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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

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

Let us pray.

Eternal God, who has made us children of promise, thank You for bringing joy to our world. We are grateful for the freedom You have given us to enjoy. May we use this gift to live steadfast in liberty, refusing to be entangled in the chains that would shackle us with addictions and miseries.

During this season of cheer, give our Senators and their loved ones the gifts of love, joy, peace, patience, kindness, goodness, faithfulness, and self control. May they fulfill Your command to love their neighbors as they love themselves. Bless also the families and loved ones of our support staffs.

O God, let there be peace on earth. Let it begin with us. We pray in Your great 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.

NOTICE

If the 113th Congress, 1st Session, adjourns sine die on or before December 24, 2013, a final issue of the *Congressional Record* for the 113th Congress, 1st Session, will be published on Tuesday, December 31, 2013, to permit Members to insert statements.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Monday, December 30. The final issue will be dated Tuesday, December 31, 2013, and will be delivered on Thursday, January 2, 2014.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at http://webster/secretary/cong_record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 19, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

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

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appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. SCHATZ 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—Resumed

Mr. REID. Mr. President, I move to proceed to S. 1356.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative 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 resume consideration of the national defense authorization bill. Rollcall votes are possible throughout the day. We will do our best to notify Senators ahead of time as to when votes will occur.

DEFENSE AUTHORIZATION

Mr. REID. Mr. President, for more than 50 years consecutively; that is, 50 years in a row every year, the United States has passed the National Defense Authorization Act. This year is not going to be an exception. This tradition indicates the respect and gratitude with which Members of this institution regard the members of our military.

The work to get to this point has been extremely difficult. We have had the usual good work by one of the finest Senators ever, the senior Senator from Michigan, and also the cooperation and hard work of the ranking member of the committee, the senior Senator from the State of Oklahoma. It has been with some difficulty.

The Senator from Oklahoma has had physical problems and the tragic loss of his son in an unfortunate airplane accident. These two men have continued to move forward with this legislation. It is important to mention their counterparts in the House. This is an important piece of legislation that we are going to vote on.

Today, the Senate will continue debate on this critical measure which safeguards our Nation and ensures our troops have the resources and training they need. This bill includes a pay raise for members of the Armed Forces and reauthorizes dozens of special pay raises and bonuses, such as the bonus payment for servicemembers who are stationed overseas.

This legislation also supports military families who support the mission of our fighting men and women. Also, yesterday, we passed the Ryan-Murray budget—very important—because, among other things, it did away with the sequester, which would have been—if that second year would have kicked in, it would have been a $23 billion hit to the United States military. That is gone.

This year the National Defense Authorization Act also includes robust new provisions to combat sexual assault in the military and guarantee that the perpetrators are punished.

With cooperation, the Senate could easily pass this bill today. We could have done it last evening. With cooperation, the Senate could also consider a number of pending nominations today and Friday. Without cooperation from our Republican colleagues, Senators should expect late night and weekend votes.

NOMINATIONS

Mr. REID. Mr. President, after we complete work on the Defense authorization bill, this body will consider several essential nominations, including the new Federal Reserve Chair—so important, as we learned yesterday from the announcement of Chairman Ben Bernanke how terribly important that institution is. He is leaving. We need someone to replace him.

We also are going to approve a Deputy Secretary of Homeland Security, a new Director of the Internal Revenue Service. We will also consider a nomination that has been pending for 2 years—more than 2 years actually—the nomination of Brian Davis of Florida to fill a judicial seat that has been declared an emergency, as well as a handful of other nominations.

All those nominees are qualified and dedicated public servants. I have not heard a single word about these nominations being flawed in any way. Those nominees have broad bipartisan support. Their positions safeguard the economy, thus ensuring our national security. I am disappointed that Republican Senators have suggested that those nominees are nonessential or unimportant. I heard one Senator say: Just do them next year. Another said: Yes, they are nonessential. They are really unimportant. Why don't we do them next year?

Everyone should understand, the Senate will not wait until the new year to consider these nominations. These are critical nominations. If that means working through the weekend, next week, so be it. The Senate will finish its work before we leave for the holidays. It is our constitutional duty. Public servants who set our Nation's monetary policy and guard against terrorism and deliver us justice do not hold nonessential positions.

Is Janet Yellen, to be chosen as Federal Reserve Chair, nonessential? It is shallow to even suggest this. Brain Davis. I have already talked about this good man who has waited 2 years to become a Federal trial judge in Florida, that has too many criminal cases, too many civil cases, and it has been declared a judicial emergency. I suggest it is very shallow to suggest this nomination is unimportant and not essential.

Alejandro Mayorkas to be the No. 2 person at the Department of Homeland Security is vitally important, as has been laid out in detail by the chairman of the committee TOM CARPER. How shallow to think this important nominee is nonessential.

How about this one? John Koskinen to be Commissioner of the Internal Revenue Service. With all that is going on in this country with ObamaCare, with all that is happening, we need someone to direct the Internal Revenue Service. To suggest this is not a critical position is really very shallow.

With all of the Republican obstruction and delay we have seen over the last 2 weeks, is it any wonder Democrats changed the rules last month? Of course not. The American people want Congress to work, not obstruct. Even under these new rules, Republicans are wasting weeks on matters that could be resolved in mere hours. As always, there is an easy and a hard way that we legislators can take. One is to move; the other is to obstruct. So far, my Republican colleagues have obstructed, and they continue to do so. The choice to obstruct is theirs. Their obstruction has become a bad habit of theirs. For the good of the country, their obstruction, these bad habits, need to go away.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3304, which the clerk will report.

The legislative clerk read as follows:

Resolved, that the House concur in the Senate amendment to the title of the bill (H.R. 3304) entitled ''An Act to authorize and request the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor,'' and be it further

Resolved, that the House concur in the first three Senate amendments to the text of the aforementioned bill, and be it further

Resolved, that the House concur in the fourth Senate amendment to the text of the aforementioned bill, with an amendment.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid amendment No. 2552, to change the enactment date.

Reid amendment No. 2553 (to amendment No. 2552), of a perfecting nature.

Reid motion to refer the message of the House on the bill to the Committee on Armed Services, with instructions, Reid amendment No. 2554, to change the enactment date.

Reid amendment No. 2555 (to (the instructions of the motion to refer) amendment No. 2554), of a perfecting nature.

Reid amendment No. 2556 (to amendment No. 2555), of a perfecting nature.

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

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

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 1859

Mr. REID. I ask unanimous consent the Senate proceed to S. 1859, submitted earlier today, a bill that includes the following provisions: an extension of the provision to exclude mortgage debt forgiveness from taxable income; deductions for State and local sales taxes, qualified tuition expenses for students, and classroom expenses that teachers pay for out of their own pockets; a commuter benefit that helps workers who take mass transit to their jobs every day; the new markets tax credit and the low-income housing credit; tax benefits to encourage investment in our Nation's infrastructure, such as the short line rail tax credit; provisions that encourage the development of renewable energy technology, including the production tax credit for wind, as well as credits to promote biofuels, alternative fuel vehicles, and energy-efficient buildings; and tax incentives for small and large businesses, including section 179 expensing, bonus depreciation, and the R&D credit.

I further ask that the bill be read a third time and passed and the motions to reconsider be made and laid on the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. Reserving the right to object, it is unfortunate the Senate's schedule is completely full with pending cloture motions on controversial or completely nonurgent nominations.

If these nomination were deferred, we could consider this timely and important legislation today.

I, therefore, ask unanimous consent that the pending cloture motions on executive nominations be withdrawn; that following disposition of the Defense bill, the Senate proceed to immediate consideration of H.R. 2668, a House-passed revenue measure; that the text of S. 1859 be the first amendment in order; and that the majority and minority sides then be recognized to offer amendments in an alternating fashion so these important issues could be considered this week.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, I would refer to the statement I gave earlier today, and I object.

The ACTING PRESIDENT pro tempore. The objection is heard to the modification. Is there objection to the original request?

Mr. McCONNELL. I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

The Senator from Utah.

Mr. HATCH. I wish to briefly comment on the absurdity of what just transpired on the Senate floor. My friends on the other side have been the longest serving majority since 1980. We are enduring, some would say, the 7th consecutive year of their majority. Yet if someone were to take a close look at the strategy and tactics of the Senate Democratic leadership, they would think the roles were reversed.

Democrats are the majority. They have even enhanced their majority by breaking the rules of the Senate to give themselves more power. Indeed, they have not been a bit reluctant to overreach.

Part and parcel of having a majority in the Senate is control over the Senate's schedule and committees. Yet still we see what we saw today from my friends on the other side of the aisle.

Under the Senate rules, tax policy matters, including the tax extenders, are referred to the Senate Finance Committee. Trade adjustment assistance, which was also included in this bill, also falls under the jurisdiction of the Finance Committee.

The Finance Committee processed tax extenders in a bipartisan fashion last year and that legislation was eventually enacted into law. The committee has also been able, though without as much bipartisan support, to deal with the TAA in the recent past.

Yet now what do my friends want to do? They want to ignore the Senate rules, the expertise and proper role of the Finance Committee, and pass a complicated set of policies on the floor without discussion or debate. With regard to tax extenders, Finance Committee staff from both parties have, in only the past few days, started the process of developing tax extenders legislation.

To put it bluntly, the majority leader's partisan actions today make a sham of that deliberative, methodical, and constructive bipartisan effort.

Why are they afraid of going through regular order? They are the majority. Including my friend, the chairman, there are 13 Democrats on the Finance Committee and only 11 Republicans.

What are they afraid of? Don't they set the committee agenda? Don't they have the votes?

Political stunts, such as unanimous consent requests that are designed only to draw objections from the other side, may be good political fun for the proponents, they might even provide some good campaign fodder, but they don't solve any problems.

It is amazing to see this kind of activity from the Senate majority party when it controls the agenda both on the floor and in the committees. We might expect these kinds of actions from a frustrated minority party that feels shut out of its role in committees and on the floor, but here we have a role reversal.

I am currently a member of the minority party in the Senate, defending regular order, Senate customs, and the role of the committee system. I will reiterate my challenge to my friends in the Senate Democratic leadership: Why are you so afraid of regular order? Why not process this legislation in a careful, methodical, and transparent manner?

Being in the majority means being accountable. Today my friends on the other side of the aisle tried, once again, to avoid accountability in order to blame their own failings on Republicans. As the saying goes: That dog just won't hunt.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. If I may, before the Senator from Utah leaves the floor, he correctly stated the state of the Senate today. It is not the same body it was only a few years ago in the way we are being treated. It is a very discouraging development, as we approach the end of the year, to see the way the Senate deteriorated under the current leadership.

I thank the senior Senator from Utah for pointing out that it was not too long ago that the two parties actually functioned on issues such as the majority leader was trying to ram through today without any committee consideration.

Mr. HATCH. The distinguished minority leader expresses it very well. I am appalled. I have only been here 37 years, but I have never seen the rules violated as they have been—frankly, violated in a way that is destructive to the Senate, not helpful or constructive to the Senate. This is just another illustration. Our side is getting very sick of it.

Mr. McCONNELL. I thank my friend from Utah.

STIFLING DISSENT

Earlier this year the Internal Revenue Service admitted responsibility for an incredible abuse of power. In the midst of an election season, it targeted and harassed Americans for the supposed crime of thinking differently. An agency with access to some of the most

personal information of every tax-paying American betrayed their trust. In doing so, it showed the lengths to which this administration will go to stifle those who dissent from its policies. All of this was and remains a complete outrage.

It is the kind of thing we might expect from a banana republic or a third-world dictatorship, not the world's leading democracy. The worst part is we still don't know everything that happened or if it is still going on. That is because the bipartisan investigation into all of this still hasn't concluded.

It is unclear to me how seriously the White House is taking this investigation. In many ways it seems to have treated the scandal more as a public relations problem to get past than a serious problem to solve and now, get this, they expect the elected representatives of the people to roll over and rubberstamp a new Presidential nominee to head the IRS. They want Congress to forget what happened and simply move on. They expect us to clear the way tomorrow and let them ram through the President's new pick to run the IRS. The American people deserve answers about how and why this targeting happened. They deserve justice too.

I will not be supporting any nominee to lead this agency until the American people get the answers they deserve. Of course, the Democrats in charge of the Senate changed the rules a few weeks back in order to ensure they could get their way on nominees, no matter what the American people think. It is the same kind of attitude we have seen on the Defense bill, where the majority leader prevented other Members from offering amendments. They will do what they want, even if it means breaking the rules.

If John Koskinen does find himself confirmed tomorrow, I want him to know a few things. First, he should understand I don't hold any animus toward him personally. Under different circumstances, I might well have been able to support him. We had a good conversation when we met recently to discuss his nomination, but he is also someone I will be keeping a close watch on, as will the other members of my conference, as will the American people, because big challenges lie ahead for the next IRS Commissioner, no matter who he or she may be.

We expect the next IRS Commissioner to cooperate fully with the ongoing investigation into this scandal. We expect whoever is eventually confirmed to hold those who broke or bent the rules fully accountable. We expect the next Commissioner to fairly implement the laws he or she is charged with executing.

To his credit, the nominee has assured me he agrees with me on a topic I feel very strongly about—that the IRS should stay out of regulating political speech. Let me say that again. The IRS should stay out of regulating political speech. He told me himself he agreed with that, and I was pleased to hear it.

Were he to become Commissioner, I would expect him to oppose the extremely misguided proposed IRS rule that aims to overturn more than 50 years of settled law and practice by unfairly targeting the speech of those who criticize the administration while leaving its supporters untouched.

This proposed role, which will redefine what social welfare means in order to target certain groups that seek to educate the public, would end up penalizing Federal, State, and local organizations for the supposed crime of providing information, much of it nonpartisan or bipartisan. The goal is clear: to make it easier to push through the backdoor what congressional Democrats have been unable to pass through the front door, discriminatory policies that seek to silence those who dare to oppose them. It is just the latest in a long and troubling pattern of Chicago-style tactics under this administration, and it is exactly the kind of political meddling the next Commissioner needs to ensure never happens again.

Let us not forget, the IRS should be a boring place, an impartial agency of tax collectors, not the vanguard of the left.

The next Commissioner needs to see to it that the organization finally returns to its mission, and he or she needs to root out those who would have the IRS target Americans for the way they think.

Lastly, as I have told the nominee, I am deeply concerned about the IRS role in implementing ObamaCare. The fact is that ObamaCare represents a dramatic expansion of the use of the Tax Code to pick winners and losers. It gives the agency broad new responsibilities for enforcing ObamaCare's most onerous mandates and to hand out nearly $1 trillion in taxpayer subsidies. And in order to do all this, it will need to know who has insurance, penalize those who don't, and determine who is eligible for subsidies and how much they ought to receive—something the agency has a very troubled history in doing with other programs. If they get any of that wrong, they will need to come back and repossess subsidies after the fact.

In my view, the IRS doesn't have any business snooping even further into the lives of our constituents, especially at a time when it is already under a cloud of scandal. It is just one of the many reasons I opposed ObamaCare in the first place and why I continue to oppose it.

If the nominee is to become Commissioner, then at a minimum I expect him to hold the agency to the highest standards—the highest standards—when it comes to protecting the privacy of the people we all represent. I expect him to provide regular transparent updates to Congress on the status of implementation and to let us know of any problems as soon as they arise. The last thing we need is for the IRS to compound the pain it and ObamaCare have already inflicted upon the American people by allowing fraud and further mistreatment to happen under its watch. The IRS has done a lot to lose the trust of the American people. It will need to do a lot more to regain it.

Following the advice I just laid out will put the IRS on a better path. If this nominee ends up becoming the next Commissioner, that advice will form the criteria upon which his performance will be judged.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BOOKER). The Senator from New Jersey.

TAX EXTENDERS ACT OF 2013

Mr. MENENDEZ. Mr. President, I come to the floor to call attention to a critical provision in the Tax Extenders Act, which I wish had received consent because it is important for creating prosperity and economic opportunity in our country and giving certainty to businesses in order to achieve that goal. That Tax Extenders Act provides our Nation's most innovative businesses with some certainty as they plan their investments for next year.

Every year the Congress extends a very popular law that provides a tax credit to businesses for certain research expenses. This credit is important for a number of reasons. It creates jobs, it encourages more research, and it bolsters U.S. competitiveness.

Unfortunately, despite the efforts of a number of us here in the Congress—notably, the distinguished chairman of the Finance Committee—this credit is temporary and has been extended on what has been an annual basis. That is unfortunate because the lack of long-term certainty prevents businesses from fully relying on the credit when making their global investment decisions.

I know the Presiding Officer understands this very well, as the State of New Jersey has some of the leading innovative companies in the world that very often rely on the research and development tax credit to make those millions and sometimes billions of dollars' worth of investment in order to produce the next lifesaving or life-enhancing drugs or the next technology breakthrough.

In the meantime, at the very least, we can ensure the credit is extended. If we can't make it permanent, it should be extended in a timely fashion to give businesses confidence in putting more investment in research in the United States in 2014. This bill would extend the research and development tax credit for another year, and I sincerely hope we will be able to get this done very soon in order to maximize the credit's effectiveness and unlock that investment which creates economic opportunity and jobs and growth in our economy.

I yield for my colleague the senior Senator from Ohio to discuss another important provision in this bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I thank the Presiding Officer and the Senator from New Jersey, and I ask unanimous consent that the Senator from Washington be allowed to speak following my comments on the extenders.

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

Mr. BROWN. Mr. President, I am here to join my colleagues in asking for unanimous consent—which we will do formally later on—to pass the Tax Extenders Act of 2013.

The bill will do a number of important extensions, including—particularly important for my State—extending the health care tax credit or the HCTC. It is important that we extend it for workers and retirees who lose their jobs and benefits due to no fault of their own.

Extending the HCTC preserves a program that people in my home State of Ohio—such as Delphi salaried retirees, who worked hard and played by the rules—know, understand, and trust. These tax credits are set to expire in just 2 weeks, at the end of the year.

While affordable health insurance will be available on the health exchanges, one of the most important aspects of the Affordable Care Act—ObamaCare—extending the HCTC ensures that retirees who have already faced a number of transitions can keep insurance that is familiar to them while they learn about new options.

Extending the tax credit for 1 year is fiscally responsible. We could and should do more. We should improve the HCTC and make it permanent, as I proposed in legislation I introduced along with Senators ROCKEFELLER, STABENOW, HIRONO, and DONNELLY. But in the meantime, we could and should at the very least maintain this critical tax credit for a population that needs it desperately. That is what this bill does. That is why the Senate should move it soon by unanimous consent.

I would like to take a moment to emphasize how important the Tax Extenders Act of 2013 is on a number of other issues besides the HCTC and credits my friends have discussed.

Among other important measures, we should also move to extend the new markets tax credit and the low-income housing tax credit. These programs are oversubscribed and are able to help revitalize communities by leveraging tens of billions of dollars in private investments. They are among the best programs we have for economic development in Ohio and across the country. I strongly support that extension.

Finally, I would like to associate myself with Senator STABENOW in calling for unanimous consent to pass the Tax Extenders Act of 2013 in order to extend mortgage debt relief. Without this critical extension, homeowners who make modifications to their mortgage or receive loan forgiveness could face a crippling tax bill. Imagine that. After you have done a loan modification, you are taxed on whatever money you save. Imagine getting that tax bill. That is why the mortgage debt relief extender is so very important.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I wish to thank Leader REID, Chairman BAUCUS, Senator SCHUMER, Senator STABENOW, Senator WYDEN, Senator BROWN, and Senator MENENDEZ for coming to the floor to talk about this important issue of tax extenders and why we need to get them done now.

In the State of Washington taxpayers are opening the morning newspaper and finding the Seattle Times editorial entitled ''Congress should extend the sales-tax deduction.'' The Seattle Times has been following this issue for years and knows that taxpayers are waiting to find out whether we can continue to deduct our sales tax from our Federal income tax obligation. As Washington is a State that doesn't have an income tax, we want parity with other States and we want to be able to deduct our sales tax as one of those taxes from our Federal tax obligations.

Every year millions of Washingtonians have to wait to find out whether that particular tax provision is going to be extended. I want to make it permanent, and I hope when we do tax reform we will be able to do so. But in the meantime we have to give certainty to the taxpayers in Washington State that as far as these important tax policies are concerned, Congress can act and get things done.

Mr. President, I ask unanimous consent to have printed in the RECORD that particular Seattle Times editorial.

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

[From The Seattle Times, Dec. 18, 2013]

EDITORIAL: CONGRESS SHOULD EXTEND THE SALES-TAX DEDUCTION

Congress needs to end its magical thinking and pass a permanent federal income tax deduction for state and local sales tax.

Year after year, Washington state taxpayers are forced to play Congress' aggravating game of fantasy role-playing. Alas, there are no elixirs or elves, although there are a few ogres.

In this game, Congress pretends it will magically transform into a body capable of passing a comprehensive tax bill. Such a bill would almost assuredly include a permanent federal income-tax deduction for state and local sales taxes, on par with the existing permanent deduction for state income taxes. This matters because some states, such as Washington, have the former, but not the latter.

Instead, every year since 2004, Congress has passed a temporary extension of the sales-tax deduction. Next year, fantastical thinking goes, will be the big fix for the tax code.

Washington's delegation, led for years by U.S. Sen. MARIA CANTWELL, has tried to pop this absurdity. So too this year, with Rep. DOC HASTINGS, R–Pasco, hammering away. President Obama is on board, recommending a permanent sales-tax deduction. But the U.S. House left town on Friday for the year without so much as another temporary extension, effectively ending the deduction beginning in 2014.

This is big money for Washington state. An analysis by the Pew Charitable Trusts released this week shows Washington is the state most dependent on the sales-tax deduction, with 29 percent of filers in the Evergreen State claiming it. The top seven states all have limited or no state income taxes. Filers who claim the deduction typically save about $500 off their tax bill.

The fantasy game will likely resume on Jan. 6: Congress could pass a retroactive exemption, allowing deductions for the full 2014 calendar year. They could even pretend it had never expired, and, with a sprinkle of pixie dust, wipe clean the memory that the 113th U.S. Congress was the least productive in the history of the country, passing just 56 bills as of Friday.

Congress should end this game. Pass a permanent sales-tax deduction.

Ms. CANTWELL. At New Year's, as the ball drops in Times Square, a number of other tax provisions are going to expire, and the lapse of these important tax provisions makes it harder for Americans to invest in clean energy, to hire veterans, to pay for public transportation, and to build low-income housing.

As my colleague Senator BROWN was discussing, the Tax Extenders Act of 2013 is about providing predictability and certainty to citizens and to American businesses about tax benefits and investments.

On January 1 the commuter tax benefit will expire. That will mean an increase in household expenses for 2.7 million public transit commuters. In King County, which is the county Seattle is in, more than 1,600 employers use the commuter tax benefit to enable employees to get to and from work.

If you have ever been in the Puget Sound area, you know that transportation and traffic are big issues for us. So, obviously, trying to defer some of that traffic congestion by getting people into commuter transportation is a key part of our strategy. But if we take away the certainty and predictability of tax deductions with regard to commuting, we are going to make our transportation problems worse.

On New Year's Day the tax benefits for those employees who take public transit will be cut nearly in half, from $245 to $130 per month. We need to extend this benefit as a matter of tax fairness.

Transportation is the second largest expense in an American household. American families should be able to choose whether they want to drive or take public transit, and they shouldn't be punished because they are taking a bus or ferry or train.

Across Washington State we have seen firsthand how the other tax extenders help to actually create an environment of certainty and predictability for jobs and job creation. These are bipartisan principles we can all get behind.

Of particular importance to me, as I said, is the State and local sales tax deduction, which affects many people in

our State. Individuals living in other States with a State income tax are not faced with these same challenges. Alaska, Florida, Nevada, South Dakota, Tennessee, Texas, and Wyoming are all in the same boat, and I am sure these citizens would want to have the sales tax deduction certainty and predictability. As a result, an average of $640 in deductions is real money back into people's pockets when they itemize those various tax benefits.

We hope this won't continue to be a burden placed on Washington State. We need these tax extenders now.

Additionally, there are other credits, such as the new market tax credit, which is a great program for encouraging investment in challenging areas of our country; the biodiesel tax credit; and the veterans work opportunity tax credit, which is a tax credit to encourage employers to hire veterans. We have had many of these events around Washington State, talking to employers who have successfully used this tax credit. There is also the low-income housing tax credit. I am sure the Presiding Officer probably has projects all over his State that have benefited from the low-income housing tax credit. This is a great incentive to get more affordable housing built in hard-to-serve areas and challenging areas because of high cost. I have already mentioned the commuter tax benefit. All of these are tied to job creation.

Instead of giving predictability and certainty on tax credits, here we are not getting our job done. We should get this done as soon as possible. It is time for Congress to extend these important provisions and to make plans accordingly.

I hope the IRS could be given the predictability and certainty as well in the new year about these provisions so that we are not delaying or affecting the tax season at the end of next year.

The time to act is now, and I hope my colleagues will help us get these measures—which are usually renewed in a bipartisan fashion—done as soon as possible.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first I thank my friend and colleague from Washington for her passionate advocacy, and I join with her and other colleagues today in supporting the unanimous consent request to pass immediately the Tax Extenders Act. There is no reason not to get this done, as colleagues have said—absolutely none.

We are in a situation where there are critical tax policies that will directly affect families. Middle-class families across the country are going to be hit by a number of different policies. Small businesses, large businesses, and a number of different entities will be affected if we don't get this passed.

I would like to specifically talk about an urgent priority I have been offering, which we have been able to shepherd through a number of different times, which needs to get done as a part of this package or by itself, however we want to do it. We need to make sure struggling homeowners across the country—and in terms of all of the economy as well—are able to continue using tax policy to protect them from not only being hit with a mortgage problem that puts them underwater and struggling to keep their homes but an extra tax bill on top of it that makes absolutely no sense.

Let me explain that. At the end of the year, a law I offered back in 2007 to protect homeowners against unforeseen and unfair tax bills is set to expire. Before this law, when a portion of a distressed homeowner's mortgage was canceled—either in a loan workout with a bank, a short sale, or even a foreclosure in some instances—the IRS treated the canceled debt as taxable income. Think about that: You are already struggling with your home. You could lose your home. Or maybe you are able to refinance in some way, work with the bank, get a short sale, and then on top of that get a tax bill for whatever the value was of what you were able to work out. It makes absolutely no sense. It is, frankly, outrageous.

The IRS was telling homeowners that money they had already lost on their home was income, so we have essentially been correcting that since 2007 through a tax change. The IRS before that was taxing families on what is considered phantom income at the worst possible time for the family.

With the onslaught of the housing crisis, Congress recognized how critical it was to protect struggling homeowners from paying this kind of tax on mortgage debt relief. In 2007, we provided tax relief for homeowners by excluding mortgage forgiveness from their income for tax purposes. It made sense then, it makes sense now. It expires at the end of the year.

We came together on a bipartisan basis. We said to millions of working families, middle-class families struggling to keep a roof over their head for their families that: If you are struggling with an underwater mortgage, the IRS shouldn't kick you while you are down. You can seek relief without having to worry about incurring a massive tax bill.

This provision has aided millions of families and helped enable the housing market to begin to recover. However, in too many areas of the country and for far too many homeowners, the housing crisis is far from over. Nearly 6.5 million homeowners are still underwater in their mortgages. They owe more than their homes are worth. That includes 250,000 hard-working families in Michigan. Nearly 13 percent of homeowners nationally are underwater. Again, 18 percent are in Michigan—above the national average.

It is critical that we extend this provision, and it is very important it be done before the end of the year. It needs to be done ahead of time so homeowners know what the IRS rules are going to be in 2014, as they are literally making decisions today, tomorrow, the next day, over Christmas. They need to know. If we don't act, homeowners who are offered relief from their lenders or are thinking about a short sale won't know if they will be hit with a major tax bill as a result, and that will affect decisions being made.

On average, underwater homeowners owe $53,000 more on their mortgage than the market value of their homes. In some cases, of course, it is much more. For a typical middle-class family, that could mean a tax bill of more than $13,000. Merry Christmas. It is $13,000 tax bill you shouldn't be paying as you are trying to figure out how to protect your home. Who would want to take that risk?

Brokers and housing counselors in Michigan have been asking me what they should be telling homeowners, and we need to act right now so we can tell them they don't have to worry about this.

This is not just about fairness for homeowners. This is about keeping the housing recovery alive. The last thing we want to do is to tax people into foreclosure, where they feel their only option is default and walking away from their home.

As we have seen in so many communities, foreclosures and vacant properties destabilize neighborhoods. I can walk from community to community in Michigan and show where that has happened. They push home values down. We can't let that happen at a time when the housing market and the economy are finally recovering. We all have a stake in extending this important tax protection for families.

I ask unanimous consent to have printed in the RECORD a letter from the National Association of Realtors, and one from over 200 housing consumer and community organizations urging us to act now.

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

NATIONAL ASSOCIATION
OF REALTORS,
Washington, DC, September 27, 2013.

DEAR SENATOR: On behalf of the more than one million members of the National Association of REALTORS®. I urge you to cosponsor S. 1187.'' This bipartisan legislation, introduced by Senators Stabenow and Heller, would extend the current law provisions that allow tax relief for homeowners when lenders forgive some portion of mortgage debt they owe.First enacted in 2007, this critical provision has helped millions of financially distressed American families. Unfortunately, the provision is temporary and is currently set to expire at the end of this year. Securing this extension is among our highest priorities for 2013.

Today's housing market is finally beginning to recover from a devastating multiyear decline. However, this recovery is uneven, and there are still too many homeowners who find themselves in foreclosure, contemplating a short sale, or attempting to

have an existing loan restructured. Our estimates show about 9.6 million homeowners whose homes are still worth less than what they owe on them. This means that about 20 percent of all homeowners with mortgages in the U.S. are ''under water.'' In addition, the Mortgage Bankers Association estimates there are still 1.45 million homes in the process of foreclosure. This is down from the peak of just over 2 million, but way above the average of about 430,000 from the prehousing crisis period of between 2000 and 2006. It is clear that timely enactment of this bill is critical to the ongoing recovery of the housing market.

If S. 1187 is not enacted, hundreds of thousands of American families starting next January will have to pay income tax on ''phantom income.'' They will owe tax on money they've already lost and will be required to pay that tax at a time of dire hardship, when they are least likely to have the means to pay it. Moreover, if the mortgage debt forgiveness provision is allowed to expire, many distressed homeowners may decide to take a pass on opportunities for short sales, opting instead for continued default until foreclosure or simply to walk away from the property. Either way, this would destabilize the communities where such homes are located, as foreclosed and vacant houses drive down values in the surrounding neighborhood.

We hope you will join Senators Stabenow and Heller to cosponsor S. 1187 . Please contact Seth Hanlon with Senator Stabenow (seth_hanlon@stabenow.senate.gov or 4–4822) or Scott Riplinger with Senator Heller (scott_riplinger@heller.senate.gov or 4–6244) to be added.

Sincerely,

GARY THOMAS,
2013 President.

AMERICANS FOR FINANCIAL REFORM,
Washington, DC, December 6, 2013.

DEAR SENATOR, We write to urge you to support S. 1187, the Mortgage Forgiveness Tax Relief Act.

Extending the qualified principal residence indebtedness exclusion (QPRI) is of critical importance as we work to resolve the housing crisis. More than six years after the mortgage market imploded, we have still not returned to pre-2008 foreclosure levels. In the next year, many more homeowners will receive loan modifications with principal reduction under HAMP, the National Mortgage Settlement, or through private, proprietary modifications. The recent settlement with JP Morgan Chase, which requires a minimum of $1.5 billion in principal reductions, further ups the ante. Homeowners who need a principal reduction on their mortgage in order to avoid foreclosure should not face a tax bill. The imposition of tax in these circumstances undermines national housing policy.

The extension of QPRI will allow many homeowners to remain in their homes, paying on their mortgages, restoring some small measure of financial stability to their lives and to their communities. Extension of QPRI has received uncommonly wide bipartisan support across the entire spectrum of stakeholders.

We would ask that you go further, as well. QPRI has never reached the majority of homeowners who need principal reductions because QPRI is, as a practical matter, only available to homeowners receiving reductions on their purchase money mortgage. Homeowners who refinanced and received cash-out, or who paid off medical bills or student loans, or who took out a home equity loan to address deferred maintenance on their homes, cannot use QPRI to avoid paying income tax, even though they will have no additional income with which to pay the increased taxes and even if they remain deeply underwater after the loan modification. For example, under the terms of a recent principal reduction modification offered a Connecticut homeowner, the homeowner would, after the modification, owe nearly $250,000 more than the house is worth and face an increase in their annual taxes of over $10,000 a year, for three years, on a total annual income of only $71,000. In order to protect homeowners who need principal reductions from adverse tax consequences and to promote tax equity, QPRI should be expanded to include all residential mortgage debt forgiven due to a decrease in the value of the home or the homeowner's financial condition.

The Mortgage Debt Forgiveness Tax Relief Act expires on December 31, 2013. Principal reduction modifications entered into after this date, including those authorized by the recent settlement with JP Morgan Chase, will result in additional tax consequences for homeowners. Without an extension, far fewer modifications will be done and the modifications done will be less sustainable, with wide-reaching consequences for homeowners, the communities they live in, and our national economy. The settlements with some of the large financial institutions which are finally providing modifications with principal reductions for qualified homeowners should not end up penalizing the homeowners who have waited so long for assistance.

An extension of the Mortgage Debt Forgiveness Tax Relief Act cannot wait for a more global tax reform bill; it should be enacted swiftly.

Sincerely,

NATIONAL SIGNATORIES.

Ms. STABENOW. Mr. President, this is a bipartisan initiative which I have introduced with Senator HELLER and 18 other bipartisan cosponsors. To my knowledge, it is not controversial. There is no excuse not to act before we leave, and I urge colleagues to do so.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague from Michigan for her heartfelt words. I couldn't agree with her more. I thank the majority leader and my colleagues from Ohio and New Jersey as well for recognizing the importance of this package of tax relief.

The Tax Extenders Act of 2013 would extend tax relief which business and middle-class families in my home State of New York and across the country depend on. They are noncontroversial. They have received bipartisan support in the past. And because of the great uncertainty over our economy, doing this quickly and not saying we will do it 3 months after they expire makes a great deal of sense. I know my colleagues on the other side of the aisle have objected to all of these. I hope they will reconsider, because for the good of the economy—which is just beginning to pick up a little bit—we need to do these extenders.

I am going to talk about four of them, but one is particularly critical because it doesn't work very well retroactively. The others do. That is why I urge my colleagues to reconsider and will ask for a separate UC before we leave here on this particular one because it has particular need right now, and that is the mass transit commuter tax benefit.

There are about 700,000 commuters in the New York metropolitan area, including from the Presiding Officer's home State, who take advantage of this current incentive. The commuter benefit currently covers up to $245 a month from a person's income to pay for their mass transit commute to and from work. So whether you take the subway, bus, train, or drive to work and park, the benefit provides significant savings.

The tradition, unfortunately, in this Senate and in this Congress was to treat mass transit as a second-class citizen, because the benefit traditionally had been significantly greater for those who drive and park than for those who take mass transit, and we have had serious problems.

First, until we changed it a few years back, the mass transit was half the benefit of parking and driving. Second, it was not indexed for inflation the way the parking benefit was. So if we let this provision expire, the mass transit benefit will revert to $130 a month, while those who drive and park will actually get an increase to $250 for 2014 because of inflation.

We cannot let these transit benefits for mass transit users get left behind. To do them is a win-win. It is a win, of course, for those who use mass transit—and we have so many in the New York area. It is also a win for drivers, because every person who is encouraged to use mass transit by this benefit will actually take a car off the road, remove some degree of congestion, and allow drivers to move more quickly. And, of course, it is a win for our environment, because mass transit is a far more effective way environmentally of moving things along.

So when the leader a few minutes ago requested the Senate pass the tax extenders act, I was disappointed it was blocked, and particularly disappointed that this benefit was blocked, because while we can do it retroactively, it is harder to implement than the others that are done retroactively, because most of them take effect when you pay your taxes in 2015, whereas this one takes effect month by month.

The proposal we are asking for is exactly the same as was included in the bipartisan negotiated tax extenders package considered by the Senate Finance Committee and passed by the Senate on a bipartisan basis for one additional year, through 2014. I hope we will consider it now, not retroactively later next year as we did last year. Employers need to plan whether they will provide the benefit. Commuters need to elect to take it. And as I said, it is done on a monthly basis. You can do it retroactively, but it is much harder.

I know we have lots of problems here between the parties, but we should not hold the mass transit commuters of America hostage. We should not make

them second-class citizens. Their deduction is every bit as important, every bit as justifiable, as for those who drive and park. I hope my colleagues, before we adjourn this year for the Christmas holiday, would in the Christmas spirit extend this benefit.

Now I wish to talk about a few other credits which are also part of the package being blocked right now. One is the new market tax credit. Individuals and businesses across my State are counting on the new market tax credit. The new market credit program was created to stimulate private-sector investment in economically distressed communities. It has done exactly that. I have seen it work in Buffalo, Rochester, Syracuse, and the capital district in New York.

Over the first decade of the program, $20 billion in new market tax credit investment leveraged an additional $25 billion in capital from other sources to finance economic development in communities where financing might be difficult to come by.

The program is a proven job creator. Between 2003 and 2010, new market tax credit investments created over 500,000 jobs across the country. Again, it has always had bipartisan support. It is sort of a no-brainer. It should be continued.

I will now talk about the short line rail tax credit. It is a little like the new market tax credit in that it is a tax credit which encourages private investment and jobs.

We have short lines all across the country. They connect the main trunk lines on rail to the more isolated regions. But in those somewhat isolated regions are factories. We have opportunities for tourism, say, in the Adirondacks, and the short line rail tax credit helps maintain and renovate the short line rail system.

Rail is very prosperous these days. The big carriers can maintain the trunk lines very well. But it is harder to maintain the short line, and Congress in its wisdom decided to give a tax break for those. If you are unfamiliar, the short line rails are a web of tracks all over the country connecting local businesses and manufacturers to interstate rail systems. The unheralded links that bring raw materials into our businesses and connect them with other cities and supply chains must be maintained. Over 50 percent of rail track in my home State is short line rails. Approximately 550 short line railroads provide 50,000 miles of track in the country, and the credit is extremely useful in my State, financing hundreds of thousands of dollars of rail infrastructure investment annually. It is used all across the country. We have 42 bipartisan cosponsors in the Senate for this legislation. So I hope we will consider this one and pass it.

Finally, the IRA rollover. The IRA rollover provision is also set to expire, affecting so many retirees. They need to know whether it will be extended in order to plan their charitable giving in the coming year. If it isn't extended, many taxpayers over 70½ years of age will be surprised with a tax bill when they transfer funds from their IRA to their favorite charity in 2014. So this is important and, again, is one that truly is in the Christmas spirit.

In conclusion, businesses, families, retirees will pay the price if all of these valuable tax relief provisions, and many of the others mentioned by Senator REID, are not extended by the end of the year. I would hope, in the same spirit of comity that we passed the budget, we could come together and pass these extenders. They have always had bipartisan support. They are, after all, tax reductions. I know my colleagues on the other side of the aisle believe in tax reductions. To delay them and do them retroactively would be doing a disservice to our economy and to the millions of Americans who are working or seeking work in our country today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before he leaves the floor, I commend my colleague from New York for a very fine statement. He and I sit next to each other on the Finance Committee, and we are going to be working very closely together on these issues.

I have long felt that the best choice in terms of looking at these tax issues is comprehensive tax reform. The reality is the Tax Code in America is a dysfunctional mess. It is 100 years old at this point. I think it is pretty fair to say it looks its age every year.

When it comes to energy—and clearly a lot of Senators on both sides of the aisle have done a lot of work on this—my preference would be Congress would simplify the various energy provisions, replace the dozens of separate incentives for each energy technology with fewer technology-neutral, performance-based incentives that bring us to a more level playing field in the energy area—a more level playing field, and one where there would be certainty for those who are going to do the innovation—those in New Jersey, Oregon, and elsewhere, who have those kinds of breakthrough innovative ideas and who are telling us that they badly need to get off this roller coaster of extenders and have some real predictability for the important innovative work that needs to be done.

Those kinds of incentives should take into account important policy goals of domestic energy security and reducing this country's carbon footprint, while getting the Tax Code more out of the way and letting the free market decide which technologies break through and ultimately succeed. It is my view that what Chairman BAUCUS released yesterday—and he consulted with us extensively—certainly has some promising ideas in that regard.

With respect to where this debate is now, I think it is important to be clear about the challenge. It looks more and more like the other body has in effect decided to, if not slow walk tax reform, certainly take its time. Last month the news in Washington was full of headlines about various discussions among the House leaders. You got the sense—I will let them speak for themselves—on tax reform issues they apparently were going to take their foot off the gas. It does not seem the other body is poised to move forward any time soon on comprehensive tax reform. Because there is little indication the other body is going to move on this, my view is letting the incentives for the renewable energy resources—in particular solar and wind and other renewables and energy efficiency—in effect get thrown overboard, in effect sacrificed on this altar of inaction, would be a huge mistake. If we do that, we are talking about putting at risk thousands and thousands of American jobs in industries that are critical to our country's energy, environmental and economic security.

My view is that having these employers and having these innovative, cutting-edge technologies fall off the cliff would be a mistake. That is why it is critical Congress address and extend these key energy tax benefits as soon as possible.

Until the Congress takes the prudent step of broad-based reform of our tax system, the American people should not be left hanging. We ought to minimize the roller coaster of uncertainty that has been a drag on growth in recent years. Passing the Tax Extenders Act of 2013 and extending these important expiring provisions delivers a measure of confidence and continuity, and it builds a bridge between the current tax system and where all Members of Congress ought to hope we end up; that is, with a modern, progrowth Tax Code, worthy of the American economy and ready for the 21st century.

I have been interested in the subject for a number of years. I can briefly recount some of the history. Rahm Emanuel, now mayor of Chicago, and I introduced the first comprehensive reform effort when he was still in the other body. We were not even able to get a Republican to join us in that effort.

Then Senator Judd Gregg, our former colleague from New Hampshire who sat across from me on a sofa every week for 2 years—and I were able to come together with a tax reform proposal, much of which I continue to believe is valid. Then our current colleague Senator DAN COATS was willing to work with myself and Senator BEGICH and others and he made important contributions. We very much need to have a modern progrowth, pro-entrepreneurial Tax Code that is up to the challenges of the 21st century. That is my first choice.

That is not what is in front of us today. Clearly, when the House made the decision to pull back for various reasons, we were faced with the question of whether we were just going to

sit by and, as a result of inaction, see these important renewable energy industries and the jobs they represent sacrificed. I hope the Congress, on a bipartisan basis, will say that is not acceptable and pass the Tax Extenders Act of 2013 on a bipartisan basis.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT

Mr. PORTMAN. Mr. President, I rise, along with my colleague from New Hampshire Senator SHAHEEN to talk about the Energy Savings and Industrial Competitiveness Act. This is one of those pieces of legislation we ought to pass around here. It is bipartisan. It is good for the country. It is part of an energy plan for America that can help bring the jobs back, help fix our trade deficit, help make our manufacturers more competitive, help save taxpayers money, and actually help to clean the environment. That all sounds pretty good, doesn't it, and it does so without a single mandate. It does so without any new spending. It is fully offset, and, in fact, I would make the strong argument it is going to save taxpayers a lot of money. Why? Because putting energy efficiencies in place in the Federal Government, the biggest energy user in the world, we are going to see a lot of savings to U.S. taxpayers.

Over the last several months we have been working to clear a few last few hurdles that stand in the way of passing this legislation. I am pleased to say from what I am hearing from the other side of the aisle—Senator SHAHEEN can talk more about this—it looks as though we are going to have a good shot to move this early next year.

Before we leave for the holidays, I wanted to have a chance to talk about it a little bit. I know Senator SHAHEEN did, I know Senator WYDEN, who is here with us, the chairman, and Senator MURKOWSKI, the ranking member on energy, are all highly supportive of this legislation. After all, it got out of the Energy and Natural Resources Committee with a strong bipartisan vote, 19 to 3. This doesn't often happen with regard to energy policy around this place. This is one of those things where Republicans and Democrats alike can come together to do something good for our country.

It is also important we do it now because it gives the economy a shot in the arm at a time we need it. There is a lot of talk in this place about an ''all of the above'' energy strategy. To me, this fits perfectly with that. On this side of the aisle we talk a little more about the production side. In other words, we ought to be using more of the energy in the ground in America right now and I think we should. We should be producing more energy. At the same time, the energy we produce we should use more efficiently, and it has all those benefits we talked about earlier if we do that.

We still import a lot of oil. In combination with China it contributes to our trade deficit. In fact, the entire trade deficit one could say is due to energy imports and trade with China alone. By doing away with some of those energy imports, because we are using energy we have more efficiently here, we are going to see lower trade deficits.

The bill creates jobs and that is why it is supported by over 260 trade associations and companies, including the U.S. Chamber of Commerce, National Association of Manufacturers, and others. But it is also good for the environment, which is why the coalition also includes the Alliance to Save Energy, the Sierra Club, and others—again, a big reason this passed the Energy and Natural Resources Committee with a bipartisan vote of 19 to 3.

Simply put, the legislation the senior Senator from New Hampshire and I have worked on for 2½ years makes good environmental sense, makes good energy sense, makes good economic sense. It makes sense to help move this economy forward.

I visited with businesses and job creators all over my State of Ohio. They tell me the same thing. Energy efficiency is critical to their ability to compete. Think about it. We do live in a global economy. We live in an economy where we are competing in Ohio not just with Indiana but with India. As a result, we have to look at our cost of doing business, and one cost of doing business of course is labor. We don't want to compete with developing countries on labor rates. We want our labor rates to be good. We want benefits to be good.

Another aspect we could look at, of course, is the quality of our goods. We don't want to cut corners on the quality of the manufactured product we produce in this country. In fact, we want to make sure we produce the best in the world. But energy is an area where we can cut costs. By making our manufacturers more competitive by reducing their costs, we are going to be able to compete globally, add more jobs in the country, and again be able to help on our trade deficit. That is why this legislation is so important, because what the Federal Government can do is help the private sector take advantage of the best research that is out there, the best practices that are out there, so our companies can reduce their costs putting those savings toward expanding companies' plants and equipment, hiring more workers.

The proposals contained in this bill are very commonsense reforms needed for a long time. Again, there are no mandates on the private sector, none. In fact, many of our proposals come as a direct result of conversations we had with people in the private sector as to what they actually want and need. That is how we put this together.

It is also about how the Federal Government can become more energy efficient. We talked earlier about the fact that the Federal Government is the largest user of energy in the world. Think about that. Our bill basically says to the Federal Government: Why don't you start practicing what you preach. There is a lot of talk about green energy, green technology, and so on at the Federal Government level. But actually, it turns out the Federal Government itself is inefficient. We have lots of studies that show that.

More importantly, we have ideas to make the Federal Government more efficient and less wasteful. It directs the Department of Energy to issue recommendations that employ energy efficiency on everything from computer hardware to operational and maintenance processes, energy efficiency software, and power management tools. It also takes the commonsense step of allowing the General Services Administration to update building designs to meet efficiency standards that have been developed since those designs were finalized. They cannot do that now. And that makes no sense.

The Federal Government has been looking for places to tighten its belt. Energy efficiency is a very good place to start. It will save taxpayer money and help the environment in the process.

All this adds up to a piece of legislation that Americans across the political spectrum should be able to support, again fully offset, no mandates, and requires the Federal Government to become more efficient. All this makes sense.

What will the impact be? There is a recent study of our legislation that says that by 2025, the Shaheen-Portman legislation is estimated to aid in the creation of 136,000 new jobs while saving consumers $13.7 billion a year in reduced energy costs by the year 2030. It is the equivalent of taking millions of homes off the grid. It is the equivalent of the entire energy use of the State of Oklahoma, for instance, if we just put some of these commonsense efficiency standards in place.

This legislation is not everything everybody wanted. Some of the environmental groups would like to have gone further, and some of the business groups would probably like to see some other things to help them. But this is legislation that is sensible. It will make a difference. It is bipartisan. It can pass in the Senate significantly, and it can also be legislation that will be mirrored in the House of Representatives and passed.

There is a bicameral interest. A number of House Democrats and Republicans are on board. They are interested in our moving this legislation in part so they can then move legislation in the House and we can get it to the President's desk for his signature.

The Secretary of Energy has made energy efficiency one of his new priorities. So this is something we should and can do.

We all often lament the fact that there is not much bipartisanship around this place and not much is getting done; and it is true. It is true. The budget agreement was good this week. We had to do something. It is far from perfect, as I have said, even though in the end I voted for it because I think we need to move forward on this issue and have a budget for the first time in 4 years. But this is an example of bipartisan legislation that is positive and that can help move the country forward.

Any true, all-of-the-above energy strategy has to include not just producing more energy but using it more efficiently. Produce more, use less. That is good for jobs, good for taxpayers, and good for the environment.

Mr. President, I yield the floor, and I hope we will hear from the Senator from New Hampshire who has been my partner in this effort for the past 2½ years.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am really pleased to be here on the floor today with, as the Senator from Ohio put it so well, my partner Senator PORTMAN in developing this energy efficiency legislation—the Energy Savings and Industrial Competitiveness Act, also known as Shaheen-Portman. It is a long name, but as the Senator from Ohio pointed out, it really goes a long way to address some of the energy challenges we face in this country. It is a win-win-win.

We heard a discussion earlier today about the importance of renewable energy as a way to create jobs. This is one of the most important things about our legislation. It does promote job creation. As the American Council for an Energy Efficient Economy said, 136,000 new jobs will be created by 2025 if we pass this legislation. By 2030, it would net an annual savings of almost $14 billion—$13.7 billion for consumers—and it would lower CO_2 emissions and other air pollutants by the equivalent of taking 22 million cars off the road.

So as Senator PORTMAN said so well, this is a win for job creation, it is a win for the environment, it is a win for national security, and it is a win for saving costs.

Senator PORTMAN talked about the importance of continuing bipartisan efforts as we saw this week with passing a budget. As did Senator PORTMAN, I supported that budget as well, despite some of the misgivings I had about it, but I think it was important to work together to move forward on addressing the issues we face in this country. That is exactly what the Energy Savings and Industrial Competitiveness Act would do. It is a bill that will create jobs, lower pollution, and save taxpayer money.

We had a great opportunity to pass this legislation back in September. Unfortunately, we saw some people come to the floor and object because of nonrelevant amendments. But we have an opportunity to come back to it in the new year to try to pass it again. I am hoping we can do that.

One reason we are on the floor today is to talk about that second opportunity we are going to have. Senator PORTMAN and I have been working on some of the bipartisan amendments offered for the bill, and we are hopeful some of our colleagues who support those bipartisan amendments, who have authored them, will come on board with this legislation and help us get this passed in the new year.

As Senator PORTMAN said, to date, this legislation has more than 260 endorsements from groups that include business, the environment, think tanks, and trade associations. Supporters include everybody from the U.S. Chamber of Commerce, the National Association of Manufacturers, the Natural Resources Defense Council, and the International Union of Painters and Allied Trades. I think any time we can get the Sierra Club and the American Chemistry Council supporting a piece of legislation, we know we have a good bill that can attract a lot of support. That is where we are in this legislation.

As we know, passage of the bill was delayed by a small group of Senators back in September. But I think there still remains a real interest in debating energy efficiency policy on the floor of the Senate. We have also heard from the House that both Representatives FRED UPTON, chair of the House Energy and Commerce Committee, and ED WHITFIELD, chair of the relevant subcommittee with jurisdiction over energy efficiency, have expressed interest in Shaheen-Portman and have said they will move energy efficiency legislation if the Senate passes a bill.

Since the bill was taken off the floor, Senator PORTMAN and I have continued to work with Chairman WYDEN. He was here a few minutes ago and plans to come back, hopefully, to speak to the legislation. We have been working with Ranking Member MURKOWSKI to incorporate some of those relevant bipartisan amendments that have been cleared by the committee, which I talked about a few minutes ago. If we can do that—if we can include those amendments—it would make the legislation even better, and it would secure additional support necessary to ensure passage. It would allow us, I hope, assuming the leadership agrees, to bring this bill back to the floor.

I am confident we can pass this legislation if we can get it back to the floor. It has bipartisan, bicameral support. It is exactly the kind of smart, affordable energy and jobs bill Congress needs to pass and the President needs to sign in order to spur private sector growth, in order to save on costs of energy, and in order to address some of the environmental issues we are facing.

So I thank Senator PORTMAN, as well as Chairman WYDEN and Ranking Member MURKOWSKI, for all of their help in working with us to promote this legislation and advance the bill. I really look forward to working with those 260 groups, which also include the Alliance to Save Energy—and it is important to recognize them for their support—to be able to bring this bill back, to get it through, and for the first time since 2007 to get some energy policy done in the Senate.

So I thank the Chair. Thanks to my colleague, Senator PORTMAN, we will be back after January.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

DAVIS NOMINATION

Mr. NELSON. Mr. President, I know we are awaiting the arrival of Senator JOHNSON.

I wish to take a moment to express my appreciation to the majority leader for including in the items we will be handling before we adjourn for Christmas the confirmation of Judge Brian Davis to the U.S. District Court for the Middle District of Florida.

Judge Davis has been waiting for 2 years. This is a good example of how things have gone very slowly for a very deserving judge. He has been waiting for 658 days. He has the support of Senator RUBIO and myself. The American Bar Association has found him to be unanimously well qualified to serve on the Federal district court, and it is the ABA's highest rating.

Judge Davis is a native Floridian who grew up African American in segregated Jacksonville, FL, and despite those circumstances was accepted to Princeton for his college education. He returned later to the University of Florida Law School and then became a top prosecutor in Jacksonville and 20 years ago went on the bench as a State circuit judge. He has an impeccable record. He is, in a huge bipartisan way, embraced by the lawyers who have practiced in front of him. Yet it has taken 658 days.

I thank the majority leader and I thank the Senate. I thank Senator GRASSLEY, who initially had concerns, but when he looked at the record he had an open mind, and then he saw the character, the quality, the excellence of Judge Davis.

There are 37 judicial emergencies around the country, and two of them are in the Middle District of Florida where Judge Davis is, and three of them are in the Southern District of Florida. The courts are overburdened, and we need to fill these vacancies.

So I thank the Senate in advance for giving this good man, this excellent jurist, the opportunity to serve in a greater capacity, to serve his country. I want my colleagues to know this is a great Christmas present for me, but it is nothing compared to the Christmas present it is going to be for Judge Brian Davis and his family.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

YELLEN NOMINATION

Mr. JOHNSON of South Dakota. Mr. President, I rise to speak in support of Dr. Janet Yellen to be chair of the Board of Governors of the Federal Reserve System.

As we continue to recover from the worst economic crisis since the Great Depression, we need a strong and thoughtful chairman of the Federal Reserve. We need a chair who has learned from our economic successes and mistakes over the past several decades. We need a chair who understands how monetary policy affects the everyday lives of Americans seeking employment or saving for retirement, and we need a chair who understands the importance of implementing Wall Street reform to promote financial stability. Dr. Yellen has all of these qualities, and she is ideally suited to be the next Fed chair.

Dr. Yellen's experience is unmatched. She currently serves as a member and vice chair of the Board of Governors. She previously served as a member of the Board of Governors in the 1990s. She was chair of President Clinton's Council of Economic Advisors, and she served 6 years as president of the San Francisco Fed.

Dr. Yellen also has an impressive academic record. She is a professor at Berkeley's Haas School of Business and was previously a professor at Harvard University, as well as a faculty member at the London School of Economics. Dr. Yellen graduated summa cum laude from Brown University and received her Ph.D. in economics from Yale.

Dr. Yellen has written numerous research papers on the labor market, unemployment, monetary policy, and the economy. Her expertise in these areas, including her understanding of the relationship between Fed policy and the labor market, would be valuable as we chart the course back to full employment.

But my colleagues do not have to take my word for it. Dr. Yellen's economic expertise is borne out by the facts. The New York Times recently noted that she was ''the first Fed official, in 2005, to describe the rise in housing prices as a bubble that might damage the economy.'' She was also the first, in 2008, to say that ''the economy had fallen into a recession.''

The Wall Street Journal recently analyzed 700 predictions made between 2009 and 2012 in speeches and congressional testimony by 14 Federal Reserve policymakers and found Dr. Yellen was the most accurate.

At her confirmation hearing, Dr. Yellen displayed her impressive understanding of our complex 21st-century economy. She showed that she understands the complexities of Fed policymaking, and that—although abstract to many—monetary policy has ripple effects that affect the everyday lives of workers, savers, small businesses, and job seekers.

Dr. Yellen has proven through her extensive and impressive record in public service and academia that she is most qualified to be the next Chair of the Federal Reserve. We need her expertise at the helm of the Fed as our Nation continues to recover from the great recession, completes Wall Street reform rulemakings, and continues to enhance the stability of our financial sector. I am excited to cast my vote to confirm her as the first woman to serve as Chair of the Federal Reserve, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, before my colleague leaves the floor, I thank him for his leadership of the banking committee in the Senate for now several years and his commitment to try to find the right regulatory framework for the largest banks in our country as well as our community banks. I think the chairman has had a lot of challenges, as we all have, and I thank him, and for his strong advocacy of this particular nominee and for his help on so many issues, one of which I am going to speak about now with my colleagues from Florida and New York.

