mr. PORTMAN, Mr. PRYOR, Mr. ROBERTS, Mr. RUBIO, Mr. SCHATZ, Mr. SCOTT, Mrs. SHAHEEN, Mr. TESTER, Mr. THUNE, Mr. UDALL of New Mexico, Mr. WARNER, Mr. WHITEHOUSE, and Ms. AYOTTE) submitted the following resolution; which was referred to the Committee on the Judiciary.:

S. RES. 313

Whereas small businesses represent 99.7 percent of all businesses having employees (commonly referred to as ''employer firms'');

Whereas small businesses employ over 49 percent of the employees in the private sector;

Whereas small businesses pay over 42 percent of the total payroll of the employees in the private sector;

Whereas small businesses are responsible for more than 50 percent of the private, nonfarm product of the gross domestic product;

Whereas small businesses generated 64 percent of net new jobs created between 1993 and 2011;

Whereas 87 percent of consumers in the United States agree that the success of small businesses is critical to the overall economic health of the United States;

Whereas 93 percent of consumers in the United States agree that it is important to support the small businesses in their community; and

Whereas November 30, 2013 would be an appropriate date to designate as ''Small Business Saturday'': Now, therefore, be it

Resolved, That the Senate—

(1) designates November 30, 2013 as ''Small Business Saturday''; and

(2) supports efforts to—

(A) encourage consumers to shop locally; and

(B) increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2543. Mr. NELSON (for himself, Mr. SCHUMER, Mr. MARKEY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. SCHATZ, Mr. MURPHY, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. GILLIBRAND, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill H.R. 3626, to extend the Undetectable Firearms Act of 1988 for 10 years; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2543. Mr. NELSON (for himself, Mr. SCHUMER, Mr. MARKEY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. SCHATZ, Mr. MURPHY, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. GILLIBRAND, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill H.R. 3626, to extend the Undetectable Firearms Act of 1988 for 10 years; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Undetectable Firearms Reauthorization Act of 2013''.

SEC. 2. AMENDMENTS TO PROHIBITION ON UNDETECTABLE FIREARMS.

(a) EXTENSION OF SUNSET PROVISION.—Section 2(f)(2) of the Undetectable Firearms Act of 1988 (Public Law 100–649; 18 U.S.C. 922 note) is amended in the matter preceding subparagraph (A) by striking ''25'' and inserting ''35''.

(b) OTHER AMENDMENTS.—Section 922(p) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''grips, stocks, and magazines'' and inserting ''all parts other than major components''; and

(B) in subparagraph (B), by striking ''when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate'' and inserting the following: ''if subjected to inspection by the types of detection devices commonly used at airports for security screening, would not generate'';

(2) in paragraph (2)—

(A) by striking subparagraph (B) and inserting the following:

''(B) the term 'major component', with respect to a firearm—

''(i) means the slide or cylinder, or the frame or receiver of the firearm; and

''(ii) in the case of a rifle or shotgun, includes the barrel of the firearm; and''; and

(B) by striking subparagraph (C) and the proviso that follows and inserting the following:

''(C) the term 'Security Exemplar' means an object, to be fabricated at the direction of the Attorney General, that is—

''(i) constructed of 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun; and

''(ii) suitable for testing and calibrating metal detectors.'';

(3) in paragraph (3)—

(A) in the first sentence, by inserting after ''of a firearm'' the following: '', including a prototype,''; and

(B) by striking the second sentence; and

(4) in paragraph (5), by striking ''shall not apply to any firearm which'' and all that follows and inserting the following: ''shall not apply to—

''(A) any firearm received by, in the possession of, or under the control of the United States; or

''(B) the manufacture, importation, possession, transfer, receipt, shipment, or delivery of a firearm by a licensed manufacturer or licensed importer pursuant to an existing contract with the United States.''.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, December 11, 2013, at 10 a.m. to hear testimony on the nomination of Thomas Hicks and Myrna Perez to be members of the Election Assistance Commission.

For further information regarding this hearing, please contact Lynden Armstrong at the Rules and Administration Committee, (202) 224–6352.

COMMITTEE ON INDIAN AFFAIRS

Ms. CANTWELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on

Wednesday, December 11, 2013, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a nomination hearing to consider the President's nomination of Vincent G. Logan, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior, and an Oversight Hearing to receive testimony on Implementation of the Department of the Interior's Land Buy-Back Program.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

ORDERS FOR TUESDAY, DECEMBER 10, 2013

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, December 10; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to executive session to consider the Millett nomination under the previous order.

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

PROGRAM

Mr. REID. Senators then should expect the first vote tomorrow at 10:15 a.m.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order, following the remarks of approximately one-half hour of Senator LAMAR ALEXANDER.

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

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I wonder if I might ask the majority leader a question.

Mr. REID. Of course.

Mr. ALEXANDER. If I may ask it through the Chair, as I understand it, there are a total of 13 district judges on the calendar, and the majority leader is the only one in the Chamber who has the right to bring a judge from the calendar to the floor.

If I heard him correctly, he filed cloture on four district judges. The way I understand the Senate procedure is that means we have an intervening day tomorrow and we can start voting on Wednesday.

Because we changed the rules at the majority leader's request to make it easier to confirm district judges, there is only, in effect, 1 hour of debate on each district judge, 2 hours equally divided. Then, if Democrats decide they don't want to use their hour, we could use our hour if we wanted to—and that there never has been in the history of the Senate a district judge denied his or her seat by a filibuster, not President Obama, not anyone else.

If that is the case, why doesn't the majority leader bring up all the district judges? Let's bring up all 14 of them, bring them to the floor, have 1 hour of debate on each one? Why don't we do that?

Mr. REID. We tried to do that. The distinguished Senator from Tennessee objected.

The truth is that the Senate has gotten out of whack. If there was a controversy with one of these judges, then you could have some reason to stall. In years past, we have done it by unanimous consent. I think it is unfortunate that this Senate has come to this, but that is where we are.

We could approve 14 of these by my friend not objecting to them. He is on the record as saying he doesn't think there should be judges who are objected to; district court judges should be filibustered.

But here is the situation. During the entire time we have been a country, there have been 23 district court judges filibustered, in the entire time we have been a country. Twenty of them have been during the Obama administration.

So this is a game Republicans have played to do everything they can to make Obama a failed President, and they are not doing it. He is a very successful President and has a long list of things he has done in spite of the Republicans.

So I don't know the point my friend is trying to make, but let's approve all these. They are all going to get approved anyway. So what we are going to do is go through this process.

I saw my friend, the Senator from Arkansas, come through here. He helped, along with this Senator whose idea it was, from Tennessee—because Senator Frist was the leader and he backed off that and I understand why—where we had this nuclear option come up before, the Constitutional option, and there was an agreement made by my Republican colleagues that they would not filibuster a judge unless there were extraordinary circumstances. Does anyone understand—does anyone not understand why the whole country is upset about this?

Extraordinary circumstances? Look at these circuit court judges. It is outrageous that they do not like them just because they do not like them. Their qualifications are superb. Their educational backgrounds? They went to the best law schools in America. They all have good work records. But they objected to them.

My friend, for whom I have great admiration, the senior Senator from the State of Tennessee, has a stellar record. He has been Governor of a State, he has been a Cabinet Secretary, and he has been a very fine Senator. But in his heart he knows that what is going on here in the Senate has been wrong. He may criticize the majority leader for working to change the rules here, but they have been changed before, and they are going to be changed again.

It simply is not working. Who can complain about a majority vote? Who can complain about that? Someone talks about this filibuster as if it is something engraven someplace along with the Ten Commandments, but it is not. It is not in the Constitution. It is something we have developed here in the Senate. It originally came about to help get legislation passed. But my friends, the Republicans, the last number of years have used it to defeat legislation.

These nominations should have been approved. We should not have had to go through all this and we will not have to in the future.

The PRESIDING OFFICER. The Senator from Tennessee.

CHANGING SENATE RULES

Mr. ALEXANDER. Madam President, I appreciate the courtesy of the majority leader in allowing me to ask him a question. I have more to say about this whole subject. But let me go back to my point. There are 13 district judges on the calendar. On November 21, when we last met, there were 13 district judges. There is only one person in this Chamber who can bring a judge from the calendar to the floor for confirmation. That is the majority leader. Why did he not bring them all up? Why didn't he move them? Because under our rules all he has to do is make a motion that so-and-so district judge be confirmed. If he files cloture, we have to wait 1 day, and then we have 2 hours of debate.

Never in the history of the country, according to the Congressional Research Service, has a district judge been denied his or her seat because of a failed cloture vote, because of a filibuster. I know this from personal experience because a judge named McConnell from Rhode Island was nominated by President Obama at the recommendation of the Rhode Island Senators, and there were a number on this side who said we should filibuster the judge.

I thought not. I argued to all of the Republicans that we never had done that in history and we ought not to do it, we ought not to start it. So what has happened? I believe, with all due respect, the majority leader is manufacturing a crisis. There is no crisis with those 13 district judges. He is the one who could bring them up. He could have done it on Thursday, November 21st, the day he changed the rules. Friday would be the intervening day. The maximum amount of debate the Democrats could require on each judge would be 1 hour, if they yield back their hour. So in 13 hours, before midnight tonight, they could all be district judges. They were sitting on the calendar waiting for the majority leader to move.

The same is true with the sub-Cabinet members. But let's just stay with the district judges for a minute. I know I am right about this because I have sat down with the Senate historian. I sat down with the Congressional Research Service. I said, has there ever been a President's nominee for a Federal district judge who has not been confirmed because of a failed cloture vote? The answer is zero—not for President Obama, not for President Bush, not for President Clinton, not for any President.

Because Senator REID, the distinguished majority leader, believed that the district judges were moving too slowly through the Senate, we changed the rules this past year. We said that with district judges, once there is a cloture vote—and remember, no judge has ever been denied his seat because of a cloture vote. Once there is a cloture vote, there can only be 2 hours of debate, one for the minority and one for the majority. So this is a manufactured crisis. That is what was done in order to do what the Democratic majority did on November 21, which is the most stunning development in the history of the Senate in terms of a rules change, and I intend to talk about that tonight. I want to go through some very specific facts—not speeches, not something made up, but facts.