NATIONAL FLOOD INSURANCE PROGRAM

Mr. President, many of us on both sides of the aisle, from all parts of the country, have been working very hard for the last year—and some of us even longer than that—to try to present good, solid information to the Senate and to Congress about how important the National Flood Insurance Program is in many different dimensions, first of all for those who live along the coast, which is 60 percent of our population in the United States, and those who live on inland waterways, whether it is in the Presiding Officer's State of New Jersey or in States such as Pennsylvania, New Mexico, North Dakota—not near any ocean—or whether it is in States such as Florida or Louisiana that do sit, in Florida's case, on the Atlantic, and in our case the Gulf of Mexico.

This is a very important issue because our businesses and our families have to have a system of very strong levees, smart building codes, and ways of building and expanding our communities with a good flood insurance safety net, if you will, or security net, along with levees that do not break as they did in New Orleans in 52 places and three-quarters of a great international city of half a million people in a region of almost 1.2 million virtually went underwater. We have to do better than that because we are the greatest Nation in the world, we are the greatest economy, and this is an important issue for the Nation.

Some of us in places such as these spend a lot of time thinking about levee infrastructure, flood protection, all of the different pieces. It is not just one piece. Insurance is a very important piece, as my colleague from Florida will explain in a minute. He was a former insurance commissioner and knows this as well as anyone in this body. But flood insurance is one piece for Americans, some of whom live in low-lying areas, some in flood-prone areas, but they have been there a long time—like 300 years in our case. They did not just move down here in the 1980s. We have been here since the 1780s and the 1680s. So we have been here a long time as a country. We have built up a protection, if you will, of good, solid affordable flood insurance over the last 40 years. We have been building levees a long time. Thank goodness we are building more of them and building them better because our people need them and we could all use more of those. I try to provide funding for that every chance I can as a member of that Appropriations Committee.

Contrary to some of our critics, we are promoting very good policies in this country about smart growth, how to build stronger, higher, more resiliently. We are not blind to the challenges. But we have right now before this body a flood insurance bill that will fix the most pernicious parts of a ''reform bill'' that was passed 2 years ago called Biggert-Waters with all the best intentions, but it had disastrous—disastrous—consequences for people in New Jersey, Florida, New York, Louisiana, and Texas.

There are 5 million policies.

I want to put up one chart, and then I am going to turn it over to the Senators who want to join me. But because critics say this is just a Louisiana issue or this is just a Florida issue or this is really not about anything other than coastal States, let me put that to rest. That is not factual. It is a damaging myth. You can see here on this chart that all of the flood maps in effect are in purple. These are Mardi Gras colors in honor of our season coming up after Christmas. But these are the flood maps in purple that exist as of July 12. These are proposed flood maps in green and new flood maps in yellow. Literally, there will not be a State in the Union—not one State in the Union; not one—that is exempt from the requirements of Biggert-Waters to produce new flood maps, some of which have not been produced for decades, putting communities that have never been in a flood zone, in a flood zone and then having these pernicious pieces of Biggert-Waters say: OK, you have never flooded, you have never been in a flood zone, but let me tell you, when you put your house up for sale, your rates are going to go up 10 percent. It is like stealing, taking—whatever word you want to call it—the equity right out of someone's home. It is unconscionable, and it must be fixed now—not a year from now but now. These rates have gone up in October, in January.

So I am here to say a couple of things. This is a national issue, No. 1. No. 2, we are very proud of putting together a great coalition. The leaders of this coalition are Senator MENENDEZ

from New Jersey, the Presiding Officer's senior Senator, who has worked so hard; and our Republican leader, for whom everyone has a lot of respect, is JOHNNY ISAKSON from Georgia, who is recognized as an expert in the real estate markets of this country. It is his expertise. We should listen to him when he says real estate markets are going to take a terrible hit if we cannot fix this.

The final point is that this is not just to help homeowners and businesses; it is also to save the program because, as CHUCK SCHUMER, the Senator from New York, has said many times, if we do not fix this, not only will people not be able to afford the insurance but because they cannot, the program will collapse under its own weight of inaccessibility and unaffordability, and then the taxpayers are going to pick up a bigger tab.

We could not make any clearer, stronger arguments. A coalition has come together. We have 60 votes.

I see my colleagues from Florida and New York. I do not know what their schedules are in terms of time. The Senator from Florida is well-versed. Again, as through the Chair, the Senator from Florida served, before being a Senator, as an insurance commissioner. I would like for him to add a word because our goal today is to acknowledge that, unfortunately, because of the difficulties we are having on process, we are not able to get a vote, it looks like, before we leave, but we are under the understanding—and I want to ask the Senator—that Leader REID has agreed to call this bill up for a vote, for a cloture vote, in which we have accepted the 60-vote threshold. We believe we actually have more than 60 votes. We just need to get it up when we come back in early January.

Through the Chair, is that the Senator's understanding?

Mr. NELSON. Mr. President, it is my understanding. But in the newfound felicity and spirit of the season, wouldn't you think that since the real estate market along the coast has dried up—why? Because if you cannot get flood insurance because you cannot afford it, you cannot get a mortgage. If you cannot get a mortgage, there are a lot of folks who cannot buy a house. By the way, those who need to sell their houses cannot get the buyers. So what happens to the real estate market in places such as the Tampa Bay region of Florida, as chronicled by the Tampa Bay Times—an example that a homeowner's present flood insurance premium is $4,000; under the new bill, $44,000. That is unaffordable.

What we are merely asking for is that FEMA do an affordability study while this is delayed for a few years to determine what is the affordability.

If this is supposed to be actuarially sound, then that came as a result of huge losses to the program because of an unusual thing—not a hurricane called Katrina but because the waters rose, it put pressure on the dikes and it breached the levees, and that flooded the bowl called New Orleans, and that caused lots of economic loss, and they are figuring all of that in the flood insurance premiums. And oh, by the way, 40 percent of all those flood insurance policies are in my State of Florida.

Before we hear from the Senator from New York, I want to say this: Floods come from many sources. Obviously, floods come from hurricanes. People used to think hurricanes were Florida's problem. Well, now we know, because of the experience on the gulf coast, they can do an awful lot of damage in many different ways.

But oh, by the way, people up in the Northeast suddenly realized hurricanes are a problem. Why? Because the ocean temperature is rising, and when the water gets warmer, the frequency of the storms is more and the ferocity of the storms is greater. Thus, in a time when it is normally cool water, cold air temperature, all of a sudden we have a major storm that comes to a part of the country that is completely unprepared, and now not only do you have all the damage from the water and the wind—and think what happened all the way up into New England, all the way up into Vermont. You heard about all those rivers that suddenly completely overran and inundated that little town with a lot of water, and they are calling this a thousand-year storm.

But the 1,000-year storm happened a year ago. I am not here to speak about climate change, on which I certainly think we better get our heads out of the sand. I am here to talk about an immediate problem for the people all up and down the coasts of the United States; that is, the affordability of flood insurance. Why would not our colleagues give us a little Christmas present since we have over 60 votes in the Senate, and let's give some hope to those homeowners back home who now cannot afford flood insurance.

I want to hear from the Senator from New York who has been a leader, and his State has suffered. Fortunately, it is going to take folks like him and the great Senator from Louisiana to keep beating this drum to bring some relief to our people who are desperate.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I want to echo the outstanding words of my colleagues from both Florida and Louisiana. They echo the views of many. Everyone says the public is exasperated with the Congress. Our approval ratings are low. They are. Why? It is simply because when huge problems occur that affect ordinary people, we seem paralyzed. What is happening with flood insurance embodies what I am talking about. Average homeowners who purchased flood insurance through the years for $800, $1,000, are now being hit with bills of $4,000, $5,000, $6,000. If you are rich, that is nothing. But the vast majority of people who have flood insurance, whether they live on the oceans in my State or the State of the Senator from Florida or on the gulf of the State of the Senator from Louisiana or on the bodies of water such as the Mississippi or Missouri Rivers, are not wealthy people. You tell them all of a sudden out of the clear blue they have to pay $4,000, $5,000, $6,000 for flood insurance, they do not know what to do. It is a crisis for them. They say to us: Congress, fix this.

This is what we are supposed to do. So in their wisdom, the Senator from New Jersey, the Senator from Louisiana, the Senator from Georgia, the Senator from Florida, myself, many others have come up with a proposal that says: We know flood insurance is broken, but we do not want to see it broken on the backs of average homeowners. We have a plan that will delay these increases until 2017, while FEMA studies affordability, and while Congress reexamines this issue.

There was an affordability study in Biggert-Waters. Somehow FEMA ignored it. We are not letting that happen. So that is why we have to act here. There are three types of people who are in danger. The first are those who know or are about to know they are going to be hit. They have flood insurance already and their costs are going to go way up. The vast majority are middle-class people.

The second are those who will be told: Your insurance will not go up, but when you sell your home it is going to go way up. Any bureaucrat who tells us, well, that does not affect the average person—it affects the value of their home immediately. But it also says they cannot sell their home. In my area, if flood insurance is going to be $8,000 or $10,000 or even $20,000 a year, who is going to buy the home, except at a greatly reduced value?

But, my colleagues, there is a third group. They do not know who they are. FEMA is changing flood maps throughout the country. They will get to your State, unless maybe Utah or a State such as that does not have any flood insurance. I do not know. But the vast majority of our States that either bound the Great Lakes, the Pacific Ocean, the Atlantic Ocean, the gulf, the great rivers—the Mississippi, the Missouri, the Ohio, the Platte—are all going to be affected.

A year from now your constituents are going to come to you and say: Stop this. This will affect the overwhelming majority of States and Senators, even if they do not know it now. So our solution is not an ideological solution, it is not a solution that picks one side or the other. It says: Put a moratorium on this until we can figure it out in the right way that does not put the burden of flood insurance solely on the backs of people who cannot afford it—average folks.

In my State—my good friend from Florida mentioned it—we have people who have struggled to fix their homes from Sandy, spending tens, even hundreds of thousands of dollars. Then all

of a sudden they are hit with a huge flood insurance bill. They are already in debt.

That is not fair. Just when they move back finally into their homes, FEMA comes in and tells them in a year or two they cannot afford to live in those homes they fixed. That is intolerable.

The bottom line is simple. We have a good piece of legislation. We would hope we could pass it by unanimous consent, as my colleagues from Florida and Louisiana said, as a nice Christmas—not present, because it is not a present. These are people who deserve to have this. But it is a nice Christmas thought. But if not, we will come back in January. That is my expectation. That is what the leader has told us. We are willing to go through a cloture vote and bring this legislation to the floor. We expect and hope that we will get the same kind of bipartisan support that has helped us put this bill together with Senators from every part of the country.

I would say to homeowners: It is my hope and prayer and indeed expectation, although around here expectations sometimes are not met, that we will have this bill on the floor and then passed so that homeowners, millions of homeowners across America, can breathe a sign of relief; they can stay in their homes, and flood insurance will be amended in the right way.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. SCHUMER. I would be happy to yield for a question.

Ms. LANDRIEU. Through the Chair, could the Senator explain a little bit more clearly for so many people who are listening to what we are saying this morning, because the Senator has been around here a while in leadership. When the leader, HARRY REID, rule XIV's a piece of legislation, how sure are we that we are going to get what is required and can we be—I have been saying I am very confident this vote will occur sometime in a week or two when we get back. What is the Senator's understanding?

Mr. SCHUMER. My understanding is just that, that in the—even possibly in the first week when we get back, that the leader, having rule XIV'd it, which means he can bring it to the floor right away, can put it on the floor and, of course, then people can demand—those opposed—that we invoke cloture so we can proceed to the bill and then vote on the bill. But if we have 60 votes, we will be able to meet that cloture barrier. So it is my understanding the plan is to actually do it as soon in January as the first week we get back, which I believe is January 6. If we cannot do it then, we will be pushing very hard to do it shortly thereafter.

Ms. LANDRIEU. Is the Senator aware of a comparable effort going on in the House? The Senator has been at a couple of news conferences with us. Could the Senator maybe speak for a minute to explain, does he think there is pretty good support building in the House of Representatives from the Senator's delegation in New York as well as other delegations the Senator might be aware of?

Mr. SCHUMER. I thank my colleague for that question. Exactly. This is affecting so many people in so many parts of the country. It does not affect just Democrats or Republicans, conservatives or moderates, Independents or liberals. The support is building daily. Senators and Congress Members are getting calls from their constituents pleading with them to do something.

So it is my view, it is my understanding that the House is undertaking a very similar piece of legislation. I would expect it would pass the House, where they do not even need the 60-vote majority. I know in my delegation it has bipartisan support. As I understand it, in most delegations it has bipartisan support.

Ms. LANDRIEU. To the Senator from Florida, through the Chair, what is the Senator's understanding of the Florida delegation? The Senator has one of the largest States in the Union and has one of the largest delegations. Is it something that the Senator is sensing people are becoming more and more aware of, not just from the coastal counties but throughout all parts of Florida?

Mr. NELSON. Mr. President, in response to the Senator, the Florida delegation is clearly united in recognizing that if you cannot sell your home because you cannot get a mortgage, because the bank requires flood insurance, and you cannot afford the flood insurance, the real estate market starts to dry up. In a State such as Florida, the real estate market is one of the main economic engines that fuel the ability of people to have work and to be able to support their families. As a result, we are seeing in places along the coast with—taking examples: That was a tenfold increase from 4,000 to 44,000, a flood insurance premium, told by the Tampa Bay Times. It is not only ridiculous, it is stunning to the point that people cannot believe something is facing them in their personal lives with their homes that could be so easily taken care of if we could get the approvals to get the legislation we already have 60 votes or more for. They cannot believe people are opposing bringing up this legislation to fix what is so obviously in need of fixing.

Ms. LANDRIEU. I thank the Senator from Florida. I would ask unanimous consent if we want to extend our colloquy, but I think I am going to wrap up with a few remarks for about 5 minutes.

I see the Senator from Texas on the floor and he may want to speak. But let me put a couple of startling facts in the RECORD.

There are over 450 counties, parishes, and boroughs which are located directly on open oceans, the Great Lakes, major estuaries, or coastal flood plains. We know from our geography that there are over 3,144 counties—parishes in our case, boroughs in some—in the country. But this is the important fact here. In 2010, these coastal counties contributed more than $8.3 trillion, which is 55 percent of the national economy. I want to underscore that and highlight its importance. We have 3,100 counties. But there is a subset of those counties which is mostly affected by this particular issue, flood control and flood protection, that produces 55 percent of the GDP for this country.

So, yes, this is a homeowner's issue, it is a middle-class issue, it is: They are suffering, let's relieve the pain. But it is also: We better wake up and realize the economic impact this is going to have on the entire country if this is not fixed. This is not about millionaires on a beach. It is about the future of the economic strength of America.

I cannot be more emphatic about that. It is not overstating our challenge. This is not about millionaires. It is about the middle class. It is about the middle class who need affordable insurance so they can live where they need to work—let me say that again: Live where they need to work—not rest where they need to vacation. There is a big myth here that flood insurance is about resting on vacation.

Flood insurance is about working hard where you need to work to keep this economy moving forward. Nothing could be more clear than in the State of Louisiana, but this is true in Texas, this is true in New Jersey, this is true in many places, in California, in our country.

People live near the water to harvest seafood, to produce domestic energy, to manufacture and transport the goods necessary to keep this economy moving.

If we shut down these communities because of a capricious law such as this that was not well thought through, that was not fully debated the way it should have been throughout this Congress, we are jeopardizing the dreams of not only these particular homeowners and business owners, but—and people will hear this from me—we are jeopardizing the future of the economy in the United States.

We cannot let this get any further than it has gone or we will start feeling the ramifications. Again, this is not flood insurance for people resting on vacation. This is flood insurance for people working every day because they need to live where they work to do the jobs our economy requires.

I showed this flood map graph a few minutes ago, which is where all of the flood maps are going to be. No State is exempt, not one—clustered in some areas, more than others, but not one State is exempt. Heads up to Oregon, Washington, California, Pennsylvania, Michigan, of course, the east coast, the gulf coast, and everywhere in between.

But this is where levees are. I know a lot about levees. Unfortunately, I have to know a lot about them because we have a lot of them. They break too

often and breach too often. I am trying to figure out ways to build them higher and better with nickels and dimes and trying to piece them together. I was surprised there are levees in other parts of the country that I was not aware of. This is a big issue, flood protection, particularly with our sea levels rising, the weather patterns getting more erratic, flash floods happening in deserts.

Colorado is not even around an ocean. How could we have millionaires on a beach when there is no beach? I mean, there are millionaires in Colorado, but there is no ocean. This visual some critics have painted is so wrong. It is so distorted.

What Colorado does have—and look at Arizona—they have these flash floods, important flood controls for people who even live in dry parts of our country. We have to fix this.

The great news is we have a bill that is broadly supported by both Republicans and Democrats. I am sorry there is seemingly one objection from the other side, a Republican Senator from Idaho. Many colleagues are talking with him about lifting his objections. If he has suggestions for amendments, we are flexible, we are open to hear any reasonable suggestions.

We have more than 60 votes. Around here, in the old days, when we had 60 votes, we could do a lot.

Unfortunately, there are some people who think we have to have 100 votes to do anything, and that is a big problem. It is a big problem for our democracy because that is not the way it was structured to be.

However, we are going to continue to work. I thank the coalition. I wish to read a couple of things into the RECORD, and I will turn the floor over in a minute.

I have on my Web site—and I have encouraged Senators to have ''My Home My Story.'' There are literally hundreds every day that come into my office with a picture of the house and their individual stories. I think it is worth reading one or two into the RECORD briefly.

This is from the New Orleans area where there are 303,000 policies. This particular story is from Jefferson Parish, a suburb of New Orleans, which has the most insurance policies of any parish of our State.

Richard of Metairie writes:

> My wife and I purchased it as our first and so far only house in the fall of 1997.
>
> We put down roots, befriended our neighbors, hosted family gatherings, and celebrated the birth of our daughter.
>
> If the rate increases we're hearing about go forward, you will have succeeded in doing what Katrina didn't; break the back of Southeast Louisiana.
>
> Homes will be unsellable, businesses will shutter, banks will fail from the doubtless tens of thousands of defaults that will occur as people simply walk away from their now worthless homes.

I don't know how much clearer we could be, and this is not an exaggeration. The data shows it. The coalition has proved it. We are building tremendous support, and I can only hope we vote as soon as possible within the first week of coming back.

Wendy of Metairie, another person from Jefferson Parish, says:

> I built my house 3 feet above required base flood elevation in 1998.
>
> Now with elimination of grandfathering, I will be paying $28,000 per year for flood insurance.
>
> Why should we be penalized for building our houses in compliance?

That is a very good question, and I don't have an answer for her other than to say we hear you and we are changing the law. It was poorly designed, it can be fixed, and it should be fixed.

Finally, from Baton Rouge, which is our capital city now, because so many people were literally flooded out of New Orleans in the southeastern part of the State. Baton Rouge is now the largest city, almost 500,000 people.

Ken writes:

> My wife and I live on Social Security and a small annuity from my work.
>
> We have lived in this house for 37 years.
>
> All our bills take almost all the income.
>
> We constantly look at our finances to see if there is anything else we can cut or reduce.
>
> An increase in flood insurance may increase my house note beyond our capacity to pay for it.

Brian of Baton Rouge writes:

> My house was built in 1969 before there were flood maps.
>
> I accepted a job in TN, I thought my house would sell.
>
> I have a neighbor who wants to buy my house, but they have withdrawn their offer since they found out how much flood insurance will be.
>
> Flood insurance rate hikes on this single property affects 3 families; my family, the family I want to buy from, and the family that wants to buy my house.

I wish to underscore this and then I will end. I wish everyone to get a picture of the 5 million people caught in this web. We think: Well, we have a lot of people in America with 350 million. This is 5 million. Let's say 2 per house. That is only 10 million. This is a very small number compared to 350. Maybe we don't need to pay attention to the 10 million people.

But every home has a buyer and a seller. Most every home has a bank. Most every home has a worker or two or sometimes three in that house. It is affecting so many businesses. If this gentleman can't get his finances straight, he will leave his job in Tennessee. The business in Tennessee that is not anywhere near an ocean will be affected.

I know I sound a little bit like a broken record, and I don't mean to, but this is serious for the whole country.

I wish to end by thanking HARRY REID for understanding, for hearing us amidst all of the yelling and screaming that is going on around here about this and that. He has been able to focus and understand that this is an important bill for the country. He has agreed to use his power—which he has only; only the leader has this power—to pull the bill from the calendar. He has promised us he will do that the first week we get back, and then it is our job to deliver the 60 votes to pass it. If we don't get 60 votes, the bill will fail and it will be a terrible shame.

I don't think this bill will fail because I know how important this issue is for every single Member of this Senate. I know they are hearing from their middle-class homeowners, lower income homeowners, businesses, bankers, and realtors. All I can say is we are going to have to work over the holidays—unfortunately, we would like to rest but no rest for the weary—and we are going to have to work hard to convince many people so we have a successful vote when we get back.

I have hundreds of personal requests I received. I know Senator VITTER has received the same. I thank him for his help as well. Again, this is a Democrat and Republican working together to get the job done.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Republican whip.

Mr. CORNYN. As we all learned in civics class in high school, the purpose of the Senate was to ensure that every State in the Nation had at least two votes on important matters that might affect not only the country generally but also our States. Some of us represent small States and some of us represent large States.

I am privileged to represent one that has 26 million people in it, and we are growing by roughly 1,000 or more people a day. They are moving to Texas because that is where the jobs are. Our economy is prospering relative to the rest of the country because, as I like to tell my friends in this Chamber from time to time, we still believe in the free enterprise system in Texas and the private sector that creates jobs, opportunities, and where people can move to pursue their American dream.

Regardless of which party we come from or which part of the country we come from or who controls this Chamber, the Senate has historically recognized two fundamental rights; the right to debate legislation and the right to offer amendments to legislation.

When those rights are denied, our constituents—particularly of those of us who are serving in the minority—are essentially severed. They lose their voice. They lose their opportunity to have their views represented in the amendment process, the shaping of legislation that could be improved or not.

We know that when the minority voice is quashed—as this majority leader has done time and time again—and when minority rights are trampled, the Senate becomes a very different place indeed. We have become a place where mistakes get made, where purely partisan legislation is passed. The most obvious current example is ObamaCare, which was jammed through this body on a party-line vote in the House and in the Senate.

People are finding out that if they like what they have, they can't keep it.

Families of four will not see their premiums go down by $2,500. That is the kind of thing that happens when the majority succumbs to the temptation to jam things through without giving the back-and-forth opportunity, the deliberation that national legislation—legislation that will affect all 300-plus million Americans—should have.

When the majority leader denies those rights and those opportunities or those sorts of checks, balances, and the natural correction that comes from building consensus in the Senate and instead resorts to a partisan power play, mistakes get made and people get hurt.

Since the majority leader has taken that role, Senator REID, the senior Senator from Nevada, has filled the amendment tree more than 70 times.

For those who get bored at the concept of Senate procedure and how the Senate's rules actually work, I wish to say what that means is effectively the majority leader has denied the opportunity to offer any amendments to legislation by ''filling the amendment tree.'' That is the way he actually accomplishes that.

By comparison to this majority leader who has done it more than 70 times since he has been majority leader, the previous majority leader, Senator Bill Frist of Tennessee, did it 12 times in 4 years. Before him, majority leader Tom Daschle only did it once in 1½ years. Majority leader Trent Lott of Mississippi did it 10 times in his 5-year tenure as majority leader of the Senate. Majority leader George Mitchell did it only three times in 6 years and majority leader Robert C. Byrd did it only three times in 2 years.

In other words, this used to be an extraordinarily rare use of the tool that the majority leader has to block amendments to legislation. Majority leader Bob Dole did it seven times in 3½ years, about once every 6 months.

By contrast, Majority Leader REID has done it 70 times. What recourse does the minority have when they are blocked out of the legislative process on the Senate floor? The only tool we have available to us is to block cloture because it still takes 60 votes to get to a final passage of legislation. But when the minority exercises its rights, then we are called obstructionists. Because the majority leader has blocked any amendments and denied us an opportunity to have a choice in shaping legislation, the only recourse we have is to say that 41 Republicans will stick together and block the legislation, and, hopefully, set up a negotiation. But what happens more often than not is it is a politically posturing exercise and the majority leader will pull the bill down and rail against the minority as obstructionists. Well, this is a manufactured crisis.

This place did not always work the way it does now. Last month this resulted in an unprecedented power grab by our friends across the aisle when they violated the Senate rules in order to further weaken the rights of the minority and to help President Obama turn the second most important court in the Nation into a liberal rubberstamp. I am talking about the DC Circuit Court of Appeals. Notwithstanding the fact this court has the lightest caseload of any of the circuit courts, the intermediary appellate courts in the Nation, it literally doesn't have enough work to do, while there are other judicial emergencies both at the district court and at the appeals court level that need additional judges—but because this court is the one that reviews many of the administrative regulations issued by the Department of Labor, the Environmental Protection Agency—in other words, they are the ones that will do the review of ObamaCare regulations or Dodd-Frank regulations—the President and his allies saw this as an essential way to stack the court in a way that will rubberstamp his agenda.

So what happened is the majority leader decided to further erode or basically deny the minority any right in the process for executive nominations and judicial nominations and said: You know what. With 51 Democratic votes, we can do anything we want—anything—when it comes to nominations.

By using the so-called nuclear option, as it has been called, the majority leader and his allies went against the advice of some pretty wise Members who have been in the Senate for a long time, and I am thinking particularly about the Senator from Michigan, Senator LEVIN, who has served for six terms in the Senate and who is going to be retiring at the end of this next term.

Prior to that vote, Senator LEVIN warned his fellow Democrats not to take up the nuclear option, to leave it on the table and to walk away, because he said pursuing the nuclear option in this manner removes an important check on majority overreach, which is central to our system of government. It is the checks and balances that are so important that Senator LEVIN was talking about.

I know most people get bored when talking about the process by which things happen here or don't happen or the Senate rules, but they happen to be pretty important to our democracy and demonstrating respect for minority rights. And when minority rights aren't respected, we make some pretty bad mistakes, and I am thinking about two of them right now.

We are currently debating the Defense authorization bill, which is a very important piece of legislation, because this is the authorization given to our national security agencies, particularly the Department of Defense, to be able to function and to keep our country safe. Yet once again, the majority leader is refusing any amendments to this underlying piece of legislation, including an amendment which would address the military pension cuts that were part of the recent budget agreement that passed yesterday.

It was amazing to hear the mock horror of people in this Chamber when they found out that our Active-Duty military were being discriminated against and punished by the budget agreement that was passed yesterday to the tune of roughly $6 billion over 10 years. In other words, among everybody else in the Federal Government, they were singled out for worse treatment and were not grandfathered in to the pension reforms that were part of this deal for other Federal Government employees.

This is one of the things that happens when things get jammed through: Mistakes are made and people get hurt. In this instance, the people who happen to get hurt are those who wear the uniform of the U.S. military and who have served with great hardship in places such as Afghanistan and Iraq. Some of these people have suffered the wounds of war—lost a leg, lost an arm, suffered traumatic brain injury or post-traumatic stress syndrome. What is the majority leader's answer to our attempt to fix that mistake in that legislation? You are out of luck. And not just those of us who are trying to fix it, he is telling those wounded warriors: You are out of luck.

So when power plays take place in the Senate, when minority rights are denied and an opportunity to amend and improve and fix mistakes in legislation because of this power play by the majority leader, and the majority party that supports him, people get hurt. These pension cuts will impact veterans across the country. As I said, they will even impact combat wounded veterans who have been medically retired. This is a provision my colleague from Washington State, the Senate Budget Committee chair, called a technical error.

As I said, not surprisingly, Members of both parties have come to the floor since this was highlighted and they have called either for rescinding those cuts to the pension benefits of our Active-Duty members or those who have been medically retired or they have proposed to come up with alternative measures to reduce the deficit by a commensurate amount. At the very least, the military retirees who have already sacrificed so much for our country should have been exempted. Well, they weren't.

I am encouraged there has been some talk across the aisle about acknowledging the problem and the mistake. Yet instead of taking action today or yesterday, when we passed the budget deal that discriminated against other Active-Duty military, we were told: Just wait until next month; we will take care of it then.

It sort of reminds me of why the most feared words in the English language are sometimes said to be: Don't worry, we are from the government. We are here to help.

These wounded warriors need more than our rhetoric. They need our action. And they are the ones who are

being punished by the strong-arm tactics of the majority leader and the majority party. Why should they have to wait? We know things don't always happen on schedule around here. There is time as the world knows it, and then there is Senate time, and those are very different things.

Shouldn't we do everything possible now, today, to make sure these folks have peace of mind, particularly during this season of the year? If it was a technical error to include military retirees in the pension cuts, why are we not fixing the problem today? There is no good reason. There is zero good reason.

These kinds of strong-arm tactics need to be called out. Because while some people seem to think these are technical rules of the Senate and they are bored by them—the press doesn't want to write any stories about them—what I am here to say is that people get hurt by hyper partisanship and strong-arm tactics in the Senate. People get hurt.

Let me tell you about some other folks who are being shown disrespect as a result of the strong-arm tactics by the majority leader. I have introduced legislation that would allow for medals to be awarded to members of the armed services and civilian employees of the Department of Defense who were killed or wounded in an attack perpetrated by a home-grown violent extremist who was inspired or motivated by a foreign terrorist organization.

Of course, what I am talking about is what happened about 4 years ago at Fort Hood, TX, when MAJ Nidal Hasan, who had been radicalized by a Muslim cleric the President subsequently put on his kill list, and who was killed in a drone attack in Yemen—Anwar al-Awlaqi. Nidal Hasan had communicated with al-Awlaqi more than 20 different times by email, and over the years he had shown increasing tendencies to blame the United States for what was happening in the Middle East. He basically ended up declaring war against his own country, even while wearing the uniform of the U.S. Army. Hasan killed 12 people in Fort Hood, TX—Killeen, TX—while standing up and yelling ''allahu Akbar,'' the cry often used by suicide bombers and other terrorists in the Middle East and elsewhere.

Clearly, this was not a case of workplace violence. That is what the government called it: workplace violence. This was a terrorist attack, pure and simple; no more, no less than what happened that killed 3,000 Americans on September 11, 2001. And we know what the U.S. Government did in 2001, quite appropriately, in my view. The Secretary of Defense exercised his discretion to award Purple Hearts and the appropriate and commensurate benefits that go along with being casualties of war. That was war being declared against the United States. And the U.S. Congress issued an authorization for the use of military force, recognizing it as an act of war.

But when I tried to offer this amendment to recognize the loss of life in the line of duty of 11 military members and a Department of Defense contractor being awarded the Medal for the Defense of Freedom, which is sort of the civilian equivalent to a Purple Heart, when we sought to make sure the 30 other people who were shot but who survived would also be recognized and given the appropriate benefits, what was the response of the majority leader of the Senate? Well, about the same as it was for those military pensioners—the people who are wearing the uniform today and are hoping to accrue a retirement they can live on when they leave the military service. The majority leader's response to both the victims at Fort Hood and to Active-Duty military with regard to their pensions that are now being cut back as a result of the vote yesterday, was exactly the same: Tough luck. Tough luck. I don't care.

As I said earlier, while people may not care about the Senate rules and the traditions of the Senate, while they may not recognize this power grab that resulted in an unprecedented trampling of minority rights in the Senate, when these sorts of partisan power grabs happen, people get hurt.

The ones most people feel today are the broken promises of ObamaCare, which passed on a party-line vote in the Congress.

Mistakes get made. People get hurt. But today the people who are getting hurt the worst are the people we ought to be most concerned about—those who lost their lives in the line of duty in the war on terror, those who have been injured and survived those wounds, and those who keep us safe by fighting our Nation's wars. These are the people being hurt today.

I will support the underlying Defense authorization bill, but I did vote against closing off debate yesterday because I felt the denial of the opportunity to offer amendments and the opportunity to vote on important corrections to the bill, which I described a moment ago, was a terrible mistake. But those cries for rationality and reason were simply ignored.

I will vote for the underlying Defense authorization bill because it does contain some good work, but I am absolutely outraged on behalf of the people I represent in my State, some of whom I have described, by the majority leader's refusal to allow consideration of any amendments to the bill and his blatant disregard for the rights of my constituents.

I close by reminding the majority leader what he himself said—words out of his own mouth—7 years ago shortly before his party took control of the Chamber. And it is amazing to me to see how people change around here when they get in the majority. Sometimes they forget they will not always be in the majority. I have been here in the majority, and I have been here in the minority. I can tell you that I enjoy being in the majority more. But we need to respect minority rights in the Senate because eventually, if you serve here long enough, you will find yourself in the minority, and what goes around comes around.

But here is what the majority leader said before his party took control of this Chamber:

> As majority leader, I intend to run the Senate with respect for the rules and for the minority rights the rules protect. . . . The Senate was established to make sure that minorities are protected. Majorities can always protect themselves, but minorities cannot. That is what the Senate is all about.

Back in 2006 I found those words inspiring. Today they are a bad joke.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I ask unanimous consent that the Senate recess from 12:45 p.m. until 2:15 p.m. and that the time in recess count postcloture; further, that the time from 2:15 p.m. until 2:35 p.m. be controlled by the majority leader or his designee and the time from 2:35 p.m. until 3:15 p.m. be controlled by the Republican leader or his designee.

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

EXTENDED BENEFITS PROGRAM

Mr. MERKLEY. Madam President, my voice is a little weaker than usual thanks to a winter cold, but I nevertheless come to the floor today because there is an issue on which it is important not to remain silent; that is, just a few days from today more than 1 million people across America are going to lose their unemployment benefits. Those benefits are a bridge to the next job. Those benefits are the foundation for a family during a rough time while searching for that next job. Those benefits ensure the stability of the family and provide a solid foundation for the children during those weeks and months. But instead of maintaining this important bridge for more than 1 million American families, we are going to allow it to be dismantled on December 28 of this year, 3 days after Christmas.

This chart gives a little bit of a feeling for how unemployment is working. We have the total number of those searching for work in Oregon who cannot find a job. We can see how it grew dramatically in 2008 when the economy collapsed and how it has gradually improved. Yet unemployment remains quite high in Oregon—not as high as it was but still quite high—and it remains quite high across this Nation.

We have a structure in place where every State provides 26 weeks of unemployment, and then, depending on the unemployment level in different States, States take advantage of a Federal program for emergency unemployment, which works a little bit like this: If the State's unemployment rate is below 6 percent, the State is eligible for 14 additional weeks of unemployment for families, so the total goes

from 26 weeks to 40 weeks. If the State's unemployment rate is between 6 percent and 7 percent, the State is eligible for 28 weeks, for a total of 54 weeks—still less than 1 year of unemployment insurance. If it is between 7 percent and 9 percent, as it is in Oregon, the total goes to 37 additional weeks, which means, with the 26 underlying weeks with the State, 63 weeks. If the unemployment rate is over 9 percent, then the amount is 10 weeks more, for a total of 73.

On December 28, just days from today, there will be about 17,000 Oregonians who will be completely cut off from their unemployment—not tapered, not a few at a time; all of those who have more than 26 weeks right now will instantly be cut off. So that is 17,000 families or, at an average of 3 individuals per family, 50,000 Oregonians who are going to get from the Republicans in this Chamber a big lump of coal in their stocking.

Their argument is that we shouldn't keep this program in place because those folks should just go out and get jobs. I would remind them that this program was set up under a Republican administration, and it was set up to balance the fact that in States where jobs are more readily available, the number of weeks of provided unemployment assistance is fewer, and in States with higher levels of unemployment, where it is virtually impossible to find a job because there are so many applicants for any one job, then the number of unemployment weeks is greater.

This was a bipartisan plan, and this plan was implemented when the national unemployment rate was 5.6 percent. The unemployment rate today is 7.3 percent. The bipartisan emergency unemployment program that provided more than 26 weeks was implemented when there were 137.3 million Americans working—more Americans who were working than today.

So what was good enough under a Republican administration, under bipartisan support—that created a careful balance between unemployment; that is, the challenge of getting a job, and the bridge to the next job—if it worked then, why not now? Why throw 17,000 families in Oregon out in the cold? I hear silence in this Chamber. I don't hear a reply. Why is it justified to terminate this program when unemployment is still high?

Some of my colleagues want to keep all the special tax breaks for the oil companies and all the special tax breaks for the coal companies. But what do they want to give to the families who are looking for work in high-unemployment areas, where it is virtually impossible to find a job? They want to give them a lump of coal. It is wrong.

Moreover, not only does this program help those families directly, but it helps the entire economy improve gradually because those benefits are immediately spent by these families. These benefits help families get through a hard time. They help them pay the mortgage, which solidifies not just this family but by preventing foreclosures solidifies the street and the community from the impacts of foreclosure, of empty homes. It has guarded the family between getting to the next job and ending up homeless.

I call upon my colleagues to come to this Chamber and pass immediately the extension of this carefully balanced program which not only directly benefits families who are doing the hard work of finding the next job but provides a solid foundation for our economy. This is no time to try to deflate our economy and throw more people out of work, but that is what happens when we cut this program.

I encourage my colleagues to think carefully about the fact that this program was neither a Democratic program nor a Republican program. Think carefully about the fact that it was developed during a Republican administration, that it was designed to carefully pull itself back in as employment improved. But what isn't right is for it to be cut off completely in this period of ongoing high unemployment.

While the average in Oregon is between 7 percent and 8 percent unemployment, we have communities with far greater than 10 percent or 12 percent unemployment. So many families are wanting that next job. There is nothing better than a job in terms of any type of social program. It creates a sense of self-worth, it creates a sense of structure, and it creates a sense of satisfaction. The families in Oregon want jobs and they are applying, but there are not enough jobs to go around.

That brings me to my next point. This Chamber should be considering program after program to invest in infrastructure and invest in manufacturing to create jobs. But there are those here who have sought to paralyze this Chamber in every possible way, to prevent any improvements, in terms of trying to sustain partisan campaign warfare rather than problem solving. This is an abdication of responsibility as a Senator. The responsibility is to be here working hard to solve the problems for families across this Nation, not continuing the partisan politics of the last campaign.

The American people see this partisan campaigning, and they do not like it. They want to see problem solving. They want to see us coming together to fix things.

A few moments ago the colleague from Texas was on this floor. He was saying some things that were extraordinarily misleading. He said, basically, that all of the paralyzing strategies that his party has employed stem from a lack of amendments. We have seen those paralyzing tactics in every possible responsibility that this body has. We have seen them on executive nominees. There are no amendments on executive nominees. You either approve them or you do not. We have seen this paralyzing strategy on judicial nominees, but there is no tree—the tree he referred to, the amendment tree—on judicial nominees. We have seen this on conference committees, unparalleled blockade of letting the House and Senate meet together to resolve differences in their bills.

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

Mr. MERKLEY. Madam President, I know we are closing down this body, according to the unanimous consent agreement. I am thankful for the opportunity to address this important issue, about the fact that it is wrong to put lumps of coal into stockings of working Americans rather than extending the emergency unemployment insurance provisions.

I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. when called to order by the Presiding Officer (Ms. HEITKAMP).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—Continued

UNANIMOUS CONSENT REQUEST—S. 1834

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, last week I had the opportunity to see Charles Dickens' classic ''A Christmas Carol.'' As my colleagues know, this is a morality tale that highlights the plight of the poor, the less fortunate, and the unemployed. In fact, when Charles Dickens began to work on ''A Christmas Carol,'' he was so upset with the plight of youth and children working in the mines in England, he started out to write about that in a novel that evolved into a tale about Christmas, ''A Christmas Carol.''

As I watched ''A Christmas Carol'' with my wife in Ford's Theater about a week ago, I was struck by the following line from the spirit of Jacob Marley. Here is what he said:

> Mankind was my business. The common welfare was my business; charity, mercy, forbearance, benevolence, was all my business. The dealings of my trade were but a drop of water in the comprehensive ocean of my business.

With that line, Dickens was advocating for those less fortunate and voicing his support for economic equality. Those words are most appropriate today at this time of year.

I come to the floor today with my friend, the Senator from Rhode Island JACK REED to share our concerns about the weak labor market, those who have been unemployed for so long, and its impact on the Nation's 11 million unemployed. Senator REED and I are especially concerned about those who have been without work for an extended period of time.

It has been 4 years since the end of the great recession, and while the Nation's economy has been slow to recover, steadily adding jobs, a large section of society is still out of work. Of the Nation's 11 million unemployed, a little over 4 million of our friends and neighbors are considered long-term unemployed. That means they have been without work for 6 months or more.

Most people who find themselves out of work are eligible to receive assistance from their State for 26 weeks, as they look for a new job. But, for far too many, finding a new job in a sluggish economy has been extremely difficult. When State aid is exhausted, Federal emergency unemployment insurance kicks in and helps families to help make ends meet. However, that safety net is now about to expire. It is about to expire in just a couple of weeks.

In fact, in less than 2 weeks, Federal emergency unemployment insurance will run out. On December 28, 1.3 million people will lose their unemployment benefits. These are people who are obviously hurting. If they don't have a job, they would love to find a job, and if they have a job, they are trying to make ends meet. They are understandably discouraged, unsuccessful at finding work.

We cannot cast them aside. We need to provide out-of-work Americans the security they need while they continue to look for jobs. We need to help them look for work—clearly—and put food on the table for their families.

Extending the jobless aid to the long-time out-of-work must be a priority for this Congress. With the House already in recess, we will not be able to extend emergency unemployment benefits before the end of the year. But it is my hope that when Congress returns, we can retroactively extend benefits.

At the same time, when we return next month, we need to explore long-term unemployment solutions. We need to jump-start policies that will grow our economy more rapidly and create new jobs. It has to be a dual track: Benefits for those unemployed but also assistance to find ways for more people to get jobs.

We all care deeply about this. I know no one who cares more deeply than my good friend from Rhode Island JACK REED. He has been working diligently, looking at every possible solution to try to find a way to make sure unemployment benefits are extended.

That is why we are working together. This issue is under the jurisdiction of the Finance Committee, but JACK has worked very hard to ensure these Americans are not cast aside. Senator REED and I will do all we can to try to find a solution.

I tip my hat especially to the Senator from Rhode Island for all he has done. He is a tireless advocate for a solution for those unemployed. Together, we will try, as Dickens said, to make the common welfare our business.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, first let me thank Chairman BAUCUS for his very kind words, but also salute the President of the United States for his wisdom in announcing that he intends to appoint the Senator from Montana to be our next ambassador to the People's Republic of China. I can't think of anyone whose integrity, intelligence, commitment to the Nation, and patriotism would so well serve and be so beneficial to this country as continuing in his public efforts after his days in the Senate in the embassy in Beijing.

I also thank the chairman because he has been an articulate and effective advocate for unemployment compensation benefits for hard-working Americans who are without work through no fault of their own. This economy has suffered a drastic contraction, beginning in 2007, 2008, and 2009. We are seeing some improvements. During this period, the chairman has been the key actor, the key force driving for extended benefits.

Chairman BAUCUS has been the driving force as well in the context of trying to reform the program. He has implemented efforts such as work sharing, a proposal I brought to him, that is a smart way to do business. It basically allows a company to retain their workers for part of the week and let them collect benefits for the rest of the week, so they keep the workforce together. In Rhode Island, it has been extremely beneficial. It is now a nationwide program because of Chairman BAUCUS.

He is working very hard—as he indicated, we are working together—to ensure that we do not see this cliff where 1.3 million Americans lose their benefits on December 28.

Yesterday, I came to the floor to discuss some of the economics behind the logic of extending these benefits. I believe the extensive amount of economic research supports the very commonsense notion that I think the vast majority of our colleagues share: That Americans want to work. They are in an environment, however, where jobs are scarce. There are two workers for every job, and in some parts of the country that ratio is even much worse.

However, I hear other colleagues say: That might be true, but we have to fix this program because we have abuse and we have fraud. The chairman, in his efforts, has always demonstrated that we are committed to rooting out any type of fraud or abuse. In 2012, for example, we strengthened the requirement that one has to search for work to qualify for unemployment compensation. We also improved program integrity by having beneficiaries show up more frequently for in-person assessments to help them find a job quicker and ensure they receive the right benefit amount based on their past work history.

So we want the program to be efficient. We do not want the program to be subject to abuse. That means that more people can benefit correctly and not abuse the system. So I am sure the chairman and I are quite willing—I know I am, and I know he is too—to work hard if we need reforms. But we can't do that in 10 days. We can't do that. We need some time.

So I have joined together with Senator HELLER to suggest a 3-month extension. That will allow us—and this is a bipartisan effort, and I thank the Senator from Nevada—to keep people from falling off the edge, literally.

The average benefit in Rhode Island is about $350 a week. There are very few people who are going to give up a job to collect about $350 a week. By the way, that money is going right from the check to the local grocery store, to pay for heat or to pay for rent. That is why CBO has estimated that if we don't extend unemployment benefits, we will see a situation in which we lose approximately 200,000 jobs next year which we could have otherwise had, and that we will see our economic GDP growth shrink by about 0.2 percent, because the demand generated by unemployment checks going out in the mail will be lost. It is one of those programs that provides about $1.70, $1.60, for every dollar we invest. So this is about good economics, not just, as Senator BAUCUS said so eloquently, about our commitment to something beyond ourselves, to the welfare and the good faith of our neighbors in the spirit of Christmas, the true spirit of this holiday.

The other thing, too, is if we look at this argument: Well, we are not going to extend the program because of abuse—we can look at a lot of programs; we can look at the crop insurance program, for example. I don't hear many people saying: Oh, let's cut out that crop insurance program because of abuse. Just recently, this year, the Department of Justice prosecuted a very large, significant case of widespread tobacco crop fraud spanning 6 years. A Federal district judge brought to justice an insurance agent and a farmer. Prison time was ordered, more than $8 million of restitution had to be paid, but no one is standing up and saying: Let's cut crop insurance because of this case.

Let's get realistic. We need to extend these benefits, and we need to do it promptly because the 28th is just upon us.

Shortly, I will make a unanimous consent request, but before that, I wish to recognize my colleague, Senator STABENOW. Then, I ask that at 2:30, if she could yield the floor back to me so that I may make my request.

With that, I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, Federal emergency unemployment benefits are going to expire on December 28 unless we do something to stop it.

Right now, there are 11 million Americans out of work through no fault of their own.

They are trying to find work, and they rely on unemployment insurance to help them keep food on the table and keep a roof over their heads and their families' heads, while they search for a new job.

And now, over 1 million people who are trying to find work stand to lose their unemployment insurance on December 28 because Congress has not acted.

Let me repeat that: Just 3 days after Christmas, 1 million people will lose a critical source of income while they look for work because of us.

Letting Federal unemployment insurance expire would be devastating for families all across the country.

I have heard from many of my constituents in Michigan on just how bad this will be, and how it will affect their families.

There are stories throughout Michigan and across our country.

It is astounding that Congress would even consider letting this expire, given that unemployment rates in many States are higher today than they were in 2008 when we passed this law.

In June of 2008, when the President signed this law, the national unemployment rate was under 6 percent. Today, it is 7 percent.

Even though we are seeing a number of great things happening in Michigan, we are still struggling to create enough jobs for everyone who needs one.

And because of that, Michigan just moved back into a position where, as a State with a high percentage of people out of work, Federal emergency unemployment benefits have been extended to 36 weeks.

This means that people in Michigan who are trying to find a job get a few more weeks to find something before they lose this critical lifeline.

But not if we let it expire.

The story is the same in many States across the country.

Today, 46 out of the 50 states, including Michigan, have higher unemployment rates than they did when this law went into effect.

While we are seeing some positive signs in the economic numbers, there are still almost 11 million Americans out of work.

That is far too many. There are three people who are looking for work for every 1 job available.

And if we don't act, if we don't extend this critical lifeline, then over 43,000 people in Michigan—and over 1 million longterm unemployed people across the country—will face an uncertain future.

We are six days from Christmas; six days from our children waking up and running to the Christmas tree to see what Santa brought them.

And the question facing thousands of families in Michigan—facing Regina in Holland and Stephen in Dearborn—and over a million men and women across the country, is: Will there be anything under the tree on Christmas morning?

Will there be a house to sleep in on Christmas Eve?

Will there be food on the table tonight, or tomorrow night, or on Christmas night?

These are people who are out of work through no fault of their own.

People who have lost their jobs are already on the ropes.

They have already seen cuts to unemployment insurance that have made it harder to make ends meet.

And now Congress is threatening to pull the rug out from under them.

These are people who want to work, who are trying to work, and just need help getting by while they find a new job. Giving them the benefits they earned isn't a ''disservice''—it is a lifeline.

This is what little money families have to get by—and they spend it at the grocery store and to pay their bills.

Without this help, they could lose their homes to foreclosure.

At such a critical time in our economic recovery, we cannot afford another wave of foreclosures.

It is also important to note that this is unemployment insurance—people earned it by working, and in order to qualify for this assistance, you must be actively looking for a job every week.

Letting the Federal emergency unemployment benefits expire would hurt these families and would send a ripple effect through the economy.

Congress should be helping to create jobs, not pulling the rug out from under people looking for jobs.

There is no reason for this to happen. We can pass a bill to extend this critical help.

In the past, both parties have always worked together to continue emergency unemployment insurance when the economy is struggling.

This is not the time to pull the rug out from people looking for work.

I urge my colleagues to come together in a bipartisan way to extend unemployment insurance so our families—and the economy—do not suffer.

Again, I thank Senator REED who has been such a champion on this issue. I have been proud to partner with him on behalf of over a million people who are trying to find work and will lose their unemployment benefits three days after Christmas, on December 28. I can't think of anything more devastating to families trying to put food on the table and a roof over their heads.

I also thank Senator BAUCUS for his leadership on this issue and congratulate him on his new opportunity for the future.

Specifically, let me read letters that I think tell it all from people in Michigan.

Regina from Holland writes:

> I am begging you to extend unemployment insurance. I have been unemployed since June. I am almost done with my first tier of unemployment. I have been trying to find work. I am 59 years old, and that does not help in finding a job.

Madam President, let me say we have way too many women—we have way too many people who are in their 50s and in their 60s trying to find work and having a very difficult time for a number of reasons.

She goes on to say:

> If you don't pass extensions, my family will only have my husband's Social Security check coming in, and we'll lose our home. I am really scared we will not have this money coming in after December 28th, and I don't know what we will do.

I also heard from Stephen in Dearborn who wrote me and said:

> This December 28 deadline directly affects me and my family. I have been unemployed for 6 months. I have been struggling to keep things afloat for my wife and my two young children.
>
> If these benefits cease at the end of the month, it will put us even closer to losing everything my wife and I have worked very hard for.

The reality is, even though the economy is getting better, we still have three people looking for every one job that is available. At one time it was five people, so we have made some progress. But the truth is we still have a situation where way too many people in Michigan and across the country—in fact, almost 11 million people are out of work, and we have three people fighting for every one job that is available.

We also still have challenges as it relates to matching up the jobs with the skills that people have. Not that people don't have skills, but they are different than the jobs that are available. People going back to school, they want to work. We all want the dignity of financial independence and work. But too many people are struggling in an economy they did not create, a global economy they did not create.

If we do not act—if we do not support Senator REED's motion—over 43,000 people in Michigan, over 1 million long-term unemployed people across the country will find themselves in a devastating situation right after Christmas. It makes no sense. I urge my colleagues to join together and do what we have done with Republican Presidents, Democratic Presidents, what we have done on a bipartisan basis over the years; and that is to make sure we have a lifeline for people who are needing temporary help while they look for work.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 265, S. 1845, the Emergency Unemployment Compensation Extension Act; the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Madam President, it is unfortunate that the Senate schedule is chock-full of pending cloture motions that are controversial or completely nonurgent nominations. So I

would ask the Senator to amend his consent request to say that the pending cloture motions on executive nominations be withdrawn and that following the disposition of the Defense bill, the Senate proceed to consideration of S. 1845, the unemployment insurance extension, and that the majority leader and the minority leader be recognized to offer amendments in an alternating fashion so these important issues can be considered this week. I ask for that amended consent request.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. REED. I do not modify my request. I would insist on my request since it is the only practical means of getting the measure passed.

The PRESIDING OFFICER. Is there objection to the request?

Mr. CORNYN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I believe I have a few minutes left—2 minutes. So before Senator MCCAIN takes the floor, let me make a few more points that I think are critical.

Last month, the economy did add jobs—203,000 jobs. But what we are seeing is the average length of unemployment is increasing. People are still out of work now an average of 36 weeks. That is more than 20 weeks longer than prerecession levels, and it is longer than the 26 weeks of State unemployment insurance.

That is why we are here asking for benefits. People now are averaging a much longer time without finding work. This is not a situation where they fall within the State program. They have to have these Federal benefits, because it is harder and harder to find work.

I would also suggest, too, that if you look at it another way, in 2008, when President Bush started this emergency unemployment compensation program, it took the average jobless American 5.6 months to find employment. Now, with the increased long-term unemployment, it takes about 9 months.

So again, this is a reason why these long-term extended benefits are absolutely necessary. I would hope our colleagues would join myself and Senator HELLER and Chairman BAUCUS and Senator STABENOW and others and continue to move aggressively forward and see if we can, in fact, extend the benefits so that many Americans can continue to have some assistance and some sustenance as they continue to look for work.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I just watched again what is going on here on the floor of the Senate. Again there is a unanimous consent request to pass a major piece of legislation without an amendment, without debate, without the ability of those on this side of the aisle to even have an amendment considered and voted on, again completely shutting out this side of the aisle from the ability in any way to effect legislation.

So now I am sure those on the other side of the aisle are going to go out and say: Oh, the Republicans, look at them, they will not even agree to an extension of unemployment insurance.

Won't you let us have an amendment? Won't you let us at least have debate and vote on an amendment? There are some of us who think this program can be improved to help those who are unemployed. But, no, the way the Senate runs today it is either take it or leave it.

I will tell the Chair and I will tell my colleagues on the other side of the aisle, we are getting sick and tired of it. We are getting sick and tired of the dictatorial way the U.S. Senate is being run.

The Senator from South Carolina and I are on the floor to talk about, among other things, the National Defense Authorization Act, the bill that has to do with this Nation's defense. Are we going to be able to have a single amendment? No. The bill has been out of the Senate Armed Services Committee since May.

So we are not going to address the issue of sexual assaults, protecting individual rights in light of revelations in NSA data collection. I would say to my colleagues, the President had a commission that just made some recommendations. Would it not be appropriate to take those commission recommendations, debate them here on the floor of the Senate, and amend the bill so that some of these recommendations by this commission could be enacted into law?

Do we believe that the issue of surveillance, of NSA data collection, is not an issue that should be debated on the floor of the U.S. Senate? We would be doing that—we would be debating, we would be amending, we would be making it better, we would be protecting the privacy of Americans' lives—if on this floor we were amending and debating the Defense authorization bill. But we are not. We are not.

Are we going to talk about this incredible issue which has permeated so much debate, both in and outside of the Congress of the United States, of sexual assaults in the military? No. Nope. We are not going to allow an amendment on the other side of the aisle by the Senator from New York, who has made it her major legislative effort. We are not going to hear from this side of the aisle, where the Senator from Missouri has made it her major issue. No, we are not going to debate it. We are not going to amend it.

What about the issue of detainees? The Senator from South Carolina and I are not in complete agreement. I had looked forward to a debate with him about how we dispose of the situation of detainees, each one of whom is costing a million and a half dollars per year for their incarceration.

But, no, we are not going to do any of that today or tomorrow or next week or next month or maybe even next year if the majority leader of the Senate continues to run the Senate in such a way that we cannot even have debate and discussion.

I will tell my colleagues on the other side of the aisle, this is bad for the U.S. Senate, but it is worse for the American people. We have an obligation to the American people to debate issues, to vote on them, to pass legislation that we think is the best outcome. There would be votes I would lose, there would be votes I would win, but we are not going to have any votes.

The galling thing about it is that the Defense bill passed through the Senate Armed Services Committee in May. So we went to June, July, August, September, October, November, and here we are finally maybe going out for the year and we are going to have an up-or-down vote—an up-or-down vote—on the Defense authorization bill. That is shameful. That is a perversion of everything that the U.S. Senate was designed for by our Founding Fathers, and there is no doubt about it.

I came to the floor with my friend from South Carolina to talk about Iran sanctions. But have no doubt—have no doubt—I tell my colleagues on the other side of the aisle, you are doing a great disservice to the American people, to the men and women who are serving this Nation, by not even fully debating and amending and voting on those amendments on this bill. You are doing a disservice to the men and women who are serving this Nation.

So you should not be proud of this process we are going through. Some time today or tomorrow, depending on how many hours go by, we will have a vote, and I will vote to pass the bill. I will vote that way because I cannot do this to the American people, to the men and women who are serving. There are too many provisions in it that address bonuses, special duty, incentive pay, military construction, security—all kinds of issues that are obtained in this bill. So we cannot turn it down, but we cannot make it a bill that the American people should be proud of. In fact, we should be embarrassed at the process we are engaged in.

Frankly, I know the American people are not too interested or aware of the arcane promises of the U.S. Senate, but steps were taken early and not that long ago that have changed the entire U.S. Senate, and it has changed it for the worse.

I can assure my colleagues on the other side of the aisle that it will be very difficult—very, very difficult—for us to work with our colleagues on the other side of the aisle on most any issue when we are being deprived of the fundamental rights of a U.S. Senator, and that is the right to propose an amendment, debate, and have a vote, if that U.S. Senator wishes it.

No longer are 45 Members on this side of the aisle allowed what should be our right—not a privilege, our right—to amend this legislation in order to

make it better and make it a better and more effective way to defend this Nation.