I am glad that the majority leader moved four district judges but every one of the other nine might ask, Mr. Majority Leader, why did you not move my name? Why are you leaving me out? Because you could move it on Monday, wait a day, and on Wednesday you could confirm every single one of the judges there?

The reason was because the majority leader wanted to make it look like there was a problem here so he could do as Senator LEVIN said we did on November 21—in effect create a Senate without rules—over the objection of 48 Senators the Democratic majority established a precedent that the Senate can change the rules any time it wants to for any reason it wants to. So I want to speak a little bit tonight about how I and other Senators are expected to serve in a Senate with no rules.

Yesterday was a pretty exciting day in the National Football League. There were a lot of close games. The Ravens and the Vikings scored 5 touchdowns in 2 minutes and 1 second. In Pittsburgh, Miami was ahead when the Steelers Anthony Brown raced into the end zone after a series of lateral passes. It was one of those things where it is the last play of the game and they start playing, passing to each other. It rarely works. Every now and then it does, and it appeared to in this case because Brown was the last one with the ball. He got into the end zone before time expired, but the officials ruled he had stepped out of bounds before scoring.

What if Pittsburgh had said yesterday: Wait a minute, we are the home team. We will change the rules and say if you go step out of bounds only once as you are running toward the end zone with lateral passes on the last play of the game then you score, so Pittsburgh wins the game?

Or what if they had said: We are the home team. We will just add 5 minutes and see if we can win the game in that 5 minutes? They would have been happy in Pittsburgh yesterday but maybe not for long.

But what happens when Miami becomes the home team and Pittsburgh goes to Miami to play and Miami changes the rules in the middle of the game so Miami can win? What would happen to the game of professional football if the home team could change the rules in the middle of the game to get the result it wanted? The National Football League knows. They spend a lot of time on rules. They know if there is no integrity for the rules there is no integrity for the game, and pretty soon the fans do not watch the game because the game has no integrity.

That is why the NFL goes to such great lengths about its rules. There are officials all over the field. They are standing, you know, right in the middle of the play. There is an instant review of every call they make. When they make a call they huddle to see if they interpreted the rule right. If a coach doesn't like it, he has an opportunity to challenge the ruling. There is someone up in a box who looks at that and reviews it. Today, Monday morning in New York, in the National Football League office, senior retired officials get together and they review every single call and every single no-call that was made yesterday in every league game. They grade every single official based on those calls, and rarely does anyone get 100 percent. The NFL is in a constant review of the rules because if there is no integrity to the rules, they know there is no integrity to the game, and there will be no fans.

I say this because on Thursday, the last day we were here, November 21, before Senators went home for Thanksgiving, the Democratic majority destroyed the rules of the Senate. With all of the Republican Members opposed and 3 Democratic Members opposed, the Senate voted 52 to 48 to invoke the so-called nuclear option, allowing a majority of Senators present and voting—so not necessarily 51—to approve Presidential nominees except for Supreme Court Justices. For those positions they eliminated the filibuster, which required 60 votes to proceed to an up or down majority vote.

That is what Senator REID went through a few minutes ago. He was saying that we will move for cloture, we will have an intervening day, and then we will have a cloture vote. Before Thursday, before November 21, that took 60 votes. Although, as I said, in the case of Federal district judges it had never been used to deny a seat. But now it only takes a majority of those present and voting. This was the most dangerous restructuring of Senate rules since Thomas Jefferson wrote the rules because it creates a perpetual opportunity for what Alexis de Tocqueville called, when he traveled our country in the 1830s, one of the greatest threats to our democracy, and that is the tyranny of the majority.

This stunning rules change by the Senate majority can best be described as ObamaCare 2. One of the things that Americans really didn't like about the new health care law, ObamaCare, was that it was passed in the dead of night by a purely partisan vote during a snowstorm. It showed that those who had the votes could do whatever they wanted no matter what the minority thought, and we can see the results: millions of Americans having their policies canceled. Next year, tens of millions will—those who get their insurance through employers. This is another example of that kind of power play. This time the goal was to help the administration and the Democratic majority advance its radical agenda, unchecked through the courts and the executive agencies.

As the Senator from Michigan, Senator LEVIN said—quoting a former Republican Senator, Senator Vandenberg—Senator LEVIN is a Democrat—said on that Thursday, ''If a majority of the Senate can change its rules at any time, there are no rules.''

''If a majority of the Senate can change its rules at any time, there are no rules.''

Similar to the Pittsburgh game, if the home team can change its rules at any time there are no rules to the game. Every child knows that there have to be rules to the game. So I have this question: How am I and how are other Senators supposed to serve in a Senate with no rules? How is this different from what could have happened in Pittsburgh if they changed the rules in the middle of the game? Or if the Red Sox, finding themselves behind in the ninth inning, added a few innings just to make sure they beat the Cardinals in the World Series. In the Senate, future majorities could do whatever they want, end the filibuster for legislation, removing any obstacle to the tyranny of the majority. Just as if there were no integrity of the rules of football and there would be no integrity of the game and there would be no fans, if there were no integrity to the rules of the Senate, there is no integrity for the Senate and no respect for this part of our system of government.

I think I was not overstating it when I said this is the most dangerous change to the rules since Thomas Jefferson wrote them. When he did write the rules, he had this to say about why we have rules. His words are in the Senate rules book that every single one of us has and hopefully have read at least the beginning parts of. This is worth reading. It is entitled ''The Importance of Adhering to Rules.''

Remember the argument here is not about the filibuster, it is about how the rules were changed. The Importance of Adhering to Rules. I am going to read

a little bit of this. According to Thomas Jefferson, when he wrote the Senate rules:

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, ''it was a maxim he had often heard, when he was a young man, from old and experienced members, that nothing tended to throw power more into the hand of administration and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding: that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority; and that they were in many instances a shelter, and a protection to the minority, against the attempts of power.

This is Thomas Jefferson writing about the importance of rules when he wrote the Senate rules.

Continuing:

So far the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power, are the forms and rules of proceeding which have been adopted as they were found necessary from time to time, and are become the law of the House; by a strict adherence to which, the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.

I would think a majority that claims to protect the rights of minorities would be interested in these words of Jefferson and especially in the following words:

And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business, not subject to the caprice of the Speaker, or captiousness of the members. It is very material that order, decency and regularity be preserved in a dignified public body.

That was Thomas Jefferson on the importance of Senate rules when he wrote them at the beginning of our country. The majority has set a precedent that destroys those rules—that destroys the integrity of the rules because a Senate in which a majority can change the rules at any time for any reason is a Senate with no rules. That is why it is not too much to say that the Democratic majority has created a perpetual opportunity for the tyranny of the majority. The majority can do anything it wants any time it wants.

In this case, what it wanted to do was stack the Federal court that hears most of the challenges to its radical regulatory agenda with judges who believe in that agenda. Who knows what the next power play will be. First it was ObamaCare, then ObamaCare 2, the change of the rules. What we do know is that this majority has set an unprecedented precedent. They have set the precedent to do whatever they want to do anytime they want to do it. They have created a Senate without rules.

Now let's talk a little bit about what the justification might be for such a stunning action because there are so many words thrown around that don't represent facts at all that—somehow—I wonder about this. For example, the Democrats complain that their radical action was warranted because the Senate is broken. I agree with that. I will explain in a few moments why I think so. Their reason is that President Obama's appointees have been unfairly denied seats by failed cloture votes or filibusters. The charge was—and you heard the majority leader a few minutes ago—things have gotten so bad that this Republican majority has treated President Obama unfairly by denying his nominees their seats by failed cloture votes or filibusters. The Democrats have gotten themselves in a room and convinced each other that this is true, but it is flat out not true.

According to the Congressional Research Service—and I have researched this for several months and asked them this question: Has there ever been any Supreme Court nominee, by any President, who has been denied his or her seat by a filibuster? The answer is no. It is zero. Now, there is one possible exception. Abe Fortas was nominated by President Lyndon Johnson as Chief Justice. The nomination was in trouble on both sides of the aisle, and to help his friend Abe Fortas save face, President Johnson engineered a cloture vote in 1968. I think the vote was 45 to 43. They called that a win to help ''Abe save face.'' But certainly President Obama's nominees have not been denied their seats by a failed cloture vote, and neither have any other Presidents.

Have there ever been any Cabinet members of President Obama or any other President who have been denied their seats by a failed cloture vote or by a filibuster? According to the Congressional Research Service, the answer is no. The number is zero. There have been no Cabinet members who have been denied their seats in the Obama administration by a failed cloture vote.

Have there ever been any Federal district judges denied their seats by a failed cloture vote for President Obama or any other President? The answer is zero. Except for perhaps Fortas, there has never been a Supreme Court Justice, Cabinet member, or Federal district judge nomination in the history of President Obama—and never in the history of this country has a President's nomination been denied by a filibuster. Interesting.

Then why did we go to this stunning radical move on November 21? Well, maybe it was because of sub-Cabinet members. How many of those have been denied their seats by a filibuster, according to the Congressional Research Service? Two of President Obama's, three of President George W. Bush's, and two of President Clinton's. That is a total of seven in the history of the Senate when a filibuster has said to a sub-Cabinet member that we are going to deny them their seat because of a filibuster or a failed cloture vote. So President Obama has been treated about exactly the same as his last two predecessors.

In all of those I just mentioned, among Cabinet members, district judges, Supreme Court Justices, and sub-Cabinet members, we only found two Obama nominees who have been denied their seats by a failed cloture vote. Now, that is a fact. That is not a piece of Republican propaganda. That comes from the Congressional Research Service.

Why is there a fuss about this? Well, maybe it is because of the Federal circuit judges. Well, let's talk about that. As for appeals court judges, Republican filibusters have blocked five. Why did that happen? That happened as a result of what happened in 2003, the year I came to the Senate. Then, Democrats got together and said: We think President Bush's nominees are too conservative, so for the first time in the history of the Senate we are going to block 10 of President Bush's nominees basically because they are too conservative. I knew some of those judges. I used to clerk on the Fifth Circuit Court of Appeals for Judge John Minor Wisdom. I knew the respect he had for Judge Pryor. I knew Mr. Pickering, who had really been a pioneer for civil rights in the State of Mississippi in the 1960s and 1970s when it was hard to do that.