I have been around this body for a long time. This may be one of the lowest points I have seen, particularly in light of the fact that the Defense authorization bill for 51 years has been brought to the floor of the Senate, it has been debated, it has been amended, sometimes for as long as 3 weeks, and now what are we going to do? Sometime tonight or tomorrow, at some hour, we are going to have the privilege of voting yea or nay on a bill that is vital to our Nation's security. Disgraceful.

I see my colleague from South Carolina on the floor, and I ask unanimous consent to engage in a colloquy with the Senator from South Carolina.

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

IRAN SANCTIONS

Mr. MCCAIN. Madam President, I am sure my colleague and friend saw the article in the Wall Street Journal this morning that says ''France Doubts Iran Ready for Nuclear Pact. Foreign Minister Laurent Fabius Questions Whether Tehran Is Willing to Abandon the Ability to Build an Atomic Bomb.''

Really, in the first paragraph of this story—I would ask my colleague—is the fundamental problem. There are many issues concerning the Iranians lie, cheat for years and years about their continued progress toward the acquisition of a nuclear weapon. But I would ask my friend from South Carolina, isn't it really about the most important—let me put it this way: The most important aspect of this whole issue of these negotiations is the right to enrich? In other words, will the Iranians—haven't we already given over to them the right to continue to have the centrifugal spin and the enrichment process continue so that at some point, sooner or later, they may be only the turn of a wrench away from a nuclear weapon?

Mr. GRAHAM. Senator MCCAIN is absolutely right. The interim deal does not dismantle the centrifuges. They are spinning as we talk. They disconnect, not dismantle, some advanced centrifuges that have been installed.

What people need to realize is that the Iranians, over the last decade—particularly the last 3 years—have developed a very mature enrichment program: 18,000 centrifuges. They do not need 20-percent enriched uranium anymore for these new centrifuges to get to 90 percent, which would produce a uranium-based bomb; they can do it with a 3½-percent stockpile.

So I guess this is the basic question for us as a nation and the world at large: Do you believe the Iranians when they say that they are not trying to develop a nuclear weapon, that they are only trying to develop peaceful nuclear power? Do you believe them when they make that claim given the reality of their enrichment program, their lying, and their cheating? If their goal is to enrich not for peaceful nuclear power purposes but to make a bomb, how do you get them to change their goal?

I think what Senator MCCAIN is pointing out is very important. The interim deal, like it or not, has legitimized enrichment in Iran. How do you go from not dismantling the plutonium reactor—complete dismantling, shutting down and dismantling the centrifuges—and turning the stockpile over to the international community after the interim deal—how do you go from there to the end game? We are so far away from an acceptable outcome.

I hope people understand what the French are saying. The French are telling us they do not believe that the Iranian negotiators and the Iranian regime are serious about abandoning an enrichment program that could break out and produce a nuclear weapon.

I appreciate Senator MCCAIN's leadership on these issues. Syria, Iran—you name it, he has been there.

I would like to ask this question to Senator MCCAIN: Does the Senator believe the Iranians when they say they are not trying to acquire a nuclear weapon? From the U.S.-Israel point of view, what would happen to our nations if they had that capability?

Mr. MCCAIN. May I say to my friend that one of the things that would happen right away—I think it is well known; it is not a secret—is that many nations in the region would then quickly acquire nuclear weapons. The wealthiest ones might just buy one from Pakistan. That is not a secret.

But could I ask my colleague this: So therefore we now have a period of 6 months which originally was stated as the end goal, that an agreement would be made and finalized and would be ready to be put into effect. But then we hear: Well, maybe it is going take more than 6 months.

One, haven't we seen that movie before—extended and protected negotiations, and then the centrifuges, as the Senator from South Carolina mentioned, continue to spin.

Also, wouldn't it be appropriate for the Congress to say to the administration—and, more importantly, to the Iranians—that after 6 months, my friends, the screws are going to tighten because if they cannot get an agreement in 6 months, then it would be appropriate for there to be additional pressures that would then hopefully be incentives for them to reach a final agreement rather than the status quo, which most of us believe is not satisfactory under this 6-month period.

Should there not be some sanctions that would kick in after a 6-month period, and then the Iranians would know that if they do not reach an agreement, then the sanctions will be more severe?

Perhaps my colleague can explain to me why the Secretary of State and the administration seem to be so opposed to us putting more pressure on the whole process to be finalized. Six months seems to be a reasonable length of time to get that done.

Mr. GRAHAM. Well, the Senator is right. This interim agreement has not been implemented yet. They have 6 months to reach a final agreement but also an additional 6 months beyond that—a year, basically—to drag out these negotiations.

The Senator asked the ultimate question. Does the Senator not believe sanctions are the only reason the Iranians are at the table?

I compliment the administration for putting together an international regime to take the sanctions that Congress has passed—over their objections, I might add—to really inflict pain on the Iranian regime—unfortunately, the people too. But that is the only reason they are at the table.

But here is the analysis, as I understand it. People in the administration believe there is a moderate element and a hard-line element. Iran is telling the United States and the P5+1: If you threaten us with any more sanctions, we will walk away. We are not going to negotiate with a gun to our heads.

Now, these are the people who have been using a lot of guns and have put a lot of guns to people's heads and actually pulled the trigger, killed hundreds of soldiers in Iraq, and have created chaos and mayhem in Syria. They are one of the biggest supporters of state terrorism. But that is an odd thing for them to say, when I believe the only reason they are at the table to begin with is because of sanctions.

So my belief is that new sanctions tied to the end game—and this is what we have been working on in a bipartisan fashion. It is not just keeping the sanctions alive for the next year; it is tying their relief to an outcome that we all want.

I want a peaceful resolution of the Iranian nuclear program. If they want a peaceful nuclear power program, they can have it; just control the fuel cycle. That has been my position.

If they want an enrichment capability that has to be monitored by the U.N. and it is robust and the only reason they will not break out to get a nuclear weapon is because of U.N. inspectors, that is North Korea.

The movie the Senator talked about is the movie called North Korea, where you would impose sanctions, you would relieve them, you would give them money, you would give them food, you would reinstate sanctions, and you would have U.N. inspectors to control the progress. The program was never dismantled.

Don't repeat the mistakes in Iran that were repeated in North Korea. Dismantle this program before it is too late.

To the administration, we are trying to help, not hurt. I do not believe there is a moderate element when it comes to the Iranian nuclear power program. I think that is a facade. The new President is a charming fellow on television, but he was a nuclear negotiator in 2004 and 2005 for the Iranian regime and openly bragged about how much advancement they made during his time

negotiating toward an enrichment program that could produce a bomb.

So this idea that there are hard-liners and moderates when it comes to the Iranian nuclear program is a miscalculation. So we are working on bipartisan sanctions, to continue them, and they can only be relieved when we dismantle the enrichment program, when we dismantle the plutonium reactor, the heavy water reactor that has nothing to do with producing nuclear power for peaceful purposes, and remove the stockpile as the U.N. has recommended. The U.N. resolutions are in force today, are on the books today. This agreement is to the left of the U.N.

So the reason we are pushing sanctions in a bipartisan fashion is we want to avoid a conflict. The Iranian nuclear program has to be stopped one way or the other—through diplomacy and sanctions or through force, unless—that is the option. I cannot imagine a world with Ayatollahs with nukes. It would create a nuclear arms race. The Senator just got back from Saudi Arabia. Sunni Arab nations would want their own nuclear weapon, and we would be on the road to Armageddon. Israel—my God, how could they sit on the sideline and watch a nuclear weapon be produced by people who threaten every day to wipe them off the map?

We are hoping we can produce sanctions that would enable and enhance the administration's opportunity to get a peaceful resolution. Sanctions and diplomacy end the program in a peaceful way. This is our last chance. If we get this wrong, history will judge us poorly. They are trying to get a nuclear weapon. They are hellbent. The only thing that will stop them is pressure.

I want to ask the Senator a question. Why are Japanese banks and other business entities rushing to do business with Iran when the interim deal—relief and sanctions—do you believe that the international community is of the mindset that the sanctions are breaking down, that they are trying to jump ahead of each other to do business with Iran, and that if Congress passed a new round of sanctions, it would stop that breakout? Do you think that makes sense?

Mr. MCCAIN. Well, I think it might. I think this whole perception of the United States around the world, of our weakness, whether it be manifested in the Middle East with recent—I am sure my friend from South Carolina saw the comments of the former high-ranking member of the Saudi Government. The Japanese are now starting to go their own way because they believe the American pivot is not reality. There are manifestations of this perception of American weakness all over the world. So I am not sure they believe we are serious here or most anyplace else.

The Senator from South Carolina raises an excellent point. I seem to remember that during the days of the Cold War we used to look at the reviewing stand on the May Day Parade, and we would point out one guy and say: Well, he is a moderate. He is a soft-liner. Well, he is a hard-liner. You know, we hope that—fill in the blank—is going to really have a beneficial effect and that the Russians are going to change and blah, blah, blah. There was always this belief about hard-liners and soft-liners. We know now from history that was never the case.

So now we look at Iran. Oh, there are the hard-liners and the soft-liners. Doesn't that ignore the fundamental fact that there is one man who governs Iran and makes all the decisions? That guy is the Ayatollah. Now that Ahmadinejad, the hard-liner—and Rouhani, by the way, as the Senator from South Carolina mentioned, bragged and bragged about how he deceived the Americans and the other countries when he was the negotiator for Iran. Now he is the moderate. Now he is the good guy. So all this is fraud.

But I guess the other point that I think really needs to be made that we forget is this: In Syria and in Iran—this administration, this President, and this Secretary of State look at these countries as an arms control issue. They look at Syria as an arms control issue while from helicopters they are dropping bombs that are killing and massacring women and children, while they are committing the most atrocious acts—on the one hand, the Secretary of State and his friend Sergei Lavrov are removing chemical weapons from Syria while planeloads of weapons from Russia fly into Damascus, and they kill people. I am not sure whether a mother in Syria can discriminate whether that child was killed by a chemical weapon or by a conventional weapon.

So here we have the Iranians committing acts of terror all over the world, sending the Iranian Revolutionary Guard into Syria, training Bashar Assad's troops in Iran and sending them back, sending in supply after supply of weapons to kill Syrians, plots to kill even the Saudi Arabia Ambassador here in Washington, DC. Yemen has tried to smuggle in a whole boatload of weapons from Iran. The list goes on and on of their Persian ambitions throughout the Arab world and the world, but, by golly, we trust them to sit down and negotiate with us seriously on the issue of nuclear weapons. This is the most narrow view of Iran that has ever happened in history.

So I do not see how we can judge Iranian seriousness about really wanting to rein in and eliminate their progress toward nuclear weapons without considering their behavior throughout the world, particularly in the Middle East, which is one of aggression, terror, and outright murder of people and destabilizing the entire region to the Iranian advantage.

Mr. GRAHAM. Well, I think the point Senator MCCAIN is making is dead-on. Is it not true that our government has designated the Iranian regime—their government—as one of the largest state sponsors of terrorism in the world? Is that correct?

Mr. MCCAIN. True.

Mr. GRAHAM. Now, here is the question. It is a good question. If they had a nuclear weapon, would they be likely to end such activity or would they be more effective in expanding it?

Mr. MCCAIN. May I interrupt? I forgot one aspect of Iranian behavior that is the most egregious: their sponsorship of Hezbollah. There are 5,000 Hezbollah from Lebanon, sponsored by Iran, who are killing Syrians as we speak at the bidding of the Ayatollah and maybe Rouhani, who is supposed to be a moderate.

Mr. GRAHAM. I think what the Senator has just described—the litany of chaos and mayhem spread by the Iranian regime that he knows probably better than anyone because he spent so much time there—it is Hezbollah but also Hamas. They are all in. The people who create the biggest upheaval for Israel are all in for their buddy Assad, the butcher of Damascus. Without Iran's support, one of the most evil people on the planet would not have a chance.

Doesn't the Senator believe we are in a proxy war between us and the Iranians in Syria? That if we don't—and our actions towards whether we are going to use force or we are not going to use force, with Assad winning—that our policies toward Syria are affecting the regime's belief about what we may do about their nuclear program?

One thing that might reset our resolve as a nation is for the Congress to impose additional sanctions so the Ayatollahs will not be confused about our lack of will in Syria when it comes to their nuclear program. The bottom line is, after our debacle in Syria, doesn't the Senator think we have a problem with the Iranian regime of taking us seriously?

The international community is now breaking the sanctions. If new sanctions were imposed in a bipartisan way, that is the best way to reset the debate.

Mr. MCCAIN. I would also point out, one, if we are looking for one bright spot, that we see countries in the gulf and the Middle East aligning with Israel in a way that we have never seen before. Shouldn't we listen to the Prime Minister of Israel, which is the first target of Iran? It is the country about which the Iranians said, and have not renounced, that it is their commitment to ''wiping Israel off the map.'' Does the Senator think that maybe relations between ourselves and Israel are at the lowest ebb?

Does the Senator think it is an accident when now the Saudis and leaders of other countries are outspoken in their derision of the United States for a lack of leadership in the Middle East?

Finally, isn't it interesting that the Russians, for the first time since 1973, when Anwar Sadat threw them out of Egypt, are now major players in the Middle East?

Mr. GRAHAM. I think the whole Middle East is going in the wrong direction at warp speed. Congress has some obligation to speak up, to do something about it, and to try to help the administration when we can.

No. 1, a new round of sanctions, if we could muster bipartisan support, would send a great message to the Iranians: We don't see you the same as we do Syria.

There was a lot of confusion and differences in the body about what to do in Syria.

The Senator has been right for 3 years on this whole topic, but we are where we are. So a new round of sanctions, bipartisanly passed, would tell the Iranians that the American Congress and people look at them differently than the problem in Syria.

It would also be a statement in the international community: We are resolved to get this program dismantled by using sanctions. We are not backing off, so stop this breakout.

Finally to our friends, to the Israelis, to the Sunni Arab States, wouldn't it be welcome news to be tougher on Iran and to have the Congress reinforce the message to the Iranians that we are going to keep in place sanctions until they dismantle their program? Wouldn't that be some welcome news in a region that is absolutely desperate for some good news from America?

Mr. MCCAIN. I think so.

I thank my colleagues for their forbearance. I agree with the Senator from South Carolina.

I think it is imperative for the Congress and our role in the U.S. Government that these sanctions be enacted. The administration has plenty of time to negotiate, but we want to be prepared for failure. There is no reason not to make those preparations.

I began our conversation with the comments of the foreign minister of France. That concern is shared by many of our friends and allies both in and out of the region.

I note the presence of the Senator from Mississippi on the floor. I am sure he has some very important words that will be translated into English.

I yield the floor.

The PRESIDING OFFICER (Ms. WARREN). The Senator from Mississippi.

Mr. WICKER. It would be inconceivable for the senior Senator from Arizona to say anything which I would find offensive or insulting, and I take no offense from his remarks.

I wish to be recognized. We are in morning debate; are we in debate on the pending question?

The PRESIDING OFFICER. We are postcloture and the Senator is recognized.

Mr. WICKER. I understand that soon Senator LEVIN will come to the floor, and perhaps there will be an exchange between Senator CORNYN and Senator LEVIN about a matter that may be coming to a vote sometime in the next half hour, and that would be the motion to table the filling of the tree.

I wish to speak for a moment or two about that. I think sometimes we talk about these things in shorthand within the Senate, and perhaps our constituents don't know what we are referring to when we say the majority leader has come in and filled the tree.

I know most Members understand this, but what that means is the majority leader comes in and he offers all of the amendments that could possibly be ordered at one particular time and, therefore, doesn't give anyone else the opportunity to offer amendments. That has really been a problem for us on the minority side.

We have that situation now, and perhaps the motion that will soon be made by Senator CORNYN will take care of that.

But on this important Defense bill, which has been brought to the floor in a shorthand manner, the majority leader has filled the tree, and there are five amendments offered.

One of the amendments, amendment No. 2555 by Senator REID of Nevada, simply does this: Strike the words ''3 days'' and put ''4 days.''

That is all the amendment does.

Another amendment: Strike the words ''4 days'' and insert ''5 days.''

That is all the amendment does.

There is another amendment that says: The act shall be effective 3 days after enactment.

There is another amendment that helps fill the tree: Change the word ''request'' to ''requested.''

In other words, not substantive amendments, but amendments designed to simply fill up the parliamentary tree and prohibit Members on our side or other Members from offering a substantive motion that might affect the defense policy of the United States of America.

I would simply point this out and reiterate what Senator CORNYN said earlier today. Since becoming majority leader, our current majority leader, Senator REID of Nevada, has filled the tree 79 times—in other words, offered all the amendments, prohibiting us from even getting a vote, getting a debate, on an idea that we might have.

By contrast, his 6 predecessors combined filled the tree only 49 times; in other words 79 times by this majority leader and 40 times by the other Democratic and Republican majority leaders.

Senate majority leader Bill Frist filled the tree 15 times during his 4 years. Democratic leader Tom Daschle filled the tree only once during his 1½ years.

Trent Lott was majority leader, and he did it 11 times in 5 years. George Mitchell from Maine, a very distinguished majority leader, filled the tree 3 times in 6 years; and Bob Dole, when he was majority leader, filled the tree 7 times in 3½ years.

The point I am making—and then I will sit down—is that this majority leader, in an unprecedented manner, has filled the tree over and over. Why? To prevent other Senators from having an opportunity, as representatives of the 50 States, to offer ideas to improve bills and to get them on record on important issues.

I would hope that we could have a parliamentary motion in just a few moments to allow this tree to be taken down and to allow the elected representatives of the 50 States to come before the President of the Senate and before the American people and offer different ideas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. In a moment I will offer an amendment, and I know the distinguished chairman of the Armed Services Committee is here, but I wish to lay 5 minutes of groundwork.

The majority leader was down here earlier today talking about all the ''necessary votes'' that we have to have before everyone leaves town before the holidays. Of course, he was talking about a series of votes on nominees that he himself has set up since he is, in essence, the traffic cop for the Senate, and he gets to set the agenda unilaterally.

We know that while the majority leader has set up this series of votes on nominations—none of which are urgent and couldn't be done in January, and all of which are controversial—the majority leader is refusing to allow any vote on restoring pension benefits to the men and women of the U.S. Armed Services.

As we have talked about repeatedly over the last couple of days, the recent budget deal cuts their pension benefits by some $6 billion over 10 years, and we have learned that this agreement slashes the pension benefits of some of our wounded warriors, people who are medically retired.

Senator MURRAY from Washington, the distinguished chairman of the Senate Budget Committee, has called this a technical error—a technical error. She said it needs to be fixed, but we will do this next year.

Merry Christmas to our wounded warriors whose pensions, by virtue of the legislation that passed yesterday, have now been cut.

What makes matters worse is they have been discriminated against. No other Federal employee's pension benefits were cut, only those uniformed military members' pensions.

She calls it a technical error. I called it a mistake that needs to be fixed—not next month, not next year, but right now, today.

Why is it that the majority leader won't let us fix this right now. Why is it that he is blocking a vote on the relevant amendment? Why does he want to keep our veterans and our active duty military, including our wounded warriors, in limbo during the Christmas holidays?

Does he have a good reason for it? Is it really more important to confirm some mid-level appointees than to

make sure that our wounded combat veterans get the pensions that they have earned?

Is it really more important for the Democrats to jam us with nonessential, nonurgent nominees than to take care of the people who sacrificed so much for their country?

One last question. Is it really more important to approve all of these nominees than to honor the men and women who lost their lives in a homegrown terrorist attack at Fort Hood, Texas, some 4 years ago at the hands of MAJ Nidal Hasan, a radicalized major in the U.S. Army who shouted the words ''Allahu Akbar'' before he proceeded to mow down 13 people, costing them their lives, and to injure 30 more soldiers and uniformed military who were injured that day.

The majority seems to think of this group of nonurgent, and controversial mid-level nominees that we have to get this done. That is why he is jamming this through and not allowing us to amend this legislation with a fix to the military pension or to allow us to honor the victims at Fort Hood with the recognition and the benefits that they so richly deserve.

Unfortunately, like so much around here lately, it is politics all the time, even if that means sleighting our wounded warriors and refusing to honor 13 brave Americans who were killed by a terrorist attack at a U.S. Army base.

I ask unanimous consent to set aside the pending motion so that I may offer a motion to concur with amendment No. 2602, which is filed at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Michigan.

Mr. LEVIN. Madam President, I wonder if the good Senator from Texas would consent to my being allowed to speak for 5 minutes prior to the motion to table, which I understand is going to be forthcoming?

Mr. CORNYN. Responding to the distinguished Senator through the Chair, I would be happy for him to take whatever time he wishes to make comments now. Since he has made the objection, this would be a good time to do so, if he wishes.

Mr. LEVIN. I very much appreciate the courtesy of the Senator from Texas.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Let me try in 5 minutes to encapsulate what is in the bill and why we are where we are.

The bill includes numerous provisions, as the Presiding Officer knows, to sustain the compensation and quality of life of our service men and women and their families—the quality of life they deserve as they face the hardships that are imposed by continuing military operations around the world.

In just a few of these provisions are 30 types of bonuses and special pay, $25 million for supplemental impact aid to local education agencies with military dependent children, money to assist the Department of Defense in assisting veterans in their transition to civilian life, provisions for the Special Operations Command at $9 billion, $1 billion for counter-IED efforts, a provision to require the Department of Defense to streamline the Department of Defense management headquarters at all levels by changing or reducing the size of staffs and eliminating tiers of management, cutting functions that provide little or no added value, and a new land withdrawal provision that the Marine Corps has been working so hard on at 29 Palms, CA. This is the No. 1 legislative priority of the Marine Corps. The Commandant explained to us that the Marine Corps has spent 6 years analyzing and preparing for this expansion so the Corps can meet its minimum training criteria.

As General Dempsey, the Chairman of the Joint Chiefs of Staff, told us a few weeks ago, the authorities in this Defense bill ''are critical to the Nation's defense and are urgently needed to ensure we keep faith with the men and women, military and civilians, selflessly serving in our armed forces.''

Relative to the question of amendments which has been raised, we tried when this bill came to the floor to get consent to have amendments relate to the Defense authorization bill and we were unable to get that consent. We tried to get consent to adopt almost 40 cleared amendments as a managers' package. We could not get consent to do that. We asked to lock in 13 additional amendments for votes on both sides of the aisle, but equally divided, without prejudice as to further amendments that could be brought up but, again, there was objection.

Now, at this point, here is where we are. With the House of Representatives having left for the year, the only way we are going to get a defense bill enacted is by passing the bill before us as it stands. If it is amended, the bill would have to go back to the House of Representatives and the result would be we would get nothing enacted, killing both amendments as well as the bill itself. It would put the Defense authorization bill in limbo.

We have never done that. We have faced situations similar to this 2 years of the prior 5. We have always managed to pass a National Defense Authorization Act for 51 straight years. We followed the process in 2 of those last 5 years, which is not dissimilar to this process which we are following this year.

Does that make this the best way to proceed? No. It is not the best way to proceed. But that is not the choice we face. Our troops and their families and our Nation's security deserve a defense bill. The bill before us is right for our troops, for their families, for our Nation's security, and it was produced in a bipartisan manner. Senator INHOFE, my ranking member, is here, and I think he will attest to the fact that we adopted dozens of amendments in our committee work on a bipartisan basis.

This bill deserves a strong bipartisan vote of the Senate today, but to do that the motion to table, which I understand is about to be made, needs to be defeated.

I yield the floor.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. LEVIN. I will be happy to yield.

Mr. MCCAIN. First, I want to thank Senator LEVIN and the Senator from Oklahoma for their leadership and hard work on this legislation, and I congratulate them on the great work they have done.

But could I ask the Senator from Michigan, is this the first time in 51 years that a defense authorization bill will be voted on without debate or any amendment?

Mr. LEVIN. There was debate and amendment on this bill the week before Thanksgiving. So it would not be——

Mr. MCCAIN. Excuse me, without extended debate and addressing the issues of sexual assault, NSA, detainees. Have any of those issues been addressed by debate and amendment on the floor of the Senate?

Mr. LEVIN. Well, the sexual assault amendments which were pending, as my good friend from Arizona knows, were debated. There are about 20-plus sexual assault amendments that are in the bill so it makes major advances in that area.

In terms of the two amendments that I think the Senator is referring to—the amendments of Senator MCCASKILL and Senator GILLIBRAND—there was about a day-long debate on those, and there was an effort to vote on them. I think everybody wanted to vote on those two amendments, but there was objection to it.

In terms of what I believe the Senator is driving at, there was a time—I think it was in 2011 or 2012—when a Defense authorization bill was, in fact, adopted by unanimous consent. I think there was no debate on the bill that was finally adopted.

Having said that, I happen to agree this is not the ideal way to adopt a defense bill. I have said that over and over. And I have pointed out the way in which we tried to at least get some amendments adopted, including about 30 that had been agreed to and had been cleared, but we couldn't even get those added.

Now, with Senator INHOFE's help, we were able to get much of the material in those amendments that were worked out between us and the House leaders so that they are in this bill; not all of the amendments that had been cleared but many of them. But I happen to agree with my friends, this is not the ideal way to proceed. But we are now where we are, and if we simply reopen this bill and do not adopt it the way it

is, it then has to go back to the House of Representatives, and then there would not be a defense bill, with all of the then-problems that would be created for our troops and their families. So this is the best we can do, but it is not ideal.

Mr. MCCAIN. Could I finally say to the Senator, I have never seen a process like this before. Maybe there have been some parallels, No. 1. No. 2, here we are on December 19 of 2013 and we passed a bill through the committee in May. So here we are, many months later, taking up a bill because the majority's priorities were obviously not to bring up the Defense authorization bill until it was so late we are forced into this cramped procedure.

There is no doubt—and I thank the Senator and my distinguished chairman—that we haven't debated this bill. We haven't debated NSA. We haven't debated this issue of sexual assaults, with two different opinions here, the sanctions, the detainee issue—all of those issues.

I remember in the markup we said we will wait. It is so important, we will wait and amend this on the floor. So I don't think we have done the men and women who are serving in the military anything but a gross disservice by, in December, having a bill rammed through the Senate, and that is because of a lack of priorities on the part of leadership. We could have taken this bill to the floor of the Senate in June and we didn't. What a shame.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I know the distinguished ranking member of the Armed Services Committee is here. I would be glad to yield to him, if I can retain the right to the floor. I think he has a few comments he wanted to make in response to the chairman. If I can do that, I would ask unanimous consent to do so.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, let me make a couple of comments here. Oddly enough, I agree with everything the Senator from Arizona said, and the Senator from Texas. It is true. The process was terrible.

I have been here—well, I guess between the House committee and this committee—for 22 years, and I don't think I have ever seen anything like it. But the effort was there to have a bill early on. I know, in working very closely with the chairman—and I have never had an opportunity to work that closely with someone in developing a bill, but we did—that it was his desire to have a bill, and it is still his desire to have a bill. The problem is we went through the option that everyone finds so offensive, and I find so offensive, and it has changed the Senate. The evidence of that is what happened in this bill.

We had people who wanted to have amendments. So what I did, I went on a Thursday—I recall that—to a Republican lunch, and I went there with 25 amendments and I said: Would you all agree to cut your amendment requests, which were over 100, down to 25? If I can take that and show it to the other side, I will see if that is acceptable. They agreed to that.

I want to repeat that. The Republicans agreed to actually 25 amendments. So I went to the other side and I could not get an agreement on the other side. So that effort was there.

As far as the amendments are concerned, the chairman has said several times that we considered these amendments. We did. To be specific, 79 amendments were put in this bill, of which over half were Republican amendments. So we tried our best to put everything in there, and it got down to the point of do we want a bill or do we not want a bill. So I want to emphasize this is not on the merits of the bill.

The bill is a good bill. My colleagues have heard us more than they want to hear us talk about what all is in this bill. It is a good bill. I think it might be better than the bill we passed out, and maybe even the House bill. But nonetheless, it is down to that or nothing. And it is for that reason I think we have to have the bill.

But I agree we have to keep talking about how bad the process was to make sure that it never happens again. We, as the minority, are entitled to have our amendments, the same as the other side, when they become a minority, are going to be entitled to have their amendments.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, to clarify, I believe the Defense authorization bill will pass this evening. That is not in any doubt. The problem is this isn't just about the process, this isn't just about minority rights in the Senate, but this is about people getting hurt. And the people I am talking about are our Active-Duty military whose pensions have been cut by the vote we cast yesterday passing the budget deal. All we want to do is fix that.

There is bipartisan consensus this was a big mistake, and we could pass that, if the majority leader would allow us, today; it would pass through the House, as I said yesterday, like a hot knife through butter. Everyone agrees this was a mistake, and that is what the process is supposed to do, to fix this kind of error before it happens; and now that it has happened, to remedy it through an amendment. But this is exactly what the majority leader is denying us the opportunity to do and why this is so important.

I mention again, so it not be forgotten, the 12 Americans who were killed at Fort Hood some 4 years ago by a domestic terrorist attack, along with 30 others whose lives were changed forever when they were shot by MAJ Nidal Hasan, who had become radicalized by the same cleric whom President Obama targeted on his kill list with a drone attack in Yemen, and appropriately so. He was an agent of al-Qaida. To now call this workplace violence and not to give us a chance to recognize the loss of lives in an act of war and to make sure these patriots get the benefits they are entitled to is just wrong.

So this is not just about the process, it is not just about minority rights, it is about real people getting hurt and our ability to fix that today. That is being denied as a result of this process.

I would conclude by saying the distinguished Senator from Arizona is exactly right. The average number of amendments since 1996 on the national defense authorization bill is 138 amendments—138 amendments. The average number of recorded votes, 11½. The average number of days we are on the bill is 8.8. So this is a big, important, profoundly significant piece of legislation, yet it is being jammed through here in about 24 hours without any opportunity to offer amendments.

Madam President, parliamentary inquiry. Is it correct that no Senator is permitted to offer an amendment to the House-passed Defense bill while the majority leader's motion to concur with a further amendment is pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. CORNYN. Further parliamentary inquiry, Madam President. If a motion to table the Reid amendment to concur with a further amendment is successful, would there be an opportunity to offer my amendment, No. 2602, the Fort Hood Purple Heart bill?

The PRESIDING OFFICER. The Senator is correct.

MOTION TO TABLE THE MOTION TO CONCUR

Mr. CORNYN. Madam President, in order to offer that amendment and others that I believe would be in order and should be allowed to be offered, I move to table the pending Reid motion to concur with a further amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—45

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

NAYS—55

Baldwin	Harkin	Nelson
Baucus	Heinrich	Pryor
Begich	Heitkamp	Reed
Bennet	Hirono	Reid
Blumenthal	Johnson (SD)	Rockefeller
Booker	Kaine	Sanders
Boxer	King	Schatz
Brown	Klobuchar	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murphy	
Hagan	Murray	

The motion was rejected.

Mrs. BOXER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion was agreed to.

Mrs. BOXER. I note the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ECONOMIC RECOVERY

Mr. FRANKEN. Mr. President, I rise to speak about some of the important work we can be doing to help strengthen our economic recovery and to get more Minnesotans and more Americans across the country into jobs.

During the government shutdown in October, I came to the floor to talk about how the shutdown was preventing us from doing the work that people sent us here to do. Every day we spent on the shutdown was a day we weren't working together to create jobs and to rebuild the middle class. The budget deal we passed this week is far from perfect, but it is my hope it will enable us to stop lurching from crisis to crisis and focus on the work we were sent to do.

This agreement means businesses will have the stability and certainty they need to create jobs and strengthen our economy, and it allows us to focus on educating our kids, creating a 21st century workforce, and putting people back to work.

As I said, this budget deal is far from perfect; it is a compromise and, as with any compromise, it has elements I like, elements I don't like, and elements others like and don't like that may be different. In addition to providing some budgetary certainty for the next 2 years, the budget deal undoes some of the extreme across-the-board cuts of the sequester that will enable us to make more of the critical investments we need to make in education, research and development, and infrastructure. We will make those investments while replacing the irrational cuts of the sequester with more responsible debt and deficit reduction. In fact, the bill ultimately reduces the debt by about $20 billion more than under the previous budget that included the full sequester.

At the same time, I am very troubled by the fact that the bill pays for undoing some of the extreme, across-the-board cuts of the sequester in part by reducing some military pensions. That was something pushed for by the lead Republican negotiator, and I am not happy about it. I believe there are cuts we can make to defense spending, but cutting military pensions is not one of them. That is why I am cosponsoring a bill authored by Senator JEANNE SHAHEEN of New Hampshire that would replace those cuts to military pensions by closing an indefensible and wasteful corporate tax loophole, and I hope we can get that done before the cut to military pensions goes into effect.

I am also very troubled that the budget deal does not include an extension of critical emergency unemployment insurance. Extending this unemployment insurance is one of the things we need to be doing for the economy. Too many Americans remain unemployed, and those who have been unemployed the longest are facing the expiration of their unemployment insurance when they need it the most. There are 65,000 workers in Minnesota and millions throughout our country who may need this extended unemployment insurance in 2014. These folks are struggling. They are struggling to find jobs and to support their families.

Not extending unemployment insurance will also put the brakes on our economic recovery. In 2011, the CBO wrote that aid to the unemployed is among the policies with ''the largest effects on output and employment per dollar of budgetary cost.'' Without an extension the Council of Economic Advisers estimates the economy will generate 240,000 fewer jobs by the end of 2014. That is why I have been working to continue the extension of unemployment insurance and I will keep pushing for the Senate to take up and pass an extension when we return in the new year.

Another thing we should do to strengthen the economy and help working Americans is to raise the minimum wage. We established a minimum wage because we believed that no one should work full-time, contributing to society, and live in poverty. Americans value work. We work more hours on average than citizens in other developed countries. The minimum wage is supposed to help guarantee that if a person works hard and plays by the rules, they at least will have a roof over their head and be able to put food on the table.

This year marks 75 years with a Federal minimum wage. However, today, because the minimum wage is too low, it is not doing what it is supposed to do. Today, a minimum wage worker making $7.25 an hour or about $15,000 per year falls below the poverty line, even though they work 40 hours a week, 52 weeks a year. Inflation has eroded the value of the minimum wage. If the minimum wage had simply kept pace with inflation since 1968—not raised in real terms but just kept pace with inflation—it would be at $10.75 an hour today. That is a wage that would at least keep a family of three above the poverty line.

What has happened to the minimum wage is part of a larger trend for American workers. Over the past 50 years, American workers have increased their productivity by 135 percent—a 135-percent increase. But the value of their wages has not changed, and the real value of the minimum wage has dropped by 33 percent over that same time. Over just the past few years, costs have climbed. Americans are paying more for electricity, rent, auto repair, food, childcare, and many others things. Yet most wages for workers have stagnated and the minimum wage has fallen.

That is why I think one of the most important ways we can boost our economy and help workers and families is to increase the minimum wage. Americans agree. Americans strongly favor boosting the Federal minimum wage to $10.10 an hour. In a recent survey, 63 percent supported raising the minimum wage to $10.10 from the current $7.25 rate. Moreover, the support for increasing the minimum wage is broad-based: The rich, the poor, Republicans and Democrats all believe we should raise the minimum wage.

Increasing the minimum wage will be good for Minnesota, and there is a parallel effort at the State level to increase the State minimum wage. If we increase the Federal minimum wage to $10.10, it will affect 462,000 Minnesota workers over 3 years. That is 18 percent of Minnesota's workforce. It will increase our State's GDP by $400 million. That is something we must fight for.

Extending unemployment benefits and increasing the minimum wage are crucial things we can be doing to support the American value that if you work hard, you should be able to support yourself and your family.

There is more we can be doing. I am part of the Manufacturing Jobs for America initiative that several of my colleagues in the Senate, and headed by the Presiding Officer, have undertaken. As part of that initiative, I wish to speak about an issue I have spoken about on the floor before—an issue I hear about from manufacturers all over Minnesota—the skills gap. What is the skills gap? Recent studies have shown that between one-third and one-half of manufacturers in my State of Minnesota have at least one job they can't fill because they can't find a worker with the right skills to fill that job. That is the skills gap in Minnesota, but it is not just Minnesota. This is a nationwide phenomenon. As I roam this

floor to talk to my colleagues, every one of them knows of this phenomenon in their State. A 2011 survey by Deloitte found that there were 600,000 manufacturing jobs nationwide that were unfilled because of a skills shortage.

It is not just manufacturers either. There is a skills gap in information technology, in health care, and in other sectors that have jobs sitting there waiting for skilled workers to fill them. There are more than 3 million jobs in this country that could be filled today if there were workers who had the right skills. With too many Americans unemployed, we have to find a way to fill those jobs.

The thing is we know how to solve this problem. We are taking steps to solve it in communities in Minnesota and around the country through partnerships between businesses and community and technical colleges that are training up workers and getting them into high-demand jobs right away.

Let me talk briefly about an innovative program to bridge the skills gap in Minnesota. I recently visited the Right Skills Now Program at the Dunwoody College of Technology in Minneapolis and the South Central Community and Technical College in Mankato. Those two institutions are working on this together.

At South Central I sat with about 8 to 10 manufacturers who had helped fund and design their program that gives workers the skills they need to operate a computer numerical control, or CNC, machine. They told me that between 8 or 10 of them they had more than 50 job openings they could fill that instant. At Dunwoody, their current placement rate from the Right Skills Now Program is 91 percent. You will have a hard time finding a more effective program.

Dunwoody likes to emphasize that its students often come into the program after having just been laid off or that they are the long-term unemployed we hear about. After going through the program, they are placing 91 percent of them into good jobs in a growing industry here in this country.

They told me about a student who had a successful career as a massage therapist. He was doing just fine until he began to experience pain from prearthritic symptoms. That spells trouble for a massage therapist. So he researched technical programs and joined Right Skills Now, and after going through the program he relaunched his career as a machinist.

Careers are different from what they were a generation ago. Very few people stay working in one job for one company for their entire life anymore. Whether it is because of changing life circumstances such as the massage therapist turned machinist, or because of new technologies, most workers have many different jobs over the course of their working life now, and those jobs require many different skills. We need a workforce development system that is agile enough to keep up with those changing demands.

That is essential not just so workers will be able to get the different skills they need over the course of their working lives; it is also going to be one of the keys to the United States remaining globally competitive. If our workers cannot adapt to the new industries that are constantly forming, we will lose those jobs to our global competitors. There is no better way to anticipate and to react to these changes than to connect businesses directly with our schools to get workers exactly what they need.

This is also about college affordability. I have talked before about Erick Ajax, the CEO of EJ Ajax and Sons, a metal stamping and sheet metal fabrication company in Fridley, MN, that was founded by Erick's grandfather in 1945. Erick and other manufacturers partnered with Hennepin Technical College in Hennepin County to set up M-Powered, a fast-track training program to get workers what they need for entry-level advanced manufacturing jobs.

Erick gave me an example of one of his workers that I found exciting. This is what excites me, and not because it is extraordinary; it is because it is something we can duplicate over and over in this country. When he hires employees from these business-technical college partnerships, the way he looks at it is that they are on a career ladder that would otherwise not be available. He told me about one such hire, who was really good at his job. So Erick sent him back to school to get his associate's degree. The guy came back to work, continued to be a star, and a few years later Erick paid for him to go to the University of Minnesota, where he got his bachelor's degree. The guy is now head of quality control for EJ Ajax, an incredibly high-skilled job at an advanced manufacturing company.

Now, understand, this guy graduated from college with no debt—zero debt—with a great job. When I think about college affordability, I think about that story.

As I have said, we have a skills gap problem in manufacturing and other industries, and we have these partnerships that are successfully working to close that gap. So where do we come here in Congress? Well, I have gone around to Minnesota's community and technical colleges and talked to businesses, I have had roundtables, and I have talked to national experts in our State and from around the country, and the fact is we are not doing this fast enough. Sometimes these partnerships could do a lot more, train up a lot more people, with some extra funding—maybe to buy a really sophisticated machine or to hire an instructor with very specialized skills.

So what I am proposing is a competitive grant program in a bill called the Community College to Career Fund Act. Under this program, businesses and community colleges would apply for grants based on how many jobs their partnership would create, what the value of those jobs would be to those hired, to their company, to the community, and how much skin do the businesses have in the game or maybe how much the community colleges and the businesses and the State have in the game.

We have millions of open jobs that cannot be filled because of a skills shortage, and we know these partnerships are the most direct way to fill those jobs. We know that existing partnerships are not doing enough and cannot do enough, and they need more resources in order to truly meet the need that exists. So that is exactly what my bill would address.

As we move forward with this budget deal, let's build on the progress it represents and set our sights a little higher. Let's support working families and help people who are struggling to find a job in today's slowly recovering economy. Let's help students and young people who have been held back by slow job growth get a foothold in the economy. Let's support partnerships between businesses and community and technical colleges to fill the jobs that are out there. Let's make this coming year the year that Congress works for Americans and puts Americans back to work.

Thank you.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, first let me commend my colleague from Minnesota and tell him that I proudly cosponsor his legislation. I have had visits throughout my State with community colleges and have watched this work, where they literally bring employers and future employees together at a community college—an affordable community college—they get the very best training, really focused on the job opening, and when it is finished, they go right to work and they make a good salary.

I tell you, I think this is the future. This is an excellent idea. I was happy to support it. I have shamelessly stolen it and said it was my idea in a few places, but I will confess to the Senator on the floor——

Mr. FRANKEN. It is an honor for me to acknowledge that the Senator has stolen my idea.

Mr. DURBIN. I want to tell him that I am going to admit this on the floor and give him credit but be happy to join him in this effort.

Mr. FRANKEN. I thank the Senator. And in Illinois the Senator is free to say it is his idea.

Mr. DURBIN. I thank the Senator very much.

THE DREAM ACT

Mr. President, maybe we will be in session 24 hours, 48 hours, 72 hours, and then we are finished, the year 2013 comes to a close. The unfortunate thing from where I am standing is we have missed an opportunity. About 6

months ago, we passed a comprehensive immigration reform bill. It had been 25 years in the making.

We know our immigration system is broken. We know it is unfair. We know people are suffering because of it. And we know we can do better. So we came together and 68 of us voted on the floor of the Senate, about 6 months ago, to pass comprehensive immigration reform.

I worked on that bill with seven colleagues—four Democrats, four Republicans. We came up with a good bill, not a bill I agree with in all of its specifics, but one that I think is a good, fair compromise.

We sent it to the House of Representatives. They have done nothing—nothing. They made some statements—some encouraging, some discouraging. The fact is, they never called this bill.

Mr. President, 2014 is another opportunity for the House of Representatives to rise to this challenge, and I hope they will.

There are many parts of that bill that are so essential—strengthening our border, a very important issue to all Americans, particularly on the other side of the aisle; a pathway to citizenship, just a matter of simple, elemental justice, which is a passion on our side of the aisle. We brought those two concepts together to make the bill work.

But included in those concepts is an idea which I introduced into legislation about 13 years ago. It was called the DREAM Act. It basically said if you came to the United States as a child, were brought here in undocumented status or overstayed a visa and were here undocumented, finished high school, had no serious criminal background, we would give you a chance, a chance to earn your way to citizenship—legality and citizenship.

Last week, I visited a group on the Mall who were fighting for immigration reform. Since the middle of November, these immigration, faith, and labor leaders have been fasting, urging the House of Representatives to take up this responsibility and pass the immigration bill.

Their commitment to fighting for immigration reform has inspired people all across this Nation to join the movement and to tell stories about families torn apart by the broken immigration law in America.

We cannot ignore the injustice of this system and the suffering that millions of people in our own country are living with.

I want to urge Speaker BOEHNER to move forward on immigration reform in 2014. I understand there is a small, very vocal, very negative minority of his caucus that refuses to support any change in immigration law. But that is nothing new. In our Nation of immigrants, there has always been that force at work. In the time of Abraham Lincoln's Presidency, they even had a political party. It was the Know-Nothing Party. They opposed immigrants. They opposed Catholics. They were virtually against everything. Lincoln campaigned against them, and eventually they disappeared from the American political scene. But their sentiments can always be found at every point in our history.

The one part of this immigration bill, as I mentioned earlier, that is near and dear to me is the DREAM Act. I fought to pass it for 12 years. There were times when we called the DREAM Act on the floor of the U.S. Senate, and I would look up in the gallery and it would be filled with young people, men and women wearing graduation gowns and mortar boards, to remind people that they were undocumented, officially unwelcome in America, and yet their heart was here and their lives have been spent here and they were just asking for a chance to be part of our future. Some heartbreaking moments when the amendment was defeated on the floor of the Senate and I met with them; some encouraging moments when the comprehensive bill passed and included the strongest DREAM Act language that we have ever written.

For most of their lives, these young people have been trapped in the shadows, fearing they could be deported at any moment and facing obstacles to developing their talents in this country. Isn't it ironic that we have invested so much already in their lives—educating them, giving them an opportunity to thrive in this Nation—and then, right at that moment when they are ready to go to college or go into a job—we tell them: Leave. We do not want you. That is not right. It is not fair. It does not make any sense.

Last year, President Obama did something that was significant. He announced his administration would grant temporary legal status to these immigrant students who grew up in the United States. This historic program is known as DACA. DACA stands for Deferred Action for Childhood Arrivals. It gave the DREAMers a chance to come out of the shadows and be part of America. In the last year, more than 567,000 people have applied for this DACA status; 460,000 have received it.

Later today or tomorrow, the Senate will vote on the nomination of Alejandro Mayorkas to be Deputy Secretary of the Department of Homeland Security, which I will support.

As Director of U.S. Citizenship and Immigration Services, Mr. Mayorkas has been charged with implementing DACA, the President's Executive order.

It was a complicated job, but Mr. Mayorkas did it in an outstanding way.

Earlier this week my colleague and friend Senator GRASSLEY of Iowa spoke on the floor about Mr. Mayorkas and the DACA program. I wish to take a moment to respond to some of the things he said in the CONGRESSIONAL RECORD.

Senator GRASSLEY initially questioned the legality of this DACA program. I want to be clear. DACA is entirely appropriate and legal. Throughout our history, our government has decided which persons should be prosecuted and which ones would not be prosecuted based on law enforcement priority and available resources. Past administrations of both political parties have stopped deportations of low-priority cases. Courts have long recognized their authority to do that.

In a decision last year striking down Arizona's immigration laws, the Court reaffirmed that the Federal Government has broad authority over who is going to be deported. Republican-appointed Justice Anthony Kennedy, who wrote the opinion, said: ''A principle feature of the removal system is the broad discretion exercised by immigration officials.''

The President's action is not just legal, it is smart. It is realistic. Today there are millions of undocumented immigrants in the United States. The government has to set priorities. Those with criminal records, serious criminal records, should leave. They should be deported—no excuses. Under the Obama administration's policy, that is a high priority. That is the way it should be.

Senator GRASSLEY also claimed on the floor that the immigration service has not released adequate information about the DACA program. I disagree with my colleague and friend. USCIS has been transparent about this process, publishing data on its Web site showing the number of applicants who applied and those who have been accepted and rejected.

For the past few years I have come to the floor of the Senate regularly to tell real-life stories of those DREAMers. I have done it over 50 times. We actually had a reunion of the DREAMers I have spoken of on the floor of the Senate. I want to take some time today to update the story of one of those DREAMers.

This is a photograph of two brothers, Carlos and Rafael. They are siblings who were brought to the United States by their parents when they were kids. Carlos grew up in suburban Chicago, graduated from Palatine High School, where he was an honors student. In high school Carlos was captain of the tennis team, a member of the varsity swim team. He volunteered with Palatine's Physically Challenged Program, where every day he helped feed lunch to special needs students.

Listen to what one of Carlos's high school teachers said about him:

> Carlos is the kind of person we want among us because he makes the community better. This is the kind of kid you want as a student, the kind of kid you want as a neighbor, the kind of kid you want as a friend to your child and, most germane to his present circumstance, the kind of person you want as an American.

It is good news. Last week Carlos graduated from Loyola University in Chicago, majoring in education. His lifelong dream was to be a teacher. It almost did not come true. You see, last

year Carlos and his brother Rafael were placed in deportation proceedings. They were going to be expelled from the United States. I asked the Obama administration to reconsider. They decided to suspend the deportation. That was the right thing to do. After graduating from Loyola University, Carlos was offered a teaching position starting in just a few weeks. Carlos will be teaching at Schurz High School, a Chicago public school on the northwest side. In addition to his teaching duties, Carlos will also be helping with the school's DREAMers organization and the tennis team, a sport he knew well from high school.

There is no question that we need the best and brightest to teach in our schools. We need people like Carlos who are committed to the next generation of tomorrow's leaders.

Teach for America knows that great teachers can come from all walks of life, from graduating seniors in our Nation's most elite colleges, to former investment bankers and veterans. Last week Teach for America announced that it plans to actively recruit DREAMers who have received DACA deferment, so more DREAMers like Carlos will be able to give back to the country they know. They will be in classrooms not only teaching the important subjects, but with their very lives they will be teaching the next generation of Americans what immigration has always meant to this country.

I ask my colleagues who stand on the floor critical of the administration's deportation policies, would America be better off if Carlos had been deported last year? Would Chicago be better if this bright, idealistic young teacher was not headed to the classrooms in a few weeks to try to help educate the next generation of leaders in this country? Of course not.

To hear Carlos's story is to realize the benefits immigration reform will bring to America. Imagine what is going to happen when 11 million undocumented immigrants have the opportunity to step out of the shadows, like these DREAMers, and contribute fully to America. Imagine what it will mean to them to no longer live in fear of a knock on the door, to be able to declare who they are, where they live, who is in their family, to be able to work without any fear, to be able to travel, to go back to important family events in other countries and return to the United States.

Legalization will unleash the earning potential of millions of people. They will be able to pursue jobs that match their skills instead of working in the underground economy.

It is the right thing to do. It will make America stronger. I am confident that wiser voices will prevail in the House of Representatives.

Just the other day I had a conference call with Catholic bishops. They have made this a special effort on their part to support comprehensive immigration reform. They were from all over the United States. In addition to their prayers, I asked them to reach out to their congregations, tell stories like Carlos's story and Rafael's story, and tell people this is really very fundamental and basic when it comes to issues of justice.

FOR-PROFIT COLLEGES AND UNIVERSITIES

Mr. President, I have come to the floor I cannot tell you how many times to talk about an industry in America—the for-profit college and university industry. I have talked about the basics. Most people could not tell you what for-profit colleges are or which ones are for-profit. Well, the major colleges—I will start at the top with the Apollo Group, the University of Phoenix, and DeVry out of Illinois is second. Kaplan, which was owned by the Washington Post, is third. There are a lot of other ones.

What is interesting about these colleges and universities is they could not exist without generous subsidies from the Federal Government. Here is what happens. They lure students into enrolling in their schools. The students, often because they are low income, qualify for Pell grants and student loans. The Pell grants and student loans flow from the government through the student into the for-profit schools.

It turns out there is a 90–10 rule. Imagine this. These for-profit schools cannot take more than 90 percent of their revenue from the Federal Government—90 percent. They are 10 percent away from being a total Federal agency. But they make amazing amounts of money, huge amounts of money. They pay their CEOs millions of dollar because this is a very lucrative undertaking.

But there are three things you should remember about for-profit schools—three numbers. You will know what the challenge is if you remember these three numbers:

Twelve. Twelve percent of all the graduates of high school go to for-profit schools.

Twenty-five. Twenty-five percent of all the Federal aid for education goes to these schools.

Forty-seven. Forty-seven percent of all the student loan defaults are with students who have enrolled in these for-profit schools.

So 12 percent of the students, 25 percent of the Federal aid for education, and 47 percent of the student loan defaults.

Why are these students defaulting? There are several reasons. One reason is that the diplomas from these schools are not worth much. I will tell a few stories in a moment. The other reason is that once the school enrolls these students and brings in their student loans, they really do not care that much as to whether they finish. It is not that important to them. The money has already flowed to the school. A third reason, of course, is that many of these students finish school, and with their questionable or worthless diplomas, they cannot find jobs. What happens then? They cannot make their student loan payments.

I will tell some specific stories when I talk about one of these for-profit school operations. It is called Corinthian Colleges, which is a publicly traded corporation that owns for-profit schools in the United States and Canada. It is now in the spotlight for engaging in manipulative marketing and deceptive job-placement practices.

Earlier this week, a Huffington Post article called attention to these abuses. It was entitled ''How a For-Profit College Created Fake Jobs to Get Taxpayer Money.'' The headline says the whole story. The article reports that Corinthian has been encouraging the manipulation of job-placement rates to entice students to sign up for programs and to avoid the scrutiny of the government and the accreditors.

Corinthian College subsidiaries—Everest College is one of them—have been criticized in the past for having high dropout rates and some of the highest 3-year loan default rates in America even while its tuition rates are higher than community colleges or even flagship State schools for an equivalent degree. In spite of the bad press, Corinthian Colleges—such as Everest—have managed to come out on top, increasing enrollment, increasing profit margins, and increasing payments for their executives. It would appear these gains were at least in part due to the manipulative marketing practices and a corporate culture of deceit toward its students.

According to this article, Eric Parms enrolled in Everest College's heating, ventilation, and air-conditioning repair program in the summer of 2011. Eric had been laid off from his job. He was attracted to Everest because of the promise from its advertisements and recruiters that their HVAC program would lead to a good job and a decent living. So Eric picked up his family—his wife and two sons—and he moved from Ohio to Georgia to enroll in this Corinthian school, the Everest College program. He was a good student. Eric received all A's, only missing one class on the day his 7-year-old son was diagnosed with leukemia. After completing the 9-month program, Eric Parms was left with a $17,000 student loan debt and could not find a job.

What Eric did not know was Everest College was paying more than a dozen local employers what they called an on-boarding allowance of $2,000 a head to secure 30 days of employment for their graduates. These were not real jobs; these were jobs which Corinthian Colleges—Everest College—were frankly bankrolling so it looked as if their graduates were going to work. The money was purportedly a fee to help pay for things such as training and uniforms. In reality, by paying companies to take graduates for temporary jobs, the Everest College was able to boost

its official job-placement rate unrealistically. This helped Everest College continue to fly under the radar of its accreditors.

However, Corinthian paid companies for jobs without considering the long-term effects on students. The fact that they would sign them up for 30 days and then turn them loose really did not mean that much to Corinthian; they just had to show that they went to work at some point.

Well, after he graduated Eric had to beg the school's career service counselor to even set up interviews. Even then, he would arrive at interviews supposedly set up for him, and the potential employers would tell him they had never heard of Everest College. Remember, Eric Parms was on the hook for $17,000 in student loans for this course he took.

Finally, Eric was set up by career services to work in a contract position with ADG Enterprises laying electrical wires. After less than 2 months on the job, he was laid off and cut off from career services from Everest. Everest had used him to get $17,000 in student loans and turned him loose without a job, without a future.

In fact, managers discouraged career counselors at Everest from re-placing people who had already been placed in a job. They were instead encouraged to send graduates to companies with high turnover rates, to provide temporary positions just so they could show that their graduates went to work even if it was just for a few days. The school had effectively placed Eric in a short-term internship program. Once it was over, there was no incentive for them to keep him. They turned him loose to vacate a space for another graduate and another $2,000 check. Then Everest would shuffle another graduate into the same position to artificially maintain that they were placing students in jobs. This was fraud—not just a fraud on the public, not just a fraud on the students, but a fraud on American taxpayers by Corinthian Colleges.

Eric lost out on the deal—a $17,000 debt for a training degree he could not use. To get a Georgia HVAC contractor license, he needed to have significant work experience and references, and no one would hire him because they did not take his degree from Everest—part of the Corinthian College system—seriously.

The practice of paying employers to hire graduates from this Everest campus ended in 2011, but it was not the only Corinthian school engaging in these practices. The California attorney general recently filed suit against Corinthian for using fraudulent marketing, paying companies to temporarily hire graduates, and using other tactics to meet accreditation standards and job-placement rates. These other tactics included paying temporary agencies to hire graduates for temporary positions while basically counting a 1-day volunteer event for dental assistant graduates as a job placement and, worse yet, ''placing'' graduates at nonexistent businesses they created as part of a class project to design business cards.

It was a big game for Corinthian, and they got paid off handsomely by Federal taxpayers and these unsuspecting students.

Corinthian has also outright misrepresented job placement rates to students by advertising numbers substantially higher than their actual rates. These deceptive practices give the illusion that this is a successful undertaking. Go to Everest and get a job. It turns out that it is a charade.

In addition to manipulation of job placement rates, recruiters for Corinthian colleges and schools withhold pertinent information from students to get them to enroll.

Lindsay Ryan, another student at Everest College who contacted my office, studied criminal justice online and was 12 weeks away from graduation when she learned that Everest was not regionally accredited and that she wouldn't be able to find a job in her field in the State of Illinois.

One would think that a college offering courses to people in Illinois would have some obligation to tell them whether or not a degree or certificate from that school could lead to a job in that State?

In Lindsay's case it didn't.

Do you know what Everest College suggested to Lindsay after she had been duped into this so-called education? They suggested she move to Florida where she might be able to use an Everest College degree. That wasn't an option for Lindsay and her family.

Now she sits, unemployed, supporting three children, her husband, and a $24,000 student loan debt to this Corinthian college, Everest College, for a worthless degree.

Over the past decade Corinthian colleges have received from the Federal Government nearly $10 billion in student aid—$10 billion. That makes up more than 80 percent of the total revenue of this college. These schools, these for-profit schools, are sucking on the Federal Treasury to come up with billions of dollars to get rich at the expense of taxpayers and these poor exploited students.

Corinthian grew during our recession, reaching a peak enrollment of 93,000 students, doubling revenue up to $1.7 billion in 2011. This is in part due to a persuasive but deceptive marketing plan promising a better career to people such as Eric and Lindsay who were looking for a way out during difficult times.