The truth is that the majority of Democrats said: We are going to block 10 of the Bush judges. It has never been done before, but we are going to do it with a cloture vote.

Well, as you can guess, everyone on the Republican side—and the majority then—got very excited. The majority leader, Senator Frist, said: We are going to change the rules and do something that Senator Lott—a majority leader at one time—said was the nuclear option.

There was great consternation. In 2006 Senator REID said—and he recounts this very well in his book—''to do so would be the end of the Senate.''

I made two speeches. I suggested that, well, this is a terrible thing to do. A President ought to have an up-or-down vote on his circuit judges. So why don't we see if we can't get a few Republicans and a few Democrats and just take it out of the hands of the leaders and agree we will only use the filibuster on circuit judges in extraordinary circumstances, which was the result. I said at the time that I would never vote for a filibuster on a circuit judge. I adjusted my view to be the same as the Senate precedent that came out of the Gang of 14. Of the 10 Bush judges, 5 were not confirmed and 5 were confirmed. In 2003 the Democratic Senators for the first time in history refused to confirm five Presidential nominees for the Federal court

of appeals by a cloture vote—by a filibuster—and the expected happened. Over time, the Republicans now have blocked five nominations. So Republicans and Democrats are even.

When you start something, things have a way of coming back around. What the Democrats said was fair to do in 2003 and 2004 the Republicans now say is fair to do. If the Democrats think the Republican nominees are too conservative, they will block five of them. If we think President Obama's nominees are too liberal, then we will block five of them. We put in the trash heap the tradition that we will never use the filibuster on Federal courts of appeals judges.

The majority leader and others have said: Well, that is not the only problem. The problem is that President Obama has had to wait too long to get his judges confirmed.

Again, that is not true either. This is another case where the Democrats apparently have gotten themselves in a room and convinced themselves that something that isn't true is true. According to the Congressional Research Service, President Obama's second-term Cabinet nominees have been confirmed at about the same pace as President Bush's Cabinet nominees and President Clinton's Cabinet nominees.

The other day I heard the majority leader use the example of the distinguished Secretary of Defense and a former Member of this body, Senator Hagel, as an example of delay. Well, let me comment on that, if I may. Senator Hagel's nomination was reported to the Senate floor. The day after it was reported by the Armed Services Committee, the majority leader filed cloture and called that a filibuster.

Now, many Republican Senators—I watched the Senator from Arizona and the Senator from South Carolina and others say on the floor to the majority leader: That is premature. You are cutting off debate before we have had a chance to consider the Secretary of Defense of this country. If you will allow us more time—at that time we were going into the Presidents Day recess for a week—we will cut off debate the day we come back and then we will have an up-or-down vote.

But, no, the majority leader and the White House said: Ram it through.

They insisted on a vote, the vote was turned down, and he called that a filibuster. I call it cutting off debate—cutting off debate prematurely. Why in the world wouldn't you allow a Secretary of Defense to be on the floor for more than 1 day before you cut off the debate prematurely and call it a filibuster?

The majority leader said: Well, we could be attacked.

I think he must have forgotten we had a perfectly adequate Secretary of Defense in place—Leon Panetta—until the next one was confirmed, and he was going to be confirmed because the majority had the majority of votes to do that and a Cabinet member has never been denied his or her seat because of a cloture vote.

I want to keep coming back to that. A Cabinet member has never been denied confirmation because of a failed cloture vote. A Cabinet member will be confirmed after a while—after you have questions. But in that case, they filed cloture after 1 day.

Now, in my case, 20 years ago when President Bush nominated me as the Education Secretary, there was a Democratic Senate. I was announced in December, nominated in January, and it was March before some of the Democratic Senators saw fit to give me a vote, and I was confirmed by unanimous consent. During that time I tried to get ready for our education program. It gave me some time to work. When President Reagan nominated Ed Meese to be the Attorney General, it took a year before the Senate confirmed Ed Meese, but he was confirmed. There have been some Cabinet members who have withdrawn their names because they have become embarrassed or for some other reason.

If the question is whether a failed cloture vote has ever been used to deny a Cabinet member his or her seat, the answer is no. In the case of Secretary Hagel, I would think 1 day is not quite long enough to file a motion to cut off debate and claim it is a filibuster.

What about judges? Has the Senate been slow on judges? This year the Senate has confirmed 36 of the President's second-term nominees to circuit and district courts compared with 14 for President Bush as of November 21st in his second term in 2005. These things are never exact because there are vacancies for a variety of reasons. That is a pretty big difference. It is very hard to argue that it is unfair. But the majority leader did argue successfully that the minority was holding up district judges in order to negotiate for other points. He did that the second time a bipartisan group of us sat down to talk about how to change the Senate rules so we could move along better. So what the Senate agreed to do earlier this year was to change the rules to make it easier to confirm district judges.