Toya Smith, a former Everest career counselor who was interviewed by Huffington Post, recognized that for-profit schools burden students with large debts, a questionable degree, and poor job prospects—while the company was profiting on Federal dollars.

She said: ''You're selling a dream to a student that you know, in reality, they are not ever going to realize.''

Did I mention Toya was a former counselor at Everest? She told the truth.

How many more times will Corinthian end up in the news for deplorable stories such as these? I have asked the CEO of Corinthian to explain these practices. His name is Massimino. He was paid more than $3 million in total compensation the last year that was reported by this corporation. I have asked him not to engage in this conduct again.

I have also written to Everest College's national accreditors, the Accrediting Council for Independent Colleges and Schools and the Accrediting Commission of Career Schools and Colleges, asking what steps they are going to take to sanction Everest for these egregious abuses of the public trust.

Finally, I have asked the Secretary of Education, Arne Duncan, to look into these allegations and to use whatever authorities the Department may have to hold Everest and its parent company, Corinthian, accountable.

If no authorities exist, I have asked him to work with me in Congress to give the Department the ability to respond more aggressively to abuses such as the ones I have outlined for Corinthian.

It is time to put an end to the corporate culture of deception and data manipulation that pervades the for-profit school industry. They are wasting taxpayers' dollars. They are abusing students and their families. We in Congress are not doing what we should.

We have to protect these students and their families. We have to protect America's taxpayers from for-profit schools that are taking advantage of the law.

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

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

Mr. ISAKSON. I ask unanimous consent to address the Senate as in morning business.

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

TRIBUTE TO PAUL YATES

Mr. ISAKSON. Merry Christmas to the Presiding Officer and to all those who might be watching C–SPAN.

We are getting close to the big holiday, and it is a time when I come to the well to pay tribute to a great newsman in Georgia who is retiring after 40 years in television on the Georgia beat: Paul Yates, with WAGA–TV, Fox 5, in Atlanta. He has served for 35 consecutive years at the same station.

In fact, when I ran for Governor in Georgia in 1990 he covered that race. He has covered all of my Senate races, and he covered all of my legislative races. When we were in the legislature

and in session, he covered every day of the Georgia legislature and has for over three decades.

He has made a tremendous contribution to our State and the level, quality, and respect for the very best that journalism can expect. As Paul Yates retires from his service after years of service to the people of Georgia at WAGA–TV, and as one who he has covered—both good and bad—I wish to pay tribute to a great journalist, a great friend, and a man who has done a great service to the people of my State of Georgia.

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

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

Mr. CARDIN. Mr. President, let me first comment about the National Defense Authorization Act. It is an important bill for us to pass, and I wish to thank Senator LEVIN and Senator INHOFE for the manner in which they worked on this legislation, bringing it together in the committee. It was a bipartisan bill. As it came to the floor it maintained that focus on helping our troops and helping preserve our national security. As we were starting to consider amendments, I think some cooperation was there. Unfortunately, we lost track of being able to consider amendments in a somewhat normal course.

But the bill before us represents a bipartisan effort to make sure we provide the men and women who are defending our Nation the tools they need in order to carry out their mission, and we give them the support they deserve for serving their country. So this bill is a critically important bill, and I am glad that with the earlier vote, we are on track to send this to the President for his signature before the end of the year. It is very important. The bill provides many important provisions for the health care of our troops, many important provisions for their compensation, and it is important we get that done before January 1.

The bill also provides the tools they need and the direction they need in terms of foreign policy in our military.

I wish to thank the committee. Several of the suggestions I made during the committee process were incorporated in the bill that came to the floor. I have the honor of chairing the East Asian and Pacific Affairs Subcommittee of the Senate Foreign Relations Committee and serving with the distinguished Presiding Officer who also serves on that subcommittee. In that capacity we worked with the committee to deal with some of the issues in that region, provisions dealing with the health care of our military personnel and many of the other issues. I am glad to see the committee did incorporate some of the concerns that had been expressed.

Two specific amendments I had noted during the amendment process have been incorporated in the bill that is before us. One deals with health care and the other deals with parity between our civilian workforce for the Department of Defense and our contract workforce. I appreciate that those two amendments have been incorporated into the bill we have before us.

Similar to many of my colleagues who have come to the floor, I am disappointed. On any bill that comes forward that is a bipartisan bill there are compromises and there will always be disappointments about not being exactly everything you want it to be.

That is understandable. What is very disappointing is that we didn't have a chance to offer many amendments that are not controversial. The only way an amendment could get on after it came through the committee was through a clearing process, and I think there are many other amendments that could have gotten into this bill that would have been important, but I will look for other opportunities.

I had three amendments that I will mention now that I will look for other opportunities to advance. One comes directly out of the subcommittee I chair, and that deals with maritime security issues in the China seas. That is a powder keg, where China most recently took steps in regard to airspace that only made that situation even more tense. The maintaining of maritime security is critically important to the United States. It is the major shipping lane for commerce not only in that region but globally, and it is an area that could bring about unfortunate conflicts between many countries in that region which could mushroom into active situations. So maritime security is a very important issue, and the United States has taken a very active position on that to say: Look. These matters have to be talked about directly by the countries involved in a peaceful manner, not in an intimidating manner. The amendment I offered would have furthered the Senate in supporting that position.

I was also disappointed not to be able to offer an amendment which dealt with the accountability particularly of Assad in Syria but also of those who have committed war crimes in Syria. The Presiding Officer knows of the testimony we have had in regard to the gross violation of human rights by government officials in Syria and the numbers of people who have been killed and have suffered as a result.

The War Crimes Tribunal at The Hague should have the ability to deal with these types of issues, and the amendment I offered asked that the United States work for full accountability for those who have violated international standards in regard to war crimes.

A third amendment I had offered that did not get in because of reasons I just mentioned was an effort that many are working on to form a partnership between the United States and Vietnam in regard to education programs—higher education. We have a way to do that. Senator MCCAIN was very helpful to me in trying to advance this, and we will look for another opportunity to get that done because I think it is critically important.

Many of us understand we have to improve the relationship between the United States and Vietnam, but Vietnam needs to deal with its human rights violations. It needs to deal with its good governance. One way we can help this is by dealing with institutions that promote democracy, and that is, of course, higher education.

So while I am looking forward, with regard to all those areas, to finding other vehicles where we can deal with the issues we were not able to deal with through the amendment process, I would ask our colleagues to get this bill to the President so he can sign it before the end of this year.

THANKING ELISE MELLINGER

Mr. President, I would also like to make a few comments about Elise Mellinger. As I mentioned earlier, Elise is a Pearson Foreign Service officer fellow. Let me explain what that means. She is an experienced member of the Department of State's Foreign Service. She served in India, Indonesia, and Singapore. She is a person who has served our country for many years, and she is a career diplomat at the State Department.

For the past year, she has been assigned to my Senate office and has acted as a valuable member of my staff. That helps our career diplomats understand the congressional process better, but it also gives us the opportunity to have an experienced individual who truly understands the workings of diplomacy to be in our offices and help us carry out our responsibilities.

In Elise's case, that was particularly helpful to me because at the beginning of this year I took on the new responsibility as the chair of the East Asian and Pacific Affairs Subcommittee. Throughout my career in Congress, I have spent a lot of time in Europe. I have chaired the U.S. Helsinki Commission, and I have traveled extensively to Europe, but it was a new venture for me to chair the East Asian and Pacific Affairs Subcommittee. Elise Mellinger brought me the expertise so we could—the Senate and the Committee on Senate Foreign Relations—carry out our responsibility in regard to congressional oversight and initiatives in regard to that region of the world.

As a result of her hard work, we were able to have numerous hearings in 2013 on the rebalance to the Asia initiative President Obama brought forward, and to talk about many of the issues in that region of the world, from the maritime security issues I have already

talked about to environmental issues, to dealing with North Korea, a huge problem with not only their nuclearizing the Korean Peninsula, which is unacceptable, but the human rights violations in that country and how the people are being treated as far as economic growth, and the list goes on and on.

Vietnam is a major country of interest. We have been able to be involved in that. We had a hearing on the typhoon in the Philippines that Elise Mellinger was critically important in helping us put together in a matter of days so we could become knowledgeable as to what was happening with one of our allies in that region—the Philippines—and what we could do and what the international community and the private sector could do in order to help the people of the Philippines. I traveled to that region, and Elise Mellinger was extremely important in preparing me for that trip.

So I just wanted to share with my colleagues this program we have, where we have executive employees, career diplomats who come and work in our offices so we can work together and advance foreign policy in the United States. There should not be a difference between the executive and legislative branches in regard to our objective with foreign policy. Of course, we have oversight; of course, we have separation of powers; and for the entire year Elise Mellinger was in my office she was a 100-percent loyal person among our staff to carry out that responsibility. As I said to her earlier, I hope it does not affect her career when she goes back to the State Department, and I know it will not.

I was very fortunate, indeed the Senate and I believe the American people were very fortunate, that Elise spent the year in service to her country through the Senate. She will be leaving very shortly, at the end of this month. So I wish to thank her, her family, her husband, Elliott Wu and her daughter, Eitana Wu for sharing Elise Mellinger with us. We wish her well. We are going to miss her. She is going on to return to the Canadian desk within the State Department before she accepts her next mission that will most likely be outside the United States.

On behalf of all my colleagues in the Senate, I want to express my thanks and appreciation to Elise Mellinger.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, this week the Senate is considering a couple of fairly big items. We had a vote earlier this week on a budget proposal to fund the government for the next couple of years, and we also are going to be voting on a defense authorization bill that is very important to America's national security interests.

As we brought this legislation to the floor, there has been something conspicuously and noticeably absent; that is, open debate—something that used to be taken for granted in the Senate, a right that was accorded to Senators.

The nice thing about getting to the Senate, when you come from the House of Representatives, is that when you get to the Senate, one person can actually have the opportunity to get amendments voted on and have those amendments debated. In the House of Representatives, those of us who have served there, know there is a rules committee, and the rules committee decides what comes to the floor, what amendments are made in order, and how much time is allowed for debate on each amendment. It is a very structured process.

What the Founders conceived for the Senate was something different. They wanted us to have an opportunity to openly debate the big issues of the day. And there are no bigger issues, I would argue, than the budget proposal which will fund the government for the next 2 years and spend literally billions and trillions of dollars of the American people's tax money; and the Defense authorization bill, which will authorize in this case over half a trillion dollars of spending of the American taxpayers' money.

So these are big, consequential pieces of legislation brought to the floor of the Senate but not open to the debate, not open to the amendment process.

We just heard the Senator from Maryland talk about amendments which, if he had the chance to offer, he would have offered. That applies to a lot of us.

The Defense bill, when it comes to the floor here, will have probably gone through a fairly good vetting process. I served on the Armed Services Committee for 6 years. I think they did then and do now a good job of prioritizing when they come to the floor. But we have to remember, there are only probably 25 or so members of the Armed Services Committee, which means there are 75 Senators who haven't had an opportunity to have their voices heard on such a big piece of legislation.

The same thing with the budget. The budget conference really consisted of a couple people. In fact, I am told by conferees who were members of the Budget Committee and were supposed to be members of that conference, they really didn't vote on it. There was no vote on it when it left the conference. It was negotiated by a couple of people and brought to the floor to be voted on—something that is pretty darned important to the future of this country but not open to amendment, no opportunity for Senators here to have the opportunity to improve upon. Perhaps we could improve upon it; maybe we couldn't. But we at least should have had the opportunity to bring issues to the forefront that rightly should be debated when we are talking about something like a 2-year budget and a defense bill which spends enormous amounts of the American people's tax dollars.

So no debate. Shut down here in the Senate by the majority leader. Why? I guess because it is really critically important we get to some of these nominations that need to be voted on—voted on before the Christmas holiday. Why? Well, because, Lord knows, we couldn't vote on them next year. I guess we can vote on them next year. Now that the majority has broken the rules here in the Senate, changed the rules, they can approve those with 51 votes.

So I don't know what the big sense of urgency is on these nominations that would prevent us from having a full and open debate on something as consequential as the Defense authorization bill or the budget just being voted on here in the Senate. I don't know why these nominations would take precedence over that.

It seems to me that if there was any sense of urgency attached to this, most Members on both sides I think would acknowledge that we need to do that. But clearly these are all nominees who could be voted on next year, and now approved with 51 votes, thanks to the majority breaking the rules in the Senate and making it possible to approve nominees with 51 votes.

So the very notion, as the majority leader came out here and said repeatedly now, that we would be here next week on one of the most important Christian holidays of the year voting on nominees that can be voted on a week later after the first of the year when Congress comes back into session—it seems to me to be really sort of stunning in terms of its audacity.

I think the American people would conclude the same thing; that we would take a defense authorization bill, that we would take a huge budget bill and actually sort of just try and sweep them under the carpet, fill the tree so we don't have an opportunity to debate amendments or vote on amendments, but then have to rush to get these nominations through, nominations which can be considered early next year and approved now with a 51-vote majority.

So think about that. We have had these threats here on the floor. The majority leader has come to the floor and said: We are going to be here Christmas Eve because we have got to do these nominations. Yet we don't have any time to do the important work, such as having a chance to debate and vote on amendments to bills such as the Defense authorization bill.

So that is where we are. Again, I think it is pretty stunning that this is what the Senate has deteriorated into. And it is regrettable. But hopefully—hopefully—at some point people will come to their senses that: Yes, this is an important week next week for a lot of people around this country; that perhaps being able to do the nominations a week later, after the first of the year, when they can be approved with 51 votes, that might make sense and might be a reasonable approach to take with all this.

I hope most Members here, like most Americans, next week at least have an opportunity to celebrate the Christmas holiday with their families. And as they do, a lot of Americans will use that opportunity to reflect upon the past year. In many cases that will mean life changes which occurred in the last year. For many Americans it might be a marriage in the family, it might be a graduation, events that we celebrate. It might be something we look on with reflection and mourn the loss of a loved one. But this is a time when normally people around this country reflect on significant changes in their lives in the last year and start thinking in anticipation about what the next year might bring.

Some things people can't control in their lives. Some changes people don't like and they can do nothing to control. And as they start thinking about last year and start thinking about next year, for a lot of people it is going to be the impact that ObamaCare is going to have on their lives. People are thinking about the fact that they have these skyrocketing premiums that are now coupled with these outrageous deductibles. The sticker shock is forcing millions of Americans to pay more for health care.

President Obama promised the American people:

> ObamaCare will cut costs and make coverage more affordable for families and small businesses.

Well, the reality is that family premiums have already skyrocketed since ObamaCare became law. American approval of this law is now in the tank.

According to a recent CBS/New York Times poll:

> Most uninsured (57 percent) think the cost of their health care will increase, and just 23 percent expect the quality to get better.

Think about that. Fifty-seven percent of the people who have no insurance—people who are uninsured—think the cost of their health care is going to increase. And a majority in that same poll are opposed to the health care plan. Those are people who don't have health care insurance today, and a majority of them are opposed to this plan.

For many Americans, the holiday season is going to be filled with angst and uncertainty as they look at facing a coverage gap on January 1. More than 10,000 Iowans were told by healthcare.gov that they should qualify for Federal health coverage, but Federal officials have not yet sent complete information on those people to State administrators, who are supposed to then review the applications and enroll people in the program.

My colleague from Iowa Senator GRASSLEY is on the floor. Constituents he represents are going to be filled with a lot of uncertainty as they face the future. According to the Des Moines Register, Percy Smith of Des Moines is concerned about a coverage gap:

> I'm losing my optimism, because we're getting close to January, and I don't know if I'm going to be covered or not.

But this problem will affect more than Iowans. According to the Washington Post:

> Those facing a potential coverage gap include an estimated 15 million people.
>
> The law's insurance cancellations mixed with the Web site's problems might leave some people who have coverage now uninsured in the new year. These are Obamacare's biggest losers.

Today, George Will has an article in the Washington Post that explores this administration's abuse of executive discretion. The article effectively summarizes the exact abuses of executive power that my colleagues and I have been vocally opposed to.

Under this administration, if they don't like what the law says, even if they wrote that law, they simply ignore it. Example after example exists of how this President believes he is above the law. Look no further than their delay of the employer mandate or their rewrite of the laws governing the work requirements as a condition of receiving welfare. As Mr. Will says in his article:

> In 1998, the Supreme Court held that ''there is no provision in the Constitution that authorizes the president to enact, to amend, or to repeal statutes.''

Yet, as Mr. Will further points out, this President often claims:

> . . . he can't wait for our system of separated powers to ratify his policy preferences.

Unfortunately, that is not how our country was founded and not what our forefathers established in our system of governance.

As the Federalist Paper No. 47, authored by James Madison, says:

> The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

The American people are wising up to this abuse of power, and I believe this President must respect the rule of law, despite his clear self-interest to act otherwise.

I believe it is only a matter of time before the President continues to abuse executive discretion to correct problems with his law. Instead of being forthcoming with the American people and Congress and explaining why parts of this law won't work, he relies on his administrative agencies to issue 11-hour blog posts or leaks to the media to announce delays in portions of his signature law.

Another way this administration is trying to fix problems is to put the burden of fixing problems on others. Last month the President tried to fix the problem of cancelled plans by kicking the can to State insurance regulators to determine whether, in 48 days from the date of his announcement in November, they can change their State insurance regulation policies quickly enough to permit plans to continue to offer those plans available in 2013 and 2014. He expected State insurance commissioners to bail him out to allow Americans to keep the plans they were promised they could keep. He is also expecting insurance companies to bail the administration out of problems as well.

The insurance industry will now extend the deadline until January 10 for Americans to pay for coverage that starts on New Year's Day. This doesn't fix the problem of coverage gaps, but it is a convenient talking point for the administration.

While 2013 was filled with one unbroken ObamaCare promise after another, the President's inability to follow through on making coverage more affordable for families and small businesses was one of the biggest. In a rare moment of candor, Secretary Sebelius was forced to admit:

> [t]here are some individuals who may be looking at increases [in health care costs].

A recent Associated Press/GfK poll confirms that more than ''some'' individuals will be facing sticker shock thanks to ObamaCare: Sixty-nine percent say their premiums will be going up, while 59 percent say annual deductibles or copayments are increasing.

A separate poll by the Washington Post and ABC found that just 5 percent of Americans believe that ObamaCare will actually reduce their health care costs.

The reality for many Americans is that dramatically higher premiums, deductibles, and copayments mean they are going to have less money in their wallets to spend on rent, pay for college, or to invest in a small business.

As a result, 67 percent of respondents in a recent Fox News poll say ObamaCare should be delayed and 53 percent of respondents would vote to repeal the law.

This holiday season Democrats should give the American people what they were promised all along: lower costs, while keeping the doctor and plan they have and like.

As we begin 2014, this President and administration should commit to abandoning their power grabs and complete disregard for the rule of law. This law was passed, hurriedly rushed through here on a partisan vote. Not a single Republican Senator here voted for it. We are now seeing the effects of that: one-party rule, one party running roughshod over the other to try to get something enacted into law—which now, as the American people are finding out, they are the ones impacted.

We are seeing all the adverse, harmful impacts which come with it: higher premiums, cancelled coverage, lower take-home pay, higher deductibles, and a less promising future for the American people. We can and we should do better.

I hope that as Americans this Christmas season reflect on the past and think to the future, we will resolve to do what is necessary to give them a brighter future by putting in place policies which will grow the economy,

create jobs, increase the take-home pay of middle-class Americans, rather than give them another gut punch which makes it that much harder for them to provide for themselves and their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise for two purposes. No. 1, to discuss the National Defense Authorization Act and the fact that we cannot offer amendments to it and the process that has deteriorated in the Senate for deliberation. Second, I will speak very shortly about the nomination of Mayorkas, one of the first nominees we will be voting on this week.

The Senate is poised to vote on a final National Defense Authorization Act after considering only two amendments. The Senate has not been functioning like it should for some time, and the way that the National Defense Authorization Act has been handled is one example. I have served in the majority and the minority, with Democratic Presidents and Republican Presidents. So I have seen it operate from every perspective. What is unique about the Senate is that the rules as well as the traditions force Senators to work together. That leads Senators to understand where the other side is coming from, resulting in mutual respect and scrutiny.

I hear from a lot of Iowans who are upset at the tone they hear in Washington and the lack of bipartisanship. I have often said that the Senate functions best when no party has more than about 55 seats. If you have much more than that, there is less of a tendency to want to work in a bipartisan fashion. That was true for most of my time in the Senate but not now. Despite a current margin of just 5 seats in the Senate, there has been very little bipartisan cooperation. I suppose some Democratic Senators really believe it when they say that this is all Republicans' fault. I think anyone who remembers how the Senate used to operate and has paid attention to how the current majority leadership has been running things in fact knows better.

In fairness, quite a few Members of the Senate do not remember how the Senate is supposed to operate because it has been dysfunctional ever since they were elected. Some Senators previously served in the House of Representatives, where the majority party controls everything that happens. In the House of Representatives, the Rules Committee sets out the terms of debate for each bill. If you want to offer an amendment in the House you have to go, hat in hand, to the Rules Committee and say: Mother, may I. If the House leadership does not like your amendment, frankly, you are out of luck.

If that sounds familiar, that is because it is how the current Senate leadership has been running things lately here in the Senate. We have seen an absolutely unprecedented use—or I should say abuse—of cloture motions paired with a tactic called filling the tree to block amendments from being considered.

That not only affects the minority party, but Democratic Senators are affected as well. I would say to my colleagues on the other side of the aisle: How many times have you had an amendment you wanted to offer, that was important to your State, but you could not do it because amendments were blocked? The Senate majority leader has effectively become a one-man version of the House Rules Committee, dictating what amendments will be debated and which ones will never see the light of day. This strips the ability of individual Senators to effectively represent their States, regardless of party.

It also virtually guarantees that any legislation the Senate votes on will be more partisan in nature. I would ask my colleagues across the aisle: Isn't your first responsibility to the people of your State, not to party leadership? Are you really content to cede to your party leader the trust and responsibility placed in you by the voters of your State? How much longer can you go along with this proposition?

The people of Iowa sent me to the Senate to represent them, not simply vote up or down on a purely partisan agenda dictated by the majority leader. Everyone complains about the lack of bipartisanship these days, but there is no opportunity for individual Senators to work across the aisle when legislation is drafted on a partisan basis and amendments are blocked. Bipartisanship requires giving individual Senators a voice regardless of party. When Senators are only allowed to vote on items that are preapproved by the majority leader, those Senators lose the ability to effectively represent their State and, in the end, become mere tools of party leadership. It is no wonder Americans are so cynical about government right now.

In the last decade, when I was chairman of the Finance Committee and Republicans controlled the Senate, we wanted to actually get things done. In order for that to happen, we knew that we had to accommodate the minority. We had to have patience, humility, and respect for the minority—attributes that do not exist on the other side anymore. We had some major bipartisan accomplishments, from the largest tax cut in history to a Medicare prescription drug program to numerous trade agreements. Those kinds of major bills do not happen anymore.

The Senate rules provide that any Senator may offer an amendment regardless of party affiliation. Each Senator represents hundreds of thousands or millions of Americans, and each has an individual right to offer amendments for consideration. The principle here is not about political parties having their say but duly elected Senators participating in the legislative process, as imagined by the Constitution. Again, as part of our duty to represent the citizens of our respective States, each Senator has an individual right to offer amendments. This right cannot be outsourced to party leadership.

The longstanding tradition of the Senate is that Members of the minority party, as well as rank-and-file Members of the majority party have an opportunity to offer amendments for a vote in the Senate. That has historically been the case with the annual National Defense Authorization Act, the very bill that we are debating now. But not this year. It typically takes a couple of weeks to consider the National Defense Authorization Act. This year the majority party leadership chose to wait until a week before the scheduled Thanksgiving recess to bring it up, leaving little time for the customary open debate and amendment process.

Once the Defense bill was brought up, rather than promptly starting to process amendments, the majority leader immediately blocked amendments so that he could control what came up for a vote. Obviously, the Senate ground to a halt, wasting time that we did not have when we could have been considering amendments from both sides of the aisle.

This process, as everyone here in the Senate knows, is called filling the tree, where the majority leader offers blocker amendments that block any other Senator from offering their own amendment unless the majority leader agreed to set aside his blocker amendment so other amendments can be offered.

Filling the tree does not appear anywhere in the Senate rules. It is based upon combining two precedents, the precedent that the majority leader has the first right of recognition by the Presiding Officer and the precedent that only one first-degree and one second-degree amendment can be pending at any one time. Basically, the majority leader abuses his prerogative to cut in line and offer an amendment that does nothing more than simply change the enacting date by 1 day, for instance. That then blocks any other Senator from exercising his right to offer an amendment.

This so-called filling-the-tree tactic used to be relatively rare, but it has become routine under current leadership. This way the Democratic leadership can prevent other Senators from offering amendments that they do not want to have to vote on. Then, with amendments blocked, the majority leader makes a motion to bring debate to a close. Around here that is called cloture. When cloture is invoked, it sets up a limited time before a final vote must take place. By keeping amendments blocked while running out the clock, the majority leader can force a final vote on a bill without having to consider any amendments other than amendments that the majority leader might approve.

It should not be a surprise to anyone that Members of the minority party

who wish to offer amendments will vote against a motion to end debate until their amendments have been considered. When Republicans vote against the Democratic leader's motion to end debate, we are accused of launching a filibuster. In other words, unless we give up our right to participate fully in the legislative process, the other side says that we are filibustering.

Does that really count as a filibuster? No. The nonpartisan Congressional Research Service answers this question, and has a very helpful report on cloture motions and filibusters that make this point very clear. The CRS report is entitled, ''Cloture Attempts on Nominations: Data and Historical Development,'' by Richard S. Beth. It contained an entire section called ''Cloture Motions Do Not Correspond With Filibusters.'' It starts out:

> Although cloture affords the Senate a means for overcoming a filibuster, it is erroneous to assume that cases in which cloture was sought are always the same as those in which a filibuster occurs. Filibusters may occur without cloture being sought, and cloture may be sought when no filibuster is taking place. The reason is, cloture is sought by supporters of matters, whereas filibusters are conducted by its opponents.

It then goes on to explain various scenarios to illustrate this point. Several Members of the majority have made a point of trying to confuse cloture motions with filibusters. We hear constantly that there have been an unprecedented number of Republican filibusters. They often point to a chart that purports to tally the number of filibusters and say that this is evidence of abuse of the Senate rules by the minority. The number they quote is the number of cloture motions, not the number of filibusters. It is true that there have been a record number of cloture motions, and I also agree that the number amounts to an egregious abuse of Senate rules, but, again, there is a very significant difference: Cloture motions do not correspond with filibusters. Cloture motions are filed by the majority party leadership, not by the minority party. This abuse of cloture is a major cause of the Senate's current dysfunction.

Again, this abuse of cloture, often combined with the blocking of amendment also prevents all Senators from doing what they were sent here to do, not just Members of the minority party.

It has gotten even worse. Even where the majority leader has decided he is going to be open to amendments, he has created out of whole cloth new restrictions to limit Senators' rights. First, he normally only opens the amendment process if there is an agreement to limit amendments. This is usually only a handful or so. Then he has magically determined that only germane or relevant amendments can be considered.

Of course, nowhere do the Senate rules require this, other than postcloture. Senators elected in the last few years appear to be ignorant of that fact. You will hear some Senators here argue against an amendment saying it is nongermane or nonrelevant. They have totally fallen for the creative rulemaking of the majority leader, thus giving up one of their rights as a Senator with which to represent their State. I cannot count on how many nongermane or nonrelevant amendments I had to allow votes on when I processed bills when Republicans were in the majority. They were usually tough political votes, but we took them because we wanted to get things done. We wanted the Senate to function.

You do not see that nowadays. The current majority leader avoids tough votes at all costs and that is why we don't get much done around here. The American people sent us here to represent them. That means voting, not avoiding tough votes.

We sometimes hear this is a question of majority rule versus minority obstruction. Again, that ignores that each Senator is elected to represent their State, not simply to be an agent of the other party. While the majority of Senators may be from one party, they represent very different States, and the agenda of the majority leader will not always be consistent with the interest of their States.

When one individual, the Senate majority leader, controls what comes up for a vote, that is not majority rule. In fact, there are policies that have majority support in the Senate that have been denied a vote.

What happened during Senate debate on the budget resolution this year seems to prove that point. The special rules of the budget resolution limit debate so it can't be filibustered but allow for an unlimited number of amendments.

A Republican amendment to support repealing the tax on lifesaving medical devices in President Obama's health care law passed by an overwhelming 79-to-20 vote, with more than half of the Democrats voting with the Republicans rather than with their party leader.

A Republican amendment supported the approval of the Keystone XL Pipeline to bring oil from Canada and passed 62 to 37.

Those are two examples, because votes such as these that split the Democrats and hand a win to the Republicans are exactly what the majority leader has been trying to avoid by blocking amendments.

That is why the Senate didn't take up a budget resolution for more than 3 years. Still, the budget resolution isn't a law, so unless legislation on those issues is allowed to come up for a vote, nothing will happen despite the support of the vast majority of the Senate as demonstrated by those two rollcall votes I just mentioned.

As a case in point, now we are on the National Defense Authorization Act, and one of the amendments the majority leader blocked would have imposed sanctions on the Iranian regime. Everyone knew this amendment enjoyed broad bipartisan support and would have passed easily had a vote been allowed to take place. It had majority support. But the Senate was not allowed to work its will.

Why? The Iran sanctions amendment was blocked because the President opposed it and it would have been a tough vote that divided the majority party. Is that a valid reason for shutting down the traditional open amendment process for the Defense bill? I don't think so.

Until we put an end to the abuse of cloture and the blocking of amendments, the Senate cannot function properly and the American people will continue to lack representation that they are entitled to.

MAYORKAS NOMINATION

As I said, I have a few short remarks on the Mayorkas nomination. I spoke at great length on this yesterday and I won't speak at great length today, but I have concern with Mr. Mayorkas' nomination, so I have additional information today for my colleagues.

Today the Office of Inspector General for the Department of Homeland Security released an embargoed version of its audit of the EB–5 immigrant investor visa program. The report states that the U.S. Citizenship and Immigration Service has difficulty ensuring the integrity of the program and does not always ensure that regional centers meet all eligibility requirements.

Specifically, the report said:

> U.S. Citizenship and Immigration Service did not always enforce its own regulations and procedures to assist with managing the regional center program.

Another quote:

> Until improvements are made, U.S. Citizenship and Immigration Service is unable to prevent fraud and national security threats . . .

Another quote:

> [I]t cannot report the results of the program accurately or ensure the EB–5 program is benefiting the U.S. economy and creating jobs for U.S. citizens as created by Congress.

We understand Mr. Mayorkas is in charge of these programs. The IG said the agency needed to improve coordination and rely on the expertise of other agencies.

The IG had several recommendations for the U.S. Citizenship and Immigration Service that, frankly, should have been in place before now, if the Director was doing his job. In his comments on the draft report, Mr. Mayorkas claimed that he was already addressing the issues the inspector general raised. He said his agency had ''dramatically enhanced collaboration with key government partners,'' meaning he was cooperating with the FBI.

He also wrote that when his agency has concerns with EB–5 cases, it doesn't decide the cases until it has ''fully coordinated its approach with enforcement and intelligence partners.''

I have seen examples of this so-called coordination that Mr. Mayorkas talks

about. But, again, his words don't comport with the actual practice.

When Homeland Security's law enforcement database, TECS, has a hit on someone applying for a regional center, the Citizenship and Immigration Service sends an email to the law enforcement agency that put the record in. But the problem is that the Citizenship and Immigration Service isn't waiting for law enforcement to make an investigation. In fact, information has come to my attention that CIS employees are told to move forward if law enforcement doesn't respond within 5 days. That is just 5 days to find out what sensitive security or fraud information caused that person to be flagged. If law enforcement doesn't get back to the Citizenship and Immigration Service soon enough, then that agency goes ahead and the person's application is approved.

That is not coordination. That coordination is a sham. That should be simply unacceptable to any of us who are concerned about the national security of our country. It is not the sort of way to run a program with national security vulnerabilities. Everybody should wait until law enforcement responds. We need to know who is coming into this country and not, and particularly when they are involved in a program where you buy your way into the country by buying a visa because you are supposed to be investing in this country and creating jobs in this country. But for some people who may want to get into this country for ulterior motives, they may violate our national security; they don't care about creating jobs. But if it gets them inside the country, they get here. So we have to know whether they are a threat to our national security.

The only reason the Citizenship and Immigration Service even does check on regional centers at all is because of a push within that agency that Mr. Mayorkas and his management resisted. Now they are trying to take credit for it.

More important is what his agency has not done. They refused to kick out regional centers that invite national security problems. Mr. Mayorkas claims he doesn't have statutory authority, but the inspector general audit recommended that Mr. Mayorkas should make clear on his own that fraud and national security concerns are a reason for regional centers to be kicked out of the program.

The bottom line is Mr. Mayorkas has not taken the steps that were within his power to guard against security vulnerabilities in the EB–5 program. The inspector general's audit report concludes:

> Currently, U.S. Citizenship and Immigration Service cannot administer and manage the EB–5 regional centers program effectively.

Mr. Mayorkas has had ample notice of these problems for years. He has failed to take adequate action.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

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

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

UNEMPLOYMENT BENEFITS

Mrs. HAGAN. Mr. President, at the end of this year, 1.3 million Americans will be cut off from their Federal unemployment benefits. At the hardest time of the year, 1.3 million people will lose the lifeline they have relied on to support their families while they struggle to find jobs in this challenging economic climate.

Unfortunately, for 170,000 North Carolinians, this has already been a reality. Earlier this year, the North Carolina General Assembly slashed unemployment benefits, making North Carolina the only State in the Nation to actually stop receiving Federal emergency unemployment insurance—the only State in the Nation. This irresponsible and cold-hearted action by the general assembly has been devastating to the thousands of individuals and families across my State who are already struggling to make ends meet.

Sydney Houston is one of 170,000 jobless North Carolinians who would have received Federal unemployment benefits were it not for this new State law. A month after the law was enacted and Sydney no longer had her benefits, she told a North Carolina TV station that she was ironing her clothes in preparation for a job interview when her electricity was cut off because she couldn't pay her bills. ''It's been excruciating,'' she said, adding that she feared her landlord knocking on her door to evict her at any moment.

People have to understand that these extended Federal unemployment insurance benefits help these families pay for their rent, pay for their food, and pay for their electricity, just as in Sydney's case.

I also received a letter from Sherrie Harmon, another North Carolina woman. Let me tell my colleagues what she said. Her letter stated:

> I have lived in North Carolina my entire life and I've felt proud of my State. This has changed drastically.

Sherrie was laid off from her job at a law firm and her husband Rick lost his job a month later. Sherrie was drawing unemployment while searching for work and attending classes at Central Piedmont Community College in Charlotte. She was in her third semester of school when she found out that her unemployment would end.

She said:

> We are at risk of losing everything we've worked for in the 24 years we've been married. I am completely lost.

We have heard so many stories such as these from Sydneys and Sherries across North Carolina.

What is more, North Carolina tax dollars are going to unemployed workers in every other State across the Nation except for North Carolina. Our citizens are paying their Federal taxpayer dollars for Federal unemployment benefits to 49 other States, even though our citizens cannot rely on the same safety net. This is not only unfair, it is hurting my State, which continues to have one of the highest unemployment rates in the country at 8 percent, with some of the rural counties in North Carolina as high as 14.5 percent.

As the Senate considers an extension of the emergency insurance program, I believe it is crucial to right the wrong that has been done to North Carolinians through no fault of their own. For this reason, I come to the floor today to express my thanks to my colleagues, especially Majority Leader REID, Senator MAX BAUCUS, and Senator JACK REED, for working with me to ensure that North Carolina's needs will be addressed as we work to extend unemployment insurance benefits into 2014.

I also urge my colleagues not to leave their constituents to the same fate as the citizens of my State, and to swiftly pass the Emergency Unemployment Compensation Extension Act. This bipartisan legislation, introduced by Senators JACK REED and DEAN HELLER, would extend Federal unemployment insurance benefits, and it would restore North Carolina's eligibility to participate in the program.

We must continue to work on bipartisan policies that will boost job creation and get Americans back into our workforce. We need educational institutions, local employers, and job training centers to join forces to ensure that unemployed workers are being trained for the job opportunities that are available right now.

I have a bill called the America Works Act that would do just that. It would close the skills gap that has been plaguing our country and it would take the guessing game out of hiring. The America Works Act would ensure that community colleges and job training programs develop curricula that will lead to portable, industry-recognized credentials that will help train our unemployed workers so they would be outstanding applicants for jobs that are available in their local communities right now.

In the meantime, as the unemployed struggle to get by while they look for jobs, we should not cut them off from the safety net that has served as their last lifeline for taking care of their families and putting food on the table. We should make certain that the unemployed in North Carolina have that same opportunity once again in spite of the action taken by the North Carolina General Assembly.

I am glad to be joining my colleagues in pushing to extend the unemployment insurance for both North Carolinians and people across our country. There is no reason to wait any longer to pass this critical legislation.

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Vermont.

Mr. SANDERS. Madam President, I take this opportunity to thank Senators LEVIN and INHOFE and the Committee on Armed Services for their very hard work on the Department of Defense authorization bill. Unfortunately, I must vote against it, and I want to take this opportunity to explain why I am voting no and to express my very serious concerns about our Nation's bloated military budget, particularly in light of the many unmet needs we face as a nation.

At a time when the United States has a $17.2 trillion national debt and when we spend almost as much on defense as the rest of the world combined, the time is long overdue for us to take a hard look at the waste, at the cost overruns, and at the financial mismanagement that have plagued the Department of Defense for decades.

As a point of comparison, the International Institute for Strategic Studies estimates total global military spending in 2012 at $1.583 trillion. The U.S. portion of that spending is over 40 percent—$645 billion. In other words, the United States is spending almost as much as the rest of the world combined on defense. We are spending about $645 billion. China spends $102 billion. The United Kingdom spends $64 billion. Russia spends $59 billion. Other countries spend less.

According to the Washington Post:

> Since 2001, the base defense budget has soared from $287 billion to $530 billion—and that's before accounting for the primary costs of the Iraq and Afghanistan wars.

In addition to the trillions spent on the war in Iraq and what seems to be a never-ending war in Afghanistan, the Department of Defense consistently engages in wasteful, inefficient, and often fraudulent spending.

At my request several years ago the Department of Defense issued a report detailing the breadth of fraud that exists within the Pentagon—the simple issue of massive fraud. The report showed that the Pentagon paid over $573 billion during the past 10 years to more than 300 contractors involved in civil fraud cases that resulted in judgments of more than $1 million—$398 billion of which was awarded after settlement or judgment for fraud. When awards to parent companies are counted, the Pentagon paid more than $1.1 trillion during the past 10 years just to the 37 top companies engaged in fraud. The bottom line is that almost every major defense contractor in this country has in one way or another been involved in fraudulent dealings with the taxpayers of this country and the Department of Defense.

Further, above and beyond fraud, the waste at the Pentagon is rampant, and we can go on for many hours just documenting the waste, but let me give just a few—a few—of the kinds of waste that the Pentagon regularly engages in. These are just a very few examples.

In July 2013 the Pentagon decided to build a 64,000-square-foot command headquarters for the U.S. military in Afghanistan that will not be utilized or even occupied. Even though the $34 million project was deemed unwanted by military commanders 3 years ago, the military still moved ahead with construction. That is one example.

Another example. According to a report released by the Department of Defense inspector general this year, the Pentagon has been paying contractor Boeing more than $3,357 for a piece of hardware they could have purchased from their own hardware store, the Defense Logistics Agency, for $15.42. It seems to me it would be a pretty good deal to get a product for $15 that you are paying over $3,000 for, but that is the way the Pentagon runs.

Furthermore, another issue, the July 2013 Special Inspector General for Afghanistan Reconstruction report includes the purchase of over $771 million worth of aircraft that the Afghans will be unable to operate and maintain. The Afghan Special Mission Wing has only one-quarter of the personnel needed to maintain and operate the fleet, and there are no existing DOD plans to reach full strength. The Pentagon is moving forward with purchases. Most of that money—$553 million—has been awarded to a Russian company that also sells weapons to Syria.

These are just a few examples. Needless to say, there are many more.

A recent article in Mother Jones has some interesting numbers about our military spending. According to the article, 70 percent of the value of the Federal Government's $1.8 trillion in property, land, and equipment belongs to the Pentagon. The American people will no doubt be interested in understanding that the Pentagon operates more than 170 golf courses worldwide.

At a time when we now spend almost as much as the rest of the world combined on defense, we can make judicious cuts in our Armed Forces without compromising our military capability. I think everybody in the Congress believes and understands that we need a strong defense—no debate about that—but we do not need a defense budget that is bloated, that is wasteful, and that has in it many areas of fraud.

In this respect, I hope my Republican colleagues and, in fact, all of my colleagues remember what former President Dwight Eisenhower, a good Republican, said on April 16, 1953, just as he was leaving office. What he said then was profound, and it is as true today as when he said it 60 years ago. This is what he said:

> Every gun that is made, every warship launched, every rocket signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. . . . This is not a way of life at all, in any true sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron.

I would ask all of my colleagues to remember what Eisenhower said and understand that today, when we have this bloated and huge military budget, there are people who are talking about massive cuts in food stamps, massive cuts in education, massive cuts in affordable housing, cuts in Social Security, cuts in Medicare, cuts in Medicaid. I would argue very strongly that before we cut from the elderly and the children and the sick and the poor, maybe we take a hard look at this bloated military budget.

That is my view, but let me mention what the Cato Institute has to say—not BERNIE SANDERS but the Cato Institute, one of the most conservative organizations in this country. Here is what the Cato Institute said on May 3, 2013. By the way, as I think most people know, my views are as far apart as possible from the Cato Institute on most issues. This is what the Cato Institute said. Some of my conservative Republican friends might want to pay attention to this quote:

> U.S. military spending is far too excessive for legitimate defense needs. . . . After sequestration we will still spend more [on defense], against much less severe threats, than at the peak of the Cold War. . . . The U.S. now accounts for 44 percent of all global military spending. Put another way, the U.S. spends nearly as much on the military as the rest of the world combined. . . . Twenty percent of the U.S. federal budget is devoted to military spending, while the average—

And this is an important point made by Cato—

> for our NATO allies is a mere 3.6 percent. Five percent of U.S. annual GDP is allocated to the military, but for the NATO countries, Japan and China, it is well below 2 percent. . . . Today the amount Washington spends on the military each year is $2,300 a person in the U.S. The comparable obligation for the average NATO country is $503 a person. For China it is less than $200 a person.

That is not BERNIE SANDERS; that is the Cato Institute.

The situation is so absurd that the Pentagon is unable to even account for how it spends its money. Earlier this year the Government Accountability Office cited its inability—that is, the GAO's ability—to audit the Pentagon. They wrote that they were unable to do a comprehensive financial analysis due to ''serious financial management problems at the Department of Defense that made its financial statements unauditable.'' That is from the Government Accountability Office. So we are voting for a budget that the GAO says they cannot even audit—for the most expensive agency in government.

Let me now quote from an article that appeared in the Washington Post on August 29, 2013. The defense budget—a purposefully opaque document—includes what is known as the black budget. The information I am providing here comes from the Washington post—$52.6 billion that funds the CIA, NSA, and other secret intelligence agencies. The CIA, NSA, and National Reconnaissance Office receive more than 68 percent of the black budget, with the NSA receiving $10.8 billion annually. At a time when the NSA has

been engaging in what I consider to be unconstitutional activities—the widespread collection of American citizens' data—I think we can find the ability to make some cuts in what they are doing.

I support a strong defense for our country and a robust National Guard and Reserve that can meet our domestic and foreign challenges. The National Guard provides a well-trained, disciplined, and operationally ready force for a fraction of the cost that Active-Duty soldiers require. The Reserve Forces do not require nearly the same level of overhead in terms of full-time employment and infrastructure costs. So as we move forward trying to develop how we have a cost-effective defense, I think we should put a great deal of emphasis on our National Guard and on the Reserve.

Let me conclude by saying in America today our middle class is struggling. We have more people living in poverty than at any time in the history of our country. Real unemployment is over 13 percent; youth unemployment, 20 percent; African-American youth unemployment, close to 40 percent.

We have an infrastructure which is crumbling. We have large numbers of young people graduating from college deeply in debt. We have others who cannot even afford to go to college because of the high cost of college. In other words, this country faces monumental problems. On top of that, we have a $17.2 trillion national debt.

It would seem to me that it is important we get our priorities straight. One of the priorities we should be getting straight is that we cannot give the Department of Defense all they want. It is time to take a very hard look at that budget in a way we have not done up to this point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask unanimous consent that the Senator from Massachusetts be recognized for 5 minutes and that I follow with my comments until I complete them.

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

The Senator from Massachusetts.

Mr. MARKEY. I thank the Senator from Oklahoma.

This final couple of days that we are going to be in session are very important because they are the days preceding the expiration of the wind energy tax break. It expires on December 31. There are energy efficiency tax breaks that expire on December 31.

This is unfortunate, because these are industries that are rapidly growing. But let's take note here. If you are the oil industry or other older fossil fuel industries, your tax breaks are not expiring on December 31. For the wind industry, for the renewable energy industry, we have to come back out here every year and try to get those tax breaks renewed. Each year as we reach this December 31 date, we talk about a Congress adjourning without completing it, sending total corporate unpredictability out into the marketplace, knowing that we need to have a robust, competitive marketplace.

Honestly, Adam Smith is spinning in his grave as he watches a Senate adjourn without continuing the tax breaks for wind, as the tax breaks for all of its competitive industries continue on year after year. They are permanent tax breaks. Actually, Adam Smith is spinning in his grave so rapidly that he would qualify for a permanent tax break, because he would be generating so much energy, wondering how can you have such inconsistency? How can you have one source of energy have to come in almost like a mendicant each year begging, and then having the year expire, after having added 13,000 megawatts of new electricity to the grid last year, knowing that the entire nuclear industry only added 100,000 in 60 years?

Here we are again. Those tax breaks are going to expire. We are going to leave here. We could not get unanimous consent in order to take them up here today to extend those tax breaks. Once again, the energy sources of the future, the innovative new energy sources, pay the price. They are not allowed to be given permanent status or, as we leave here, any status at all as of the end of this year.

Young people in our country, the green energy generation, looked and they asked: Well, why can't we have our era's energy technologies given permanent tax breaks or at least year to year before you go home? Why can't you have that kind of a debate out there? Why is there a debate at all, to be honest with you, given the fact that there is $7 billion a year that is going to be given to the oil industry, a permanent tax break?

We are not looking for that for wind. We are looking at much smaller amounts of tax benefits. So from my perspective, I look at the warming planet, I look at the Chinese and others who are targeting wind sources. I was in China in 2009. We rode by a wind factory with wind turbines, hundreds of them. They were all, in a lot of ways, pointing right at the American economy, in the same way that those Cuban missiles were pointing at our country in 1962—pointing right at us, a threat to us. But in the 21st century, it is a threat to our economy because we are not investing in these new technologies in the way we continue to invest in the old.

The least it could be and should be is a level playing field. Let's see who wins. Let's let capitalism work. Let's have this true Darwinian paranoia-inducing capitalism that allows for winners to be selected based upon the same kind of tax breaks for everyone. If that is the case, I think everyone would be happy. But that is not the way it is going to be this year. That is not the way it is most years.

Permanent tax breaks for the older technologies, and the kind of halting, questioning, capitalism-killing, corporate-questioning tax breaks for the nascent but growing and vibrant new technologies that the Chinese and the Germans and the Danes and others see as their job-creating sectors in their economy.

I thank the Senator from Oklahoma for this opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

MAYORKAS NOMINATION

Mr. COBURN. Madam President, to comment on my colleague from Massachusetts, he is correct that the tax credits for wind energy are expiring, but he is incorrect in his ascertainment that all tax credits are the same. The tax credits in the oil and gas industry are deferred tax payments, and the $7 billion they collect this year, in terms of deferred payments, in terms of intangible drilling costs, will, in fact, be made up for with $7 billion of payments from 10 years ago. So the net-net is zero, whereas the wind industry has a tax credit which the American consumer subsidizes to the tune of a significant amount, the value of the electricity that we get there. So it is viable—if we were to put the wind energy tax credit the same as we have in the oil and gas industry, I would happily support it, where it was a delayed capture of later revenues flowing back to the Treasury. But that is not what we want. We want to give a refundable tax credit directly to wind energy. It is not the same. The apples are not the same.

I came to the floor this evening regrettably having to come and make this statement I am making. In the last month we have seen a lot of things happen in the Senate, which have led to other things happening in the Senate. I do not think anybody is happy about it. But today, the leader is taking the unprecedented step—I say that underlining the word unprecedented—of having the Senate vote on a nominee who is currently under active investigation.

I have no premonitions or knowledge about the specific facts of that investigation. But what I do know, in checking with the Senate historian, the Senate library, and from the history of the Senate, is that it has never been done before. It has never been done. So my reason in coming to the floor is, No. 1, to defend my position and what should be the position of the Senate, and to make the case to my colleagues that we are doing a disservice both to this nominee and to the position he will fill.

By all letters of recommendation, Alejandro Mayorkas is an honorable man. President Obama is nominating him to be Deputy Secretary at the Department of Homeland Security. Under the new Senate rules, the minority has essentially no right to stop the majority from forcing through a nominee who possibly, just possibly, may be unfit for office on the basis of this investigation. Nobody is saying he is.

They are not saying no. They are saying wait. This is, in fact, the very act the Republicans were afraid of when Leader REID facilitated the change in the Senate rules by breaking the Senate rules.

The Senate is going to cast this vote without knowledge, full knowledge, of advice and consent on his fitness for his position. We can do nothing to stop that. We realize that.

The precedent we are talking about is historic. Holding this vote in light of an active investigation into serious relevant allegations of misconduct by any nominee appears to be virtually without any precedent in this body. We searched extensively for any precedent, for the decision to hold a vote on this nomination.

The Congressional Research Service studied this. It has never happened before. Never. In fact, they discovered the opposite. The Senate has established a history and followed a practice that should lead us to postpone consideration of any nominee under investigation. Here are some examples they found.

In January of 2005, President George Bush nominated Ken Tomlinson to be Chairman of the Broadcasting Board of Governors. An active inspector general's investigation into allegations of unethical behavior by Mr. Tomlinson led the Senate panel to delay action on the nomination for over 18 months. He was never confirmed.

Later that same year, President Bush nominated Roland Arnall to the post of U.S. Ambassador to The Netherlands. At the time Mr. Arnall's firm was being investigated by regulators in 30 States for predatory lending. Then-Foreign Relations Committee chairman Republican Senator Richard Lugar consented to a request by Democrats that October to delay voting on the nominee because of the investigations. Senator JOSEPH BIDEN spoke out in favor of the delay, as did Senator Paul Sarbanes, who cited longstanding precedent for delaying a vote until the nominee was ''clear.'' Mr. Arnall was eventually voted out of committee, after Republicans concluded the investigation did not target the nominee personally, but he was not confirmed by the full Senate until the following February, 7 months after he was nominated, when his company agreed to end the investigations by settling the cases against him.

My friend President Obama, who nominated Mr. Mayorkas, was a member of the Foreign Relations Committee at that time. Then he seemed to agree that nominees facing investigations should not receive a vote. A 2006 LA Times story on Mr. Arnall's confirmation quoted then-Senator Obama's spokesman as saying: Because a settlement has been reached, Senator Obama will not seek to block his nomination.

A vote on another Bush nominee, Lester Crawford, was delayed for 2 months in 2005 while the inspector general of the Food and Drug Administration probed claims, allegations, that Mr. Crawford had an affair with a coworker and gave her preferential treatment. Once again, the OIG's review was complete. The OIG concluded that the allegations could not be substantiated, and the HELP Committee voted to confirm him.

In 2004, the Senate Banking Committee did not schedule a vote on Alphonso Jackson to serve as Chairman of the Department of Housing and Urban Development until the HUD inspector general determined Mr. Jackson had not violated the Department's workplace violence policies as subordinates had alleged.

All of this advises us strongly to delay a vote on Mr. Mayorkas until the OIG investigation into his alleged actions is concluded. I would suggest that we should learn from history and not move forward with this nomination. If it was true for the Senate then, and if it was true for Senator BIDEN, if it was true for Senator Obama, if it was true for their colleagues and many Senators who maintain this precedent until today, it should be true for us now.

Last week, when Mr. Mayorkas was considered by the Homeland Security and Governmental Affairs Committee, my chairman justified moving forward with the nomination by asserting that the DHS OIG had not identified any criminal wrongdoing by Mr. Mayorkas. At present, the DHS OIG is only considering allegations of conflicts of interest, misuse of position, mismanagement, and appearance of impropriety. In none of those situations I identified were the nominees under criminal investigation. Yet the Senate delayed its vote until each investigation was finished. Since the DHS OIG has not completed its investigation, we do not know if there will ultimately be any criminal findings. I doubt that there will.

We do know, based on the precedent that I cited, an investigation into any potential wrongdoing, whether criminal or not, is enough for the Senate to delay a vote on an important nominee, or at least it used to be.

Of course, the Senate recently changed. The majority leader exercised the so-called nuclear option, changing the rules by breaking the rules, granting my colleagues the new power to push administration nominees through the confirmation process with a simple majority.

The leader is attempting to use this new power to push through scores of nominees in the last few days this session. But scrutiny and judgment should not be diminished in a partisan rush to get one's way. Forget the rest of the nominees; this is one where an open investigation is currently underway. With this nominee before us, Mr. Mayorkas might do well to wait for all the facts.

As we all know, the DHS OIG is also currently under investigation. This office is reviewing the leader who recently resigned. They are reviewing allegations of conflict of interest, misuse of position, mismanagement of EB–5 investor visa program, and an appearance of impropriety. They are all serious concerns. I hope they aren't true, but right now we don't have all of the facts.

While I understand OIG is not currently aware of any criminal activity, since the investigation is still open and several interviews remain, that could possibly change.

As I understand, however, the OIG plans to complete its investigation and release its findings in a few short months. Until then, we won't know what is only an allegation and what will be proven by evidence and facts.

Most concerning to me is the fact that the White House failed to alert me or the committee chairman to the fact that Mr. Mayorkas was under investigation, which they had an obligation to do. In fact, the letter from White House counsel conveniently doesn't confirm or deny whether the President was aware Mr. Mayorkas was even under investigation. It is unclear to me why Chairman CARPER wasn't troubled by the White House being less than honest with him about a nominee he was expected to fast track for nomination.

I have spoken to a number of whistleblowers within DHS who have concerns about Mr. Mayorkas' fitness for position. These whistleblowers have made serious allegations about how Mr. Mayorkas has overseen and influenced the EB–5 program. They are only allegations, but they do raise questions. They raise questions about his allegiance to DHS's core mission to prevent terrorism and enhance security.

A number of the allegations extend well beyond the EB–5 program and raise concerns about the fitness for the No. 2 position in DHS. They include the following: attempts by Mr. Mayorkas to obstruct the investigations by Congress; allegations of preventing program integrity measures requested by the Federal Bureau of Investigation; intimidation of employees who questioned agency policies; susceptibility to political influence; failing to properly enforce program integrity mechanisms, resulting in potential threats to national security.

Whistleblowers who spoke to the Wall Street Journal said that Mr. Mayorkas fast-tracked approvals of certain EB–5 applications over objections regarding the suspicious source of funds to rebuild the casino in Las Vegas which, in fact, was noted in a recent article by the Washington Times.

I ask unanimous consent to have printed in the RECORD the article by the Wall Street Journal.

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

[From the Washington Times, Dec. 10, 2013]

VEGAS RULES: HARRY REID PUSHED FEDS TO CHANGE RULING FOR CASINO'S BIG-MONEY FOREIGNERS

(By John Solomon and David Sherfinski)

The Obama administration overruled career Homeland Security officials and expedited visa applications for about two dozen foreign investors for a politically connected Las Vegas casino hotel after repeated pressure from Senate Majority Leader Harry Reid and his staff, according to internal government documents obtained by The Washington Times.

The move to overturn what is normally a non-appealable visa decision came despite concerns about ''suspicious financial activity'' involving some of the visa applicants from Asia, and it ultimately benefited several companies whose executives have donated heavily in recent years to Democrats, the documents show. It also ensnared Mr. Obama's current nominee to be the No. 2 Homeland Security official, Alejandro ''Ali'' Mayorkas, whose appointment is to be reviewed by the Senate on Wednesday.

The intervention from Mr. Reid's staff was so intense at one point a year ago that a U.S. Citizenship and Immigration Services (USCIS) official reported that it prompted a phone shouting match, turning a normally bureaucratic review process inside the Homeland Security Department into a politically charged drama that worried career officials.

''This one is going to be a major headache for us all because Sen. Reid's office/staff is pushing hard and I just had a long yelling match on the phone,'' USCIS Legislative Affairs official Miguel ''Mike'' Rodriguez warned in a Dec. 5, 2012, email to Homeland Security Department officials.

The emails, obtained by The Times from government officials concerned that the EB–5 investor visa program has become too politicized, detail how the SLS Hotel, formerly known as the Sahara Casino, tried to jump to the head of the line for its request for about two dozen visas for Asian investors willing to help it fund a major renovation of the storied property on the Las Vegas Strip.

Despite early pressure from Mr. Reid's staff, career officials inside the Department of Homeland Security initially turned down the SLS Hotel on the grounds that it failed to meet the criteria for expedited review. The decision dated Dec. 17, 2012, stated flatly that ''there is no appeal or reconsideration of this decision.''

But that simply prompted Mr. Reid to personally reach out to the top official at USCIS, Alejandro ''Ali'' Mayorkas, setting into motion a process that consumed top political officials inside the Homeland Security and Commerce departments and ultimately resulted in a ruling that granted expedited status to the hotel over the objections of career officials.

''Ali had a call with Sen. Reid on these I–526 cases on Tuesday of this week,'' Mr.-Rodriguez wrote top officials on Jan. 11. ''While no guarantees were made on the call, Ali did promise the Senator that USCIS would take a 'fresh look' at the expedited request.''

Government officials did a lot more than give a fresh look—forwarding from Mr. Reid's office the names of people involved with the hotel project that could help the federal agency change its mind on the expedited status request. Mr. Reid's staff repeatedly made the case that the hotel would lose its potential funding for its renovation if Homeland Security's USCIS didn't expedite the visas.

''As you can imagine this project is pretty important to Southern Nevada. It will probably be the only 'new' property opening up on the Strip for some time, and if their $300 million senior lending facility from JP Morgan Chase expires because these visas aren't processed expeditiously, it will be a huge setback for the project and the 8,600 jobs associated with it,'' Michael Vannozzi, then a top aide to Mr. Reid, wrote Homeland Security officials at one point.

The hotel needed the foreign investors' visas to be approved so that their money could be brought into the country and paired with the JP Morgan financing to underwrite the renovation of the hotel, the documents stated.

Within a few short weeks of Mr. Reid's personal intervention, the decision not to expedite the visas was reversed, allowing the hotel to secure major funding from JP Morgan Chase.

''Applications approved for expedited processing move to the front of the processing queue but otherwise go through the same robust eligibility and security review utilized for all EB–5 decisions,'' the spokesman said.

A spokeswoman for Mr. Reid said the senator ''has supported and will support the SLS Las Vegas in any way he can.''

''Sen. Reid believes it is his job to do all he can to promote economic growth and development in the state, and he makes no apologies for helping to bring jobs to Nevada,'' spokeswoman Kristen Orthman said.

Hotel officials did not respond to a request for comment.

The emergence of the documents comes at a sensitive time for the Obama administration and Mr. Mayorkas, whose nomination to be deputy secretary of DHS is being considered Wednesday by a Senate committee.

Mr. Mayorkas and his agency are already under investigation for visa application decisions made involving an electric car company associated with Terry McAuliffe, a longtime Democratic fundraiser and now the governor-elect of Virginia.

Officials say the EB–5 program, created by Congress in 1990, is designed to attract investors willing to risk capital in ventures that will create jobs in the United States. Would-be entrepreneurs who invest at least $500,000 in a new U.S. business can apply.

The citizenship services agency says the goal of the program is to ''stimulate the U.S. economy through job creation and capital investment by foreign investors.''

Almost all foreign investments in the EB–5 program are channeled through special companies called ''regional centers.'' Once their business plan is approved by immigration officials, the companies bundle investments into qualifying new businesses. Investors then can apply for an EB–5 visa, and, if approved, can claim a conditional green card immediately upon entry to the United States. After two years, the conditions are removed if the investment has created the jobs or looks likely to.

The emails referencing Mr. Reid's intervention could increase concerns that the worker visa program has been exploited by political pressures.

''It's not one party's monopoly, but it's kind of inherently worrisome,'' said David North, a policy analyst at the Center for Immigration Studies, a group that advocates for less immigration into the U.S. ''There certainly are political pressures to cut short the review process.''

Executives for the two main companies involved in the hotel project have donated more than $127,000 to political causes over the last three elections, mostly to Democrats, Federal Election Commission records show.

Sen. Dean Heller, Nevada Republican, wrote a letter on the matter to USCIS California Service Center on December 19, 2012.

''I strongly encourage you to consider this request and the impact the project will have on Nevada's economy,'' he wrote, under the assumption that the petitions were still being processed. ''Time is of the essence and advancing Nevada's economy would be strongly supported by this project.''

Mr. Heller's office said there were no subsequent conversations with USCIS or DHS.

According to the plan, the project is estimated to create 8,600 jobs.

Peter Joseph, executive director of the Association to Invest in the USA (IIUSA), a membership organization representing 107 federally designated EB–5 Regional Centers across the country, pointed out that USCIS is dealing with a backlog of about 7,000 applications—proof that they're employing careful scrutiny.

''Based on the backlog, they clearly take it seriously, and rightfully so,'' he said. ''I think that the data tells the story—that this is a program that is being administered carefully with the appropriate in-house expertise.''

DHS declined to say which specific cases had been expedited. It is not clear whether the applications flagged for security reasons were ultimately approved, but USCIS said in a statement that the agency ''takes seriously our responsibility to safeguard national security and public safety while deciding requests for immigration benefits.''

''USCIS subjects all benefit requests to a background check process which includes coordinating with law enforcement agencies where applicable,'' the statement reads. ''USCIS does not proceed to a final decision regarding any benefit requests until concerns identified during the background check process are sufficiently resolved.''

The Las Vegas Review-Journal reported in February that SBE Entertainment was indeed able to secure the last piece of the $415 million in financing that they were seeking.

SBE Chief Executive Officer Sam Nazarian said the money raised through the EB–5 funding was ''far above'' what had been expected and would allow SBE to pay down its senior note on the property, the paper reported. The terms of the project required $115 million in EB–5 capital.

The project was apparently struggling to secure that last bit of funding. Adam Horowitz of Lever Capital Partners wrote to the managing director of Stockbridge Real Estate Funds, which was working on the project, on January 24 saying they had reached out to more than 70 national and international investors/lenders, and all but one said their lack of knowledge of the EB–5 program would prevent them from providing capital for the project.

''Brevet Capital, a New York City based private equity fund, was the one lender that showed interest since they had been spending time working on such projects,'' Mr. Horowitz wrote. ''Their one hurdle was that there needed to be at least one (1) I–526 petition approval. Since that approval has not been granted they have currently withdrawn from discussions.''

Mr. COBURN. I understand that some of my colleagues on the other side are frustrated that whistleblowers have not come forward to speak to them. To be clear, I have communicated this request to the whistleblowers and have invited those whistleblowers who have spoken to come to my office to speak to the majority, twice. But they have told me that they have the fear they will face retribution if their identities become known and that they will lose their jobs. Putting myself in their shoes, I can't blame them. I cannot provide them with protection.

They have also heard Members of this Senate dismiss their serious allegations. For example, the Senator from Delaware referred to the whistleblower allegations as rumor and innuendo. If you were an official who had come forward with serious concerns about improper behavior, potentially putting your livelihood at risk, would you feel comfortable speaking with somebody who has already dismissed your allegations as rumor and innuendo?

So we will leave it to the inspector general's office to consider whistleblower allegations and all of the evidence to determine whether any inappropriate or criminal activity took place. Again, we will know that judgment in a short 2 months.

However, we do have other information that raises serious concerns about this nomination. The committee's business meeting last week to consider Mr. Mayorkas is a perfect example of why the Senate should wait for the OIG's investigation to be completed. At that meeting the chairman gave a lengthy opening statement that made a number of concerning and inaccurate statements which served to denigrate the 650 employees at the Office of Inspector General at Homeland Security.

The office deserves some criticism, that is for sure, as our Subcommittee on Financial and Contracting Oversight has determined. Rather than rely on their insights, he came up with some of his own. There are actual misstatements of fact, and they only serve to further obscure a complicated and difficult situation.

For example, the chairman claimed that 3 days before the confirmation hearing on July 25, information about the OIG investigation was leaked to Congress and the media in a highly irregular manner.

As he knows, and his own committee record should indicate, the existence of the investigation was not leaked to Congress in a highly irregular manner, it was emailed to his staff, as well as mine, as an official communication by the DHS OIG congressional liaison office. If there was anything irregular about the situation, it was that the White House had not already confirmed there was an investigation ongoing. We had a right to that information, and it had been improperly kept from us.

In the face of the White House's inappropriate omission, the OIG chose to inform us. I am sure it was a hard choice, but I believe it was the right one. If they had not done so, we would not have known of the investigation of the sort which the Senate, in normal times, would have given great weight to and not moved forward on.

As DHS often tells us: If you see something, say something.

The chairman also repeatedly faulted the OIG for refraining from interviewing Mr. Mayorkas until the end of its investigation. This appears to be a criticism borne from a lack of experience and knowledge of the investigative process.

Quoting:

> To my amazement, Director Mayorkas has never been contacted about this EB–5 investigation.

Later he said:

> I cannot understand why they [OIG] have not talked to Mr. Mayorkas.

It is common practice to investigate the central figure in an investigation closer to the end of an investigation after evidence has been reviewed and collected. There are many reasons for this practice. One is that you do not know what to ask the subject until you have gathered all the information you can about his or her alleged misconduct. Another is that it minimizes the impact of the investigation on the subject, which can be an understandable concern when investigating a busy top official such as our present nominee. Early meetings can result in having to hold several interviews with the same official, asking questions about topics or allegations which could eventually be dismissed without their testimony by not identifying exculpatory evidence beforehand.

While the scheduling for this interview was upsetting to the chairman, it should not be to Mr. Mayorkas. He is a seasoned prosecutor and familiar with the process of the investigations, and he knows what to expect.

The chairman also claimed at the committee vote that the OIG has repeatedly given him deadlines and had missed them. The chairman inferred that we could not trust their word on when this investigation could be completed.

Specifically he said: ''I was . . . informed that the investigation was likely to conclude in October.''

Later he claimed: ''We have no guarantee this investigation will simply not drag on and on . . . it has already slipped several times.''

Later he added:

> Each time we get an estimated timeline for completion, the date slips. First we were told October, then perhaps December. And as of last week, the IG said there were at least several months of work remaining.

None of this is true. According to my office records of the conversations with the inspector general, we have no record or recollection that the inspector general ever promised a date certain of completion in October. Neither do we have any record indicating the IG suggested December. Unless the IG communicated to the chairman these deadlines in the private conversations which he arranged without my knowledge or involvement, these statements appear to be simply false.

I would also say I cannot imagine the chairman or staff would engage in a private conversation with the inspector general regarding a sensitive investigation into a political official. Such conversation would be a breach not only of our practices but could raise ethical concerns of exerting undue influence upon an official proceeding.

I urge him to correct the RECORD or show us in detail the conversations where the IG made these points and promises.

The chairman also stated this fact, and news outlets erroneously reported this inaccurate claim, that the investigation was being handled by only one investigator and two assistants.

His quote was: ''We learned that there is one investigator assigned,'' he claimed, ''one investigator and two research assistants.''

This is not true. The OIG has told our staff the case has a lead investigator—and that is true, an absolute common practice for investigations and most investigative and sensitive endeavors—but they were further told that the OIG had a rotating team of investigators, experts, research assistants, and staff help on various aspects of the investigation. This is a common practice, assigning leads to individual investigations but sharing a larger pool of assistant investigative resources. It is followed, to a great extent, by our own Permanent Subcommittee on Investigations. I don't understand why the chairman's characterization would stray so far from the facts established in conversations involving both our staffs or from common sense.

I am also disappointed that it characterized the investigation as having a ''lack of progress,'' which was ''unacceptable'' and ''unfair, not just to Mr. Mayorkas but to a Department full of people who need leadership, and to a nation that is counting on the Department to help protect them.''

The truth is it is not uncommon for investigations of senior officials to last a year or longer and is not a matter which should be rushed by anyone, certainly not the chairman of the authorizing committee.

This is the kind of rhetoric which causes concern in some quarters that the chairman and others are applying inappropriate pressure on an agency's internal processes and deliberation. Political pressure is simply not helpful to anyone. In fact, it can actually hinder the investigation and weaken public acceptance for the findings, particularly if they exonerate Mr. Mayorkas. People may allege, as they have already, that the Office of Inspector General waters down and weakens its finding in response to political pressures such as this.

If the OIG investigation results in a clean bill of health for Mr. Mayorkas, how many Americans, how many DHS employees, will wonder if the chairman's repeated disparaging remarks were indicative of a political pressure applied which improperly swayed the results? No one is served by his comments. What is more, they are not a reflection of the shared concern he voiced with me in our joint correspondence to the inspector general. I simply do not understand why he would intervene in such a vocal, public way, which could cast doubt and suspicion on the results of the investigation.

The other thing about this vote is it is unfair to Mr. Mayorkas. I have

talked a lot about process and the need to know the findings of the DHS OIG report before we vote on Mr. Mayorkas. But no one seems to understand just how unfair this vote is to the nominee. By pushing his nomination through both the committee and the full Senate, Senator CARPER and Leader REID have denied Mr. Mayorkas a chance to win bipartisan support.

I have only voted against one nominee who has come through our committee, only 1 out of 20. I would like to be able to vote for Mr. Mayorkas if, in fact, OIG shows him a clean bill. The reason it is sad that he can't win bipartisan support is that under the new Senate rules it is possible for my colleagues to confirm him without a single Republican vote. When they do that, they will be delivering to the Department a nominee who arrives with only his party's support, and he will be trailed by a cloud of doubt and discontent.

The allegations against Mr. Mayorkas relate mainly to his management of the EB–5 immigrant visa program in his role as Director of the U.S. Citizenship and Immigration Services. As I understand it, the investigation into Mr. Mayorkas began in an unconventional way by one person speaking out after their heavily documented concerns were dismissed. To me, this only adds validity to the allegations.

In the course of its investigation, the DHS OIG discovered other allegations of impropriety, including conflicts of interest, misuse of position, mismanagement, and the appearance of impropriety. Those allegations could speak to a candidate's fitness for public service, especially if he is not fully cleared to help lead the Department of Homeland Security. It is wholly unreasonable to ask Senators to endorse the nominee's fitness for service until those questions are answered.

In an attempt to discredit the investigation, some people have cited the problems plaguing leadership in the DHS OIG office, the inspector general in particular. In fact, the Financial and Contracting Oversight Subcommittee of the Committee on Homeland Security and Governmental Affairs is currently conducting and will release soon their bipartisan investigation into a number of allegations.

While I agree those allegations surrounding OIG leadership are troubling, the problems of one person do not invalidate the work done by an office of over 650 people. OIG work in every agency should be taken seriously.

In January of this year, Senator CARPER joined me and members of the Homeland Security and Governmental Affairs Committee in sending a letter to President Obama urging him to fill the vacant inspector general positions at a number of key agencies, including DHS. In that letter, we said, ''Inspectors general are an essential component of government oversight.'' We do a disservice to that statement when we preclude the opportunity to, at a minimum, review the work done by the DHS OIG, draw our own conclusions, and then vote accordingly without all the facts before us.

Even more concerning, by denigrating the open DHS OIG investigation, the Senate is sending a message to other OIGs that their investigations don't matter. Obviously, that is incredibly significant given our dependence on these watchdogs to oversee the huge government agencies and bureaucracies created by this body. We must respect and support the work done by inspectors general. In my opinion, the damage being done to the DHS OIG and the respect of IGs throughout the government by holding this vote is far worse than any damage done by the office's current leadership.

The results of this investigation are not the only unknown regarding Mr. Mayorkas's service as Director of U.S. Citizenship and Immigration Services. Despite a number of concerns regarding national security and criminal vulnerabilities in the EB–5 program, we know the program expanded drastically under the nominee's hand and we have not yet seen evidence that he pursued significant regulatory changes to address the weaknesses that were known.

Two months ago I personally asked DHS and other agencies for an answer on how the administration is dealing with the concerns, and I have received no response as of yet. These include an October 18 letter in which I requested information from Acting Secretary Rand Beers on EB–5 national security concerns identified by the agency itself in a draft report. I received no response.

The same day, I also asked Acting ICE Director John Sandweg for the same information. I received no response.

I also requested information from National Security Adviser Susan Rice regarding known national security concerns created by the EB–5 program. To date, I have received no response.

Just last month, on November 1, Senator GRASSLEY and I requested information from Acting Secretary Beers on how the agency is addressing the known national security concerns with EB–5. Again, silence. No response.

I ask unanimous consent to have printed in the RECORD these letters requesting information.

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

Washington, DC, October 18, 2013.

Acting Secretary RAND BEERS,
U.S. Department of Homeland Security, Washington, DC.

DEAR ACTING SECRETARY BEERS: I write to request certain information related to the EB–5 ''investor visa'' program operated by the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS).

It is my understanding the Secretary's office issued a tasking to U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) titled ''Request for Information Implications of ICE Case Against Procurement Agent.'' I understand the tasking requested ICE identify any gaps in procedure and information in the EB–5 program and recommend mitigating steps. In response, ICE allegedly counted several vulnerabilities, all relating to criminal and/or national security threats.

I would like to learn more about any program vulnerabilities identified by the ICE assessment.

Please provide my office with the following documents and information:

1. A copy of the tasking referenced above;
2. A copy of the ICE/HSI response referenced above;
3. An explanation of what issues and concerns led to the issuance of the tasking;
4. An explanation of how the ICE/HSI response was received, including the date of receipt, whether a briefing occurred, and if any follow up information was requested; and
5. An explanation of subsequent actions, if any, taken by or on behalf of the Secretary following the receipt of the ICE/HSI response.

Further, I also ask you provide your assessment of the national security and fraud vulnerabilities in the EB–5 program, if any, and how you plan to address them.

I appreciate your urgent attention to this matter. I request your response by October 31, 2013. Should you have any questions, please contact Keith Ashdown on my committee staff.

Thank you for your consideration and assistance.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

Washington, DC, October 18, 2013.

Acting Director JOHN SANDWEG,
U.S. Immigration and Customs Enforcement, Washington, DC.

DEAR DIRECTOR SANDWEG: I write to request certain information related to the EB–5 ''investor visa'' program operated by the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS).

It has recently come to my attention that the Secretary's office may have concerns regarding the EB–5 program, which it communicated to U.S. Immigration and Customs Enforcement (ICE) and Homeland Security Investigations (HSI) several months ago by allegedly issuing a tasking titled ''Request for Information Implications of ICE Case Against Procurement Agent.''

I understand the tasking requested ICE to identify gaps in procedure and information in the EB–5 program and recommend mitigating steps. In response, ICE allegedly counted several vulnerabilities, all relating to criminal and/or national security threats.

Please provide my office with the following documents and information:

1. A copy of ICE/HSI's response to the tasking; and
2. A copy of any other reviews or requests for information that ICE or HSI conducted of the EB–5 program after this tasking.

In addition, I ask that you arrange for the appropriate officials at ICE or HSI to provide a briefing to my staff about the ICE/HSI review of the EB–5 program.

I appreciate your urgent attention to this matter. I request your response by October 31, 2013. Should you have any questions, please contact Keith Ashdown on my committee staff.

Thank you in advance for your consideration.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

Washington, DC, October 18, 2013.

Hon. SUSAN RICE,
National Security Advisor, The White House, Washington, DC.

DEAR MS. RICE: I am writing to request your assistance in understanding potential criminal and national security weaknesses in the EB–5 ''investor visas'' program operated by U.S. Citizenship and Immigration Services.

My office obtained a copy of a document entitled, ''Forensic Assessment of Financial Flows Relating to EB–5 Regional Centers,'' which appears to have been prepared at the request of National Security Staff (NSS). This document, marked draft, focuses on financial issues associated with the program. It references an additional review: ''Vulnerabilities relating to possible infiltration by terrorist groups or foreign operatives are also before the NSS and are being addressed separately by the interagency.''

I am writing to request information about these assessments and any actions taken in response to their findings.

Please provide my office with the following documents and information:

A briefing from the appropriate officials on the National Security Council staff who can speak to the process of these interagency assessments, their findings, and any actions that were taken to address any vulnerabilities;

Any direction provided to DHS or USCIS to address potential vulnerabilities identified in either assessment;

A copy of the final forensic assessment;

A copy of any document or memorandum summarizing the findings of the NSS or interagency ''relating to possible infiltration or foreign operatives'';

A summary of any steps the National Security Council took to inform Congress of potential vulnerabilities identified through these interagency reviews.

I appreciate your urgent attention to this matter. I request your response by October 31, 2013. Should you have any questions, please contact Keith Ashdown on my committee staff.

Thank you for your consideration and assistance.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

U.S. SENATE,
Washington, DC, November 1, 2013.

Hon. RAND BEERS,
Acting Secretary, Department of Homeland Security, Washington, DC.

DEAR ACTING SECRETARY BEERS: We write today regarding the EB–5 immigrant investor program operated by U.S. Citizenship and Immigration Services (USCIS). We have significant concerns about the fraud and national security vulnerabilities of this program. Further information is critical to Congress's understanding of the program, especially at a time when permanent reauthorization of the program is under consideration by Congress.

It is our understanding that the Department's Office of Intelligence and Analysis has conducted a review of security issues related to the program within the last year or two. Therefore, we respectfully request the following:

1) Please make a copy of the Office of Intelligence and Analysis review available to us and our staff to review. A classified setting is available through Senate Security, if necessary.

Additionally, please provide the following information:

2) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved for individuals who had a (b)(10) designation in the Treasury Enforcement Communications System (TECS), or had immediate family members with such a designation, at the time of the approval. For each instance, please describe in detail the reason for the (b)(10) designation.

3) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved for individuals who have ever had a (b)(10) designation in TECS, or had immediate family members with such a designation, but did not at the time of approval. For each instance, please describe in detail the reason for the (b)(10) designation.

4) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved for individuals who had a NIC/T designation in TECS, or had immediate family members with such a designation, at the time of the approval. For each instance, please describe in detail the reason for the NIC/T designation.

5) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved for individuals who have ever had a NIC/T designation in TECS, or had immediate family members with such a designation, but did not at the time of approval. For each instance, please describe in detail the reason for the NIC/T designation.

6) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved for individuals who had a CIQ designation in TECS, or had immediate family members with such a designation, at the time of the approval. For each instance, please describe in detail the reason for the CIQ designation.

7) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved for individuals who have ever had a CIQ designation in TECS, or had immediate family members with such a designation, but did not at the time of approval. For each instance, please describe in detail the reason for the CIQ designation.

8) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved despite the applicant or any immediate family members having connections to any entity engaged in a transaction subjected to review by the Committee on Foreign Investment in the United States (CFIUS). For each instance, please describe in detail the background, and if known, the outcome, of the CFIUS review.

9) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved despite derogatory Financial Crimes Enforcement Network (FinCEN) data involving the applicant or any immediate family members. For each instance, please describe in detail the derogatory FinCEN data.

10) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved despite any derogatory information relating to fraud or national security involving the applicant or any immediate family members. For each instance, please describe in detail the derogatory information.

11) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has ultimately approved after another agency expressed concern about the investor or any immediate family members involving fraud or national security issues, but the other agency was unwilling to disclose or declassify information such that the petition could be denied. For each instance, please describe in detail the concerns as expressed to USCIS.

12) What guidance does USCIS follow with regard to using classified information in immigration proceedings or adjudications? Please provide a copy of any training, memos, or other written guidance on this issue.

13) In an unclassified manner, please provide the number of regional center applications USCIS has approved despite the presence of derogatory information on the applicant or associated parties from TECS, FinCEN, CFIUS, or any other source. For each instance, please describe in detail the concerns as expressed to USCIS.

14) Without regard to pending legislation, what authority does USCIS currently have to deny regional center applications or terminate their status based on fraud or national security concerns?

15) What regulations has USCIS developed or proposed with regard to denying regional center applications or terminating their status based on fraud or national security concerns? Please provide a copy of any such regulations.

16) Without regard to pending legislation, what authority does USCIS currently have to deny immigrant investor petitions based on fraud or national security concerns?

17) What regulations has USCIS developed or proposed with regard to denying immigrant investor petitions for fraud or national security concerns? Please provide a copy of any such regulations.

Given the seriousness of the potential security implications of any vulnerability in the EB–5 visa program, we would appreciate your urgent assistance and a response by no later than November 19th. If you have any questions regarding this letter, please contact Tristan Leavitt of Ranking Member Grassley's staff or Keith Ashdown of Ranking Member Coburn's staff.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate.

TOM A. COBURN, M.D.,
Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate.

Mr. COBURN. Given that we are considering promoting Director Mayorkas to be second-in-command at DHS, it is appropriate that we consider how he managed this program and whether he addressed criminal and national security concerns, including exploitation of the EB–5 regional center program by terrorists, spies, and other threatening actors. These weaknesses were apparently the subject of repeated examinations by the administration.

I have repeatedly pressed the administration for more information regarding the weaknesses in the EB–5 program under Director Mayorkas and what actions it has taken to remedy those weaknesses. The chairman has declined to join in this inquiry. Why is that? Why would the chairman decline to join in finding out the truth? I have not received documents or any of the information I have requested.

At the same time there is no public record of steps Director Mayorkas has taken to address EB–5 concerns. For example, to date, USCIS has failed to promulgate any regulations shutting down regional centers being exploited by criminals or terrorists. This raises serious concerns with me.

When Congress created the EB–5 program in 1990, the goal was to stimulate

the U.S. economy through job creation and capital investment by foreign investors. To that end, the original program—called the basic immigrant investor program—required immigrant investors to invest $1 million in a commercial enterprise that would create or preserve at least 10 jobs. The investor was initially granted conditional permanent residency, but after 2 years and proving the creation of 10 jobs, they were eligible to become a permanent resident.

In 1992 Congress authorized a second EB–5 pilot program allowing immigrants to pool investments through DHS-approved regional centers. In seeking approval from DHS, the regional center submits a proposal to DHS detailing how it plans to promote economic growth in that region. By investing in a regional center, immigrant investors can take advantage of relaxed job standards to measure both direct and indirect job creation. While direct jobs are actual identifiable jobs for qualified employees, indirect jobs are considered those created collaterally by the investment.

While the regional center program was set to expire at the end of 2012, last September it was reauthorized for 3 more years. Despite known national security concerns, no changes were made to the program by the Judiciary Committee.

In total, over 25,000 people are currently in the United States through the EB–5 program. Since its inception, the EB–5 program has been plagued with wide-ranging problems. Mr. Mayorkas took over this program in 2009. There has been a notable expansion of the program since he took it over. It now sees $3.3 billion passed from foreign investors in exchange for visas to reside in our country. Yet the serious security weaknesses have persisted, as well as alarm among senior officials. These problems include the agency failing to determine if the program is meeting its basic goal of creating 10 jobs per investment and defrauding would-be immigrants with breaches of national security with suspected terrorists using the program to enter the United States.

In 2012 the national security staff coordinated a review of the EB–5 regional center program by five agencies focused on vulnerabilities relating to the financial flows and securities offerings that routinely accompany the investment component of the EB–5 program. That draft report raised major concerns with the investments being made by EB–5 investors. For example, the investigation found one regional center filed false documentation in an attempt to support the creation of jobs. The same report also noted investments being made to a business that never existed and could never exist, headed by an individual using a pseudonym due to a criminal record of importing counterfeit products into this country.

The draft review noted the high risk that EB–5 program participants may attempt to use the program as a tool or a channel for money laundering, tax evasion, or other illicit financial activity. This type of activity was aided by the fact that known criminals are not statutorily prohibited from owning, managing, or recruiting regional centers. We just reauthorized that.

This national security staff draft review also references another interagency review looking at the national security threats associated with the EB–5 program, stating that the vulnerabilities relating to possible infiltration by terrorist groups or foreign operatives are also before the NSS and are being addressed by the interagency task force.

Understanding we have only seen a draft of the national security staff's forensic audit and have not seen information about the interagency review of possible infiltration by terrorist groups or foreign operatives, I wrote to Susan Rice, the National Security Adviser, on October 18 requesting that information. She has not addressed any concerns. She has not answered our letter.

The Department of Homeland Security also conducted its own internal assessment of the EB–5 regional center program, examining criminal and national security vulnerabilities. In response to an apparent tasking from DHS Secretary, ICE prepared a review of the program. Here are the vulnerabilities they noted and identified: export of sensitive technology, economic espionage; use by foreign government agents, espionage; use by terrorists; investment fraud by regional centers; investment fraud by investors in this country; fraud conspiracies by investors and regional centers; illicit finance and money laundering.

The agency's own draft analysis makes clear that the EB–5 regional center program can be exploited by terrorists, criminals, and foreign operatives. Further, it identified regional centers as a means for facilitating espionage at the highest levels by foreign governments. To that end, the review by ICE proposed that the regional center program be sunset—be done away with—because there can be no safeguards that can be put in place that will ensure the integrity of the regional center model.

As I stated before, I sought more information about DHS and ICE's internal review of the EB–5 program. I wrote to Acting Secretary Beers on October 18 requesting information about the findings of this review and what actions were taken in response. I have not yet received a response to my inquiry.

Recently, we received a draft DHS OIG EB–5 regional center audit. It is my understanding that we are soon to get this final report. In the draft, it includes the following statement: USCIS—under Secretary Mayorkas—fails to ensure regional centers meet all program requirements. USCIS—under the nominee, Mr. Mayorkas—inconsistently applies program regulations and policies. USCIS doesn't always properly document decisions and responses, giving the appearance the program is vulnerable to inappropriate influence.

This is all under the guise of a nominee whom we will vote on late tonight.

Since the program is so poorly run by USCIS, the draft DHS OIG determined USCIS is limited in its ability to prevent fraud or national security threats that could harm the United States, nor could the agency see where the EB–5 program was improving the U.S. economy and creating jobs for U.S. citizens, as intended by Congress. This draft report also outlines a number of recommended actions for the Director.

Last week Senator CARPER asserted it was Congress's fault that the EB–5 program was susceptible to fraud and national security threats because it hadn't provided the proper statutory authority and that new statutory authority which was included in S. 744, the immigration bill, would have solved the problem. But the draft DHS OIG report makes clear that under its existing authority, the agency has the ability to issue regulations to deny and even terminate regional centers identified as fraudulent or national security risks but has failed to do so.

They also recommended that the Director provide USCIS with the authority to deny and terminate EB–5 regional center participants at any phase of the process when known connections to national security or fraud risks are identified; that they should make explicit that fraud and national security concerns can constitute a cause for revocation; that he should give USCIS the authority to verify that foreign funds were invested in companies that create U.S. jobs and to ensure requirements for the EB–5 regional center program are applied consistently to all participants. None of these recommendations request any additional congressional authority; therefore, it is at least arguable that the action could have been taken by Director Mayorkas to prevent national security vulnerabilities in the EB–5 program. That hasn't happened.

The draft report also recommends that other corrective action should be taken by Director Mayorkas as well.

Since USCIS failed to properly apply its existing EB–5 policies and procedures, DHS OIG recommended developing a memorandum of understanding with the Departments of Commerce, Labor, and the SEC ''to provide expertise and involvement in the adjudication of applications and petitions for the EB–5 regional center program.''

A third recommendation in the draft report related to the failure of the agency to maintain any metric as to whether the program was actually achieving its intended purpose. The DHS OIG asserted that Director Mayorkas should ''conduct comprehensive reviews to determine how EB–5 funds have actually stimulated growth in the U.S. economy in accordance

with the intent of the program.'' That hasn't been done.

Finally, the draft report directs Mr. Mayorkas to ''ensure quality assurance steps to promote program integrity and ensure that Regional Centers comply with the Code of Federal Regulations.'' The implication there is that they don't.

All of these recommendations raise serious concerns about the way Director Mayorkas was overseeing the EB–5 program and, in turn, should be considered as a qualifying factor to determining his fitness to be second in command in charge at the Department of Homeland Security.

To summarize, we know the national security staff and the Department of Homeland Security conducted reviews of the investor visa programs Mr. Mayorkas has been overseeing since 2009. These reviews found that the program created a danger to national security—including the threat of exploitation by spies, criminals, and other national security threats. I and others have asked for more information about the potential national security vulnerabilities in the EB–5 regional center program, and we have received no answers.

What we do know is that Director Mayorkas dramatically expanded a program that the administration and even DHS itself apparently believes to be a threat to national security. And according to a draft report by the inspector general, he did not take all of the actions which he should have taken and which were at his disposal to fix these vulnerabilities and to make sure this visa program wasn't bringing spies, terrorists, or other terror threats into the country.

Finally, I would say this vote is not fair to the Department of Homeland Security. DHS is the agency we trust to secure our borders, make our skies safe, and to help our Nation protect us from terrorism. We know the Department has faced many challenges and has often struggled to execute its responsibilities over the past 10 years since its inception. And DHS has some of the lowest morale in the government.

This week the Senate voted with strong bipartisan support to approve Jeh Johnson's nomination to be Secretary of the DHS. I was proud to support his nomination. He is the kind of leader DHS needs to help it address its many challenges and to fulfill its mission of making our Nation safe. He needs a strong second-in-command in whom he and all employees can have full confidence.

It is this body's job to vet those leaders and ensure they are beyond reproach. With the cloud of this investigation and with many of our unanswered questions about Director Mayorkas's tenure as the Director of USCIS, we do not have full confidence that he should be in second command at DHS.

By voting on him now, this body is sending the wrong message to all DHS employees. Right now, we cannot—let me repeat—we cannot determine whether Mr. Mayorkas is fit or unfit for this important position.

Finally, I would say this vote is not fair to the American people in confirming a nominee for such an important position who has not been properly vetted. The American public depends on us to fulfill our constitutional mandate to properly advise the President on certain executive branch nominees. Here, we are not doing that. We are not doing that. In fact, we are voting to install a nominee who could be seen as unfit to serve in the No. 2 position at DHS. Now, he may be fit, but this agency is tasked with protecting our country from terrorists. It is our responsibility to guarantee to the American public that the leaders at DHS are beyond reproach.

In this vote, Leader REID is not only ignoring the rights of the minority but the longstanding precedent of the Senate. He is ignoring history, and he is inviting us all to do the same. But history has a difficult way of teaching its lessons. It was long the purpose of the Senate's procedures to remember these lessons so the country does not have to suffer such lessons again and again.

My final comments are these: Those who are going to vote for Mr. Mayorkas do so at the risk of not knowing what the investigation shows. They also do so at the risk of obviating the oath they swore when they came to this body: to fairly and appropriately evaluate their decisions about advice and consent.

My hope is that Mr. Mayorkas is cleared. But, unfortunately, he won't have my vote and that of several of my colleagues because we don't have the information with which to make that judgment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I will first acknowledge that at 11:15 tonight we are going to be voting on the National Defense Authorization Act. It is a must-pass bill, one which has passed prior to December 31 every year for the last 53 years. So it is very significant, and I think people are tired of hearing about it because they recognize the significance and the fact that it has to be done. So I am not going to say anything about that.

I originally came down to talk about the problems we are having in my State of Oklahoma. I have a long list of people from all throughout the State who have talked about their insurance being cancelled, the increase in the deductibles and the cost of insurance, and about the crisis we are facing in the State of Oklahoma with ObamaCare.

Madam President, I will mention one thing which has been overlooked in this debate and which I have mentioned once before but a lot of people have not recognized, and this has come from the leaders on the Democrat side, including the President of the United States; that is, the ultimate goal of ObamaCare would be a single-payer system. A single-payer system is socialized medicine.

It is kind of interesting. I remember when we had Hillary health care back in the early 1990s, and we asked the question, if it doesn't work in Denmark, it doesn't work in Sweden, it doesn't work in Canada, it doesn't work in the U.K., why would it work here? They never said it, but they were thinking: If I were running it, it would work here. So that is the ultimate goal.

I will share a personal experience, and then I will yield to the rest of the Members who wish to talk about their States.

I had a personal experience 2 months ago. I went in for a colonoscopy, just a routine thing. After checking me and going through, they said: I have good news and bad news.

I said: All right. What is it?

The good news is your colon is fine. The bad news is you are about to die because you have 100 percent obstruction in two valves, 90 percent in two arteries and 75 percent in the other arteries.

So I had as an emergency four bypasses at that moment.

I say that because if I had been in the U.K., at my age there would be a mandatory 6-month waiting period and I wouldn't be standing here today. If I had been in Canada, it is like 2 years. And I have heard our good friends, the doctors who are Members of the Senate, such as Senator BARRASSO, talking about what is happening in these other countries.

A few minutes ago I was visiting with Jackie Davidson, who is scheduled for open heart surgery on Monday. I was talking about, quite frankly, how it was much easier than I thought it was going to be. And the same thing happened with my wife.

But the point is that if you are in these countries, at a certain age it doesn't work. You are denied the opportunity to have surgery. So that needs to be in the back of our minds as we talk about the current problems we are having with ObamaCare and what the ultimate goal is.

Lastly, I will say I have been contacted by two of my good friends who are members of Parliament in the U.K., and they asked me this question: Why is it you and your country are now trying to adopt something that we are trying to get away from over here in the U.K.?

So let's keep in mind there is one big overriding problem that, if we cave in now, we will be reaching.

With that, I yield to my colleagues who wish to speak.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, a number of my colleagues have come down here, and we have done so on a number of occasions because most of us

are getting emails and phone calls and letters in our offices of real-world, real-life experiences that people are having with ObamaCare. It is a reminder that the things we do here have real-world impacts across the country.

As someone who represents the State of South Dakota, I came down here and shared a number of stories of constituents of mine who have been adversely impacted in the form of higher premiums, canceled coverages, higher deductibles—all doing great economic harm to the people in our respective States.

I will quickly share a note I received from a constituent in Rapid City, SD.

As my Congressional representative, you need to know how ObamaCare is harming my life and health care. My insurance company cancelled my policy. I am currently paying over $800 a month for a family of 4. To upgrade my policy I will be over $900 a month. If I sign up for ObamaCare, I would be paying over $2500 a month. I cannot think of any way this is considered affordable health care!

This is just another of many examples that I have from my State of South Dakota and that my colleagues have to point out how this is flawed and the economic harm it is doing to the American people and why it is so important that we here in the Senate take steps to change it and do it soon, before it is too late.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. Madam President, like the Senator from South Dakota, our office continues to get emails and phone calls and contacts from our constituents.

Tonight I would like to read an email received from David and Shannon McKichan. They write:

I am trying to contact you with very little left to do. My wife and I as of today received a notice that our health policy is going up from 389.00 per month to 1177.00 per month.

That is a more than 200 percent increase.

This is for the same level we have, which is an HSA policy, 5000.00 max out of pocket per year. This policy works for us as we are both self-employed small business owners. We have been hammered during the economic downturn and this is the straw that breaks the camel's back. We feel that our government is attacking us and we have nowhere to turn. We are both in our mid 50's and if things stay the same will be without health insurance. I have always provided for my own needs but this is making things impossible.

Please advise what we are to do. Please fight for us and know we do not have a voice without you. I was a city council representative for 15 years and always fought for the working man but I now know that it is becoming a losing battle.

This is just one example. Last week we were on the floor, and I read a number of emails saying the same things:

You need to understand how cheated we feel.

This is not right.

I cannot afford this.

Why are we being forced to change to a plan that has benefits we don't need?

Please help.

Sir, I'm begging for your help.

I'm feeling very upset & stressed.

This is unfair and hurting working families.

This law is hurting us, be our voice.

We need your help.

I guess we are the collateral damage?

Why are they trying to destroy us in the process?

We are scared.

We are hearing the voice of the American people. We are hearing the voice of Wisconsinites. The Senate must hear the voice of the American people and act. The sooner the better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, like my colleagues, and as I have done several times before, I come to the floor to share the voice of one of many Iowans who have contacted me over the sticker shock that they are experiencing under the Affordable Care Act. This time I quote a constituent from Sioux County, IA, northwest Iowa. That constituent writes:

I am a pastor in rural Iowa and early this past summer, trusting naively in the integrity of our President's repeated promise that "If you like your health insurance you can keep it. Period[,]" I made a change in my policy, moving to a higher deductible to save the church money. Now I have been informed that because of that change, my policy is no longer grandfathered and therefore I will be forced out of it in a year and compelled to purchase a much more expense (un)Affordable Care Act-compliant policy.

I am young, male, healthy, and will not qualify for any subsidy. In effect, because of legislation Democrats supported, my government is kicking me off from health coverage that I carefully researched, chose and like a lot—and is forcing me to buy coverage that I do not need at a price I scarcely can afford.

And the Government has the audacity to resort to Orwellian doublespeak and call such a draconian policy the "Affordable Care Act."

Please convey to your Democratic colleagues that I grew up on a dairy farm and now pastor a church of farmers. I am the epitome of middle class America that they claim to champion.

This bill is unjust. It is based on lies to Americans like myself. It hurts real people, including the church I serve.

I have done my job. I have shared this constituent's message with my colleagues as he asked me to do. I hope they were listening.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I join my colleagues here on the floor to hear them tell stories that we are hearing from our constituents at home. I saw the newspaper from the State of the Presiding Officer, the New York Times, front-page story, "Uninsured Skeptical of Health Care Law in Poll."

This whole law was passed to try to deal with issues of the uninsured. This article on the front page of today's New York Times says 53 percent of the uninsured disapprove of the law.

Then they go through some of the numbers and it looks as though for the same number of people who think they will be helped, an equal number of people who are uninsured think they will actually be hurt by this law.

Another headline, Wall Street Journal, "Errors Continue to Plague Health Site." But the health care Web site is just the tip of the iceberg. Sure, there have been Web site failures, but the thing that is hurting Americans all around the country is the higher premiums the Senator from Iowa talked about, the canceled coverage the Senator from Iowa talked about, people who cannot keep their doctor in spite of the President's promise, fraud and identity theft, and higher copays and deductibles which we now know are actually going to be higher, after the law has been passed, specifically for the bronze policies, than they were all last year until the law came into effect.

I would like to share a letter from a woman in Carbon County, WY, who writes about the harmful effect of the health care law for her life and for her health care.

She says:

I currently have health insurance through my husband's employer, but the reality is that the current health insurance that we have may not be available much longer. This is scary to me, since I recently did some insurance shopping for my mother.

She said her mother is 63 years old and in good health. She said:

I was only able to get two quotes. The cheapest quote was for $756 a month with a $6,000 deductible.

So we see higher premiums and we see higher copays and deductibles.

The prescription deductible for that particular plan was $500, and then the copay for prescriptions was still around $35. The other quote seemed like a better plan and had better co-pay on prescriptions, but that premium was $985 a month. And that is also with a $6,000 deductible. What the heck. Who can afford these kind of premiums? That is more than most mortgage payments.

Yet the President of the United States said if you like your coverage, you can keep your coverage; if you like your doctor, you can keep your doctor.

I went on national TV, talked with Bill Clinton a few days before the Web site was opened, and he said it will be easier to use than Amazon, cheaper than your cell phone bill, and if you like your doctor, you can keep your doctor.

It is fascinating, the President was so clueless about his own law and here we are today, people suffering all around the country, and the President doing nothing about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I came to the floor last week and for 45 minutes I pulled this file out of my desk. It was my notes that I talked about in 2009 about the Affordable Care Act before it became law. I talked about the increases that were projected in premiums and deductibles. I talked about the networks that were changed, the doctors that would not be available.

I was not a prophet. I was reporting what people such as the Chief Actuary

at CMS were saying at the time. Hospitals were going to close, doctors were not going to take patients under the new plan. More important, the premiums and deductibles were going to become unaffordable, not affordable. I am tonight going to read a letter from Donna Hulcher from Clemmons, NC, right in the middle of the State.

We own a small automotive repair shop and have had continuous health insurance coverage our entire life, either through our company or for the past several years on the individual market. We learned that our high deductible plan with an HSA was not grandfathered into the Affordable Care Act about 4 months ago. Of course at that time, no pricing was available. We were paying 679.00 per month, and felt that we were protected from catastrophic sickness/injury, and we liked the flexibility the HSA provided in meeting our other expenses like dental and optical. We checked with Blue Cross once the cost for the new silver plans they are mapping us to was available, and it is going to cost 1379 per month. What a shock to the system and I am not at all sure it has as much coverage as what we are losing. I am pretty much a deer in the headlights, not knowing where we are going to turn, afraid to get onto the ACA website and give my information because I don't trust its security. It is totally foreign to me to apply for government subsidies for something we have always paid for and never depended on the government to help us. This goes against everything we believe in as being hard working, independent people. There are problems with health care and with costs, no doubt but this is not making it more affordable and from what I am hearing, doctors are retiring early or not taking this new policy. I feel like I am spinning the wheels of my brain trying to find out what is the right way to go. This has pulled the rug from under our family!

We are now within 3 days of what was the cutoff. We have now extended the enrollment period to the end of March. But insurers are required, April 1 to April 27 of 2014, to submit their pricing for 2015. I have heard the folks talk about this is only about 8 percent of the American people that this applies to in 2014. In 2015 it is all of the American people. It is big business, it is small business.

You know what is going to happen when they price this product with no experience of the risk pool this year. Prices are going to go up. Deductibles are going to go up. If you think it is unaffordable this year, wait until you see what hits the 90 percent of the American people in 2015.

It is time for us to change this. It is time for us to fix it. It is time for us to get an affordable health care policy in place in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Madam President, as a result of ObamaCare, millions will be forced to use money that they would have used to pay rent, help their children attend college, or invest in a business. Instead, they are going to have to use that money to pay for higher premiums and skyrocketing deductibles. Here is one such example from Huntsville, AR, which is in a congressional district which I used to represent when I was in the House. This constituent writes about how he and his family must have to take drastic steps to be able to afford the cost of ObamaCare, not the least of which includes returning to work after retiring last year. The email reads:

I have never before contacted a Senator until today. Sir, I am outraged about the ObamaCare issue and the Affordable Care Act. Because of recent developments over the affordable health care act, and the obvious problematic issues related to its operation, policy and implementation, we are selling two of our vehicles to save money.

This is due to the direct impact of this legislation and due to the broken promises of President Barack Obama that have been repeated over and over to us for 3 years.

We are also canceling our cable TV, and will save about $1,500 per year. We are cutting back on Internet, switching to save another $1,000 per year. We are Christmas shopping in January. Our purchase of a new vehicle is now delayed for another 3 years. Our planned vacation trips for 2014 and beyond are being pared back.

This is the No. 1 issue I am hearing from Arkansans, the high cost, in some cases the unaffordable cost, of ObamaCare.

It is interesting, as we hear other Members of the Senate come and read the same types of emails, the same types of letters that they are getting, they all have the same thing—they are put in positions that are simply untenable. They simply do not have the money to afford the so-called new insurance that they needed as their old insurance was dropped from them.

We need health care reform, but ObamaCare certainly is not the answer. We need to transition the employer-based private insurance market toward one that allows for flexibility, choice, portability, and fairness. Let's allow small business owners to pool together to purchase group insurance, introduce portability into the market. These are things that we need to do, and continue—some of these things are actually in the Affordable Care Act. Yet the reality is we can do that without $1 trillion of increased taxes, and rapidly, because of the way that the business community is responding, making us a nation of part-time employees.

We need to allow individuals to purchase insurance across State lines. We need to expand health savings accounts and flexible savings accounts. These are free market reforms that would drive down costs.

The problem that we had prior to introducing the Affordable Care Act was affordability. What has happened is, instead of driving down costs, we have driven up costs dramatically because of the way the bill was structured.

We also need medical malpractice reform. I am an optometrist by training. I can tell you in the course of taking care of patients that there are people all over the country who have to do things that are above and beyond, sometimes, the things they believe they need to do in order to protect themselves. As a result, there are no ifs, ands, or buts, that definitely drives costs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I had not anticipated coming to the floor tonight to talk about health care in this country, but I feel compelled to do so after listening to a number of our colleagues share with us letters and messages from folks whose lives have been adversely affected apparently because of changes made in the coverage of their health care through the Affordable Care Act.

I regret any of the consequences that have been shared with us here this evening. My hope is that we will find ways over the next coming weeks and months to address the kinds of concerns that have been raised.

I just wish I heard some of that concern in past years as we prepared to take up the Affordable Care Act. As a member of the Finance Committee, I wish I heard those kinds of concerns about the tens of millions of people in this country who really don't have any health care coverage tonight—some 40 million. For a lot of them, this health care is a chance for them to go to the emergency room of a hospital. When they get really sick, they can be admitted to the hospital and get the care they need. Without health care coverage, it is hugely expensive ultimately for the rest of us because we pay for it. Where is the outcry on behalf of those tens of millions of people?

Where was the outcry 4 years ago when we had several million people who signed up for the Medicare prescription drug program and found that when their purchases of prescription medicines reached a certain level—$3,000 or $4,000 a year—instead of Medicare paying 75 percent of the cost for their medicines beyond that in a year, Medicare paid nothing, which is known as the doughnut hole? A lot of people fell into it—a lot of older people fell into it—and they could not afford the medicines they needed to stay well or stay out of the hospital. Where was the outcry on behalf of fixing that problem?

Where was the outcry on behalf of the millions of young people who were dropped off of their parents' health insurance plans when they aged out at 22? Where was the outcry in those cases?

We have had Republican and Democratic Presidents who have had a chance for years—for decades to do something about the fact that we spend twice as much money for health care as the rest of the world but don't necessarily get better results and don't cover everybody. Frankly, I didn't hear a lot of outcry from our friends on the other side of the aisle during all those years.

As much as we feel for the people whose stories they shared with us here tonight, I wish that same sympathy and empathy had been extended to some of the people who now don't fall into that doughnut hole when their

prescription drugs exceed a certain amount during a year.

Now we have people who are 22, 23, 24, 25 years old who don't age off of their parents' health care coverage. They are covered until their 26th birthday.

We will add to the number of people who have health care coverage. Somewhere between 5 and 10 million people will have health care coverage either because they are able to qualify under the Medicaid Program or because they will get coverage through one of our State exchanges across this Nation.

Is the Affordable Care Act perfect? No. Are there problems with it? Sure. Anything that is this big and this difficult to do, there will be problems. I think the implementation of the startup in October and November was totally unacceptable. We are trying to work our way through it and provide the kind of access and explanation for this coverage that people deserve, and eventually we will get this right.

The outcry we now hear attributed to the implementation of the Affordable Care Act reminds me a lot of the outcry we heard—I want to say 2006 and 2007—when we were beginning to implement the Medicare prescription drug program. To put it bluntly, it was a mess. People were confused by it. The information technology didn't work. The headlines in the newspaper looked a lot like the headlines in October and November and even now. But a year or two later, guess what. We fixed the program with everything but the doughnut hole. And now we fixed the doughnut hole—it started about 4 years ago—through the Affordable Care Act. People don't fall off that cliff anymore the way they used to.

So rather than simply criticizing the provisions of the Affordable Care Act that are troublesome or problematic, why don't we fix them? That is what we did with the prescription drug program, Part D under Medicare, and that is what we should do here.

I did not come here tonight to respond to our colleagues. I just felt somebody needed to say something, and I am pleased I had that opportunity.

MAYORKAS NOMINATION

Madam President, I rise tonight to speak again in strong support of the nomination of Alejandro Mayorkas to serve as the Deputy Secretary of the Department of Homeland Security. I spoke yesterday about Director Mayorkas' impeccable credentials and experience that has prepared him for this important position. My colleague from Louisiana Senator LANDRIEU did the same yesterday.

Today I would like to address some of the concerns about Director Mayorkas that have been raised by our friends on the other side of the aisle and seek to set the record straight.

I understand that some of our Republican colleagues believe we cannot move forward with consideration of Director Mayorkas' nomination until the Office of Inspector General finishes its investigation that it began—get this—in September of 2012. There was an investigation as to his management of the complex EB–5 program some 15 months ago.

Well, I must say I disagree with my Republican colleagues. I think we have waited long enough, and let me explain why.

As I said before, the Department of Homeland Security has been without a Deputy Secretary since April of this year—8 full months—and 6 months have passed since Director Mayorkas was nominated. For many of those months, we did not have a Senate-confirmed Secretary of the Department of Homeland Security.

Three days before Mr. Mayorkas' confirmation hearing in July, information about the OIG investigation was leaked to Congress and the media in a highly irregular manner. The information that was leaked indicated that in September of 2012, the Office of Inspector General for the Department of Homeland Security had received allegations about conflicts of interest, misuse of position, and an appearance of impropriety by Director Mayorkas and other agency officials. We also now know that the OIG did not actually begin investigating these allegations for almost 1 year after receiving them.

Importantly, the OIG confirmed that this was not in any way a criminal investigation. Let me say that again because some of our friends on the other side of the aisle seem to be confused about this. The OIG confirmed in July of this year and reconfirmed in December of this year, earlier this month, that this is not and never has been a criminal investigation.

To my amazement, Director Mayorkas has never been contacted nor interviewed by the OIG about this investigation. There was no phone call, no letter, no email. There was nothing in 15 months. Director Mayorkas only learned of this investigation after its existence had been leaked to the Congress in July, just days before our committee hearing on his nomination. Even then, Director Mayorkas ably and vigorously disputed the allegations in his interviews with committee members who would meet with him and staff who would meet with him as well at his confirmation meeting in July.

Unfortunately, rather than question the nominee about this matter and give him a chance to refute these anonymous allegations, Republican members of our committee boycotted his confirmation hearing and have refused to meet with Director Mayorkas to give him an opportunity to respond to these allegations from people whose names and faces we don't even know.

Senator GRASSLEY said this week that Director Mayorkas has been given a chance to defend himself and has ''utterly failed'' to respond to Senator GRASSLEY's letters. On the contrary. Director Mayorkas did, in fact, respond to Senator GRASSLEY's letters this past August 20. In fact, he would have gladly spoken with Senator GRASSLEY or any other Senator, Democratic or Republican, about the allegations face to face. That is the way we do things in Delaware. I can't imagine it is not the way we do things in other States.

I am perplexed that an even better option—speaking to Director Mayorkas himself—was not taken advantage of by Senator GRASSLEY. In fact, I offered to fly to Iowa with Director Mayorkas in August to meet with Senator GRASSLEY face to face so that Senator GRASSLEY could have his questions answered face to face, but, sadly, Senator GRASSLEY declined.

So I think the record shows that Director Mayorkas has been eager to meet with Senators on both sides of the aisle to answer their questions—not to duck them but to answer them. But our colleagues on the other side of the aisle have been unwilling to give him what seems to me should be a common courtesy.

Again, we are not talking about a criminal investigation. We are talking about the mismanagement of a program and allegations brought by people whom, again, my staff has never been able to interview.

Getting back to the OIG investigation, of course, in a perfect world, I would prefer that it be completed before moving forward. At one point, I thought it would be.

First, let me make it clear to all that there is nothing improper about the chairman of a committee asking for an update on the status of a pending investigation. There is nothing improper about that. Accordingly, in July Dr. COBURN joined me in inquiring about the status of this investigation. I was told it would be completed in October. Again, this investigation started a year earlier—in September of 2012.

In October of this year, I inquired again about the status and was told it would be completed in December.

On December 2 a bipartisan group of committee staff participated in a telephone call with the head of investigations at the Office of Inspector General at the Department of Homeland Security to receive a status update. They were told it would likely take 2 or 3 more months to complete the investigation. In fact, every time we have spoken with the IG staff, we have been told they are just 2 or 3 months away from completing an investigation that began some 15 months ago.

I respect that the OIG must do its job, but we have to do our job too, and the President has to do his job. We cannot wait another 2 months—every other month—especially for a position as critical as this one.

Lest we forget, the Department of Homeland Security is charged with helping to protect our Nation and its citizens from all kinds of attacks, foreign and domestic—terrorists from abroad, homegrown terrorists from within—securing our borders, our aircraft, you name it. They respond to all kinds of natural disasters whether they

happen to be hurricanes or tornadoes. There is a lot going on. It is a busy and tough neighborhood to run and manage, and we need confirmed leadership.

I thank our Democrat and Republican colleagues for their vote earlier this week on behalf of Jeh Johnson to become Secretary of the Department. He needs a team, and he needs a team that includes Alejandro Mayorkas.

During the call I mentioned a little bit ago with the bipartisan committee staff in December of this month and trying to find out the status of the investigation, the OIG confirmed that to date they found no evidence of criminal wrongdoing by anybody at DHS, including Director Mayorkas. That is right, no evidence, none, nada.

Given that the investigation appears to be months away from conclusion and that its completion date has already slipped several times and given the confirmation by the OIG that there is no evidence of criminal wrongdoing, I believe it is time to move forward. In fact, it is past time to move forward.

The allegations that have been made public cluster around Director Mayorkas' administration of the EB–5 visa program. It is an extremely complicated program that provides foreign investors an opportunity to immigrate to the United States in exchange for significant investments in job-creating enterprises right here in America. The Department of Homeland Security OIG just completed an audit of this program, as a matter of fact, but I will get to that in a little bit.

The primary complaint about Director Mayorkas concerns an EB–5 related application by Gulf Coast Funds Management, the regional center which has ties to Virginia Governor-elect Terry McAuliffe.

Anonymous sources have reportedly alleged that Director Mayorkas improperly intervened to help change a draft legal decision so it would come out in favor of Chairman McAuliffe's former company, Greentech Automotive.

First of all, I think it is important for everybody to understand upfront that Greentech Automotive did not get what they wanted. Let me say that again. The final decision in this case did not come out in Greentech Automotive's favor, from the agency run by Director Mayorkas.

Second, it is important to note that the author of the Greentech decision, the former head of the Administrative Appeals Office at the U.S. Citizenship and Immigration Services, Mr. Perry Rhew, told my staff last week that he strongly disputed the allegation that Director Mayorkas had inappropriately influenced his decision.

Many of the other allegations that have been made public about the Director's management of the EB–5 program contend that applications appear to have been processed without regard to security concerns. However, in reviewing the leaked emails that were attached to these accusations, Director Mayorkas actually says the exact opposite.

I found this disconnect between the allegations and the emails presented as evidence so striking that I am going to read exactly—I want my colleagues to hear exactly what Director Mayorkas said in this email to support his contention on January 30 of this year concerning his application for a regional center in Las Vegas. This is what he said:

> We will take the time needed to resolve the security issue and we will not act until we have achieved resolution. I agree that we need to run enhanced security and integrity checks.