Here is the procedure: Remember, first they have to be on the calendar. How do they get on the calendar? A committee majority puts them on the calendar. What party has the majority in the Judiciary Committee? The Judiciary Committee majority is Democratic. That puts them on the calendar. So Democrats put them on the calendar. Only the majority leader can take them off the calendar, and when he does that, he has no motion to proceed; he just takes them right off just like he did tonight. If he wants to, he can just bring them up and ask unanimous consent that they be approved, which they often are.

I am told by the Republican leader's office that when the majority leader rammed the rules change through on November 21, there were about 40 or so noncontroversial—so-called—nominees who were about to be confirmed, including many district judges. But tonight the majority leader has selected 4 of the 13 district judges who are on the calendar and made a big show out of the fact that we are going to take an intervening day tomorrow and then we are going to vote on them, I guess, beginning on Wednesday. Under the rules change he asked for, the debate on each one of those can only be 2 hours, and it is divided evenly, which means the Democrats have an hour and the Republicans have an hour. If the Democrats want to speed things up, they can give their hour back. On a noncontroversial judge, Republicans normally wouldn't say anything, except a word or two of praise. But let's say the Republicans are upset by the rules changes and we are going to say we will take that whole hour. The Democrats could say 2 or 3 minutes of praise for the district judge and we could confirm those four in 4 hours. That is half a day's work.

The question I asked the majority leader was, What about the other nine? What about the other nine district judges who are sitting on this calendar, put there by the Democratic majority of the Judiciary Committee, and only one person in the Senate can bring them up for a vote, and he didn't bring them up. Why doesn't he bring them up? He could bring them up today. Tomorrow would be the intervening day and we could vote on Wednesday and vote on them all. He could have brought every single district judge up Thursday before recess, when he turned the Senate into a place that has no rules; Friday would have been the intervening day, and we could have been voting all day today, and by the time we went home for supper, every district judge would be confirmed because of the earlier rules change that limited post-cloture debate on district judges to 2 hours. The only reason I can see to go through all of this is to manufacture a crisis to make the American people think that somehow the minority is abusing its privileges.

I read the Executive Calendar on November 21 very carefully. Remember, this is the document that is on every Senator's desk. A nominee has to be on here in order to be confirmed. If a person is an executive nominee, the only person who can bring it up is the majority leader. It is the same with legislation. So legislative matters require a motion of consent. There were only 16 on the calendar who had been there 3 weeks and only 8 more who had been there more than 9 weeks, and 2 of the 8 were being held up by Democratic Senators. That is hardly a crisis.

Finally, let me address the claim the majority leader didn't take seriously; that is, Republicans have unfairly blocked the President from filling vacancies on the U.S. Court of Appeals for the DC Circuit. Remember, I pointed out the Democrats started this by saying that if President Bush nominates judges that are too conservative,

we will block them, so the Republicans now have blocked an equal number of President Obama's judges. But that is not the primary reason for blocking them. The primary reason is stated in a letter written on July 27, 2006, to the chairman of the Judiciary Committee, a Republican, Senator Specter, from all of the Democratic members of the Judiciary Committee. President Bush had nominated someone for this same court, the District of Columbia Federal Circuit Court, and this is what the Democratic Senators said in 2006:

> We believe that Mr. Keisler should under no circumstances be considered—much less confirmed—by this Committee before we first address the very need for that judgeship, receive and review necessary information about the nominee, and deal with the genuine judicial emergencies identified by the Judicial Conference.

In other words, what the Democrats were saying—and it included a number of the most distinguished Members of this body—the chairman Senator LEAHY, Senator SCHUMER, Senator Feingold, Senator FEINSTEIN, Senator Kohl, Senator Kennedy, Senator DURBIN, Senator BIDEN—they were saying that this court, the DC court, is an important court, but it doesn't need any more judges. Before we add any more judges to a court that is underworked, we ought to consider transferring those judgeships to courts that are overworked.

That argument had been made since at least 2001 by Senator GRASSLEY from Iowa, and finally, with some bipartisan cooperation in 2007, he achieved some success. With President Bush's agreement, the Republican President, he agreed with the Democratic Senators that the DC Circuit should under no circumstances—those are their words in their letter—have more judges. They reduced by one the number of judges, and they transferred a judge to the Ninth Circuit, which was overworked.

So what Republicans have said about the three judges whom the President has nominated to the DC Circuit is, before we consider any of them, consider Senator GRASSLEY's bill. Do in 2013 what you said we should do in 2006 and 2007 and which we did in a bipartisan way.

So how can this be dismissed when Republicans are asking to do in 2013 exactly what the Democrats successfully insisted on in 2006, which is to transfer judges from the courts where they are not needed to the courts where they are needed. In fact, the DC Circuit has a lower caseload by comparison today than it did in 2007 when, by a bipartisan agreement, it was considered underworked. The Democrats didn't think it was unfair then to insist that we not appoint more judges to a court that was underworked. It must be they are trying to manufacture a crisis now.