This email directly refutes the claim that Director Mayorkas was pushing to expedite applications despite the security concerns raised by his subordinates.

In another email attached to one of the letters making accusations against Director Mayorkas, he forwards a question about Mr. McAuliffe's company to subordinates and he notes—this is how he does it: He says—Mr. Mayorkas' words:

> I want to make sure that we are providing customer service consistent with our standards, but that we are not providing any preferential treatment.

I would ask: Are these the actions of someone who is trying to exert improper influence or subvert security checks? I think any fair-minded person would agree the answer is no. No. Even our committee's ranking member, my friend, Dr. COBURN, indicated that the allegations against Mr. Mayorkas, although serious, are most likely not grounded in reality. I don't want to mince his words, so I will quote him directly. In reference to the allegations against Mr. Mayorkas, Dr. COBURN said in a committee meeting—again, this is a quote: ''I doubt they are true, but we do not have the facts.''

I agree with Dr. COBURN. We don't have any facts pointing to any sort of wrongdoing by Director Mayorkas at all, as best I can tell. None of the anonymous sources or so-called whistleblowers have presented information to the majority regarding their concerns, something I think is unprecedented in these types of circumstances for our committee. We have been unable to question those bringing these anonymous concerns on the majority side, and our Republican friends on the committee—and maybe largely in the Senate—have refused to talk to the accused, and he has not been accused of any criminal wrongdoing. That doesn't add up to me. Maybe it does to some people. That just doesn't add up. We don't get to talk to the people who raised these concerns and our Republican friends won't talk to the accused who has not been accused of any criminal wrongdoing.

On the one hand, we have over 30 people from both sides of the aisle who are well-known and hugely respected citizens who have gone on the record with glowing support for Director Mayorkas. On the other hand, not one person—not one—has stepped forward publicly opposing Director Mayorkas.

Some of the people who have written in strong support of Director Mayorkas include the last Deputy Secretary of the Department of Homeland Security, Jane Holl Lute; the last Senate-confirmed inspector general of the Department of Homeland Security, Richard Skinner, who is a Bush appointee; and the three most senior border security officials in the George W. Bush administration, Robert Bonner, Al Ralph Basham, and Jason Ayhern.

The fact is that Director Mayorkas has been proactively addressing national security and fraud concerns in the EB–5 program for years. Soon after being confirmed, he took a number of administrative and operational steps to address national security concerns. Where he lacked the administrative authority to improve the EB–5 program, he repeatedly appealed to Congress for the legislative authority he needed.

Unfortunately, Congress dealt Director Mayorkas and his entire agency a bad hand when we authorized the EB–5 program in 2012. We failed—we failed—to give the agency any of the legal authorities that Director Mayorkas and his team at CIS had specifically requested in order to enable them—and they just requested in 2012, made a request—in order to enable them to address the national security and fraud vulnerabilities they could not address on their own. It said: Congress, we would like to do this. We need the authority; please give it to us. They started asking for that in June of 2012.

Earlier this year, during the Judiciary Committee's debate on S. 744, the immigration reform bill, Senator LEAHY introduced an amendment that made virtually all the national security fixes that Director Mayorkas had requested. While the comprehensive immigration reform bill passed the Senate with strong bipartisan support, it is unfortunately stalled in the House.

Fortunately, Senate Committee Chairman PATRICK LEAHY is working on a stand-alone bill to address these national security and fraud concerns, much of what Director Mayorkas and his team asked for in June a year ago. I urge all of my colleagues concerned about security issues in the program to join me as a cosponsor of that bill.

It strikes me as grossly unfair to punish Director Mayorkas for the inability of Congress to address the vulnerabilities in the EB–5 program that Director Mayorkas and his team brought to our attention and asked us to fix over a year and a half ago. In essence, those of us in Congress failed to do our job. Yet Director Mayorkas is taking the fall for our failure. How is that fair? I will tell my colleagues: It is not.

I mentioned previously that the OIG completed an EB–5 audit, and although that report has not been publicly released yet, some of my colleagues have

been discussing the OIG's findings earlier today. In light of that, I think this is a good time to get some facts straight because this audit, remarkably, misses some key facts.

First of all, the report says the EB–5 program is vulnerable to fraud and national security risks and that the legislation that created the program makes it difficult to fully address those risks. That is something that has been well-known by Congress and the administration long before this report and long before Director Mayorkas took over the U.S. Citizenship and Immigration Services in August of 2009. The emails I just discussed demonstrate that Director Mayorkas did not take national security and fraud matters lightly. In fact, a review of the legislative history of the last year and a half might suggest that we take them lightly.

Despite the widespread knowledge about the national security and fraud vulnerabilities in the EB–5 program—and all visa programs, for that matter—CIS did not and does not have the authority that it asked Congress for in order to adequately police regional centers and the EB–5 program. I find it incredible that the OIG audit report makes no mention of Director Mayorkas' efforts to get Congress to pass legislation to address this problem since June of 2012.

In the absence of being granted those authorities by Congress, Director Mayorkas took it on himself to implement other reforms. Yet many of these reforms took place before or during this audit—and yet, incredibly, those reforms are not even mentioned in the audit report.

One of his first actions as the Director was to elevate the Fraud Detection and National Security Office to a director reporting directly to Mr. Mayorkas. This ensured that national security professionals had a seat at the management table and a voice in all major decisions.

He expanded reporting requirements and security checks for regional centers, which led CIS to increase the number of national security investigations in the EB–5 program by more than 50 percent in the last 4 years.

He increased EB–5 staffing from 9 people in 2009 to more than 80 today, and hired senior economists and national security officers to work side by side with immigration specialists.

He positively engaged other agencies such as the Securities and Exchange Commission, the FBI, and the Treasury Department to help police the program. In fact, Senator GRASSLEY himself noted this week that Director Mayorkas convened a national security staff working group to examine the problem last year.

The actions I have described are not the actions taken by someone who does not care about national security.

The audit report says the EB–5 adjudication process is ambiguous. CIS has recognized there was a need for a consolidated adjudication manual and they published one in May of this year—one more fact that was not even mentioned in the audit report.

The audit report says the program is fraught with the perception of outside influence. There is no denying the fact that this program gets a lot of attention, including from us—from Congress. In fact, the USCIS receives 1,500 queries about the EB–5 program each year from Congress, from Senators, from U.S. Representatives—1,500. As it turns out, almost half of our Senate colleagues on both sides of the aisle have inquired about the EB–5 program since 2009. That is an enormous amount of interest from Congress in this one program. In many cases—most cases—that interest was provided or demonstrated to CIS on behalf of our constituents, from States from one corner of America to the other.

But let me be clear: The fact that this program garners a lot of attention from a lot of Members of Congress and a number of high-level officials from all parties about the frequency and status of pending applications does not mean that the Citizenship and Immigration Services adjudicators are swayed by the attention. Perception is not always reality. Contrary to what some have suggested or assumed, the OIG reported that all the files they reviewed in their audit—including the ones associated with Terry McAuliffe's company—appear to support the final decision.

Let me say that again. The OIG audit concluded that the evidence it reviewed in these cases supported the final decision.

Based on the evidence we have before us, I believe it is clear that Director Mayorkas has taken strong steps to improve the EB–5 program. These are the actions of a dedicated, thoughtful, and committed public servant. They are the actions of a leader who is willing to make tough but necessary decisions in order to shake things up and improve a program that needed improving. That is exactly the kind of leadership we need at the Department of Homeland Security. I think we need it across the Federal Government.

I also believe we need leaders who are committed to doing what they believe in their heart is the right thing to do. At his confirmation hearing in July, I specifically asked Director Mayorkas about the allegations raised by some of these anonymous sources. Director Mayorkas testified before this committee under oath that he has never put his finger on the scale of justice, and I have seen no evidence since then that would lead me to question his veracity.

I do not believe that we can allow rumors spread by anonymous sources to rule the day.

Some of our colleagues have been very critical of DHS shortcomings and they are quick to point out its failures. However, one of the major reasons the Department fails to live up to expectations more than they and the rest of us might like is because their top leadership ranks have been riddled with vacancies for much of this year, and the same is true of many other agencies. Again, it is not fair to criticize the agency on the one hand and yet seem content on the other to leave them without Senate-confirmed leadership for months on end. We can't have it both ways. We have some responsibility here as well.

It is time to stop playing political games. It is time to vote to confirm Ali Mayorkas for the Deputy Secretary position at DHS.

There is something else that came to my attention today that I thought was interesting. It is not from an anonymous source. It is not rumor or innuendo. It is actually a report from the Partnership for Public Service. One of the things they do at the partnership is issue, I think maybe on an annual basis, the rankings of the best places to work in the Federal Government in 2013 and, as it turns out, also maybe the worst, because they do a ranking from top to bottom.

I was dismayed to find out this week that the Department of Homeland Security ranked last—ranked last—on their list of Cabinet Departments in terms of employee morale—last. It is not the first year. It has happened for a number of years in a row. However, although the Department ranked last among all the Departments, the U.S. Citizenship and Immigration Services, led by Director Mayorkas, was one of the highest ranked components within DHS, coming in at, I think out of 300 Federal agencies, No. 76, which, if my math is good, that puts them in maybe the top 25 percent of all agencies.

After Mr. Mayorkas took over in 2009, employee satisfaction with senior leadership there increased by over 20 percent. It has increased by over 20 percent since he took over in 2009.

Every now and then, in driving on my way to the train station in Wilmington to catch a train to come down here to start our day, I listen to the news. Usually I arrive at 7 o'clock. About a year ago I heard a report on NPR of an international study that was done involving thousands of people across the country. In the international study, they asked the same question of thousands of people from all walks of life with different kinds of jobs in different locations. The question that was asked of each of those thousands of people was, what is it about your job that you like? What is it about your job that you like the most? Not surprisingly, those people who were asked the question had different responses. Some people said they liked getting paid. Some people said they liked getting a pension. Some people said they liked having a vacation or having health care. Some people said they liked the environment in which they worked. Some people said they liked the folks they work with. But do you know what most people said? Most people said the thing they like most about their job is they

felt the work they were doing was important and they felt they were making progress. Think about that. The reason most people cite for liking their job, the work they do, is because they know it is important and they feel they are making progress.

It is ironic to me—if you rely on the anonymous sources the majority side has not been permitted to talk with, it is ironic to me that in a department where morale has been low and a problem and a concern for years, at this agency that Mr. Mayorkas has led now for 4 years, employee morale is, by comparison, fairly high. He does not get any credit for that. But if employees really do care that the work they are doing is important and they are making progress, maybe that belief is reflected in these numbers. Maybe that is reflected in these numbers on behalf of the leadership that Mr. Mayorkas has provided for Citizenship and Immigration Services.

Let me close, if I could. My friend from Kansas has arrived.

There are a couple things I want us to keep in mind. This is one that is hard for me to understand. People whom we do not know, whom we on the majority side have not talked to and have not had an opportunity to hear from to hear their story—it is maybe unprecedented for that opportunity to be denied the majority or for the majority to deny that to the minority in a case like this. We have been denied that opportunity.

I think the person who is maybe best able to provide or to rebut or to respond to concerns that have been raised by these anonymous folks whom we have not been able to talk to is Mr. Mayorkas himself, but our Republican colleagues have refused to talk to him. Even though there is no evidence of criminal wrongdoing, they refuse to talk to him to give him a chance to rebut or to respond to the accusations from anonymous sources we have never heard from. That one just blows my mind.

If the shoe were on the other foot, if Democrats were in the minority and Republicans were in the majority, if I were the ranking member on the minority side and we had a Republican President who nominated somebody for office and the chairman of our committee asked me as the ranking minority member to meet with someone whom the Republican President had nominated, I would meet with them in a heartbeat. I would want to hear that person's story. That is what I would want to hear.

If the anonymous sources were talking just to us, I would encourage them to talk to the other side as well.

By the way, the one person we did talk to—and we got this person, Mr. Rhew—I think we got his name out of a statement given by Senator GRASSLEY on the floor. We talked to him. He set the record straight. He set the record straight. I have already cited that in my comments. But we have never had the chance to talk to any other, I think, half a dozen or so sources.

The other thing I would say is that there is nothing inappropriate about the staff of a committee chairman inquiring of an OIG about the pace and the resources provided to conduct an investigation. This is just not any Department that has lacked Senate-confirmed leadership from us; this is the Department of Homeland Security. Americans have a lot riding on that Department doing their job well. They need senior leadership, and they have not had the kind they need.

But despite the repeated efforts to get the OIG to expedite their efforts, begun in September 2012—a joint letter from Dr. COBURN and me to the OIG in July of this year; 2 months later, get a response that, oh, maybe we will have something in October. Two months later, it is December, and bipartisan staff—Democratic, Republican; majority, minority—have a chance to be briefed by the OIG, and rather than say, well, this investigation we started 15 months ago is done, is ready to wrap up, they say, a couple more months, maybe 2 or 3 more months.

Are we supposed to continue to wait? We have the leadership we need at the Department of Homeland Security. At some point you just say: Enough already.

What we have learned is that in terms of full-time people working on this—I think there are about 650 full-time equivalent people at the Office of Inspector General at DHS, about 650, and as I understand it, 3 full-time people—1 investigator and 2 research assistants—have been devoted to this investigation. No wonder it is taking 15 months.

I would ask us to keep in mind our failure—our failure—to act on the recommendations made to Congress for reforms in the EB–5 program to address national security concerns and to address concerns about fraud.

Mr. Mayorkas did the right thing. He and his staff pulled together a long list of changes they need, legislative changes they need so they would be authorized to address his concern. We dropped the ball. We did not include those changes when we reauthorized the EB–5 program for 3 more years—a straight reauthorization. We did not make any reforms. We did not make any changes despite the fact that he had suggested them months before we acted.

Finally, those changes ended up in the immigration bill. We passed it here. Most Democrats voted for it, some Republicans. It is over in the House. It is languishing and not moving. If we are really concerned about giving this agency, CIS, the tools they need, the authority they need to address these security concerns, fraud concerns, why don't we join Senator LEAHY in the legislation he is going to introduce that largely is taken from the immigration reform bill? When he introduces it, let's cosponsor that bill.

Finally, if we are going to accept as gospel criticism about the way a person has run a particular agency—and not of a criminal nature but criticisms about the way it has been run—why not give that person a chance to defend himself? Why not give him a chance to say: Well, there is another side to this story or maybe there is not, but at least give him that opportunity.

Lastly, the morale at the Department of Homeland Security—they do some great work, important work, the Department of Homeland Security. And they do a lot better work. I will mention a couple things, if I can.

Remember the response of FEMA, which is part of the Department of Homeland Security? Remember their response to Katrina? It was deplorable. How about the response of FEMA to Hurricane Sandy? All around—for the most part, all around kudos were won.

How about TSA? TSA has been a whipping boy for a lot of folks. All of us who have the opportunity to fly commercially, we have seen TSA make changes. They have taken criticism they have taken to heart. Among other things, they have created the Trusted Traveler Program so a lot of people do not have to take off their shoes or their belts or do all kinds of things to get through a security check. The TSA has done a number of things. Some of the technology they are using is not intrusive, as it was before. Security is actually strong.

For 10 years, our friends at GAO, the Government Accountability Office, have, every 2 years, on their high-risk list at the beginning of every Congress, cited that the Department of Homeland Security needs to be able to earn a clean financial audit of its books. They said: 10 years; that is enough time.

Well, it turns out the Department of Defense, which has been around for, gosh, about 70 years—over 60 years—is still not auditable. The Department of Defense is not auditable, much less to have a clean audit.

Last week the Department of Homeland Security, for the first time in their existence, received a clean financial audit. They did it in 10 years. DOD, also a big operation—it is 60 years and counting, and they are not even audited yet.

So for those who want to constantly criticize the Department of Homeland Security, I would just say that the people who work there work hard. They have tough jobs. They need our help. One of the things they need our help in doing is securing the kind of leadership they have not had, and that is Senate-confirmed leadership.

We have had some very good people who have been acting as the Secretary, acting as the Deputy Secretary, but, friends, it is not the same. They need leadership that is going to be there with not just the blessing of the President but the blessing of this body and that is going to be there today, tomorrow, next month, next year, and provide the leadership that is needed.

The most important element I have ever seen in my time in the Navy—23 years Active and Reserve—my time as Governor, my time here in the Senate, the most important element I have ever seen in any organization to determine whether it is going to be successful is leadership. Show me a school with a great principal, I will show you a school that is on the way up. I do not care how ineffective the teachers might be, I will show you a school that is on its way up. Show me a business with a strong leader, and the same thing is true. Show me a body like this or a military unit, leadership is always the key. And it is the key at the Department of Homeland Security.

If the improvement that I have noted, that I mentioned here just a minute ago, is to continue and actually be strengthened, they need Senate-confirmed leadership. We will have the opportunity in a couple of hours to give Jeh Johnson, the newly confirmed Secretary of Homeland Security, a key player in the leadership team that he is trying to build at that Department. He deserves our support, and so do the people at that Department. And if they get it, they will provide the support we need in this country to be safer in the days ahead.

With that, Madam President, I thank you for allowing me to give this statement.

I see my friend from Kansas on the floor. I thank him for his patience, and I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

HONORING OUR ARMED FORCES

FALLEN FORT RILEY SOLDIERS

Mr. MORAN. Madam President, CWO2 Joshua B. Silverman, age 35, Scottsdale, AZ; SGT Peter C. Bohler, age 29, Willow Spring, NC; SPC Terry K.D. Gordon, age 22, Shubuta, MS; SFC Omar W. Forde, age 28, Marietta, GA; CWO2 Randy L. Billings, age 34, Heavener, OK; SSG Jesse L. Williams, age 30, Elkhart, IN are names of soldiers who lost their lives this past week. They lost their lives in a helicopter incident in Afghanistan, and five of those soldiers were from my home State based at Fort Riley, KS—the Big Red One.

Our Nation is forever indebted to these young men for their service and their sacrifice. This evening I ask the Senate to pay tribute to these six soldiers who, in serving their country, lost their lives. If we here in Washington, DC, need a reminder about our responsibilities, we need only look to our service men and women who, for no partisan reason—nothing to do with Republicans or Democrats—volunteer to serve their country, and recognize there are things much more important than even life itself.

These soldiers were committed to preserving the freedoms and liberties guaranteed Americans by our Constitution, and they sacrificed their lives every day to make certain Americans have the opportunity to pursue the American dream.

I once heard a hymn that has stayed with me ever since the first time I heard it. It was sung at the funeral service of President Reagan. It is called ''Mansions of the Lord.'' It was performed by the U.S. Armed Forces Chorus at the National Cathedral here in Washington. The words of that hymn are these:

To fallen soldiers let us sing
Where no rockets fly nor bullets wing
Our broken brothers let us bring
To the mansions of the Lord
No more bleeding, no more fight
No prayers pleading through the night
Just divine embrace, eternal light
In the mansions of the Lord
Where no mothers cry and no children weep
We will stand and guard though the angels sleep
Through the ages safely keep
The mansions of the Lord

We honor these six soldiers who this week were welcomed into the mansions of the Lord.

I am grateful for the blessings these brave men afforded us with their service to our country, and we thank God for giving us these heroes. We remain committed to preserving this Nation for the sake of the next generation by honoring that sacrifice.

We Americans are indebted to every member of our military. We are indebted to do nothing less than to preserving America's freedom and to make certain it remains the bright shining star for the world.

I would ask God to bless these service men and women, to bless our veterans, to bless our country.

This coming week, in a few short days, families will gather around dining room tables across our Nation to celebrate the holidays. In the instance of these six families, there will be an empty chair at the Christmas table. For those of us who are Christians, we celebrate Christmas as the arrival of the Prince of Peace, and I would ask that we have peace in our land, peace in our world, and no more wars. And I would ask that these families find peace knowing that their son, their husband, their father, sacrificed for something more important than life itself—they sacrificed for others. May they find peace in knowing what worthy lives their loved ones lived.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, there has been considerable controversy in recent days over a provision in the recently passed spending package that became known as the Bipartisan Budget Act which cuts pensions for military members, including wounded warriors.

There was bipartisan agreement. People on both sides of the aisle believe that it ought to be fixed, that it was an error and should not go forward, and that there were better ways to find the money—if you have to have money to spend somewhere else—than taking it from military retirees.

But Majority Leader REID and every single Member of his conference save one stood together to block an effort which I proposed to restore the pensions for the military and also find better offsets. They blocked us from making any alteration to this spending package that was before the Senate, including my amendment to close an egregious tax welfare loophole—a tax credit, a payment directly from the United States of America to illegal aliens—that could pay for these cuts itself. Indeed, the inspector general of President Obama's Treasury Department has said this loophole needs to be closed and would save a substantial sum of money. It is an open gate, allowing massive fraud and illegality.

So we simply wanted to close that loophole. We asked to pay for this new spending by closing this loophole that the Treasury Department asked us to close instead of reducing the retirement benefits by as much as $70,000 for a sergeant who served to age 42 in the U.S. military.

How can this blockade be defended? How did it happen? Why would we be in such a position? Is there any Member in the majority who would really defend the practice we are now undertaking where legislation that clearly needs an amendment to fix a problem in it is not allowed to have amendments, and the legislation is rammed through the Senate?

This has been the pattern around here for far too long. The majority leader is eroding the Senate's historic role as the great Chamber where the issues are debated and changes and amendments are voted on, and he is being enabled and supported by his conference.

Consistently, time and again, when objections are made to try to stop this practice and get amendments and votes on important bills, his conference has stood with him. In other words, his conference is saying: We choose to stand with Majority Leader REID and his procedural actions which block other colleagues; we choose to stand against even our own Members having amendments and against the right of individual Americans to have their Senator be held accountable—to stand up and be able to offer amendments to legislation to improve it. And if you don't do that, you are accountable for voting for the final bill—which is imperfect and should be fixed.

That is the way the voters hold us accountable. They need to be able to see us vote and look at our voting records and decide whether we are serving their interests, some Wall Street interest, some special interest, or some political group instead of the national interest. That is what this whole system is about.

Now we have before us the Defense bill that is so important for America. I serve on the Armed Services Committee. I have been on that committee for nearly 17 years. We moved this bill out with a big majority. I voted for it

in committee, although I expressed great concern about its budgetary problems that needed to be fixed. Unfortunately these problems have not been fixed. But I wanted to see the bill move forward, and I tried to be cooperative.

The bill moved to the floor. The budget problem hasn't been fixed, and there are other problems with the legislation that need to be refined. The bill before us, the Defense bill, spends approximately $500 billion—for the largest single agency in the U.S. Government. Are we to accept that it should pass in this body without a single person having a single idea that ought to be made a part of that bill? Can it not be made better?

The majority admits it is not a perfect piece of legislation. We certainly know that. The American system is designed so that when an imperfect bill moves forward, a Senator can offer an amendment. Maybe it is not a good amendment. Maybe it will be voted down. Maybe it is a good amendment and will be accepted. But no more, not with what is happening here today.

What is happening here today is when Republicans want to offer an amendment, Senator REID basically says no. He doesn't want any amendments. He then uses a device called ''filling the tree''—because he gets to be recognized first—filling it with a series of amendments, leaving no place, then, for any other Member of the Senate to call up an amendment. And the majority leader won't remove the amendments from the tree unless he decides he wants to.

On this Defense bill, we had two votes on amendments when the bill was up for an entire week. We could have easily had 30 or 40 votes that week had we chosen to do so. So only two votes were held, and none now, and we are moving to final passage. The tree is filled, and we have not been able to force even a single vote to fix matters.

Senator CORNYN offered an amendment this afternoon. He filed a motion to table some of the amendments Senator REID had placed on the tree, and it was voted down by the supporters of Senator REID on the other side of the aisle. We have been talking about this for a long time. This is contrary to the history of the Senate.

Senator CORNYN laid out how year after year for 51 years we moved a defense bill through the Senate, and there have been multiple amendments nearly every time but this one. It is unthinkable that the great Senate of the United States would not allow amendments to a bill as significant as a defense bill.

So what does the majority leader do after he fills the tree? Republicans said: Wait a minute, Senator REID. There were no amendments allowed on the bill. We have amendments.

He said: Oh, you are being obstructionist. I am going to file for cloture. I am going to file a motion to shut off debate, and we are not going to have any amendments.

And then if the Republicans resist and say, we are not going to vote to end debate because we haven't had any amendments, he says, you are obstructionist.

This is the pattern that has been going on. He files cloture virtually immediately with the filing of the bill, and he claims that is a filibuster by the Republicans. So by filing cloture immediately, he contends that Republicans are filibustering a bill; he counts up these filibusters and says: There are too many filibusters in the Senate. You are obstructing the business of the Senate. In truth, Majority Leader REID is the one who is obstructing the Senate. He is the one who is blocking debate and amendments.

If you ask a schoolchild somewhere in America, if you ask a senior citizen, a World War II veteran who loves this country and has studied the great principles of America, you say there is a piece of legislation on the floor of the Senate and there is something in it that is wrong—they want to cut benefits for wounded warriors, veterans who served and have been wounded in combat and disabled—and you do not want that to happen, what would you do?

Why, they would all answer, you would file an amendment to the bill to fix this problem.

But not in the Senate today. That is the classical understanding of the way this body ought to operate. That is what James Madison, I am sure, conceived and the way it has worked for so many years. But not any longer. This bipartisan Budget Act is just like the Defense bill—no amendments. No matter how important the bill is, no matter how many problems there are in it, no amendments.

Oh, you want to go back to that old Senate where people could actually debate and have amendments and offer changes and improve it? No longer. That is obstructionist. That is delaying tactics. We won't have it anymore. You are slowing us down. It is unacceptable.

When I vote not to end debate on this Defense bill that is before us, I am not voting to not have a defense bill. That is so obviously wrong it is hard to believe you have to explain it. But we are not voting to do that. We are voting to maintain the classical principle of the Senate where individual Senators from whatever State there is can come to the floor and make a contribution to the country. They were elected by their people. There are almost 5 million Alabamians who elected me. Do I not get to offer an amendment to the Defense bill of the United States? It diminishes my role. It diminishes the role of every single Senator. So I am asking my colleagues on the other side of the aisle who have been lemming-like, I call it, defending this abuse of power, to begin to consider what this may mean to them and whether this is the right way the Senate should operate.

There will be some tough votes. We will all have to take tough votes. Probably most people can explain their votes if they know what they are doing. Maybe some cannot and they will be voted out and sent home. So be it. If you cannot defend your vote and you are not casting good votes on bills and you cannot respond effectively as to why you voted for or against a certain amendment, then you ought to be sent home. We are not entitled to these jobs. We have to be elected to them.

I am concerned about it. I believe it goes even beyond the significance of this important Defense bill. I think it goes beyond this grave error in which we are reducing the pay of military retirees when we are not reducing other retirees' pay.

This is not a belt-tightening across the board. It seems to me to be a targeting of one group of Americans, perhaps those who served more than any other group.

Majority Leader REID continues to complain that the trains are not running on time, not running with enough ruthless efficiency to suit his ideas. So he then uses a filling-the-tree tactic. But that is not all. Although President Obama has had judge after judge after judge confirmed, and Cabinet people and sub-Cabinet people confirmed in large numbers, the Senate refused to approve one appointment recently and refused to fill three Federal judgeships at the U.S. Court of Appeals for the District of Columbia Circuit because they were not needed. The average caseload for those judges was 149. Of the 8 judges who are there now, there are authorized 11 judges. So the 8 judges there now have 149 cases per judge, whereas my circuit, the 11th Circuit, sitting in Atlanta, has over 700 cases per judge. The national average is around 350 cases per judge.

We do not need to fill three judgeships for which the caseload is not there. The caseload for the DC Circuit is almost half that of the next lowest circuit in the country. So we do not need these judges. The caseload continues to decline. So the Senate refused to give cloture, refused to confirm those judges. So in an act of pique or calculation or deliberateness, the majority leader altered the rule of the Senate about how we ought to conduct business here. He did so by breaking the rules of the Senate.

This is what happened. U.S. Senate rule XXII says in order to bring debate to a close, three-fifths of the Senators duly sworn would need to vote to end the debate. There were not sufficient votes to end the debate on the DC judges because they were not needed. This irritated the majority leader. So he petitioned to the Presiding Officer and the Parliamentarian and he asserted that it only takes 51 Senators to vote to end debate. But rule XXII explicitly says it takes three-fifths, 60 Senators, to end debate. It goes on to say, except when you change the rules of the Senate, and that takes two-thirds, 67. So it takes 67 votes to change the rules of the Senate and 60 votes to end debate.

What did Senator REID do? He asked the Parliamentarian to say it only took 51. The Presiding Officer, the President pro tempore of the Senate, Senator LEAHY, our longest serving Member, and the Parliamentarian said no, Senator REID, the rule is it takes 60 votes to shut off debate.

So what did Senator REID do? He used the ability to appeal the ruling of the Chair and he asked his colleagues to overrule the ruling of the Chair, which by any plain reading of the rules of the Senate would be without dispute requiring 60 votes to shut off debate, but he wanted it to be 51 and his colleagues supported him. His colleagues supported him, they supported him and he overruled the Chair, his own Parliamentarian whom he selected and the Presiding Officer that he put in the Chair. They voted to change the rules of the Senate. It is in plain language—with 51 votes, not 67.

This is dangerous, colleagues. This is the kind of thing you see in Third World republics or would-be republics. This is the kind of lawlessness that will endanger the American system of government at its most fundamental basis. It is endangering us. The President says whatever he wants to—you can keep your doctor, the President says your plan is going to save you $2,000 a year, the President says all these things and he gets his bill passed and none of it is true.

I don't see any Members on the floor who voted for this bill, ObamaCare, down here apologizing to the American people, saying I am sorry, the bill I voted for did not do any of the things I promised you it would do and I am willing to have an amendment process on the floor to fix it. No, we are not going to get a vote on ObamaCare. They are going to block that too. If any attempt is ever made, he will fill the tree and block that vote. So we are not able to bring it to the Senate floor and require Senators to vote on serious issues involving health care for millions of Americans because Senator REID doesn't believe in it and he is backed by his colleagues.

I guess the President probably says, oh, don't let them vote on ObamaCare, they might change some of it. You know, they are finding out what is in it. We don't want them to actually think they have enough muscle to actually pass a law to fix it or change it or alter it. That would be terrible. Who do they think they are? Do they think this is a democracy or something?

That is where we are. This is huge and significant. We have to confront what is happening. It is very important that we cool down and we get some sort of work going on, but I am not confident at all on that. This effort should result in a retreat from this breaking the rules to change the rules, this nuclear option.

The reason a nuclear option was called that is because once you do that, it blows up the entire Senate. Senator LEVIN explained the problem very succinctly, one of two Democrats who voted against Senator REID's attempt to execute the nuclear option and to change the rules of the Senate. He said if a majority can change the rules of the Senate, there are no rules. It is simply what the majority says. There are no standards, there are no rules, there are no procedures. If we can change them whenever we are frustrated by a majority vote in the Senate, there are no rules, there are no protections. That is so true.

That is why what has happened here is so significant. I believe this late-night work and this process to consider nominations is healthy, because it requires us to go through a painful period of introspection as to what is happening to us and how we ought to conduct this great Senate.

This afternoon we did not have the support for Senator CORNYN's resolution. Yesterday, when I made the motion to clear a place off of the tree so my amendment could be heard and voted on, my colleagues, a majority of them, voted no. Only one broke with Senator REID, actually; one Democrat did. Every Republican voted to allow amendments to go forward, allow my amendment to be heard. The rights of all the Senators in this body to defend their State, to defend equal representation, was undermined.

The two Independents in our Senate, delightful individuals for sure who caucus with the Democrats and vote with the Democrats, maybe sometime they will be willing to prove that the letter ''I'', independent, means something and maybe they will help us stand and defend the heritage of the Senate. We need to make this thing change. We cannot continue to aggregate more and more power into the majority leader where no longer—where the right to demand 60 votes to shut off debate could be further eroded, where we will continue to see bill after bill brought up with no amendments being allowed.

They say oh, well, we are at the end of a year. We must do that. We do not have time. But the Defense bill has been on the floor since June. That is awful. There have been huge amounts of time for us to bring it to the floor. It has been out of committee since June and it should long ago have been brought up and, in fact, it could have been voted on last week with full amendments and we would already be through with that and be gone today.

The Armed Services bill, the Defense bill is an important bill. I am very disappointed we are at a period of impasse, very disappointed that I cannot support going forward with it to final passage because there is no ability to amend it and fix some of the obvious flaws that are in it. It is outside the budget spending limits we agreed to.

The Bipartisan Budget Act was also rammed through the Senate with no ability to offer amendments. This legislation will not allow us to prevent the cut of veterans retirement pay and disabled wounded warriors retirement and benefit pay.

It is a disappointment for me to be in this position. I have tried to be supportive of the Defense bill every year. I worked in committee to do so. I believe last year we got a unanimous vote, Republicans and Democrats, quite a number of times in the committee. A lot of that is due to Senator LEVIN and Senator INHOFE's leadership. This time we have a problem, and it is not going well, and I am deeply disappointed. I believe we can do better, we must do better, and I will not be able to vote to support this bill tonight.

I thank the Chair and yield the floor.

Mr. BOOZMAN. Mr. President, I appreciate the efforts and concerns of my colleagues in the Senate and the House who are unwavering in their support for our military retirees. We need to correct this grave injustice that was made and continue our promise to the men and women who serve our Nation by restoring their retirement benefits. We need to cut spending and put our country on the path to fiscal responsibility, but it should not come at the expense of our nation's military retirees. I could never support a budget deal that contained this provision. That is why I opposed the deal that was approved by the Senate this week. I will work with my colleagues to make sure our servicemembers receive the benefits they earned. I am confident that we can find a solution to this error before any retirees are impacted by a reduction in their future retirement pay.

Ms. HEITKAMP. Mr. President, I rise today with strong concerns over how the National Defense Authorization Act of 2014, H.R. 3304, approaches the critical issue of intelligence, surveillance and reconnaissance, ISR, and specifically the approach to the Global Hawk system. I support H.R. 3304, but I will continue to work with administration officials, our Nation's military leaders, and my colleagues to make sure our Nation makes the right investments in ISR that protect our Nation and our servicemembers.

Since I joined the Senate in January 2013, I have spoken with several key Department of Defense leaders who have emphasized the importance of sufficient ISR capabilities to keep our troops safe and protect U.S. interests. The Global Hawk family of platforms plays a key role in providing that ISR capability and answering the call of combatant commanders with unmatched range, endurance, and cost-per-ISR-hour.

The Fiscal Year 2013 National Defense Authorization Act prohibited the retirement of the Global Hawk through the end of the Fiscal Year and directed the Air Force to maintain the operational capability of each system to support operational requirements of the combatant commands. The original House version of the Fiscal Year 2014 NDAA extended this retirement prohibition on Global Hawk through the end of 2016. This smart provision would allow the still-fielding Global Hawk fleet to continue to support operations

around the globe and allow Congress and the Department to gather additional information about our Nation's future ISR needs. Such information would allow the best possible decision about the Global Hawk.

Unfortunately, H.R. 3304 only extends the prohibition on Global Hawk retirement through the end of Fiscal Year 2014. This decision could allow DOD to follow through on previous efforts to prematurely cancel the Block 30 version of the Global Hawk, which represents the largest group of Global Hawk platforms. DOD's own findings show that the Block 30 Global Hawk represents a more efficient platform for high-altitude ISR needs than platforms which perform the same missions, such as the U–2.

It doesn't seem wise to allow the potential termination of the largest part of the Global Hawk program before Congress fully understand the capabilities and abilities of this system and how it can fit into larger DOD plans.

I strongly support many of the provisions in H.R. 3304, such as its improvement in how the military approaches its sexual assault epidemic, and amendments I worked on to protect our ICBM forces and ensure our Nation moves forward in an effective way regarding unmanned aerial system integration in the national air space and the use of Reserve component units for cyber missions. However, I will continue to work with my colleagues to improve the DOD's approach to ISR and ensure our military retains the ISR it needs to keep our citizens and servicemembers safe.

Mrs. BOXER. Mr. President, I am so pleased that the National Defense Authorization Act includes important reforms to article 32 of the Uniform Code of Military Justice, UCMJ, which are based on an amendment I authored with Senator GRAHAM.

I thank Senator GRAHAM for working with me on this issue. I also thank Chairman LEVIN and Ranking Member INHOFE for working so closely with us. Without their support, these critical reforms would not have been incorporated into this bill.

These reforms will help end the abusive and invasive questioning of sexual assault victims during pretrial article 32 proceedings.

Article 32 proceedings are the military's equivalent of preliminary hearings in the civilian criminal justice system. However, article 32 proceedings have become their own trials where the defense counsel can harass and intimidate sexual assault victims and ask questions that would never be permitted in civilian courts. No victim should ever have to endure this type of abuse.

Our military justice system should encourage sexual assault victims to report these crimes and pursue justice by prosecuting perpetrators. Tragically, the article 32 process does just the opposite.

Roger Canaff—a former prosecutor who has worked with the military as a legal consultant on sexual assault cases—says that article 32 proceedings are so difficult for victims that ''a lot of cases die there as a result.'' In fact, the military's own statistics show that nearly 30 percent of sexual assault victims who originally agree to help prosecute their alleged offenders change their minds before trial.

The National Defense Authorization Act addresses this serious problem by bringing article 32 proceedings more in line with how preliminary hearings are conducted in the civilian criminal justice system.

Specifically, the bill limits the scope of article 32 proceedings to the question of probable cause. This will help ensure that article 32 proceedings do not turn into fishing expeditions that serve only to discredit and humiliate victims.

It also requires article 32 proceedings to be presided over by an impartial military lawyer except in extraordinary circumstances.

In addition, the bill requires all article 32 proceedings to be recorded—putting in place a uniform standard across all of the services. It also gives victims access to the recording.

Furthermore, it prevents victims from being forced to testify in article 32 proceedings. Instead, alternative forms of testimony, including sworn statements, could be used. This will ensure that victims are not revictimized during article 32 proceedings.

These commonsense reforms will help ensure that victims of sexual assault are not put on trial simply for making the courageous decision to pursue justice. And this change has broad support from survivors, military leaders and military law experts.

Karalen Morthole—who was raped by a master sergeant at a bar on the grounds of the Marine barracks in Washington, DC—supports reforming the article 32 process: ''People always say, 'This is why so many people don't come forward.' I agree. The process should be changed so survivors of rape feel confident rather than discouraged when trying to pursue justice.''

MG Vaughn Ary—the staff judge advocate to the commandant of the Marine Corps—agrees that ''there is room for change in article 32.''

In addition, Eugene Fidell—a professor of military justice at Yale Law School and a former Coast Guard judge advocate—has said that article 32 proceedings have ''become bloated'' and ''should be replaced by a simple probable cause hearing.''

I am so pleased that there is a clear consensus on the need to reform the article 32 process to better protect victims of sexual assault. This is an important step forward in addressing the epidemic of sexual assault in our military.

But let me be clear. There is only one fundamental change that will give sexual assault survivors the confidence to report these heinous crimes knowing that justice will be served—the bipartisan Military Justice Improvement Act.

I am deeply disappointed that this important bill was not included in the National Defense Authorization Act because until vicious crimes like sexual assault are handled outside the chain of command, we will not have truly fixed our broken military justice system.

That is why I look forward to proudly casting my vote in support of Senator GILLIBRAND's bill in January, and I urge my colleagues to do the same.

Mr. LEAHY. Mr. President, the compromise Fiscal Year 2014 National Defense Authorization Act is an important authorization bill that I intend to support. This will be the second legislative matter considered by the Senate this week that reflects the kind of compromise too often missing from our deliberations in Congress. It does not meet the needs of every Senator, but it marks a step in the right direction and will allow the Department of Defense to move forward key programs in the coming year.

I understand the frustration of some Senators who were keen to offer amendments to this authorization bill. In fact, two measures I introduced during the Senate's consideration were not included in the compromise. These provisions would have extended protections for human rights by aiding international efforts to prosecute war criminals and compensating innocent civilians who fall victim to combat operations. Both provisions have significant support, and I remain committed to continuing to work to see them enacted in the new year. But despite the best efforts of Chairman LEVIN and Ranking Member INHOFE, the amendment process in the Senate was derailed by irrelevant proposals, which prevented provisions like these from receiving consideration. Nonetheless, I will support this compromise..

The bill before the Senate authorizes the activities of the Department of Defense, the single largest U.S. Government entity. As a result, manufacturers and service providers across the United States will keep Americans employed making and doing things for the Department. It means that the U.S. Armed Forces can take the steps needed to address threats to our security. Most importantly, it means the members of the Armed Forces and their families can count on having the equipment and support they need while selflessly serving to keep us safe.

The Defense authorization bill before us also contains important changes that will help the administration transfer more individuals out of the detention facility at Guantanamo Bay. It includes a provision that relaxes the current onerous certification requirements that must be satisfied before transferring detainees to third countries. These requirements have proven to be unnecessary and counterproductive.

Regrettably, the compromise bill retains two limitations that were included in the House-passed version of the authorization. The legislation extends the current prohibition on constructing facilities in the United States to house Guantanamo detainees and also extends the ban on transferring detainees to the United States for detention or trial. I strongly believe that the executive branch must have all options available in handling terrorism cases, particularly the ability to prosecute terrorists in Federal criminal courts. That is why I voted against an amendment by Senator AYOTTE during the Senate floor debate in November that included these same restrictions.

Although I would have preferred the more favorable detention-related provisions contained in the underlying Senate bill, this compromise represents an improvement over existing law.

Reforms to the military justice system in this compromise also accomplish an improvement of the status quo. This bill includes roughly two dozen changes to the Uniform Code of Military Justice and Department of Defense policy that enhance victims' rights and protections and amend the investigative and prosecutorial process. Among the measures included in the bill is the removal of a commander's ability to overturn jury convictions, and a secondary review of any decision made not to prosecute, whether made by the convening authority or the staff judge advocate. Additionally, the 5-year statute of limitations on trial by court-martial for additional offenses involving sex-related crimes is eliminated, and those accused of certain sex-related offenses are required to receive dishonorable discharges or dismissals if convicted.

These important accountability measures will be supported by the removal of the ''good soldier'' defense for the accused, and victims will further be protected by changes that prevent them from being forced to testify at article 32 proceedings and at trial. Though more can be done, these and other provisions adopted represent a significant improvement and merit the Senate's support.

There are many other provisions in this bill that are worthy of highlighting, but as cochair of the Senate National Guard Caucus, I am most pleased that this bill does not compromise on supporting the National Guard. As an essential part of U.S. security at home and abroad, the National Guard is an integral part of the Armed Forces today and will remain so in the future. Among the many provisions that demonstrate the strong commitment to the National Guard felt by Members of Congress in both Chambers, two are most important. First, the authorization effectively ends the process of ''off-ramping,'' wherein a National Guard unit scheduled to deploy is replaced at the last minute by an Active unit, preserving both certainty and operational readiness for our National Guard personnel and families.

Second, it requires congressional budget justification documents to specifically enumerate funding levels for embedded mental health providers in National Guard and Reserve units. For too many years, men and women in the Guard and Reserves have come home from war to inadequate mental health resources. The Congress took the important step of embedding mental health providers in units, but resources disproportionally moved towards the large, Active military bases, while our hometown heroes at small drill centers around the country went without. With specific enumeration, we can take a better look at resource allocation and we in the Congress can make sure members of the Guard and Reserve get similar access to their Active counterparts.

The authorization before the Senate is the result of compromise. The Senate will close this session of Congress on the heels of two bipartisan votes that passed a 2-year budget and this important authorization bill. I hope that this bodes well for further cooperation and compromise in the new year.

Mr. BLUMENTHAL. Mr. President, I support the compromise National Defense Authorization Act for Fiscal Year 2014 (NDAA). Though this bill has shortcomings, it will be good for our country and for Connecticut, and it will allow us to keep faith with the brave men and women who serve and sacrifice each day in our military.

As a member of the Senate Armed Services Committee, I have the privilege and the important responsibility to honor our men and women in uniform by providing for them while they are training, when they are deployed, and if they are wounded. I voted for the NDAA in committee this year, and I will vote for it on the Senate floor because I know that it will support our servicemembers throughout their time in uniform and beyond. This bill funds the training and equipment our troops need to go into battle. It funds the critical weapons systems that they need to protect our Nation. And it provides for them after they return home—albeit less robustly than it should—through medical care and opportunities to build skill sets for civilian careers.

This bill is good for Connecticut as it supports both our Connecticut National Guard and Reserve and our State's hard-working defense manufacturers. Specifically, it funds two submarines a year. The NDAA maintains robust funding for the Ohio Replacement Program, the Virginia Class Submarine, the Heavy Lift Replacement Helicopter Program, and the Joint Strike Fighter. It funds advanced procurement for the Army's UH–60 Blackhawk M Model that will be used by the Connecticut National Guard, and it rightly does not authorize a costly and unnecessary round of base realignments and closures.

The NDAA will strengthen our commitment to eliminating the scourge of sexual assault from our military. It includes provisions from my bill to provide victims of an offense under the Uniform Code of Military Justice with the same rights to counsel and other protection afforded victims in civilian courts. It rightly eliminates the ability of a commander to dismiss a court martial or reduce a sentence, and it establishes minimum sentencing guidelines in cases of sexual assault. The bill also strengthens rights for victims of sexual assault at pretrial article 32 proceedings and ensures that they will have counsel present when interviewed.

I have been very concerned with properly providing for those wounded warriors who suffer the so-called signature wounds of these recent wars: posttraumatic stress and traumatic brain injury. Just this year, I was saddened by the loss of Connecticut veterans who fought long battles with these illnesses. Though I believe that more efforts are needed, the NDAA will help to provide improved outreach on suicide prevention to Reservists in Connecticut and across the country to hopefully reach additional wounded warriors in need of help.

I have also been very concerned with the lack of interoperability between Department of Defense and VA medical records. Right now, when someone separates from the military, the VA has no complete, automatic access to veterans' service-related medical records, even though the Department of Defense has those records. Defects in interoperability have contributed to the unconscionable backlog of veterans' claims. I have worked with Senator NELSON on a bill to mandate interoperable medical records between the Department of Defense and the VA, and I am pleased that provisions on this subject are in the NDAA. These provisions require the SecDef and the Secretary of VA to ensure the Departments' electronic health record systems are interoperable with integrated display of data, or a single electronic health record, and that each is compliant with national standards.

Additionally, I am pleased that the NDAA includes provision-enhancing mechanisms to correlate skills and training for military occupational specialties with skills and training required for civilian certifications and licenses or IT credentialing. By prioritizing training and certification, not only do we ensure that our military personnel have the appropriate skills to carry out their duties, but we also ensure that our veterans have a path to translate these skills to civilian life and find work that fits their skills once they leave the service.

Finally, this bill strengthens our commitment to ensuring that we do not contract with the enemy. It includes provisions I championed giving combatant commanders greater authority to terminate or void a contract with anyone supporting our enemies,

and it prohibits funding to enter into contracts with Rosoboronexport—a Russian company financing Assad's cruel war against the Syrian people.

Overall, I am pleased to support this bill to keep our country safe and our military strong. I look forward to voting for this bill and to continuing to work with my colleagues in a bipartisan manner to support our national defense.

Ms. MIKULSKI. Mr. President, I rise to call, as so many others have done, for justice. The scourge of sexual assault still pervades in our military. Our outrage is palpable, but change is possible.

I recently read a heart wrenching story in the Baltimore Sun about Brian Lewis. Thirteen years ago, after 3 years of service in the Navy, Brian was assaulted by a higher ranking shipmate. His attacker went unpunished, while Brian bore shame, depression, and even accusations from his fellow shipmates.

Brian is not alone. He joins thousands of men and women who have suffered silently at the hands of a fellow soldier, sailor, or marine. This is a compelling national problem. When you join the military and you face the enemy, you shouldn't have to fear the enemy within.

Victims of sexual assault have long been redlined and sidelined at the hands of a justice system that fails to be objective or effective. It is time to put a stop to this now.

Despite lasting trauma, prejudice, and overwhelming obstacles, these men and women have endured. Their courage in the face of suffering is admirable, but it should not be necessary.

That is why I support the new Defense bill for fiscal year 2014. It includes over 30 provisions to address sexual assault. It strengthens the justice system. It provides counsel and support for victims. Most importantly, it provides a serious deterrent for those who dare take advantage of our most patriotic Americans.

For 25 years, I have fought to resolve this issue. I thank those who have stood beside me, including, most recently a bipartisan alliance of women Senators. We have made some progress, but we still have far to go.

There are 26,000 reasons why we rise today. Twenty six thousand sexual assaults have occurred in our U.S. military this year. Many of these acts of violence are unreported, unprosecuted, and unpunished. We cannot let this continue, not on our watch.

It is our moral duty to speak for the voiceless, to vouch for the powerless, to fight for the helpless. The men and women of our military may know how to wage war, but they should have to battle through redtape when it comes to their pursuit of justice.

Mr. REED. Mr. President, I rise today in support of the National Defense Authorization Act for Fiscal Year 2014. I commend the work of my colleagues on the Armed Services Committee, especially the chairman, Senator LEVIN, on reaching an agreement with the House to complete this important legislation. For 51 consecutive years, the Senate has passed a defense authorization bill, and I hope we will be able to soon send the bill before us to President Obama for his signature. We owe it to our servicemembers to pass a law that will support them and enable the DOD to execute this year's budget efficiently and effectively.

We made tough decisions in putting together this bill—especially in these difficult economic times. But this bill will allow DOD to combat current threats, plan for future threats, and provide for the welfare of our brave servicemembers. While it is disappointing that we did not have sufficient time to debate amendments, this is a good compromise bill and it is critical that we pass it.

I would like to point out a few of the highlights of this bill:

It authorizes a 1-percent across-the-board pay raise and reauthorizes over 30 types of bonuses and special pays for our men and women in uniform; includes 36 key provisions to strengthen sexual assault prevention and response programs; extends authorities to continue several ''train and equip'' programs to assist foreign militaries in counterterrorism and counternarcotics missions; and authorizes $6.2 billion for the Afghanistan Security Forces Fund to further build the capacity of the Afghan army and police so those forces can take over security throughout Afghanistan by December 2014.

This year I once again had the honor of serving as the chairman of the Seapower Subcommittee, alongside Senator MCCAIN, the ranking member. Working together, our subcommittee focused on the needs of the Navy, Marine Corps, and strategic mobility forces. We put particular emphasis on supporting marine and naval forces engaged in combat operations, improving efficiencies, and applying the savings to higher priority programs. Specifically, the bill includes the required funding for two Virginia-class submarines and provides an additional $100 million to support buying the 10th DDG–51 under the current multiyear procurement program. The bill also approves the funding for other major programs, including the DDG–1000 destroyer, the Aircraft Carrier Replacement Program, the Littoral Combat Ship, LCS, and the P–8 maritime patrol aircraft. I am particularly pleased about the funding for the Virginia-class submarines and the DDG–1000, which so many Rhode Islanders help to build.

Working together with Senator MCCAIN, this bill increases accountability for taxpayers' dollars spent on several major Navy programs. For example, the bill includes language to increase the CVN–78 cost cap, while excluding certain urgent and unforeseen testing costs from that cap. In addition, we require quarterly reports on the program manager's estimate for CVN–79, and we freeze the payment of fees whenever the program manager's estimate of total program costs exceeds the cost cap.

In this bill, we also require the CNO to submit a report identifying the current littoral combat ship, LCS, concept of operations and the expected survivability of each sea frame; we require the GAO to review the LCS program; and we limit future procurements of the LCS until the Navy produces certain reports and the Joint Requirements Oversight Council makes certain certifications about the LCS program.

The bill also amends the language of the annual 30-year shipbuilding report to require the disclosure of ship prices assumed in the plan and a risk assessment whenever the number of ships in the plan falls below the Navy's requirements.

I offer my thanks to Senator MCCAIN and the other members of the Seapower Subcommittee for their diligence in the subcommittee's work this year.

We have a good bill before the Senate, and I urge all of my colleagues to support it.

Mr. REID. Mr. President, I ask unanimous consent that if cloture is invoked on Executive Calendar No. 456, Alejandro Mayorkas, to be Deputy Secretary of Homeland Security, all but 1 hour of postcloture time be yielded back, and that when the Senate convenes on Friday, December 20, the Senate resume consideration of the Mayorkas nomination, with the remaining hour of debate equally divided between Senators CARPER and COBURN, or their designees, and that following the use or yielding back of time, the Senate proceed to a vote on the Mayorkas nomination; further, that the Senate then proceed to a cloture vote on Executive Calendar No. 459, John Koskinen, the Internal Revenue Service, as under the regular order; that if cloture is invoked, all postcloture time be yielded back and the Senate proceed to a vote on confirmation; further, that the Senate then proceed to a cloture vote on Executive Calendar No. 382, Brian Davis, to be a Federal district judge, as under the regular order, and that if cloture is invoked, all postcloture time be yielded back and the Senate proceed to a vote on confirmation; the motions to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; further, that the Senate then proceed to the cloture vote on Executive Calendar No. 452, Janet Yellen, Federal Reserve, as under the regular order, and if cloture is invoked on the Yellen nomination, all postcloture time be yielded back and the Senate proceed to a vote on confirmation on Monday, January 6, at a time to be determined by the majority leader, in consultation with the Republican leader; further, that cloture on Executive Calendar Nos. 455, 445, 371, 457, 356, and 189 be withdrawn; further, that following the cloture vote on the

Mayorkas nomination, the Senate proceed to a period of morning business for debate only, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. HEINRICH). Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, for the information of all Senators, there will be two rollcall votes tonight at 11:15 p.m. on the motion to concur in the House message to accompany H.R. 3304, the National Defense Authorization Act, and cloture on the Mayorkas nomination. If cloture is invoked there will be a series of six rollcall votes tomorrow beginning at about 10 a.m.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 10 p.m. and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FIRST SESSION OF THE 113TH CONGRESS REFLECTIONS

Mr. LEAHY. Mr. President, as the first session of the 113th Congress comes to a close, it is appropriate to reflect on some of the accomplishments of the year, while acknowledging that so much more could have been done had Republicans in both the Senate and the House cooperated. We have passed some commonsense, good-government legislation. As chairman of the Senate Judiciary Committee, I am proud of the work of the Senate Judiciary Committee this year. While there remains much work to be done, these accomplishments illustrate what we as a Congress are capable of when we set aside partisan politics and put the good of the American people first.

My first legislative priority at the beginning of this Congress was to complete our work to improve and reinvigorate the Violence Against Women Act, VAWA. Vermont has been a national leader in addressing domestic and sexual violence. In Vermont, VAWA funding has helped the National Network Against Domestic and Sexual Violence provide services for more than 7,000 adults and nearly 1,400 children in 2011 alone. The Burlington-based Women Helping Battered Women and Middlebury-based WomenSafe have supported thousands of children and adults by offering emergency shelter, transitional housing, counseling, and legal assistance. These dedicated service providers help victims recover from unspeakable trauma and abuse, but the need for VAWA remains. Three women are killed every day by abusive husbands or boyfriends. In Vermont, 51 percent of all homicides are related to domestic violence. After months of work, the Senate came together in the best tradition of the institution to reauthorize VAWA with a strong bipartisan vote. This bill, which I drafted with Senator MIKE CRAPO, a conservative Republican from Idaho, proved that when we put people before politics there is much we can accomplish. Our bill was written with the input of survivors and the advocates who work with them every day, law enforcement personnel, judges, and State and local leaders. It was drafted to meet the real needs of real victims. Although it faced early resistance, none of the commonsense changes it included should have been controversial. Eventually, the House listened to the experts in the field and followed the Senate's example and passed this inclusive, lifesaving legislation. At a time when we face gridlock and stonewalling on even the most compelling issues, I was heartened to see that we could find a way to cut through all of that to help victims of violence.

I am proud of this new law. As a result of its passage, for the first time, VAWA guarantees that all victims can receive needed services, regardless of their sexual orientation or gender identity. The Leahy-Crapo Violence Against Women Reauthorization Act strengthens protections for vulnerable immigrant victims. It ensures that colleges and universities will do more to protect students from domestic and sexual violence. Our reauthorization also took important new steps to combat the appalling epidemic of domestic violence on tribal lands and to ensure that no perpetrators of this terrible crime are above the law. I was happy to work with Representative TOM COLE, a Republican from Oklahoma, to preserve this provision in our bill. I thank him for his leadership.

To help support the important work of Vermont's domestic and sexual violence advocates, I included all-State minimum funding allocations in the VAWA reauthorization, and amended the definition of rural State to ensure that Vermont continues to be eligible for grants under the Rural Grant Program, despite the increased population in Chittenden County. So far in 2013, Vermont has received $4.5 million in VAWA grants for victim services and violence prevention.

The bill that the President signed also included the Trafficking Victims Protection Reauthorization Act, TVPRA, which strengthens effective programs to help us take on the scourge of human trafficking, both here at home and around the world. It is unacceptable that 150 years after the Emancipation Proclamation, the evils of sex trafficking and labor trafficking, forms of modern-day slavery, still exist. It has been needlessly difficult, but I am glad that the Senate adopted my amendment to add the Trafficking Victims Protection Act to our Violence Against Women Reauthorization Act to address the horrors of human trafficking.

My work across party lines did not end with passage of VAWA and TVPRA. It continued on a number of other smaller, yet nonetheless important, pieces of legislation.