So if there is no good reason to change the rules in such a dramatic way as the majority did on November 21, why would the majority leader insist on cramming through in a power play a rules change that in 2006 he said would be the end of the Senate? Because the vote was not about the filibuster. All of that is pretext. The vote was about allowing the majority to do whatever it wants to do any time it wants to do it.

One of the things the American people detest about ObamaCare, as I said earlier, is that it was crammed through in the middle of the night in a partisan power play and we can see the results. Unlike the civil rights bill which had broad bipartisan support—I can remember Senator Dirksen and President Johnson working together on it when it required 67 votes in the Senate, and because it achieved that consensus, Senator Russell, the great opponent of the bill, went home to Georgia and said: It is the law of the land and we should now support it.

When we cram a big social change—or any big change—through the Congress, we are going to get the kind of result we get with ObamaCare today: millions of people losing their policies, tens of millions will next year, great concern, Web site not working. That is what we get when we cram things through in a partisan way, and the Democrats have done it again.

So if the filibuster was not the problem, then why is the Senate not functioning better? Why are we so low in public opinion polls? Frankly, it is because of the Senate leadership. I have had the privilege over the years of watching the Senate. I came here for the first time in 1967 as an aide to Senator Howard Baker, the future majority leader of the Senate. I watched Senator Mansfield and Senator Dirksen. I watched Senator Byrd and Senator Baker. I watched Senator Daschle, Senator Lott, Senator Frist. I wasn't in the Senate all of that time—I have only been here since 2003—but I have seen it over that time up close. All of them could operate this body very well under the rules we had until Thursday of 2 weeks ago, until November 21.

I was at the Rules Committee meeting when Senator Byrd, former majority leader and acknowledged as the great historian of the Senate, came. He could barely speak, but he had one last message for the Senate and it was: Don't change the filibuster. He called it the necessary fence against the excesses of the executive and the popular will. That was what Senator Byrd said. He also said that under the rules we had until November 21, a majority leader could operate the Senate if he wanted to.

The current majority leader seems to be unable to do that, and we saw an example of it here tonight. He brings up 4 district judges, while there are 13 on the calendar. He could have brought them up on November 21 and we could have been voting on all of them today. He could bring them all up today and we could vote on all of them Wednesday, but he is parceling them out as if there were a crisis somewhere. Why is he doing that? I don't see why he is doing that. It is not the way to make the Senate function. It is not what Senator Byrd would do. It is not what Senator Baker would do. I saw them come in and open the Senate to amendments, put a bill on the floor, ask for amendments. Here came 300 amendments. Ask for unanimous consent to cut off amendments. They got unanimous consent because nobody could think of any other amendments, and then Senator Byrd would say—and Senator Baker did as well—all right, let's start voting, and vote, vote, vote, vote. Then we could get to about Wednesday or Thursday and Senators would think, well, maybe my amendment is not so important, and by Friday, when it was clear the majority leader was going to finish the bill that week, they would drop the amendments, and we got it done.

So the Senate wasn't a perfect place—things were still bumpy. There was Senator Metzenbaum sitting in the front row objecting. There was Senator Williams before him, Senator Allen before him, exercising their rights, but the majority leaders were able to work with that. The Senate worked on Mondays and Fridays, it worked at night, and the threat of that usually caused people who were trying to not show a proper amount of restraint and use of their privileges to back down.

Instead, what the current majority leader does—and we heard him tonight—is complain about obstructionism when there isn't any, certainly not on nominations. I am not going to say Senators on both sides of the aisle haven't abused their privileges and slowed down the Senate. But he complains about obstructionism when, in fact, he has become the obstructionist in chief by making it more difficult for those of us who are elected from our States to represent the people who have a right to be heard. Seventy-seven times this majority leader has cut off amendments in a body whose whole purpose is to amend, debate, and vote. I call it a gag rule, with the majority cutting off the right of American voices to be heard on the Senate floor. There have been 114 times when he has filed a motion to cut off debate on the same day he has introduced a bill, and he calls that a filibuster. I call it a gag rule. He has bypassed Senate committees in an unprecedented way: 76 times in the last 7 years.

He set himself up as the king of the Senate: May I offer an amendment on Iran, a Senator might ask. No. May I offer an amendment on Egypt? No. How about an amendment on ObamaCare? No. What about a bill on the National Labor Relations Board? No. Can we work on appropriations bills? No. Only one person is deciding what happens here when, in fact, the history of the Senate has been a place of virtually unlimited debate on virtually any amendment. That has been the history of the Senate. It is different than the House of Representatives. It has been different than any other body in the

world. It operates by unanimous consent, and it requires restraint which hasn't always been exercised, but majority leaders who have been effective have found their way to deal with that.

I have spent the last 3 years doing my best to help make this place function. I cannot say where this rules change on November 21 will lead, but it is heading in a dangerous direction—a direction that is dangerous for the Senate and dangerous for our country.

This is a country that prizes the rule of law. Other countries around the world that do not have it wish they did, they wish they had a country with the rule of law. So in a country that prizes the rule of law, we now have a Senate without any rules because the Senate majority has decided, for the first time, that a majority can change the rules at any time, for any reason it wants, which makes this a body without rules.

In a country that yearns for solutions on Iran, on health care, on our debt crisis, we have a king of the Senate saying: No amendments, no debate. I will make all the decisions.

I know of only one cure for this dangerous trend, and that is one word, an election—the election of six new Republican Senators so power plays such as ObamaCare and the November 21 rules change will be ended and the Senate will again be alive with bills, amendments, and debates, reflecting the will of the American people on the important issues of our time.

I ask unanimous consent to have printed in the RECORD the letter from the year 2006 from the Democratic Senators on the Judiciary Committee saying there should be no new judges added to the DC Court of Appeals because it is underworked.

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

U.S. SENATE,
Washington, DC, July 27, 2006.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SPECTER: We write to request that you postpone next week's proposed confirmation hearing for Peter Keisler, only recently nominated to the DC Circuit. Court of Appeals. For the reasons set forth below, we believe that Mr. Keisler should under no circumstances be considered—much less confirmed—by this Committee before we first address the very need for that judgeship, receive and review necessary information about the nominee, and—deal with the genuine judicial emergencies identified by the Judicial Conference.

First, the Committee should, before turning to the nomination itself, hold a hearing on the necessity of filling the 11th seat on the DC Circuit, to which Mr. Keisler has been nominated. There has long been concern—much of it expressed by Republican Members—that the DC Circuit's workload does not warrant more than 10 active judges. As you may recall, in years past, a number of Senators, including several who still sit on this Committee, have vehemently opposed the filling of the 11th and 12th seats on that court:

Senator Sessions: ''[The eleventh] judgeship, more than any other judgeship in America, is not needed.'' (1997)

Senator Grassley: ''I can confidently conclude that the DC Circuit does not need 12 judges or even 11 judges.'' (1997)

Senator Kyl: ''If . . . another vacancy occurs, thereby opening up the 11th seat again, I plan to vote against filling the seat—and, of course, the 12th seat—unless there is a significant increase in the caseload or some other extraordinary circumstance.'' (1997)

More recently, at a hearing on the DC Circuit, Senator Sessions, citing the Chief Judge of the DC Circuit, reaffirmed his view that there was no need to fill the 11th seat: ''I thought ten was too many. . . I will oppose going above ten unless the caseload is up.'' (2002)

In addition, these and other Senators expressed great reluctance to spend the estimated $1 million per year in taxpayer funds to finance a judgeship that could not be justified based on the workload. Indeed, Senator Sessions even suggested that filling the 11th seat would be ''an unjust burden on the taxpayers of America.''

Since these emphatic objections were raised in 1997, by every relevant benchmark, the caseload for that circuit has only dropped further. According to the Administrative Office of the United States Courts, the Circuit's caseload, as measured by written decisions per active judge, has declined 17 percent since 1997; as measured by number of appeals resolved on the merits per active judge, it declined by 21 percent; and as measured by total number of appeals filed, it declined by 10 percent. Accordingly, before we rush to consider Mr. Keisler's nomination, we should look closely—as we did in 2002—at whether there is even a need for this seat to be filled and at what expense to the taxpayer.

Second, given how quickly the Keisler hearing was scheduled (he was nominated only 28 days ago), the American Bar Association has not yet even completed its evaluation of this nominee. We should not be scheduling hearings for nominees before the Committee has received. their ABA ratings. Moreover, in connection with the most recent judicial nominees who, like Mr. Keisler, served in past administrations, Senators appropriately sought and received publicly available documents relevant to their government service. Everyone, we believe, benefited from the review of that material, which assisted Senators in fulfilling their responsibilities of advice and consent. Similarly, the Committee should have the benefit of publicly available information relevant to Mr. Keisler's tenure in the Reagan Administration, some of which may take some time. to procure from, among other places, the Reagan Library. As Senator Frist said in an interview on Tuesday, ''[T]he DC Circuit . . . after the Supreme Court is the next court in terms of hierarchy, in terms of responsibility, interpretation, and in terms of prioritization.'' We should therefore perform our due diligence before awarding a lifetime appointment to this uniquely important court.

Finally, given the questionable need to fill the 11th seat, we believe that Mr. Keisler should not jump ahead of those who have been nominated for vacant seats identified as judicial emergencies by the non-partisan Judicial Conference. Indeed, every other Circuit Court nominee awaiting a hearing in the Committee, save one, has been selected for a vacancy that has been deemed a ''judicial emergency.'' We should turn to those nominees first; emergency vacancies should clearly take priority over a possibly superfluous one.

Given the singular importance of the DC Circuit, we should not proceed hastily and without full information. Only after we reassess the need to fill this seat, perform reasonable due diligence on the nominee, and tend to actual judicial emergencies, should we hold a hearing on Mr. Keisler's nomination.

We thank you for your consideration of this unanimous request of Democratic Senators.

Sincerely,

PATRICK LEAHY.
RUSSELL D. FEINGOLD.
DIANNE FEINSTEIN.
HERB KOHL.
CHARLES SCHUMER.
EDWARD M. KENNEDY.
RICHARD DURBIN.
JOSEPH R. BIDEN, Jr.

Mr. ALEXANDER. I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:46 p.m., adjourned until Tuesday, December 10, 2013, at 10 a.m.