As chairman of the Senate Judiciary Committee and the Appropriations Committee's Subcommittee on State Department and Foreign Operations, I worked with Senators SHAHEEN and MCCAIN to obtain a continuation of the Iraqi Special Immigrant Visa, SIV, Program, H.R. 3233. Congress created the program in 2008 to afford some of the tens of thousands of Iraqis who served alongside U.S. troops the opportunity to seek safety and a new beginning in the United States. It was set to expire at the end of October despite the fact that after 5 years fewer than 6,000 of the 25,000 available visas had been distributed to those Iraqis who risked their lives to be our translators and our guides. They were a critical resource to our troops, helping them navigate complex cultural, political, and geographic terrain. Letting the program expire would have meant leaving many well-deserving Iraqi allies in danger and undermining American credibility for decades to come.

Although our initial efforts this fall to include the extension in the continuing resolution were blocked, we were able to work together to honor our commitment and renew this critical program by passing bipartisan legislation at the final hour. Among the many lessons of the Vietnam War is that we must not abandon those who risked their lives to help us.

Over the summer, I also worked with Representatives KLINE and MILLER on the House Education and Workforce Committee, and with Ranking Member GRASSLEY to pass the Missing Children's Assistance Reauthorization Act of 2013, H.R. 3092. This important measure ensures that the National Center for Missing and Exploited Children, NCMEC, can continue its critical and lifesaving work on behalf of some of the most vulnerable children in our communities. Congress has now renewed its obligation to support vital efforts to locate missing children and to protect all children from being victimized by predators.

The National Center for Missing and Exploited Children was first launched nearly three decades ago. In that time, NCMEC has helped law enforcement in the recovery of more than 188,000 missing children through the use of a 24-hour hotline, a national child pornography tipline, and a cyber tipline, as well as the circulation of millions of photographs used to help track and identify missing children. The bill passed by Congress in September extends the program another five years.

The U.S. Parole Commission is an important public safety entity responsible for granting or denying parole for Federal and District of Columbia prisoners sentenced before parole was abolished. It also has jurisdiction over more recent DC offenders who are on supervised release from prison. The Commission's charter was set to expire

in October, and what should have been a straightforward and noncontroversial extension, turned into a drawn-out struggle to override the objections of a single Republican Senator. Those objections meant that passage was only secured on the eve of the Commission's expiration, unnecessarily placing public safety at risk.

The objection was particularly troubling given that Congress has consistently recognized the importance of the Commission, reauthorizing it on six prior occasions. Beginning in August, I worked closely with members of the House Judiciary Committee to find bipartisan, bicameral agreement. They understood the urgency and consequences of inaction and passed the U.S. Parole Commission Extension Act of 2013 in September, H.R. 3190. Unfortunately, that same sense of urgency was not felt in the Senate and opposition delayed passage until the final deadline. Although reason ultimately prevailed, unnecessary partisan opposition cost us time and threatened public safety. It is not the way to legislate.

I also worked to clear a straightforward extension of the Supreme Court Police's authority to protect Justices, their staff, and official guests when they are away from Supreme Court grounds, H.R. 2922. I worked with my counterparts in the House for months to move this extension. Last month, the House voted by an overwhelming majority of 399 to 3 to pass this bipartisan bill, which extends this important authority through 2019. Congress has provided this authority since the 1980s to ensure the continued safety of our Supreme Court Justices and their employees. Threats to the safety of Supreme Court Justices are a threat to our democracy. In light of recent attacks on Justices off the grounds of the Supreme Court, it was all the more imperative that we pass this extension without delay.

Most recently, I worked with Senators MORAN and KING to move forward the Veterinary Medicine Mobility Act. This legislation, which will enable veterinarians to cross State lines to treat animals, particularly livestock, when the need arises, will dramatically improve the ability of veterinarians to do their jobs effectively. I have heard from many Vermonters about just how important this legislation is to them. The bill was referred to the Judiciary Committee, and in my role as chairman, I moved to discharge it from committee so that it could progress to the full Senate as quickly as possible. I am optimistic that it will pass the full Senate yet this year.

Unfortunately, the passage and enactment of bipartisan legislation has become more the exception than the rule. If this unprecedented obstruction continues, we will end up passing 46 percent fewer laws than we did last year. That is 46 percent less progress made for the American people and the Nation. It is therefore not surprising that the American public holds the Congress in such low esteem.

As the elected representatives of the American people, we bear a special responsibility to find ways to work together to find real solutions to our Nation's problems. Yet Congress is gripped by the paralysis of partisan politics. We are not the first Congress to face a divided government where Republicans control one House and Democrats the other. For example, during the 99th Congress, when the Republicans controlled the Senate and the Democrats the House, Congress passed 687 bills, which were enacted into law. It is disappointing how our progress pales in comparison. To match that level of productivity this Congress, we would have to pass over 600 bills next year. If we stay on track, we will have accomplished 81 percent less legislatively than the divided 99th Congress. To be clear, we have passed into law 19 percent of what the 99th Congress was able pass. That is not a shining record of accomplishment, and we can and should do better.

It is my hope that both parties can set aside petty politics and get down to business for the American people. We do not agree on everything, but just as the Senate found common ground earlier this year on historic legislation to reform our broken immigration system, we must find a way to work together. The status quo is unacceptable and serves a small and extreme minority, not the common interests of a majority of Americans. Let's make the sacrifices and compromises necessary to push forward legislation that improves our economy and the lives of our constituents.

Look no further for such an opportunity than the Border Security, Economic Opportunity, and Immigration Modernization Act, a bill a bipartisan group of Senators supported and that the House has failed to consider.

This comprehensive bill contains measures that are important to many Vermonters and to the Nation. I added a provision that takes an important step toward restoring privacy rights to millions of people who live near the northern border by injecting some oversight into the decisionmaking process for operating Federal checkpoints and entering private land without a warrant far from the border. The bill contains significant measures to assist dairy farmers and other Vermont growers who have long relied on foreign workers and who will need them in the future. It contains a youth jobs program proposed by Senator SANDERS to help young people gain employment. It contains a measure I proposed to make sure that no Canadian citizen traveling to Vermont to see a family member will be charged a fee for crossing our shared border. It contains an improvement to the visas used by nonprofit arts organizations like the Vermont Symphony Orchestra who invite talented foreign artists to perform in America. It contains measures to improve the lives and futures of refugees and asylum seekers who call Vermont home. It contains improvements to the H–2B Program to help small businesses. And it contains a measure to ensure that the job-creating EB–5 Program will be made permanent so that the State of Vermont can continue the great work that is being done with it to improve Vermont communities. This is a bill that will help Vermont families and businesses alike.

The immigration reform legislation was cosponsored by four Senate Republicans and marked the first time in 7 years that the Senate was able to pass a bipartisan comprehensive immigration reform bill. There are some provisions in this bill I am not comfortable with, and there are provisions that I believe are noticeably absent. However, we came together as a Chamber to pass the best possible bill in the spirit of compromise and an effort to make lasting, positive change. Unfortunately that progress was stalled by the House Republican leadership, which has inexplicably vowed not to allow a vote on the Senate's bipartisan legislation.

When the Speaker of the House says as he did last week that the Senate should pass more bills, I respond by challenging the leadership of the House of Representatives to take up bipartisan Senate-passed bills. The list of such bills that have been stalled by the obstructionism of House Republicans continues to grow.

Senator GRASSLEY and I worked hard as chair and ranking member of the Senate Judiciary Committee to draft a bipartisan bill to protect whistleblowers. This legislation, which is identical to our legislation from last Congress, will provide important protections to employees who come forward and disclose to law enforcement price fixing and other criminal antitrust behavior that harm consumers. This legislation is a continuation of the long partnership that I have had with Senator GRASSLEY on whistleblower issues.

Congress should encourage employees with information about criminal antitrust activity, such as price fixing, to report that information by offering meaningful protection to those who blow the whistle rather than leaving them vulnerable to reprisals. Throughout our history, whistleblowers have been instrumental in alerting the public, Congress, and law enforcement to wrongdoing in a variety of areas. These individuals take risks in stepping forward, and many times their actions result in important reforms and have even saved lives.

The legislation is based on recommendations from the Government Accountability Office, which interviewed key stakeholders in the antitrust community and found widespread support for antiretaliatory protection in criminal antitrust cases. The provisions in this bill are modeled on the whistleblower protections that Senator GRASSLEY and I authored as part of the Sarbanes-Oxley Act and are narrowly tailored to ensure that whistleblowers

are not provided with an economic incentive to bring forth false claims.

Antitrust laws protect consumers and serve to promote our free enterprise system. Our bipartisan bill will help to ensure that criminal violations of these laws do not go unreported. I urge the House to act quickly to pass this important bipartisan legislation.

Last month, the Senate passed the bipartisan Employment Non-Discrimination Act of 2013. That vote was 20 years in the making, and it was long overdue for Congress to extend these protections to all American workers. Years from now we will look back on this remedy as another historic milestone on our Nation's path toward more perfect union—a quest to realize more completely the motto engraved in Vermont marble above the Supreme Court building that declares ''Equal Justice Under Law.''

All Americans deserve civil rights protections under our Constitution, which, in addition to the First Amendment, also ensure due process and equal protection. In previous legislative debates like the one before us today, Congress has protected and bolstered these rights by passing legislation to fill gaps in our Federal laws. This includes passing legislation to protect the practice of religion without discrimination, to prevent pay discrimination based on sex, and to serve openly in the military. By passing the Employment Non-Discrimination Act, the Senate took another significant step forward in removing discrimination from our laws and ensuring the equal treatment of lesbian, gay, bisexual, and transgender Americans. I urge the House to advance this remedy to injustice, which is already the law in 29 States.

Similarly, I urge all Senators to allow passage of several common sense bills that were reported by the Senate Judiciary Committee and which enjoy strong bipartisan support but remain stalled due to the ideological objections of one or two Senators.

For example, this is now the second time in two Congresses that the Judiciary Committee has reported the Bulletproof Vest Partnership Grant Act reauthorization with strong bipartisan support. In the 111th Congress, we held a hearing to examine a series of recommendations from the Government Accountability Office. I worked with Senator GRASSLEY to incorporate many of those recommendations into the reauthorization. Yet our progress is needlessly stalled.

Statistics show that the Bulletproof Vest Partnership Program has been saving lives for years. The Judiciary Committee most recently reported this legislation on a bipartisan vote in August, and it has since been approved by all Democratic Senators but remains stalled on the Republican side. Over 15 years ago, I worked with Senator Ben Nighthorse-Campbell to create this partnership to support State and local law enforcement jurisdictions in the purchase of lifesaving bulletproof vests. Since that time, over 13,000 jurisdictions have participated in this program and more than 1,084,081 vests have been distributed to law enforcement because of this partnership.

Last year, Chief Michael Schirling of the Burlington Police Department in Vermont testified before the Judiciary Committee on the importance of the bulletproof vest partnership to law enforcement in Vermont and across the country. This year alone, 31 Vermont jurisdictions received a total over $73,000 to aid in the procurement of 271 bulletproof vests. That is 271 more Vermont law enforcement officers who will have a better chance of survival if they are shot in the line of duty.

A few of my friends on the other side of the aisle argue that it is not the place or function of the Federal Government to spend Federal dollars on first responders in communities across the country. I urge them to put the safety of our most dedicated law enforcement officers and first responders over politics and ideology. Law enforcement officers risk their lives every day to ensure our safety, and I believe it is our duty to support them. Based on data collected by the Department of Justice, in just 2012, bulletproof vests saved the lives of at least 33 law enforcement officers in 20 States, which is an increase of almost 14 percent over 2011 levels.

The obstruction of this program's reauthorization should end. I hope those who are determined to continue their opposition will explain those objections to law enforcement officers across the country who put their lives at risk day in and day out. Congress has consistently pursued policies that support our State and local law enforcement officers and first responders. They are the frontlines of our national defense and indispensable to their communities. I urge all Senators to stand with America's law enforcement officers and support this legislation.

In April, the Judiciary Committee favorably reported bipartisan legislation that I authored with Republican Senator MIKE LEE to update ECPA and to bring this law fully into the digital age. Our bipartisan bill updates ECPA to require that the government obtain a search warrant—based upon probable cause—before obtaining the content of our emails and other electronic communications. The commonsense reforms in our bill carefully balance the interests and needs of consumers, the law enforcement community, and our Nation's thriving technology sector. The bill enjoys the support of a diverse coalition of more than 100 privacy, civil liberties, civil rights, and technology organizations from across the political spectrum, including the American-Civil Liberties Union, the Heritage Foundation, the Center for Democracy and Technology and Americans for Tax Reform. The bill is also the product of careful consultation with many Government and private sector stakeholders, including the Departments of Justice, Commerce, and State, local law enforcement, and members of the technology and privacy communities. I remain disappointed that a single Republican Senator has objected to the unanimous consent request to pass this bipartisan bill, which overwhelmingly passed the Judiciary Committee.

The privacy reforms in this bill are too important to delay. Like Senator LEE and me, all of the bill's supporters understand that protecting our digital privacy rights is not a democratic ideal, nor a Republican ideal, but an American ideal that all of us should embrace. I hope that all Senators will join me in supporting the Electronic Communications Privacy Act Amendments Act and that the Senate will pass this bill without delay.

Earlier this year, during consideration of legislation to prevent gun violence, the committee passed a bipartisan bill to help curb the straw purchasing of firearms and the interstate trafficking of firearms. Senator COLLINS, who shares my goal of giving law enforcement officials better tools to combat the straw purchasing and firearms trafficking that puts guns into the hands of drug cartels and other criminals, joined me in this effort.

There is no doubt that straw purchasing and gun trafficking contributes significantly to the proliferation of guns in our communities across America and also across the southern border in Mexico. Under current law, there is no criminal statute specifically prohibiting straw purchasing. To convict criminals, prosecutors must rely on laws that prohibit an individual from making false statements in connection with the purchase of a firearm. The penalties for such ''paperwork violations'' are often too low or do not serve as effective tools for law enforcement to put criminals behind bars. My bill would have changed that.

This bill would have established a new Federal criminal offense for straw purchasing or conspiring to straw purchase a firearm from another person. My legislation would have also criminalized smuggling firearms out of the United States and also would strengthen existing law regarding the transfer of firearms to prohibited persons. This legislation was strongly supported by law enforcement groups from across the country. I was greatly disappointed when this legislation did not receive the votes to pass the Senate, including from a Senator who had voted in favor of it in the Committee. Despite the best efforts by Senator COLLINS and me to find consensus with stakeholders and senators, too few Republicans were willing to join our important effort to meaningfully combat the serious public safety risks that straw purchasing and firearms trafficking pose.

The committee also passed several bills to prevent gun violence and protect law enforcement officers, including Senator BOXER's bipartisan School

and Campus Safety Enhancements Act of 2013, Senator FRANKEN's bipartisan Justice and Mental Health Collaboration, and Senator CARDIN's bipartisan National Blue Alert Act. Each of these bills was carefully crafted and enjoy bipartisan support. I urge the Senate to consider these important legislative proposals early in the next session.

In early November, the Judiciary Committee reported by an overwhelming bipartisan majority the Leahy-Cornyn Justice for All Reauthorization Act which would reauthorize legislation first passed in 2004, when the House and Senate had Republican majorities, and it was signed into law by President George W. Bush. The Justice for All Reauthorization Act strengthens and reauthorizes key programs to make the criminal justice system work better and more fairly. And it does so in a fiscally responsible way, reducing overall authorizations by nearly 25 percent. This is a strong example of what we can accomplish when we work together.

Whether it is on the complex issues of protecting victims of domestic violence or in crafting a comprehensive immigration reform bill, we have demonstrated that we can work across the aisle to develop and pass practical legislative solutions. Just recently, in fact, we saw similar progress made by Senator MURRAY and Congressman RYAN as they put aside their considerably different views to formulate a budget deal. Likewise, the House and Senate are in the process of conferencing a farm bill that we hope will be satisfactory to all parties. I hope that we can continue this trend of bipartisan cooperation as we consider legislation in the coming year, as there are tremendously important bills to be considered.

For example, the Committee will continue its work on surveillance oversight and reform. For decades I have consistently fought to curtail the sweeping powers contained in the USA PATRIOT Act and FISA Amendments Act, while also bolstering privacy protections and strengthening oversight. With the recent revelations of sweeping government surveillance programs that threaten personal privacy and threaten the economic health of American technology companies, we are at a watershed moment in this important debate. That is why I joined with Congressman SENSENBRENNER in October to introduce the USA FREEDOM Act, a bill to end the dragnet collection of Americans' phone records and recalibrate the government's surveillance authorities. All three branches of government have now called into serious question the effectiveness of these authorities. I will continue pressing the administration to rein in these powers and work with Democrats and Republicans to pass the meaningful reforms that are in the USA FREEDOM Act.

Regarding the problem of patent trolls, we have significant work to do on several issues under the Judiciary Committee's jurisdiction. It is my hope that we will be able to work in a bipartisan way to address issues like abusive conduct by patent trolls who are targeting small businesses. I have heard from a growing number of main street businesses in Vermont and across the country that have received aggressive demand letters and been threatened with lawsuits when they are simply the innocent user of an allegedly infringing product. I have introduced bipartisan legislation with Senator LEE to tackle this problem, and I look forward to the Judiciary Committee's continued focus on this important issue next year.

In the wake of this past June's Supreme Court decision striking down the coverage formula for Section 5 of the Voting Rights Act, I have been working with Congressman SENSENBRENNER and other House Democrats to introduce a bipartisan and bicameral response to the Court's ruling and to restore this vital protection to the Voting Rights Act, and will continue to push for this legislation next year.

Finally, I will remain focused on a number of important criminal justice issues, with sentencing reform legislation as a top priority. As a former prosecutor, I understand that criminals must be held accountable, and that long sentences are sometimes necessary to keep violent criminals off the street and deter those who would commit violent crime. I have come to believe, however, that mandatory minimum sentences do more harm than good. I chaired a hearing on reevaluating the effectiveness of federal mandatory minimum sentences on September 18, 2013, and have been working with both Democrats and Republicans on sentencing reform proposals.

In the coming year, I also plan to reintroduce my forensics reform bill, and will also take up the Second Chance Reauthorization Act, which I was proud to reintroduce earlier this year along with Senator PORTMAN. Since its enactment in 2008, the Second Chance Act has reduced prison costs and improved public safety by giving Federal, State, and local governments additional tools to help inmates more successfully reintegrate into their communities upon release and avoid re-offending. Offenders can escape the cycle of recidivism when they have the job training and skills necessary to successfully reenter society. So far in 2013, the Vermont Department of Corrections has received over $800,000 to implement a two-phase adult reentry demonstration program and a comprehensive statewide adult recidivism reeducation planning program. The reauthorization bill improves and consolidates the programs authorized by the Second Chance Act and reauthorizes the bill through 2018. The reauthorization bill improves and consolidates the programs authorized by the Second Chance Act, and reauthorizes the bill through 2018.

There are far too many young Vermonters who do not have a roof over their head each night. While organizations like the Spectrum Youth and Family Services and the Vermont Coalition for Runaway and Homeless Youth do their best to provide emergency shelter, services, and housing for youth who are homeless or marginally housed, the need far outweighs their capacity. Next year I plan to introduce legislation to reauthorize the Runaway and Homeless Youth Act, RHYA, which expired at the end of September. RHYA funds outreach services and helps provide shelter for children and young adults who find themselves homeless. I look forward to reauthorizing and improving vital RHYA grant programs to help children in our most vulnerable communities. This reauthorization will also bolster training and resources to ensure our grantees are well equipped to meet the needs of young victims.

In addition to our legislative work, the Judiciary Committee will also continue its work to consider judicial and executive nominations. During this past year, unfortunately, the same obstruction that plagued the Senate during the first-term of the Obama administration continued to delay the rate of confirmations to appointments on the Federal bench and the Executive Branch.

The 113th Congress began with a high level of vacancies on the Federal judiciary. As of January 2013, there were 77 vacancies in the Federal judiciary, and of these, the Administrative Office of the U.S. Courts determined 27 to be ''judicial emergencies.'' Over 2013, the number of vacancies steadily climbed to around 90. While we were able to confirm a total of 46 judicial nominees this year, including 11 circuit court and 31 district court nominees, we were unable to keep pace with new vacancies. By December of this year, there were a total of 88 judicial vacancies, 35 of which are judicial emergency vacancies. In stark contrast, at the end of the fifth year of the Bush administration, there were only 49 judicial vacancies, including 16 judicial emergency vacancies.

This year, the Senate voted to confirm two high-level nominees to key law enforcement positions at the U.S. Department of Justice: James Comey, Jr. to be the Director of the Federal Bureau of Investigation; and B. Todd Jones to be the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives. It was unfortunate that the majority leader was required to file cloture on both of these nominations before we could get to a confirmation vote. In stark contrast with the treatment of previous FBI Director nominees, who were all confirmed by the full Senate within a day or two of being reported by the Judiciary Committee, James Comey is the first FBI Director nominee in Senate history to be filibustered. He was ultimately confirmed overwhelmingly by a vote of 93 to 1. Two days later, the Senate confirmed B. Todd Jones by a vote of 53 to 42, making him the first confirmed

head of the ATF since that position became Senate-confirmable in 2006.

The consideration of nominations is one of the most important functions of the Judiciary Committee. I am hopeful that we will not see the same sort of obstructionism and dilatory tactics that we encountered during 2013.

In the coming year, we must redouble our efforts to work past our differences to find bipartisan, commonsense solutions to our Nation's problems; I know that that is what Vermonters expect of me. We have seen so far in this Congress an unprecedented level of gridlock, partisanship, and political brinksmanship, which culminated in a costly and unnecessary Republican government shutdown in October. We can and must do better, and I hope that we can put the obstructionism of this past year behind us. The American people expect and deserve better. We owe it to our constituents to work together to pass commonsense bipartisan compromise legislation, and we have already seen that we can do just that. I look forward to working with my colleagues on both sides of the aisle to build upon the progress we have made and find meaningful solutions to the many challenges we face as a country.

VERMONT'S GRANITE INDUSTRY

Mr. LEAHY. Mr. President, I would like to take a few moments to talk about a unique Vermont asset that recently gained national attention: the granite industry. Due largely to its versatility, high quality and immense quantity, granite proved integral to the early economic development of my home State and continues to play a vital role today.

The people of Barre, VT, have been mining granite since the 1800s, when it was learned that the unusually high quality of the stone found in the town's hillsides was in high demand. This discovery had local and global implications. Granite from the Rock of Ages quarry in Barre was supplied to help construct columns in the Vermont State House that still stand today. Additionally, the art of stone carving that the granite industry created attracted skilled immigrants to Vermont from throughout Europe and Canada. In fact, both my grandfathers were stone carvers in Vermont.

With its museum, tours, and even a sandblasting experience, the Rock of Ages quarry has expanded its offerings to serve as an educational and historical site, attracting visitors from around the world. Recently, the Timberland Boot Company visited the quarry for a photo shoot. They became so enamored by the community and its people that they ended up highlighting the area in a new line of footwear, noting that it was influenced by "a 150-year-old granite industry that transformed the tiny New England town into an international destination for commerce and art."

I am very proud of the people of Barre for embracing and preserving the important history and culture the granite industry brought to Vermont. The recognition that the Timberland Boot Company gave to Rock of Ages is well deserved.

I ask that an article printed in The Barre-Montpelier Times Argus on November 26, 2013, "Marketers find Barre history just the right fit," be printed in the CONGRESSIONAL RECORD.

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

[From the Barre-Montpelier Times Argus, Nov. 26, 2013]

MARKETERS FIND BARRE HISTORY JUST THE RIGHT FIT

If you don't think the local granite industry has a story still worth telling, try selling that to the folks at The Timberland Boot Co., who turned what was supposed to be a routine photo shoot at Rock of Ages last year into a multimedia campaign that is very Barre.

"It's pretty impressive," Rock of Ages spokeswoman Amanda Pittsley said of the newly launched digital campaign for Timberland's high-end heritage collection.

"Originally, they were just looking for a rugged place to go with their new line of boots," Pittsley recalled. "They were just hoping to use a panoramic of the top of the quarry as an intro to this 'mine' of products as far as their industrial boot."

The photo shoot a year ago turned Quarry Hill into boot hill for a day and a half.

"We literally spent all day carrying around boots," she recalled of Rock of Ages' attempt to accommodate a photographer and a creative director interested in making the most out of a texture-rich setting that includes everything from the frequently photographed quarry with its towering derricks to rough-cut granite blocks and weathered railroad tracks.

"They wanted different textures to show behind the boots," she said. "We were just going to be the granite backdrop."

Or so Pittsley thought until she recently visited *http://abington.timberland.com* and learned the photo shoot had "morphed into an entire product line" that makes up Timberland's latest Abington Collection—a nod to the company's first incarnation as The Abington Shoe Co.

"The Abington Fall '13 Collection was influenced by the people of Barre, Vt., and a 150 year old granite industry that transformed the tiny New England town into an international destination for commerce and art."

So says the slick website, which announces a product line that features several styles of boots and a shoe "designed with the Italian sculptor in mind."

The site features a collection of historic Barre photographs to go along with the marketing shots that were taken last year, a couple of timelines, and a few video cameos featuring Italian-born granite sculptor Giuliano Cecchinelli.

"Shop the collection that Barre inspired," it concludes.

Pittsley was impressed.

"You would have thought we went to them," she said.

According to Pittsley, it isn't unusual for Rock of Ages to field photo requests from fashion editors and companies like Lenovo interested in using the quarry as a backdrop, but the company rarely gets to see the end result.

"We're just a site," she said.

Pittsley said she never imagined the sort of spread Timberland came up with when the photographer and creative director headed into Barre to see what they might find at the Vermont Granite Museum and the Vermont History Center.

What they found, Pittsley surmised, was a story ready to be told.

"I think they were just overwhelmed with how much information there was," she said.

Though they can be purchased online, the boots said to be inspired by the people and the industry that put Barre on the map are available at only two Vermont locations, according to the website: Maven on Cherry Street in Burlington and Manchester Footwear on Main Street in Manchester.

DETROIT DIESEL

Mr. LEVIN. Mr. President, 2013 marks a significant milestone for a dynamic company based in Detroit, MI. It is the 75th anniversary of the founding of Detroit Diesel. Detroit enjoys a rich automotive heritage and has been a hub of innovation and manufacturing for generations. Many companies throughout the State have contributed to this impressive legacy. One of those companies is Detroit Diesel, and I am proud to recognize this innovative company here today.

Founded in 1938, Detroit Diesel has emerged as a leader in the heavy-truck engine industry and an important contributor to Michigan's economy. What began as a company focused on producing engines for the Allied Forces in World War II has expanded through the years to include an array of products used in a number of sectors. Detroit Diesel has a well-earned reputation for quality, has championed a number of technological breakthroughs in the manufacturing industry and is a committed community partner. These accomplishments are a tribute to the many hard-working people that make their success possible year after year. And I have witnessed firsthand some of the cutting edge technologies Detroit Diesel has pioneered.

Demand Performance is Detroit Diesel's hallmark, and they have achieved this in their product development and in the community. With a workforce of more than 2,000 in the city of Detroit, Detroit Diesel is a wonderful example of what is possible through cooperation and economic opportunities. This is evident in the announcement last fall of a $120 million capital investment by Detroit Diesel. This investment brings greater hope and new possibilities for the company and the city. It is also evident in their commitment to the community through their many charitable activities focused on helping families, protecting and improving the environment, and assisting various educational endeavors.

During its 75 years of existence, Detroit Diesel has made a significant contribution to Michigan's economy. As a lifelong Detroit resident, I am keenly aware of how business development helps to create and sustain jobs, to stabilize neighborhoods and to build the middle class. I commend Detroit Diesel for their entrepreneurial spirit and for

their high quality products. I wish them the best as they continue to forge ahead, create jobs and innovate.

NATIONAL PEDIATRIC RESEARCH NETWORK ACT

Mr. WICKER. Mr. President, I wish to celebrate the passage of the National Pediatric Research Network Act, a bipartisan piece of legislation that was signed into law last month.

I wish to thank my colleague, Senator SHERROD BROWN, for his leadership on this issue. I was pleased to work with him on this important initiative in the previous two Congresses.

The National Pediatric Research Network Act expands and enhances our Nation's commitment to pediatric research by providing the infrastructure that is needed to advance the field for decades to come. To do so, the law includes training and support for early-career investigators and authorizes the National Institutes of Health to select a number of competitive pediatric research consortia. Each consortium, comprised of multiple institutions, will focus on specific, high-impact pediatric research, including basic, translational, and clinical investigations.

In addition, the law specifically states that a subset of the consortia must focus primarily on pediatric rare diseases. Participating institutions are encouraged to coordinate with multisite clinical trials of pediatric patient populations. This will provide needed support for the families of children suffering from rare diseases, such as Duchenne muscular dystrophy, the most common fatal genetic disorder diagnosed in childhood, and spinal muscular atrophy, the leading genetic killer of children under the age of 2.

The National Pediatric Research Network Act's collaborative approach allows us to rethink and improve the way pediatric research is conducted. Shared resources among pediatric institutions help maximize the government's return on investment and avoid duplication. Rather than allocating additional funds at the taxpayers' expense, the law seeks to accelerate treatments for pediatric diseases by emphasizing collaboration and the efficient use of limited Federal resources.

I wish to thank the many families and organizations in Mississippi and across the country that helped build the bipartisan support necessary for passage of this bill, including Children's Healthcare of Mississippi, FightSMA, Parent Project Muscular Dystrophy, the Coalition for Pediatric Medical Research, Children's Hospital Association, National Organization for Rare Disorders, National Down Syndrome Society, the Federation of Pediatric Organizations, and the Kakkis EveryLife Foundation.

Simply put, this law will result in an improved and coordinated NIH pediatric research investment. This effort will help children across our Nation overcome numerous devastating diseases and conditions. I look forward to working with my colleagues to ensure the timely and effective implementation of this law, and I will continue to fight for the health and well-being of our children.

REMEMBERING U.S. ARMY SPECIALIST DANIEL ECKSTEIN

Mrs. SHAHEEN. Mr. President, I rise with a heavy heart to memorialize the promising life and service of U.S. Army SPC Daniel Eckstein, who died on December 10 at the young age of 22. Specialist Eckstein was a member of the 3rd Special Forces Group, serving as an unmanned aerial vehicle mechanic at Fort Bragg in North Carolina.

Daniel was born in Lowell, MA on January 5, 1991, to Hans and Sharon (Green) Eckstein, and spent the first 6 years of his life there. In 1997, Daniel moved to Nashua, NH, where he remained for his formative years until his graduation from Nashua High School North as a member of the class of 2009. During high school, Daniel eagerly competed as a member of the Nashua North Titans baseball team. He was also a passionate New England Patriots and Boston sports fan.

Daniel enlisted in the Army in 2011, and following basic training he went on to successfully complete both Army Airborne School and the Warrior Leader Course. A testament to Daniel's drive for excellence as a soldier, he was awarded the Army Commendation Medal, the Army Achievement Medal, the Army Good Conduct Medal and the National Defense Service Medal.

Daniel loved his family, and was a proud father to his young son Brayden. It is my hope that during this extremely difficult time, Daniel's family and friends will find comfort in knowing that Americans everywhere appreciate deeply his vow to sacrifice his life in the defense of our country so that the rest of us may continue to live in peace and freedom.

Along with his parents Hans and Sharon, Daniel is survived by his wife, Kristina Eckstein, whom he married on January 9, 2011; his son, Brayden Daniel Eckstein; his sister, Amy Eckstein of North Carolina; his stepfather, Edward McLaughlin of Lowell, MA; his maternal grandmother, Barbara Green of Nashua; his grandparents, Peter and Elaine Beaton of Nashua; his father-in-law and mother-in-law, Michael and Darlene Burton and their daughter Summyr of Nashua; also aunts, uncles and cousins. This patriot will be missed by all.

I ask my colleagues and all Americans to join me in honoring the life and service of this brave young American, Daniel Eckstein.

ADDITIONAL STATEMENTS

REMEMBERING WILLIAM SCRANTON

• Mr. CASEY. Mr. President, today I wish to remember and honor former Pennsylvania Governor William W. Scranton who passed away July 28, 2013. In both his public and his private life, Governor Scranton was always working to serve Pennsylvania and the Nation.

Bill Scranton was a descendent of colonists who came over on the Mayflower and his family founded Scranton, PA. He served in the Army Air Corps during World War II and was an assistant to Secretaries of State John Foster Dulles and Christian Herter during the Eisenhower administration.

In 1960, Bill was elected to Congress and was dubbed a ''Kennedy Republican'' for his support of the President's programs, including the Peace Corps, urban renewal projects and the minimum wage. He would only serve 2 years in the House of Representatives, before he was elected Governor of Pennsylvania in 1962.

As Governor, he signed into law legislation creating the State community college system, the State Board of Education, and the Pennsylvania Higher Education Assistance Agency, PHEAA. During his four years in office, unemployment went down and wages went up. Limited to one term, he left elected office in 1967, but that did not end his public service.

Under President Nixon, Governor Scranton served as a special envoy to the Middle East and after the Kent State University shooting in Ohio in 1970, President Nixon again called on him to serve, appointing him the Chairman of the President's Commission on Campus Unrest. President Ford also reached out to Governor Scranton to serve, appointing him Ambassador to the United Nations where he prioritized human rights.

After leaving the United Nations, Bill Scranton retired. Throughout his life he was known as a man of integrity who said and did what he thought was right. In 2000, he received the Pennsylvania Historical and Museum Commission's Founders Award, which is given to a living person who represents the ideals of William Penn in individual rights, religious tolerance, representative government, public support of education, and free enterprise. Bill remained devoted to the city that bears his family name. He worked with various civic and charitable organizations and continued to advocate for economic development and job creation projects. His son, William W. Scranton III, followed him into public service as Lieutenant Governor of Pennsylvania from 1979 to 1987.

My thoughts are with his family and we thank him for his life of service to our Commonwealth and our country.•

REMEMBERING GEORGE M. LEADER

• Mr. CASEY. Mr. President, as this year ends, I wish to remember and honor George M. Leader, a former Governor of Pennsylvania, who passed away on May 9, 2013. Throughout his life, Governor Leader worked to give voice to the voiceless and protect some of the most vulnerable Pennsylvanians.

Governor Leader was raised on his parents' poultry farm and educated in a one room schoolhouse before going on to study philosophy, economics and political science at Gettysburg College. He served in the Navy during World War II and returned to open a chicken hatchery in York County, PA. He got his start in politics serving on the York County Democratic Committee then winning a seat vacated by his father to the State Senate. In 1954, he decided to run for Governor and won that election becoming, at age 37, the second youngest Governor in Pennsylvania.

While in office, Governor Leader enacted the Industrial Development Authority in 1956 which provided State financing in order to attract new and diverse industries. The program attracted 71 new businesses and created 12,000 new jobs within the first 30 months. Governor Leader also championed civil rights in all forms. He created the Fair Employment Practices Council to police employment discrimination, and fought for William and Daisy Meyers' family when they were threatened for moving into a white neighborhood. He required Pennsylvania schools to educate children with disabilities, which raised the enrollment by 250,000. He created the Pennsylvania Department of Labor and Industry's Vocational Rehabilitation Center, which was the first facility in the country that provided rehabilitation and job training for people with disabilities. He also established the State Office of Aging and began the inspection of nursing homes.

Governor Leader left office in 1959, but that did not end his service to the people of Pennsylvania. He established Leader Health Care Organization and later Country Meadows and Providence Place Retirement Communities to provide high quality retirement services for our older citizens.

Hubert Humphrey once said that the moral test of government is how it treats those in the dawn of life, those in the twilight of life and those in the shadows of life. Governor Leader not only passed this test, he set a standard for other elected officials to follow. My thoughts are with the Leader family during this holiday season and we thank George Leader for his life of service to our Commonwealth and our country.•

MARIAN UNIVERSITY CYCLING TEAM

•Mr. DONNELLY. Mr. President, today, I wish to applaud the Marian University Knights on earning USA Cycling's No. 1 collegiate cycling team ranking for the 2012–2013 season, as well as winning the USA Cycling Collegiate Division I Track, Cyclo-cross, BMX, and road national championships during the 2012–2013 season.

Marian University established its cycling program in 1992. The program is committed to competing at the highest level and developing strong character in each team member through academic and athletic excellence. Since the inception of its competitive cycling program, the Marian University Knights have won 23 national championship titles in road, cyclo-cross, BMX, and track cycling.

Head coach Dean Peterson and his staff work tirelessly to promote the university's goals by bringing team-focused concepts to a sport that traditionally emphasizes the individual. The ''Knights on Bikes'' team includes both male and female student-athletes who travel together as a team during each season and to every national championship. In addition, Marian University has an indoor cycling center where even the coldest Midwest winter cannot prevent them from regularly training together.

The Marian University cycling team works to give back to the local and national cycling community as well as the Indianapolis area. Student-cyclists are required to contribute 10 hours each semester to community service. They work with the community in a variety of ways, including hosting informal riding clinics, cycling for charity, and participating in campus volunteer opportunities.

Congratulations to head coach Dean Peterson, assistant coach Nate Keck, athletic director Steve Downing, and all the student-cyclists on winning the USA Cycling Collegiate Division I road, track, and cyclo-cross national championships in 2012, and winning the road, track and cyclo-cross national championships again and for the first time the BMX national championship in 2013. In addition, congratulations to University president Daniel J. Elsener, executive vice president and provost Thomas J. Enneking, the Marian University student body, alumni, and friends. On behalf of the citizens of Indiana, I congratulate the Marian University Knights on the triumph of their competitive cycling program, and I wish them continued success in the future.•

MARIAN UNIVERSITY FOOTBALL NATIONAL CHAMPIONSHIP

• Mr. DONNELLY. Mr. President, today, I wish to congratulate the Marian University Knights on winning the 57th Annual National Association of Intercollegiate Athletics, NAIA, Football National Championship in 2012.

Marian University established its football program in 2006 and has since committed itself to competing at the highest level both academically and athletically. In 2011, the Marian Knights played well enough to be one of the final four teams in the NAIA championship tournament. In 2012, the Knights made it to the championship game, where they won 30–27 victory in overtime.

Congratulations to former head coach Ted Karras, Jr. and his entire coaching staff, athletic director Steve Downing, and all of the student athletes on winning the 57th annual NAIA Football National Championship on December 13, 2012. In addition, congratulations to university president Daniel J. Elsener, executive vice president and provost Thomas J. Enneking, the Marian University student body, alumni and friends.

On behalf of the citizens of Indiana, I sincerely congratulate the Marian University Knights on their successful football program, and I wish them continued success in the future under the new leadership of head football coach Mark Henninger.•

REMEMBERING CHARLIE ROOS

• Mr. UDALL of Colorado. Mr. President, today I wish to remember an extraordinary journalist and Coloradan, Charlie Roos. Charlie was a journalist and editorialist for some 60 years at the Denver Post and the Rocky Mountain News. He was a man of exceptional character, strong opinions and great wit—in short, he was a true Westerner. His writing was fair and objective, and he sought to hold all public officials accountable, no matter their political affiliations. This made his politics difficult to pigeonhole; he favored good governance and public service over partisanship.

Charlie grew up in Hiawatha, KS, and served our country during World War II. Following the war he went to Kansas University and graduated with Phi Beta Kappa honors. In 1946, his beloved wife Liza and daughter Mary moved with him to Denver where Charlie began his journalism career with the Denver Post. After many years covering State and national politics for the Post, he moved to the Rocky Mountain News where he remained until its closing in 2009. At the Rocky, Charlie served multiple roles including as a Washington, D.C., correspondent, political editor and weekly columnist. He continued to write about local and national politics on a personal blog until his death on August 27 of this year.

He is survived by a daughter, Mary Roos Catton; sons, Billy and Bob Roos; grandchildren, Jane Johnson, Megan Feltes, Jasmine Hartman and Charlie Roos; and great grandchildren, Jordan and Mason Johnson; Samantha, Kyle and Asher Hartman; and Joe and Naomi Roos.

Charlie was a loyal and devoted husband, father, grandfather, and great grandfather. He was also a dedicated journalist, with a passion for reporting and telling the truth to the people of

Colorado. Charlie loved politics, and he believed in a higher standard for those who hold the public's trust. His writing was steeped in the history of Colorado and the Nation, which helped make his columns touchstones in our political dialogue. Like many in this country, he was disappointed in recent years at the vitriol and extremism that has crept into our debates. He bemoaned the decline of respectful opposition. Colorado lost a wise voice with the passing of Charlie Roos. Many, including myself, lost a mentor. But we should use his example to remind ourselves that the American people deserve the best that we can give. Our actions will always be measured against the high bar he set.

I ask that my colleagues join me in remembering Charlie Roos for his passion for reporting, his political wisdom and his dedication to Colorado. He will be missed.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The message received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:25 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker pro tempore has signed the following enrolled bills:

H.R. 185. An act to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the ''Paul Brown United States Courthouse''.

H.R. 2251. An act to designate the United States courthouse and Federal building located at 118 South Mill Street, in Fergus Falls, Minnesota, as the ''Edward J. Devitt United States Courthouse and Federal Building''.

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.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 4:31 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker pro tempore has signed the following enrolled bill and joint resolution:

H.R. 1402. An act to amend title 38, United States Code, to extend certain expiring provisions of law, and for other purposes.

H.J. Res. 59. Joint resolution making continuing appropriations for fiscal year 2014, and for other purposes.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. LEAHY).

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1859. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

S. 1881. A bill to expand sanctions imposed with respect to Iran and to impose additional sanctions with respect to Iran, 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–3962. A communication from the Director, Issuances Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Prior Label Approval System: Generic Label Approval'' (RIN0583–AC59) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3963. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additive Regulations; Incorporation by Reference of the Food Chemicals Codex, 7th Edition'' (Docket No. FDA–2010–F–0320) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3964. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pendimethalin; Pesticide Tolerances'' (FRL No. 9904–04) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3965. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Endothall; Pesticide Tolerances'' (FRL No. 9902–4) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3966. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tall Oil, Polymer with Polyethylene Glycol and Succinic Anhydride Monopolyisobutylene derivs.; Tolerance Exemption'' (FRL No. 9903–19) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3967. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandipropamid; Pesticide Tolerances'' (FRL No. 9903–57) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3968. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Indoxacarb; Pesticide Tolerances'' (FRL No. 9903–92) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3969. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13405 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC–3970. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2013–0002)) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–3971. A communication from the Associate General Counsel for Regulations, Office of Housing-Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Federal Housing Administration (FHA) Risk Management Initiatives: New Manual Underwriting Requirements'' (RIN2502–AJ07) received in the Office of the President of the Senate on December 19, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–3972. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Qualified Mortgage Definition for HUD Insured and Guaranteed Single Family Mortgages'' (RIN2502–AJ18) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–3973. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing-Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Manufactured Home Construction and Safety Standards'' (RIN2502–AI71) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–3974. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Electric Reliability Organization Proposal to Retire Requirements in Reliability Standards'' (Docket No. RM13–8–000) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Energy and Natural Resources.

EC–3975. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Regional Reliability Standard BAL–002-WECC–2-Contingency Reserve'' (Docket No. RM13–13–000) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Energy and Natural Resources.

EC–3976. 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 Oregon; Revised Format of 40 CFR Part 52 for Materials Incorporated by Reference'' (FRL No. 9900–70–

Region 10) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Environment and Public Works.

EC–3977. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Disapproval, Approval and Promulgation of Air Quality Implementation Plan Revisions; Infrastructure Requirements for the 1997 and 2006 PM2.5 National Ambient Air Quality Standards; Prevention of Significant Deterioration; Wyoming'' (FRL No. 9903–58–Region 8) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Environment and Public Works.

EC–3978. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration for Particulate Matter Less Than 2.5 Micrometers-Significant Impact Levels and Significant Monitoring Concentration: Removal of Vacated Elements'' (FRL No. 9903–84–OAR) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Environment and Public Works.

EC–3979. 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; Maryland; State Boards Requirements'' (FRL No. 9903–78–Region 3) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Environment and Public Works.

EC–3980. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Direct Final Approval of Hospital/Medical/Infectious Waste Incinerator Negative Declaration for Designated Facilities and Pollutants: Michigan and Wisconsin'' (FRL No. 9903–33–Region 5) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Environment and Public Works.

EC–3981. 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; Indiana; Volatile Organic Compound Emission Control Measures for Industrial Solvent Cleaning for Northwest Indiana'' (FRL No. 9904–35–Region 5) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Environment and Public Works.

EC–3982. 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; North Carolina; Transportation Conformity Memorandum of Agreement Update'' (FRL No. 9904–43–Region 4) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Environment and Public Works.

EC–3983. 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; Indiana; Indiana State Board Requirements'' (FRL No. 9904–36–Region 5) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Environment and Public Works.

EC–3984. 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; Public Participation for Air Quality Permit Applications'' (FRL No. 9904–03–Region 6) received in the Office of the President of the Senate on December 18, 2013; to the Committee on Environment and Public Works.

EC–3985. 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 Standard Mileage Rates'' (Notice 2013–80) received in the Office of the President of the Senate on December 17, 2013; to the Committee on Finance .

EC–3986. 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 ''Section 3504 Agent Employment Tax Liability'' (RIN1545–BI21) received in the Office of the President of the Senate on December 17, 2013; to the Committee on Finance.

EC–3987. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Medicare Competitive Acquisition Ombudsman's 2011 Annual Report to Congress; to the Committee on Finance.

EC–3988. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–132); to the Committee on Foreign Relations.

EC–3989. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–141); to the Committee on Foreign Relations.

EC–3990. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–129); to the Committee on Foreign Relations.

EC–3991. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–168); to the Committee on Foreign Relations.

EC–3992. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Chemical Weapons Convention and the Australia Group; to the Committee on Foreign Relations.

EC–3993. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, the report of a rule entitled ''Amendment to International Traffic in Arms Regulations: Continued Implementation of Export Control Reform; Correction'' (RIN1400–AD40) received in the Office of the President of the Senate on November 18, 2013; to the Committee on Foreign Relations.

EC–3994. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013–0200-2013–0201); to the Committee on Foreign Relations.

EC–3995. A communication from the General Counsel, National Endowment for the Humanities, transmitting, pursuant to law, a report relative to a vacancy in the position of Chairperson, National Endowment for Humanities, received in the Office of the President of the Senate on December 18, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–3996. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Annual Report to Congress on the Use of Mandatory Recall Authority Submitted Pursuant to Section 206 of the FDA Food Safety Modernization Act (FSMA)'' ; to the Committee on Health, Education, Labor, and Pensions.

EC–3997. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Medicaid Incentives for Prevention of Chronic Diseases Evaluation'' ; to the Committee on Health, Education, Labor, and Pensions.

EC–3998. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the Performance and Accountability Report for Fiscal Years 2012 and 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–3999. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4000. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report to Congress on Audit Follow-up for the period of April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4001. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Semiannual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4002. A communication from the Chief Operating Officer/Acting Executive Director, U.S. Election Assistance Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4003. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Audit of the District Department of Transportation's H Street Shuttle Grant Awards Issued in Fiscal Years 2008 and 2010'' ; to the Committee on Homeland Security and Governmental Affairs.

EC–4004. A communication from the Secretary of Labor, transmitting , pursuant to law, the fiscal year 2013 Agency Financial Report for the Department of Labor; to the Committee on Homeland Security and Governmental Affairs.

EC–4005. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, the Agency Financial Report for Fiscal Year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4006. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Agency Financial Report for Fiscal Year 2013; to the Committee on Homeland Security and Governmental Affairs .

EC–4007. A communication from the General Attorney, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Safety Standard for Hand-Held Infant Carriers'' (CPSC

Docket No. CPSC–2012–0068) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4008. A communication from the Chairperson, U.S. Commission on Civil Rights, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2013; to the Committee on the Judiciary.

EC–4009. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report of the Office of Juvenile Justice and Delinquency Prevention for 2012; to the Committee on the Judiciary.

EC–4010. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''2012 Annual Report of the National Institute of Justice'' ; to the Committee on the Judiciary.

EC–4011. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Refugee Resettlement Program for Fiscal Year 2011'' ; to the Committee on the Judiciary.

EC–4012. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Uniform Resource Locator (URL) address for the Department of Veterans Affairs 2013 Performance and Accountability Report; to the Committee on Veterans' Affairs.

EC–4013. A communication from the President of the United States to the President Pro Tempore of the United States Senate, transmitting, consistent with the War Powers Act, a report relative to the deployment of certain U.S. forces to South Sudan; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–160. A resolution adopted by the Mayor and City Commission of the City of Miami Beach, Florida supporting the efforts of the Florida U.S. Congressional delegation to delay the effective date of the 2012 Biggert-Waters Flood Insurance Reform Act; to the Committee on Banking, Housing, and Urban Affairs.

POM–161. A resolution adopted by the Interstate Oil and Gas Compact Commission entitled ''Recognition of State Regulation of Hydraulic Fracturing''; to the Committee on Energy and Natural Resources.

POM–162. A resolution adopted by the Interstate Oil and Gas Compact Commission supporting the reporting of chemicals intentionally used for hydraulic fracturing; to the Committee on Energy and Natural Resources.

POM–163. A resolution adopted by the American St. Regis Indian Republic Men's Counsel memorializing the exercising of the Counsel's sovereign will and protecting all aspects of its future; to the Committee on Energy and Natural Resources.

POM–164. A resolution adopted by the Caddo Bossier Port Commission, Shreveport, Louisiana relative to the U.S. Army Corps of Engineers maintaining the J. Bennett Johnston/Red River Waterway at a 9 ft. channel and 24/7/365 lock and dam operations; to the Committee on Environment and Public Works.

POM–165. A resolution adopted by the California State Lands Commission supporting the Lake Tahoe Restoration Act of 2013; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 1376. A bill to improve the Federal Housing Administration and to ensure the solvency of the Mutual Mortgage Insurance Fund, and for other purposes (Rept. No. 113–129).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and with a preamble:

S. Res. 157. A resolution expressing the sense of the Senate that telephone service must be improved in rural areas of the United States and that no entity may unreasonably discriminate against telephone users in those areas (Rept. No. 113–130).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 975. A bill to provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.

From the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1417. A bill to amend the Public Health Service Act to reauthorize programs under part A of title XI of such Act.

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with amendments:

S. 1491. A bill to amend the Energy Independence and Security Act of 2007 to improve United States-Israel energy cooperation, and for other purposes.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

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.

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 1870. An original bill to reauthorize and restructure adoption incentive payments, to better enable State child welfare agencies to prevent sex trafficking of children and serve the needs of children who are victims of sex trafficking, to increase the reliability of child support for children, and for other purposes.

S. 1871. An original bill to amend title XVIII of the Social Security Act to repeal the Medicare sustainable growth rate formula and to improve beneficiary access under the Medicare program, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted on December 19, 2012:

By Mr. LEAHY for the Committee on the Judiciary.

Peter Joseph Kadzik, of New York, to be an Assistant Attorney General.

Gary Blankinship, of Texas, to be United States Marshal for the Southern District of Texas for the term of four years.

Robert L. Hobbs, of Texas, to be United States Marshal for the Eastern District of Texas for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. REID:

S. 1859. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

By Mr. HELLER:

S. 1860. A bill to reform the medical liability system, improve access to health care for rural and indigent patients, enhance access to affordable prescription drugs, and for other purposes; to the Committee on Finance.

By Mr. CORNYN (for himself and Mr. TOOMEY):

S. 1861. A bill to save taxpayer money and end bailouts of financial institutions by providing for a process to allow financial institutions to go bankrupt; to the Committee on the Judiciary.

By Mr. BLUNT (for himself and Mr. MENENDEZ):

S. 1862. A bill to grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN:

S. 1863. A bill to establish in the Department of Veterans Affairs a continuing medical education program for licensed medical professionals to increase knowledge and recognition of medical conditions common to veterans and family members of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARKIN:

S. 1864. A bill to require a demonstration program on the accession as Air Force officers of candidates with auditory impairments; to the Committee on Armed Services.

By Mr. BEGICH (for himself, Mr. COONS, Mr. BAUCUS, and Mr. TESTER):

S. 1865. A bill to amend the prices set for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users; to the Committee on Environment and Public Works.

By Mr. MARKEY (for himself and Ms. WARREN):

S. 1866. A bill to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself and Mr. BLUMENTHAL):

S. 1867. A bill to provide protection for consumers who have prepaid cards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. HIRONO (for herself, Mr. ROBERTS, Mr. SCHATZ, and Mr. MORAN):

S. 1868. A bill to provide for the conversion of temporary judgeships for the districts of Hawaii and Kansas to permanent judgeships; to the Committee on the Judiciary.

By Ms. AYOTTE (for herself, Mr. GRAHAM, and Mr. WICKER):

S. 1869. A bill to repeal section 403 of the Bipartisan Budget Act of 2013, relating to an annual adjustment of retired pay for members of the Armed Forces under the age of 62,

and to provide an offset; to the Committee on Finance.

By Mr. BAUCUS:

S. 1870. An original bill to reauthorize and restructure adoption incentive payments, to better enable State child welfare agencies to prevent sex trafficking of children and serve the needs of children who are victims of sex trafficking, to increase the reliability of child support for children, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. BAUCUS:

S. 1871. An original bill to amend title XVIII of the Social Security Act to repeal the Medicare sustainable growth rate formula and to improve beneficiary access under the Medicare program, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. PRYOR:

S. 1872. A bill to provide that the annual adjustment of retired pay for members of the Armed Forces under the age of 62 under the Bipartisan Budget Act of 2013 shall not apply to members retired for disability and to retired pay used to compute certain Survivor Benefit Plan annuities; to the Committee on Armed Services.

By Mr. REED (for himself, Mr. DURBIN, and Ms. WARREN):

S. 1873. A bill to provide for institutional risk-sharing in the Federal student loan programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED:

S. 1874. A bill to amend the Higher Education Act of 1965 to strengthen Federal-State partnerships in postsecondary education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 1875. A bill to provide for wildfire suppression operations, and for other purposes; to the Committee on the Budget.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. WYDEN, Mr. ROCKEFELLER, Mr. GRASSLEY, and Mr. CASEY):

S. 1876. A bill to reauthorize and restructure adoption incentive payments, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. WYDEN, Mr. MENENDEZ, Mr. GRASSLEY, and Mr. ROCKEFELLER):

S. 1877. A bill to increase the reliability of child support for children, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. WYDEN, Mr. ROCKEFELLER, Mr. GRASSLEY, Mr. BROWN, and Mr. CASEY):

S. 1878. A bill to better enable State child welfare agencies to prevent sex trafficking of children and serve the needs of children who are victims of sex trafficking, and for other purposes; to the Committee on Finance.

By Mr. FRANKEN (for himself and Mr. KIRK):

S. 1879. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide for coverage of oral anticancer drugs on terms no less favorable than the coverage provided for anticancer medications administered by a health care provider; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR):

S. 1880. A bill to provide that the annual adjustment of retired pay for members of the Armed Forces under the age of 62 under the Bipartisan Budget Act of 2013 shall not apply to members retired for disability and to retired pay used to compute certain Survivor Benefit Plan annuities; to the Committee on Armed Services.

By Mr. MENENDEZ (for himself, Mr. KIRK, Mr. SCHUMER, Mr. GRAHAM, Mr. CARDIN, Mr. MCCAIN, Mr. CASEY, Mr. RUBIO, Mr. COONS, Mr. CORNYN, Mr. BLUMENTHAL, Ms. AYOTTE, Mr. BEGICH, Mr. CORKER, Mr. PRYOR, Ms. COLLINS, Ms. LANDRIEU, Mr. MORAN, Mrs. GILLIBRAND, Mr. ROBERTS, Mr. WARNER, Mr. JOHANNS, Mrs. HAGAN, Mr. CRUZ, Mr. DONNELLY, Mr. BLUNT, and Mr. BOOKER):

S. 1881. A bill to expand sanctions imposed with respect to Iran and to impose additional sanctions with respect to Iran, and for other purposes; read the first time.

ADDITIONAL COSPONSORS

S. 192

At the request of Mr. BARRASSO, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 192, a bill to enhance the energy security of United States allies, and for other purposes.

S. 250

At the request of Mr. SANDERS, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 250, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of foreign corporations, and for other purposes.

S. 313

At the request of Mr. CASEY, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Hawaii (Ms. HIRONO) and the Senator from North Dakota (Mr. HOEVEN) 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 name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 468

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 468, a bill to protect the health care and pension benefits of our nation's miners.

S. 471

At the request of Mr. SANDERS, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 471, a bill to amend the Fair Credit Reporting Act to require the inclusion of credit scores with free annual credit reports provided to consumers, and for other purposes.

S. 641

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 641, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 653

At the request of Mr. BLUNT, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 653, a bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 733

At the request of Mr. ALEXANDER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 733, a bill to amend the Department of Energy High-End Computing Revitalization Act of 2004 to improve the high-end computing research and development program of the Department of Energy, and for other purposes.

S. 862

At the request of Ms. AYOTTE, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 862, a bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate.

S. 917

At the request of Mr. CARDIN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

S. 975

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 975, a bill to provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.

S. 1011

At the request of Mr. JOHANNS, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1011, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 1012

At the request of Mr. BLUNT, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1012, a bill to amend title XVIII of the Social Security Act to improve operations of recovery auditors under the Medicare integrity program, to increase transparency and accuracy in

audits conducted by contractors, and for other purposes.

S. 1070

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1070, a bill to make it unlawful to alter or remove the unique equipment identification number of a mobile device.

S. 1091

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1091, a bill to provide for the issuance of an Alzheimer's Disease Research Semipostal Stamp.

S. 1171

At the request of Mr. MORAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1171, a bill to amend the Controlled Substances Act to allow a veterinarian to transport and dispense controlled substances in the usual course of veterinary practice outside of the registered location.

S. 1183

At the request of Mr. THUNE, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1183, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 1249

At the request of Mr. BLUMENTHAL, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 1249, a bill to rename the Office to Monitor and Combat Trafficking of the Department of State the Bureau to Monitor and Combat Trafficking in Persons and to provide for an Assistant Secretary to head such Bureau, and for other purposes.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1256, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antimicrobials used in the treatment of human and animal diseases.

S. 1291

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1291, a bill to strengthen families' engagement in the education of their children.

S. 1302

At the request of Mr. HARKIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor 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. 1322

At the request of Ms. KLOBUCHAR, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1322, a bill to amend the Controlled Substances Act relating to controlled substance analogues.

S. 1357

At the request of Mr. BAUCUS, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1357, a bill to extend the trade adjustment assistance program.

S. 1417

At the request of Mrs. HAGAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1417, a bill to amend the Public Health Service Act to reauthorize programs under part A of title XI of such Act.

S. 1456

At the request of Ms. AYOTTE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1456, a bill to award the Congressional Gold Medal to Shimon Peres.

S. 1459

At the request of Mr. KIRK, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1459, a bill to amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing 2 or more levels stacked on top of one another.

S. 1614

At the request of Mr. BLUNT, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1614, a bill to require Certificates of Citizenship and other Federal documents to reflect name and date of birth determinations made by a State court and for other purposes.

S. 1633

At the request of Ms. CANTWELL, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1633, a bill to suspend temporarily the duty on certain footwear, and for other purposes.

S. 1688

At the request of Mr. KIRK, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1688, a bill to award the Congressional Gold Medal to the members of the Office of Strategic Services (OSS), collectively, in recognition of their superior service and major contributions during World War II.

S. 1692

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1692, a bill to require the Secretary of Transportation to modify the final rule relating to flightcrew member duty and rest requirements for passenger operations of air carriers to apply to all-cargo operations of air carriers, and for other purposes.

S. 1697

At the request of Mr. HARKIN, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1697, a bill to support early learning.

S. 1707

At the request of Mr. HELLER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1707, a bill to exclude consideration as income under the United States Housing Act of 1937 payments of pensions made under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance, and for other purposes.

S. 1738

At the request of Mr. CORNYN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1738, a bill to provide justice for the victims of trafficking.

S. 1740

At the request of Ms. LANDRIEU, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 1740, a bill to authorize Department of Veterans Affairs major medical facility leases, and for other purposes.

S. 1756

At the request of Mr. BLUNT, the name of the Senator from Wyoming (Mr. ENZI) 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 California (Mrs. BOXER) was added as a cosponsor of S. 1759, a bill to reauthorize the teaching health center program.

S. 1798

At the request of Mr. WARNER, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Mexico (Mr. UDALL) and the Senator from North Dakota (Ms. HEITKAMP) were added as cosponsors of S. 1798, a bill to ensure that emergency services volunteers are not counted as full-time employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act.

S. 1799

At the request of Mr. COONS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1799, a bill to reauthorize subtitle A of the Victims of Child Abuse Act of 1990.

S. 1827

At the request of Mr. MANCHIN, the names of the Senator from Texas (Mr. CRUZ), the Senator from Connecticut (Mr. MURPHY), the Senator from Washington (Mrs. MURRAY) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 1827, a bill to award a Congressional Gold Medal to the American Fighter Aces, collectively, in

recognition of their heroic military service and defense of our country's freedom throughout the history of aviation warfare.

S. 1828

At the request of Mr. DONNELLY, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1828, a bill to amend the Truth in Lending Act to modify the definitions of a mortgage originator and a high-cost mortgage.

S. 1837

At the request of Ms. WARREN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1837, a bill to amend the Fair Credit Reporting Act to prohibit the use of consumer credit checks against prospective and current employees for the purposes of making adverse employment decisions.

S. 1839

At the request of Mr. BEGICH, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1839, a bill to make certain luggage and travel articles eligible for duty-free treatment under the Generalized System of Preferences, and for other purposes.

S. 1844

At the request of Mrs. SHAHEEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1844, a bill to restore full military retirement benefits by closing corporate tax loopholes.

S. 1845

At the request of Mr. REED, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from California (Mrs. BOXER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1845, a bill to provide for the extension of certain unemployment benefits, and for other purposes.

S. 1848

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1848, a bill to amend section 1303(b)(3) of Public Law 111–148 concerning the notice requirements regarding the extent of health plan coverage of abortion and abortion premium surcharges.

S. RES. 318

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 318, a resolution expressing the sense of the Senate regarding the critical need for political reform in Bangladesh, and for other purposes.

S. RES. 319

At the request of Mr. MURPHY, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. Res. 319, a resolution expressing support for the Ukrainian people in light of President Yanukovych's decision not to sign an Association Agreement with the European Union.

S. RES. 324

At the request of Mr. ROCKEFELLER, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Delaware (Mr. CARPER) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 324, a resolution expressing the sense of the Senate with respect to the tragic shooting at Los Angeles International Airport on November 1, 2013, of employees of the Transportation Security Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 1859. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Mr. REID. 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. 1859

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Extenders Act of 2013''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—INDIVIDUAL TAX EXTENDERS

Subtitle A—Extensions Relating to Certain Health Coverage

Sec. 101. Health care tax credit.
Sec. 102. TAA pre-certification rule for purposes of determining whether there is a 63-day lapse in creditable coverage.
Sec. 103. Extension of COBRA benefits for certain TAA-eligible individuals and PBGC recipients.

Subtitle B—General Extensions

Sec. 111. Extension of deduction for certain expenses of elementary and secondary school teachers.
Sec. 112. Extension of exclusion from gross income of discharge of qualified principal residence indebtedness.
Sec. 113. Extension of parity for exclusion from income for employer-provided mass transit and parking benefits.
Sec. 114. Extension of mortgage insurance premiums treated as qualified residence interest.
Sec. 115. Extension of deduction of State and local general sales taxes.
Sec. 116. Extension of special rule for contributions of capital gain real property made for conservation purposes.
Sec. 117. Extension of above-the-line deduction for qualified tuition and related expenses.
Sec. 118. Extension of tax-free distributions from individual retirement plans for charitable purposes.

TITLE II—BUSINESS TAX EXTENDERS

Sec. 201. Extension of research credit.
Sec. 202. Extension of temporary minimum low-income tax credit rate for non-federally subsidized new buildings.
Sec. 203. Extension of housing allowance exclusion for determining area median gross income for qualified residential rental project exempt facility bonds.
Sec. 204. Extension of Indian employment tax credit.
Sec. 205. Extension of new markets tax credit.
Sec. 206. Extension of railroad track maintenance credit.
Sec. 207. Extension of mine rescue team training credit.
Sec. 208. Extension of employer wage credit for employees who are active duty members of the uniformed services.
Sec. 209. Extension of work opportunity tax credit.
Sec. 210. Extension of qualified zone academy bonds.
Sec. 211. Extension of classification of certain race horses as 3-year property.
Sec. 212. Extension of 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
Sec. 213. Extension of 7-year recovery period for motorsports entertainment complexes.
Sec. 214. Extension of accelerated depreciation for business property on an Indian reservation.
Sec. 215. Extension of bonus depreciation.
Sec. 216. Extension of enhanced charitable deduction for contributions of food inventory.
Sec. 217. Extension of increased expensing limitations and treatment of certain real property as section 179 property.
Sec. 218. Extension of election to expense mine safety equipment.
Sec. 219. Extension of special expensing rules for certain film and television productions.
Sec. 220. Extension of deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 221. Extension of modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 222. Extension of treatment of certain dividends of regulated investment companies.
Sec. 223. Extension of RIC qualified investment entity treatment under FIRPTA.
Sec. 224. Extension of subpart F exception for active financing income.
Sec. 225. Extension of look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
Sec. 226. Extension of temporary exclusion of 100 percent of gain on certain small business stock.
Sec. 227. Extension of basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 228. Extension of reduction in S-corporation recognition period for built-in gains tax.
Sec. 229. Extension of empowerment zone tax incentives.

Sec. 230. Extension of temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
Sec. 231. Extension of American Samoa economic development credit.

TITLE III—ENERGY TAX EXTENDERS

Sec. 301. Extension of credit for energy-efficient existing homes.
Sec. 302. Extension of credit for alternative fuel vehicle refueling property.
Sec. 303. Extension of credit for 2- or 3-wheeled plug-in electric vehicles.
Sec. 304. Extension of second generation biofuel producer credit.
Sec. 305. Extension of incentives for biodiesel and renewable diesel.
Sec. 306. Extension of production credit for Indian coal facilities placed in service before 2009.
Sec. 307. Extension of credits with respect to facilities producing energy from certain renewable resources.
Sec. 308. Extension of credit for energy-efficient new homes.
Sec. 309. Extension of credits for energy-efficient appliances.
Sec. 310. Extension of special allowance for second generation biofuel plant property.
Sec. 311. Extension of placed in service date for election to expense certain refineries.
Sec. 312. Extension of energy efficient commercial buildings deduction.
Sec. 313. Extension of special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
Sec. 314. Extension of alternative fuels excise tax credits.
Sec. 315. Extension of alternative fuels excise tax credits relating to liquefied hydrogen.

TITLE I—INDIVIDUAL TAX EXTENDERS

Subtitle A—Extensions Relating to Certain Health Coverage

SEC. 101. HEALTH CARE TAX CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 35(b)(1) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage months beginning after December 31, 2013.

SEC. 102. TAA PRE-CERTIFICATION RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) IN GENERAL.—The following provisions are each amended by striking ''January 1, 2014'' and inserting ''January 1, 2015'':

(1) Section 9801(c)(2)(D).

(2) Section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974.

(3) Section 2701(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning before January 1, 2014).

(4) Section 2704(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning on or after January 1, 2014).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2013.

SEC. 103. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) IN GENERAL.—The following provisions are each amended by striking ''January 1, 2014'' and inserting ''January 1, 2015'':

(1) Section 4980B(f)(2)(B)(i)(V).

(2) Section 4980B(f)(2)(B)(i)(VI).

(3) Section 602(2)(A)(v) of the Employee Retirement Income Security Act of 1974.

(4) Section 602(2)(A)(vi) of such Act.

(5) Section 2202(2)(A)(iv) of the Public Health Service Act.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods of coverage which would (without regard to the amendments made by this section) end on or after December 31, 2013.

Subtitle B—General Extensions

SEC. 111. EXTENSION OF DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2013'' and inserting ''2013, or 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 112. EXTENSION OF EXCLUSION FROM GROSS INCOME OF DISCHARGE OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (E) of section 108(a)(1) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to indebtedness discharged after December 31, 2013.

SEC. 113. EXTENSION OF PARITY FOR EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.

(a) IN GENERAL.—Paragraph (2) of section 132(f) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months after December 31, 2013.

SEC. 114. EXTENSION OF MORTGAGE INSURANCE PREMIUMS TREATED AS QUALIFIED RESIDENCE INTEREST.

(a) IN GENERAL.—Subclause (I) of section 163(h)(3)(E)(iv) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or accrued after December 31, 2013.

SEC. 115. EXTENSION OF DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 116. EXTENSION OF SPECIAL RULE FOR CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2013.

SEC. 117. EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 118. EXTENSION OF TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2013.

TITLE II—BUSINESS TAX EXTENDERS

SEC. 201. EXTENSION OF RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2013.

SEC. 202. EXTENSION OF TEMPORARY MINIMUM LOW-INCOME TAX CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED NEW BUILDINGS.

(a) IN GENERAL.—Subparagraph (A) of section 42(b)(2) is amended by striking ''before January 1, 2014'' and inserting ''before January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2014.

SEC. 203. EXTENSION OF HOUSING ALLOWANCE EXCLUSION FOR DETERMINING AREA MEDIAN GROSS INCOME FOR QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS.

(a) IN GENERAL.—Subsection (b) of section 3005 of the Housing Assistance Tax Act of 2008 is amended by striking ''January 1, 2014'' each place it appears and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 3005 of the Housing Assistance Tax Act of 2008.

SEC. 204. EXTENSION OF INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 205. EXTENSION OF NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (G) of section 45D(f)(1) is amended by striking ''and 2013'' and inserting ''2013, and 2014''.

(b) CARRYOVER OF UNUSED LIMITATION.—Paragraph (3) of section 45D(f) is amended by striking ''2018'' and inserting ''2019''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2013.

SEC. 206. EXTENSION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2013.

SEC. 207. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 208. EXTENSION OF EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2013.

SEC. 209. EXTENSION OF WORK OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after December 31, 2013.

SEC. 210. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) EXTENSION.—

(1) IN GENERAL.—Paragraph (1) of section 54E(c) is amended by striking ''and 2013'' and inserting ''2013, and 2014''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to obligations issued after December 31, 2013.

(b) TECHNICAL CORRECTION AND CONFORMING AMENDMENT.—

(1) IN GENERAL.—Clause (iii) of section 6431(f)(3)(A) is amended—

(A) by striking ''2011'' and inserting ''years after 2010'', and

(B) by striking ''of such allocation'' and inserting ''of any such allocation''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in section 310 of the American Taxpayer Relief Act of 2012.

SEC. 211. EXTENSION OF CLASSIFICATION OF CERTAIN RACE HORSES AS 3-YEAR PROPERTY.

(a) IN GENERAL.—Clause (i) of section 168(e)(3)(A) is amended—

(1) by striking ''January 1, 2014'' in subclause (I) and inserting ''January 1, 2015'', and

(2) by striking ''December 31, 2013'' in subclause (II) and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2013.

SEC. 212. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2013.

SEC. 213. EXTENSION OF 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 214. EXTENSION OF ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 215. EXTENSION OF BONUS DEPRECIATION.

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking ''January 1, 2015'' in subparagraph (A)(iv) and inserting ''January 1, 2016'', and

(2) by striking ''January 1, 2014'' each place it appears and inserting ''January 1, 2015''.

(b) SPECIAL RULE FOR FEDERAL LONG-TERM CONTRACTS.—Clause (ii) of section 460(c)(6)(B) is amended by striking ''January 1, 2014 (January 1, 2015'' and inserting ''January 1, 2015 (January 1, 2016''.

(c) EXTENSION OF ELECTION TO ACCELERATE THE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

(1) IN GENERAL.—Subclause (II) of section 168(k)(4)(D)(iii) is amended by striking ''2014'' and inserting ''2015''.

(2) ROUND 4 EXTENSION PROPERTY.—Paragraph (4) of section 168(k) is amended by adding at the end the following new subparagraph:

''(K) SPECIAL RULES FOR ROUND 4 EXTENSION PROPERTY.—

''(i) IN GENERAL.—In the case of round 4 extension property, this paragraph shall be applied without regard to—

''(I) the limitation described in subparagraph (B)(i) thereof, and

''(II) the business credit increase amount under subparagraph (E)(iii) thereof.

''(ii) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, a taxpayer who made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, a taxpayer who made the election under subparagraph (I)(iii) for its first taxable year ending after December 31, 2010, or a taxpayer who made the election under subparagraph (J)(iii) for its first taxable year ending after December 31, 2012—

''(I) the taxpayer may elect not to have this paragraph apply to round 4 extension property, but

''(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is round 4 extension property.

The amounts described in subclause (II) shall be computed separately from any amounts computed with respect to eligible qualified property which is not round 4 extension property.

''(iii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who neither made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, nor made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, nor made the election under subparagraph (I)(iii) for its first taxable year ending after December 31, 2010, nor made the election under subparagraph (J)(iii) for its first taxable year ending after December 31, 2012—

''(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2013, and each subsequent taxable year, and

''(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is round 4 extension property.

''(iv) ROUND 4 EXTENSION PROPERTY.—For purposes of this subparagraph, the term 'round 4 extension property' means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 215(a) of the Tax Extenders Act of 2013 (and the application of such extension to this paragraph pursuant to the amendment made by section 215(c) of such Act).''.

(d) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking ''JANUARY 1, 2014'' and inserting ''JANUARY 1, 2015''.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-JANUARY 1, 2014'' and inserting ''PRE-JANUARY 1, 2015''.

(3) Subparagraph (C) of section 168(n)(2) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(4) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(5) Subparagraph (B) of section 1400N(d)(3) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2013, in taxable years ending after such date.

SEC. 216. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2013.

SEC. 217. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) is amended—

(A) by striking ''or 2013'' in subparagraph (B) and inserting ''2013, or 2014'', and

(B) by striking ''2013'' in subparagraph (C) and inserting ''2014''.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended—

(A) by striking ''or 2013'' in subparagraph (B) and inserting ''2013, or 2014'', and

(B) by striking ''2013'' in subparagraph (C) and inserting ''2014''.

(b) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking ''2014'' and inserting ''2015''.

(c) ELECTION.—Section 179(c)(2) is amended by striking ''2014'' and inserting ''2015''.

(d) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Section 179(f)(1) is amended by striking ''or 2013'' and inserting ''2013, or 2014''.

(2) CARRYOVER LIMITATION.—

(A) IN GENERAL.—Section 179(f)(4) is amended by striking ''2013'' each place it appears and inserting ''2014''.

(B) CONFORMING AMENDMENT.—The heading of subparagraph (C) of section 179(f)(4) is amended by striking ''2011 AND 2012'' and inserting ''2011, 2012, AND 2013''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 218. EXTENSION OF ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 219. EXTENSION OF SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2013.

SEC. 220. EXTENSION OF DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 8 taxable years'' and inserting ''first 9 taxable years'', and

(2) by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 221. EXTENSION OF MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2013.

SEC. 222. EXTENSION OF TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C)(v) and (2)(C)(v) of section 871(k) are each amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 223. EXTENSION OF RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2014.

SEC. 224. EXTENSION OF SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) is amended—

(1) by striking ''January 1, 2014'' and inserting ''January 1, 2015'', and

(2) by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) SPECIAL RULE FOR INCOME DERIVED IN THE ACTIVE CONDUCT OF BANKING, FINANCING, OR SIMILAR BUSINESSES.—Paragraph (9) of section 954(h) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2013, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 225. EXTENSION OF LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2013, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 226. EXTENSION OF TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking ''January 1, 2014'' and inserting ''January 1, 2015'', and

(2) by striking ''AND 2013'' in the heading and inserting ''2013, AND 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2013.

SEC. 227. EXTENSION OF BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2013.

SEC. 228. EXTENSION OF REDUCTION IN S-CORPORATION RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Subparagraph (C) of section 1374(d)(7) is amended—

(1) by striking ''2012 or 2013'' and inserting ''2012, 2013, or 2014'', and

(2) by striking ''2012 AND 2013'' in the heading and inserting ''2012, 2013, AND 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 229. EXTENSION OF EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Clause (i) of section 1391(d)(1)(A) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to periods after December 31, 2013.

SEC. 230. EXTENSION OF TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2013.

SEC. 231. EXTENSION OF AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''January 1, 2014'' each place it appears and inserting ''January 1, 2015'',

(2) by striking ''first 8 taxable years'' in paragraph (1) and inserting ''first 9 taxable years'', and

(3) by striking ''first 2 taxable years'' in paragraph (2) and inserting ''first 3 taxable years''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

TITLE III—ENERGY TAX EXTENDERS

SEC. 301. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT EXISTING HOMES.

(a) IN GENERAL.—Paragraph (2) of section 25C(g) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 302. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) IN GENERAL.—Subsection (g) of section 30C is amended by striking ''placed in service'' and all that follows and inserting ''placed in service after December 31, 2014.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 303. EXTENSION OF CREDIT FOR 2- OR 3-WHEELED PLUG-IN ELECTRIC VEHICLES.

(a) IN GENERAL.—Subparagraph (E) of section 30D(g)(3) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2013.

SEC. 304. EXTENSION OF SECOND GENERATION BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Clause (i) of section 40(b)(6)(J) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to fuel sold or used after December 31, 2013.

SEC. 305. EXTENSION OF INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2013.

SEC. 306. EXTENSION OF PRODUCTION CREDIT FOR INDIAN COAL FACILITIES PLACED IN SERVICE BEFORE 2009.

(a) IN GENERAL.—Subparagraph (A) of section 45(e)(10) is amended by striking ''8-year period'' each place it appears and inserting ''9-year period''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coal produced after December 31, 2013.

SEC. 307. EXTENSION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—The following provisions of section 45(d) are each amended by striking ''January 1, 2014'' each place it appears and inserting ''January 1, 2015'':

(1) Paragraph (1).
(2) Paragraph (2)(A).
(3) Paragraph (3)(A).
(4) Paragraph (4)(B).
(5) Paragraph (6).
(6) Paragraph (7).
(7) Paragraph (9).
(8) Paragraph (11)(B).

(b) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Clause (ii) of section 48(a)(5)(C) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on January 1, 2014.

SEC. 308. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT NEW HOMES.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2013.

SEC. 309. EXTENSION OF CREDITS FOR ENERGY-EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M is amended by striking ''or 2013'' each place it appears in paragraphs (1)(E), (2)(F), and (3)(F) and inserting ''2013, or 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2013.

SEC. 310. EXTENSION OF SPECIAL ALLOWANCE FOR SECOND GENERATION BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Subparagraph (D) of section 168(l)(2) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 311. EXTENSION OF PLACED IN SERVICE DATE FOR ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) IN GENERAL.—Subparagraph (B) of section 179C(c)(1) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 312. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—Subsection (h) of section 179D is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 313. EXTENSION OF SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2013.

SEC. 314. EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.

(a) IN GENERAL.—Sections 6426(d)(5) and 6426(e)(3) are each amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Subparagraph (C) of section 6427(e)(6) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2013.

SEC. 315. EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS RELATING TO LIQUEFIED HYDROGEN.

(a) IN GENERAL.—Sections 6426(d)(5) and 6426(e)(3), as amended by this Act, are each amended by striking ''2014 (September 30, 2014 in the case of any sale or use involving liquefied hydrogen)'' and inserting ''2014''.

(b) OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Paragraph (6) of section 6427(e) is amended—

(1) by striking ''except as provided in subparagraph (D), any'' in subparagraph (C), as amended by this Act, and inserting ''any'', and

(2) by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels sold or used after September 30, 2014.

By Mr. CORNYN (for himself and Mr. TOOMEY):

S. 1861. A bill to save taxpayer money and end bailouts of financial institutions by providing for a process to allow financial institutions to go bankrupt; 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. 1861

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 ''Taxpayer Protection and Responsible Resolution Act''.

SEC. 2. REPEAL OF TITLE II OF DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.

(a) IN GENERAL.—Title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203) is repealed and any Federal law amended by such title shall, on and after the date of enactment of this Act, be effective as if title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act had not been enacted.

(b) CONFORMING AMENDMENTS.—

(1) DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.—The Dodd-Frank Wall Street Reform and Consumer Protection Act is amended—

(A) in the table of contents, by striking all items relating to title II;

(B) in section 165(d)(6), by striking '', a receiver appointed under title II,'';

(C) in section 716(g), by striking ''or a covered financial company under title II'';

(D) in section 1105(e)(5), by striking ''amount of any securities issued under that chapter 31 for such purpose shall be treated in the same manner as securities issued under section 208(n)(5)(E)'' and inserting ''issuances of such securities under that chapter 31 for such purpose shall by treated as public debt transactions of the United States, and the proceeds from the sale of any obligations acquired by the Secretary under this paragraph shall be deposited into the Treasury of the United States as miscellaneous receipts''; and

(E) in section 1106(c)(2)(A)—

(i) in clause (i), by inserting '', other than a covered financial corporation (as defined in section 101(9A) of title 11, United States Code),'' after ''company''; and

(ii) in clause (ii), by inserting '', other than a covered financial corporation (as defined in section 101(9A) of title 11, United States Code),'' after ''company''.

(2) FEDERAL DEPOSIT INSURANCE ACT.—Section 10(b)(3)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)(3)(A)) is amended by striking '', or of such nonbank financial company supervised by the Board of Governors or bank holding company described in section 165(a) of the Financial Stability Act of 2010, for the purpose of implementing its authority to provide for orderly liquidation of any such company under title II of that Act''.

(3) FEDERAL RESERVE ACT.—Section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3)) is amended—

(A) in subparagraph (B)—

(i) in clause (ii), by striking '', resolution under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act, or'' and inserting ''or is subject to resolution under''; and

(ii) in clause (iii), by striking '', resolution under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act, or'' and inserting ''or resolution under''; and

(B) by striking subparagraph (E).

SEC. 3. GENERAL PROVISIONS RELATING TO COVERED FINANCIAL CORPORATIONS.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting the following after paragraph (9):

''(9A) The term 'covered financial corporation' means any corporation incorporated or organized under any Federal or State law, other than a stockbroker, a commodity broker, or an entity of the kind specified in paragraph (2) or (3) of section 109(b), that is—

''(A) a bank holding company, as that term is defined in section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)); or

''(B) predominantly engaged in activities that the Board of Governors of the Federal Reserve System has determined are financial in nature or incidental to such financial activity for purposes of section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).''.

(b) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''section 1161'' and inserting ''sections 1161 and 1401''; and

(B) by striking ''or 13'' and inserting ''13, or 14''; and

(2) by adding at the end the following:

''(l) Chapter 14 of this title applies only in a case under this title concerning a covered financial corporation.

''(m) Except as otherwise provided in chapter 14 of this title, chapter 11 of this title applies in a case under chapter 14 of this title.''.

(c) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''or'' at the end;

(B) in paragraph (3)(B), by striking the period at the end and inserting ''; or'';

(C) by adding at the end the following:

''(4) a covered financial corporation.''; and

(2) by adding at the end the following:

''(i) An entity may be a debtor under chapter 14 of this title only if the entity is a covered financial corporation.''.

SEC. 4. LIQUIDATION, REORGANIZATION, OR RECAPITALIZATION OF A COVERED FINANCIAL CORPORATION.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting before chapter 15 the following:

''CHAPTER 14—LIQUIDATION, REORGANIZATION, OR RECAPITALIZATION OF A COVERED FINANCIAL CORPORATION

''Sec.
''1401. Inapplicability of other sections.
''1402. Definitions for this chapter.
''1403. Commencement of a case concerning a covered financial corporation.
''1404. Regulators.
''1405. Special trustee and bridge company.
''1406. Special transfer of property of the estate.
''1407. Automatic stay; assumed debt.
''1408. Treatment of qualified financial contracts and affiliate contracts.
''1409. Licenses, permits, and registrations.
''1410. Exemption from securities laws.
''1411. Inapplicability of certain avoiding powers.

''§ 1401. Inapplicability of other sections

''Sections 321(c) and 322(b) do not apply in a case under this chapter.

''§ 1402. Definitions for this chapter

''In this chapter, the following definitions shall apply:

''(1) The term 'Board' means the Board of Governors of the Federal Reserve System.

''(2) The term 'bridge company' means a newly-formed corporation the equity securities of which are transferred to a special trustee under section 1405(a).

''(3) The term 'capital structure debt' means debt, other than a qualified financial contract, of the debtor for borrowed money with an original maturity of at least 1 year.

''(4) The term 'contractual right' means a contractual right as defined in section 555, 556, 559, or 560.

''(5) The term 'qualified financial contract' means any contract of a kind specified in paragraph (25), (38A), (47), or (53B) of section

101, section 741(7), or paragraph (4), (5), (11), or (13) of section 761.

"§ 1403. Commencement of a case concerning a covered financial corporation

''(a) A case under this chapter may be commenced by the filing of a petition with the bankruptcy court—

''(1) under section 301; or

''(2) by the Board, only if—

''(A) the Board certifies in the petition that it has determined that—

''(i) the covered financial corporation—

''(I) has incurred losses that will deplete all or substantially all of the capital of the covered financial corporation, and there is no reasonable prospect for the covered financial corporation to avoid such depletion;

''(II) is insolvent;

''(III) is not paying or is unable to pay the debts of the covered financial corporation (other than debts subject to a bona fide dispute as to liability or amount) as they become due; or

''(IV) is likely to be in a financial condition specified in subclause (I), (II), or (III) sufficiently soon such that the immediate commencement of a case under this chapter concerning the covered financial corporation is necessary to prevent imminent substantial harm to financial stability in the United States; and

''(ii) the commencement of a case under this chapter concerning the covered financial corporation and the effect of a transfer under section 1406 is necessary to prevent imminent substantial harm to financial stability in the United States; and

''(B) the bankruptcy court determines, after a hearing described in subsection (b), that the Board has shown by a preponderance of the evidence that the requirements under subparagraph (A) have been satisfied.

''(b)(1) A hearing described in this subsection is a hearing held not later than 12 hours after the Board makes a certification under subsection (a)(2)(A), with notice only to—

''(A) the covered financial corporation;

''(B) the Federal Deposit Insurance Corporation; and

''(C) the Secretary of the Treasury.

''(2) Only the Board and the entities listed in paragraph (1) may attend or participate in a hearing described in this subsection. Transcripts of such hearing shall be sealed until the end of the case.

''(c)(1) The covered financial corporation may file an appeal in the district court of a determination made by the bankruptcy court under subsection (a)(2)(B) not later than 12 hours after the bankruptcy court makes such determination, with notice only to the entities listed in subsection (b)(1) and the Board.

''(2) The district judge specified under section 298(c)(1) of title 28 for the judicial circuit in which the case is pending shall hear the appeal under paragraph (1) and review within 12 hours the determination of the bankruptcy court under subsection (a)(2)(B) for abuse of discretion.

''(d)(1) The commencement of a case under subsection (a)(1) constitutes an order for relief under this chapter.

''(2) In a case commenced under subsection (a)(2), the bankruptcy court shall immediately order relief under this chapter if—

''(A) the bankruptcy court makes a determination under subsection (a)(2)(B) that the requirements of subsection (a)(2)(A) have been satisfied; and

''(B)(i) the period for appeal under subsection (c)(1) has passed without an appeal having been filed; or

''(ii) the district court affirms the determination of the bankruptcy court under subsection (c)(2).

''(3) Notwithstanding paragraph (2), the bankruptcy court shall order relief in a case commenced under subsection (a)(2) if the debtor consents to the order.

"§ 1404. Regulators

''(a) The Board may raise and may appear and be heard on any issue in any case or proceeding under this title relevant to the regulation of the debtor by the Board or to financial stability in the United States.

''(b) The Federal Deposit Insurance Corporation may raise and may appear and be heard on any issue in any case or proceeding under this title in connection with a transfer under section 1406.

"§ 1405. Special trustee and bridge company

''(a) On request of the trustee or the Board, the court may order the trustee to appoint 1 special trustee and transfer to the special trustee all of the equity securities in a corporation to hold in trust for the sole benefit of the estate, if—

''(1) the corporation does not have any property, executory contracts, unexpired leases, or debts, other than any property acquired or executory contracts, unexpired leases, or debts assumed when acting as a transferee of a transfer under section 1406;

''(2) the equity securities of the corporation are property of the estate; and

''(3) the court approves—

''(A) the trust agreement governing the special trustee;

''(B) the governing documents of the corporation; and

''(C) the identity of—

''(i) the special trustee; and

''(ii) the directors and senior officers of the corporation.

''(b) The trust agreement governing the special trustee shall provide—

''(1) for the payment of the costs and expenses of the special trustee from the assets of the trust and not from the property of the estate;

''(2) that the special trustee provide—

''(A) periodic reporting to the estate; and

''(B) information about the bridge company as reasonably requested by a party in interest to prepare a disclosure statement for a plan providing for distribution of any securities of the bridge company, if such information is necessary to prepare such disclosure statement;

''(3) that the special trustee provide notice to and consult with parties in interest in the case in connection with—

''(A) any change in a director or senior officer of the bridge company;

''(B) any modification to the governing documents of the bridge company; and

''(C) any major corporate action of the bridge company, including—

''(i) recapitalization;

''(ii) a liquidity borrowing;

''(iii) termination of an intercompany debt or guarantee;

''(iv) a transfer of a substantial portion of the assets of the bridge company; or

''(v) the issuance or sale of any securities of the bridge company;

''(4) that the proceeds of the sale of any equity securities of the bridge company by the special trustee be held in trust for the benefit of or transferred to the estate; and

''(5) that the property held in trust by the special trustee is subject to distribution in accordance with the plan and subsection (c).

''(c) The special trustee shall distribute the assets held in trust in accordance with the plan on the effective date of the plan, after which time the office of the special trustee shall terminate, except as may be necessary to wind up and conclude the business and financial affairs of the trust.

''(d) After a transfer under section 1406, the special trustee shall be subject only to applicable nonbankruptcy law, and the actions and conduct of the special trustee shall no longer be subject to approval by the court in the case under this chapter.

"§ 1406. Special transfer of property of the estate

''(a) On request of the trustee or the Board, and after notice and hearing and not less than 24 hours after the commencement of the case, the court may order a transfer under this section of property of the estate to a bridge company. Except as provided under this section, the provisions of section 363 shall apply to a transfer under this section.

''(b) Unless the court orders otherwise, notice of a request for an order under subsection (a) shall consist of electronic or telephonic notice of not less than 24 hours to—

''(1) the debtor;

''(2) the trustee;

''(3) the holders of the 20 largest secured claims against the debtor;

''(4) the holders of the 20 largest unsecured claims against the debtor;

''(5) the Board;

''(6) the Federal Deposit Insurance Corporation;

''(7) the Secretary of the Treasury;

''(8) the United States trustee; and

''(9) each primary financial regulatory agency, as defined in section 2(12) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301(12)), with respect to any affiliate that is proposed to be transferred under this section.

''(c) The court may not order a transfer under this section unless the court determines, based upon a preponderance of the evidence, that—

''(1) the transfer under this section is necessary to prevent imminent substantial harm to financial stability in the United States;

''(2) the proposed transfer does not provide for the assumption of any capital structure debt by the bridge company;

''(3) the proposed transfer provides for the transfer of any accounts of depositors of the debtor that are insured by the Federal Deposit Insurance Company to the bridge company; and

''(4) the Board certifies to the court that the Board has determined that the bridge company provides adequate assurance of future performance of any executory contract or unexpired leased assumed and assigned to the bridge company, and of payment of any debt assumed by the bridge company, in the transfer under this section.

"§ 1407. Automatic stay; assumed debt

''(a)(1) A petition filed under section 301 or 1403 operates as a stay, applicable to all entities, of the termination or modification of any debt, contract, lease, or agreement described in paragraph (2), or of any right or obligation under any such debt, contract, lease or agreement, solely because of—

''(A) a default by the debtor under any such debt, contract, lease, or agreement; or

''(B) a provision in such debt, contract, lease, or agreement or in applicable nonbankruptcy law that is conditioned on—

''(i) the insolvency or financial condition of the debtor at any time before the closing of the case;

''(ii) the commencement of a case under this title concerning the debtor;

''(iii) the appointment of or taking possession by a trustee in a case under this title concerning the debtor or by a custodian before the commencement of the case; or

''(iv) a credit rating agency rating, or absence or withdrawal of a credit rating agency rating—

''(I) of the debtor at any time after the commencement of the case;

''(II) of an affiliate during the 48 hours after the commencement of the case; or

''(III) while the special trustee is a direct or indirect beneficial holder of more than 50 percent of the equity securities of the bridge company—

''(aa) of the bridge company; or

''(bb) of an affiliate, if all of the direct or indirect interests in the affiliate that are property of the estate are transferred under section 1406.

''(2) A debt, contract, lease, or agreement described in this paragraph is—

''(A) any debt (other than capital structure debt), executory contract (other than a qualified financial contract), or unexpired lease of the debtor;

''(B) any agreement under which the debtor issued or is obligated for debt (other than capital structure debt);

''(C) any debt, executory contract (other than a qualified financial contract), or unexpired lease of an affiliate; or

''(D) any agreement under which an affiliate issued or is obligated for debt.

''(3) The stay under this subsection terminates—

''(A) as to the debtor, upon the earliest of—

''(i) 48 hours after the commencement of the case;

''(ii) assumption of the debt, contract, or lease under an order authorizing a transfer under section 1406; or

''(iii) a determination by the court not to order a transfer under section 1406; and

''(B) as to an affiliate, upon the earliest of—

''(i) entry of an order authorizing a transfer under section 1406 in which the direct or indirect interests in the affiliate that are property of the estate are not transferred under section 1406;

''(ii) a determination by the court not to order a transfer under section 1406; or

''(iii) 48 hours after the commencement of the case, if the court has not ordered a transfer under section 1406.

''(4) Sections 362(d), 362(e), 362(f), and 362(g) apply to a stay under this subsection.

''(b) A debt, executory contract (other than a qualified financial contract), or unexpired lease of the debtor, or an agreement under which the debtor has issued or is obligated for any debt, may be assumed by a bridge company in a transfer under section 1406 notwithstanding any provision in an agreement or in applicable nonbankruptcy law that—

''(1) prohibits, restricts, or conditions the assignment of the debt, contract, lease, or agreement; or

''(2) terminates or modifies, or permits a party other than the debtor to terminate or modify, the debt, contract, lease, or agreement on account of—

''(A) the assignment of the debt, contract, lease, or agreement; or

''(B) a change in control of any party to the debt, contract, lease, or agreement.

''(c)(1) A debt, contract, lease, or agreement of the kind described in subsection (a)(2)(A) or (a)(2)(B) may not be terminated or modified, and any right or obligation under such debt, contract, lease, or agreement may not be terminated or modified, as to the bridge company solely because of a provision in the debt, contract, lease, or agreement or in applicable nonbankruptcy law—

''(A) of the kind described in subsection (a)(1)(B) as applied to the debtor;

''(B) that prohibits, restricts, or conditions the assignment of the debt, contract, lease, or agreement; or

''(C) that terminates or modifies, or permits a party other than the debtor to terminate or modify, the debt, contract, lease or agreement, on account of—

''(i) the assignment of the debt, contract, lease, or agreement; or

''(ii) a change in control of any party to the debt, contract, lease, or agreement.

''(2) If there has been a default by the debtor of a provision other than the kind described in paragraph (1) in a debt, contract, lease or agreement of the kind described in subsection (a)(2)(A) or (a)(2)(B), the bridge company may assume such debt, contract, lease, or agreement only if the bridge company—

''(A) cures, or provides adequate assurance to the court in connection with a transfer under section 1406 that the bridge company will promptly cure, the default;

''(B) compensates, or provides adequate assurance to the court in connection with a transfer under section 1406 that the bridge company will promptly compensate, a party other than the debtor to the debt, contract, lease, or agreement, for any actual pecuniary loss to the party resulting from the default; and

''(C) provides adequate assurance to the court in connection with a transfer under section 1406 of future performance under the debt, contract, lease, or agreement.

''§ 1408. Treatment of qualified financial contracts and affiliate contracts

''(a) Notwithstanding sections 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, and 561, a petition filed under section 301 or 1403 operates as a stay, during the period specified in section 1407(a)(3)(A), applicable to all entities, of the exercise of a contractual right—

''(1) to cause the liquidation or termination of a qualified financial contract of the debtor or an affiliate; or

''(2) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with a qualified financial contract of the debtor or an affiliate; or

''(3) under any security agreement or arrangement or other credit enhancement forming a part of or related to a qualified financial contract of the debtor or an affiliate.

''(b)(1) During the period specified in section 1407(a)(3)(A), the trustee or the affiliate shall perform all payment and delivery obligations under a qualified financial contract of the debtor or the affiliate, respectively, that become due after the commencement of the case. The stay provided under subsection (a) terminates as to a qualified financial contract of the debtor or an affiliate immediately upon the failure of the trustee or the affiliate, respectively, to perform any such obligation during such period.

''(2) A counterparty to any qualified financial contract of the debtor that is assumed and assigned in a transfer under section 1406 may perform any unperformed payment or delivery obligation under the qualified financial contract promptly after the assumption and assignment with the same effect as if the counterparty had timely performed such obligations.

''(c) A qualified financial contract between an entity and the debtor may not be assigned to or assumed by the bridge company in a transfer under section 1406 unless—

''(1) all qualified financial contracts between the entity and the debtor are assigned to and assumed by the bridge company in the transfer under section 1406;

''(2) all claims of the entity against the debtor under any qualified financial contract between the entity and the debtor (other than any claim that, under the terms of the qualified financial contract, is subordinated to the claims of general unsecured creditors) are assigned to and assumed by the bridge company;

''(3) all claims of the debtor against the entity under any qualified financial contract between the entity and the debtor are assigned to and assumed by the bridge company; and

''(4) all property securing or any other credit enhancement furnished by the debtor for any qualified financial contract described in paragraph (1) or any claim described in paragraph (2) or (3) under any qualified financial contract between the entity and the debtor is assigned to and assumed by the bridge company.

''(d) Section 365(b)(1) does not apply to a default under a qualified financial contract of the debtor that is assumed and assigned in a transfer under section 1406 if the default—

''(1) is a breach of a provision of the kind specified in section 1407(a)(1)(B)(iv); and

''(2) in the case of a breach of a provision of the kind specified in section 1407(a)(1)(B)(iv)(III), occurs while the bridge company is a direct or indirect beneficial holder of more than 50 percent of the equity securities of the affiliate.

''(e) Notwithstanding any provision in a qualified financial contract or in applicable nonbankruptcy law, a qualified financial contract of the debtor that is assumed or assigned in a transfer under section 1406 may not be terminated or modified, and any right or obligation under the qualified financial contract may not be terminated or modified, for a breach of a provision of the kind specified in section 1407(b) at any time after the entry of an order under section 1406 until such time as the special trustee is no longer the direct or indirect beneficial holder of more than 50 percent of the equity securities of the bridge company.

''(f) Notwithstanding any provision in any agreement or in applicable nonbankruptcy law, an agreement of an affiliate (including an executory contract, unexpired lease, or agreement under which the affiliate issued or is obligated for debt), and any right or obligation under such agreement, may not be terminated or modified at any time after the commencement of the case solely because of a condition described in section 1407(b) if—

''(1) all direct or indirect interests in the affiliate that are property of the estate are transferred under section 1406 to the bridge company within the period specified in subsection (a);

''(2) the bridge company assumes—

''(A) any guarantee or other credit enhancement issued by the debtor relating to the agreement of the affiliate; and

''(B) any right of setoff, netting arrangement, or debt of the debtor that directly arises out of or directly relates to the guarantee or credit enhancement; and

''(3) any property of the estate that directly serves as collateral for the guarantee or credit enhancement is transferred to the bridge company.

''§ 1409. Licenses, permits, and registrations

''(a) Notwithstanding any otherwise applicable nonbankruptcy law, if a request is made under section 1406 for a transfer of property of the estate, any Federal, State, or local license, permit, or registration that the debtor or an affiliate had immediately before the commencement of the case and that is proposed to be transferred under section 1406 may not be terminated or modified at any time after the request solely on account of—

''(1) the insolvency or financial condition of the debtor at any time before the closing of the case;

''(2) the commencement of a case under this title concerning the debtor;

''(3) the appointment of or taking possession by a trustee in a case under this title concerning the debtor or by a custodian before the commencement of the case; or

''(4) a transfer under section 1406.

''(b) Notwithstanding any otherwise applicable nonbankruptcy law, any Federal,

State, or local license, permit, or registration that the debtor had immediately before the commencement of the case that is included in a transfer under section 1406 shall vest in the bridge company.

"§ 1410. Exemption from securities laws

''For purposes of section 1145, a security of the bridge company shall be deemed to be a security of a successor to the debtor under a plan if the court approves the disclosure statement for the plan as providing adequate information (as defined in section 1125(a)) about the bridge company and the security.

"§ 1411. Inapplicability of certain avoiding powers

''Except with respect to a capital structure debt, a transfer made or an obligation incurred by the debtor, including any obligation released by the debtor or the estate, to or for the benefit of an affiliate in a transfer under section 1406, is not avoidable under section 544, 547, 548(a)(1)(B), or 549, or under any similar nonbankruptcy law.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

''14 Liquidation, reorganization, or recapitalization of a covered financial corporation ..... 1401''.

SEC. 5. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) AMENDMENT TO CHAPTER 13.—Chapter 13 of title 28, United States Code, is amended by adding at the end the following:

"§ 298. Judge for a case under chapter 14 of title 11

''(a) Notwithstanding section 295, the Chief Justice of the United States shall designate not less than 1 district judge from each circuit to be available to hear an appeal under section 158(a) in a case under title 11 concerning a covered financial corporation or under section 1403(c) of title 11.

''(b)(1) Notwithstanding section 295, the Chief Justice of the United States shall designate a panel of not less than 10 bankruptcy judges, who are experts in cases under title 11 in which a financial institution is a debtor, to be available to hear a case under chapter 14 of title 11.

''(2) Notwithstanding section 295, a case under chapter 14 of title 11 shall be heard under section 157 by a bankruptcy judge designated under paragraph (1), who shall be assigned to hear such case by the chief judge of the court of appeals for the circuit embracing the district in which the case is pending.

''(3) If the bankruptcy judge designated and assigned to hear a case under paragraphs (1) and (2) is not assigned to the district in which the case is pending, the bankruptcy judge shall be temporarily assigned to the district.

''(c)(1) Notwithstanding section 295, an appeal under section 158(a) in a case under title 11 concerning a covered financial corporation or under section 1403(c) of title 11 shall be heard by a district judge who—

''(A) is the district judge designated under subsection (a) from the circuit in which the case is pending;

''(B) if more than 1 district judge has been designated under subsection (a) from the circuit in which the case is pending, is 1 such district judge who is designated by the chief judge of that circuit to hear the case; or

''(C) if none of the district judges designated under subsection (a) for the circuit in which the case is pending are immediately available, is designated under subsection (a) from another circuit and has been designated by the Chief Justice of the United States to hear the case.

''(2) If the district judge specified in paragraph (1) is not assigned to the district in which the case is pending, the district judge shall be temporarily assigned to the district.

''(d) A case under chapter 14 of title 11, and all proceedings in the case, shall take place in the district in which the case is pending.

''(e) In this section, the terms 'covered financial corporation' and 'financial institution' have the meaning given such terms in section 101 of title 11.''.

(b) AMENDMENT TO SECTION 1334.—Section 1334 of title 28, United States Code, is amended by adding at the end the following:

''(f) This section does not grant jurisdiction to the district courts after a transfer pursuant to an order under section 1406 of title 11—

''(1) of any proceeding related to a special trustee appointed, or to a bridge company formed, under section 1405 of title 11; or

''(2) over the property held in trust by the special trustee, the bridge company, or the property of the bridge company.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 28, United States Code, is amended by adding at the end the following:

''298. Judge for a case under chapter 14 of title 11.''.

SEC. 6. LIMITATION ON ADVANCES FROM A FEDERAL RESERVE BANK.

Section 10B(b) of the Federal Reserve Act (12 U.S.C. 347b(b)) is amended—

(1) by redesignating paragraph (5) as paragraph (6);

(2) by inserting after paragraph (4) the following:

''(5) LIMITATION ON ADVANCES TO COVERED FINANCIAL CORPORATIONS AND BRIDGE COMPANIES.—Notwithstanding paragraph (2), a Federal Reserve bank may not make advances to any covered financial corporation that is a debtor in a pending case under chapter 14 of title 11, United States Code, or to a bridge company, for the purpose of providing debtor-in-possession financing pursuant to section 364 of such title.''; and

(3) in paragraph (6), as redesignated—

(A) by redesignating subparagraphs (B) through (E) as subparagraphs (D) through (G), respectively; and

(B) by inserting after subparagraph (A) the following:

''(B) BRIDGE COMPANY.—The term 'bridge company' has the same meaning as in section 1402(2) of title 11, United States Code.

''(C) COVERED FINANCIAL CORPORATION.—The term 'covered financial corporation' has the same meaning as in section 101(9A) of title 11, United States Code.''.

By Mr. HARKIN:

S. 1864. A bill to require a demonstration program on the accession as Air Force officers of candidates with auditory impairments; to the Committee on Armed Services.

Mr. HARKIN. Mr. President, ensuring equal opportunities and equal rights for individuals with disabilities has been one of my highest priorities during my time in Congress. As the lead Senate sponsor of the Americans with Disabilities Act, I still remember the day that legislation was signed into law, July 26, 1990, as one of the proudest days of my legislative career.

The Americans with Disabilities Act is one of the landmark civil rights laws of the 20th century—a long overdue emancipation proclamation for Americans with disabilities. The ADA has played a huge role in making our country more accessible and more inclusive, in raising the expectations of people with disabilities about what they can hope to achieve at work and in life, and in inspiring Americans to view disability issues through the lens of equality and opportunity.

Before the ADA, life was very different for people with disabilities in Iowa and across the country. Being an American with a disability meant not being able to ride on a bus because there was no lift, not being able to attend a concert or ballgame because there was no accessible seating, and not being able to cross the street in a wheelchair because there were no curb cuts. In short, it meant not being able to work or participate in community life. Discrimination was both commonplace and accepted.

Since then, we have made amazing progress. The ADA literally transformed the American landscape by requiring that architectural and communications barriers be removed and replaced with accessible features such as ramps, lifts, curb cuts, widening doorways, and closed captioning. More importantly, the ADA gave millions of Americans the opportunity to participate in their communities.

The ADA stands for a simple, universal proposition—that disability is a natural part of the human experience and that all people with disabilities have a right to make choices, pursue meaningful careers, and participate fully in all aspects of society.

One of the four great goals of the ADA is to assure equality of opportunity. The opportunity for an individual to be judged based on his or her talents, skills, and abilities rather than stigmatizing labels; to be included with non-disabled peers; and ultimately, the opportunity to be successful. That is the minimum that any individual with a disability should expect, and it is our responsibility to make that happen.

More than two years ago I met Keith Nolan, a young man who is deaf and whose life goal is to be a military officer. Keith enrolled in and completed the first two levels of Army ROTC in California.

As a ROTC cadet Keith participated in all classes, labs, and physical training. He had interpreters provided by his school program for classes and training, but not for physical training which he did without an interpreter. Still, he participated fully in a Fall Field Training Exercise where the cadets spent a weekend working on tactics. He also earned a German Army Forces Badge for Military Proficiency becoming the only cadet in his squad to get the highest decoration. Overall, he excelled in the ROTC program.

However, Keith was not allowed to continue in ROTC due to Department of Defense rules that exclude individuals who are deaf or hard of hearing. Keith has a master's degree, and if not for Department of Defense rules excluding individuals who are deaf, would have qualified for Officer Candidate School.

My experience with Keith, as well as my long-standing advocacy to provide to persons with disabilities the same rights as every other American, have convinced me that individuals with disabilities can meaningfully contribute to our Armed Forces and should have the opportunity to do so.

I know that there is some hesitation among the service branches in having individuals who are deaf or hard of hearing serve in the active military. But I know, just as we have found under the ADA for the last 23 years, people with disabilities can accomplish great things if they are provided with the same opportunities the rest of us take for granted. Keith Nolan is one exceptional young man, the kind the military would be proud to have among its ranks and I bet there are probably a few other Keith Nolans out there eager to serve.

That is why today, on the day the Senate considers the National Defense Authorization Act, I am introducing legislation which would create a small demonstration program for 15–20 highly intelligent, deaf and hard of hearing men and women, in top physical condition, to enter the Air Force's Basic Officer Training course or the Commissioned Officer Training course at Maxwell AFB. The individuals who participate in this demonstration program will meet all the essential qualifications for accession as an officer in the Air Force—except for the one related to having a hearing impairment.

I had filed this legislation as an amendment to the Defense Authorization bill; unfortunately, because that amendment process was cut short, I was not able to have it considered. But I am filing this legislation today to make clear that I intend to press forward in this effort to create a demonstration program.

If this program is successful, as I believe it will be, then we will have created an opportunity for talented individuals like Keith Nolan in the military. We will have reiterated our commitment to equal opportunity for all Americans, including people with disabilities.

I hope my fellow Members will join me as cosponsors of this small, but important, demonstration program.

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. 1864

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

SECTION 1. DEMONSTRATION PROGRAM ON ACCESSION OF CANDIDATES WITH AUDITORY IMPAIRMENTS AS AIR FORCE OFFICERS.

(a) DEMONSTRATION PROGRAM REQUIRED.—Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall carry out a demonstration program to assess the feasibility and advisability of permitting individuals with auditory impairments (including deafness) to access as officers of the Air Force.

(b) CANDIDATES.—

(1) NUMBER OF CANDIDATES.—The total number of individuals with auditory impairments who may participate in the demonstration program shall be not fewer than 15 individuals or more than 20 individuals.

(2) MIX AND RANGE OF AUDITORY IMPAIRMENTS.—The individuals who participate in the demonstration program shall include individuals who are deaf and individuals who have a range of other auditory impairments.

(3) QUALIFICATION FOR ACCESSION.—Any individual who is chosen to participate in the demonstration program shall meet all essential qualifications for accession as an officer in the Air Force, other than those related to having an auditory impairment.

(c) SELECTION OF PARTICIPANTS.—

(1) IN GENERAL.—The Secretary of the Air Force shall—

(A) publicize the demonstration program nationally, including to individuals who have auditory impairments and would be otherwise qualified for officer training;

(B) create a process whereby interested individuals can apply for the demonstration program; and

(C) select the participants for the demonstration program, from among the pool of applicants, based on the criteria in subsection (b).

(2) NO PRIOR SERVICE AS AIR FORCE OFFICERS.—Participants selected for the demonstration program shall be individuals who have not previously served as officers in the Air Force.

(d) BASIC OFFICER TRAINING.—

(1) IN GENERAL.—The participants in the demonstration program shall undergo, at the election of the Secretary of the Air Force, the Basic Officer Training course or the Commissioned Officer Training course at Maxwell Air Force Base, Alabama.

(2) NUMBER OF PARTICIPANTS.—Once individuals begin participating in the demonstration program, each Basic Officer Training course or Commissioned Officer Training course at Maxwell Air Force Base, Alabama, shall include not fewer than 4, or more than 6, participants in the demonstration program until all participants have completed such training.

(3) AUXILIARY AIDS AND SERVICES.—The Secretary of Defense shall ensure that participants in the demonstration program have the necessary auxiliary aids and services (as that term is defined in section 4 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12103)) in order to fully participate in the demonstration program.

(e) COORDINATION.—

(1) SPECIAL ADVISOR.—The Secretary of the Air Force shall designate a special advisor to the demonstration program to act as a resource for participants in the demonstration program, as well as a liaison between participants in the demonstration program and those providing the officer training.

(2) QUALIFICATIONS.—The special advisor shall be a member of the Armed Forces on active duty—

(A) who—

(i) if a commissioned officer, shall be in grade O–3 or higher; or

(ii) if an enlisted member, shall be in grade E–5 or higher; and

(B) who is knowledgeable about issues involving, and accommodations for, individuals with auditory impairments (including deafness).

(3) RESPONSIBILITIES.—The special advisor shall be responsible for facilitating the officer training for participants in the demonstration program, intervening and resolving issues and accommodations during the training, and such other duties as the Secretary of the Air Force may assign to facilitate the success of the demonstration program and participants.

(f) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the appropriate committees of Congress a report on the demonstration program. The report shall include the following:

(1) A description of the demonstration program and the participants in the demonstration program.

(2) The outcome of the demonstration program, including—

(A) the number of participants in the demonstration program that successfully completed the Basic Officer Training course or the Commissioned Officer Training course;

(B) the number of participants in the demonstration program that were recommended for continued military service;

(C) the issues that were encountered during the program; and

(D) such recommendation for modifications to the demonstration program as the Secretary considers appropriate to increase further inclusion of individuals with auditory disabilities serving as officers in the Air Force or other Armed Forces.

(3) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the demonstration program.

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

By Mr. REED (for himself, Mr. DURBIN, and Ms. WARREN):

S. 1873. A bill to provide for institutional risk-sharing in the Federal student loan programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, student loan debt continues to climb. According to an analysis by the Institute for College Access, average student loan debt has increased by 6 percent each year since 2008. In 2012, over 70 percent of college graduates had debt, owing an average of $29,400.

This is a growing drag on our economy.

In this summer's National Association of Realtors survey, 49 percent of the respondents identified student loan debt as a huge obstacle to home ownership—more than those who identified having enough money for a down payment or having enough confidence in their job security.

It is clear that the more than $1.2 trillion in outstanding student loan debt has serious implications for the broader economy.

We know that student loan borrowers are struggling. Default rates are on the rise. 13.4 percent of borrowers entering repayment in 2009 defaulted within three years. The rate jumped to 14.7 percent for borrowers entering repayment in 2010.

We cannot tackle the student loan debt crisis without States and institutions stepping up and taking greater

responsibility for college costs and student borrowing.

States are critical partners in making college accessible and affordable. However, state support for higher education has declined in recent years, contributing to rising tuition costs at public colleges and universities. According to the latest State Higher Education Finance report published by the State Higher Education Executive Officers, state spending per full-time equivalent student reached its lowest point in 25 years in 2011.

In the Partnerships for Affordability and Student Success, PASS, Act that I am introducing today, we will re-establish a robust, Federal-State partnership for college affordability and student success. I long worked to fund the Leveraging Educational Assistance Partnership, LEAP, program, an initiative that engaged the states in matching federal funds to provide need-based grants to students. LEAP was modest in scale. The legislation I am introducing today calls for a more ambitious and comprehensive Federal-State partnership for higher education.

The PASS Act will authorize $1 billion for a State formula grant program. In order to participate, states must make a commitment to maintain their investment in higher education and must have a comprehensive plan for higher education with measurable goals for access, affordability, and student outcomes. At least 70 percent of the funding must be dedicated to need-based student financial aid. States also have the option of awarding grants to colleges and universities or partnerships between institutions of higher education and non-profit organizations to improve student outcomes, including enrollment, completion, and employment, and to develop innovative methods for reducing college costs. I am pleased to have the support of the National Association of State Student Grant and Aid Programs, the National Association of Independent Colleges and Universities, and U.S PIRG in advancing this legislation.

Institutions also have a critical role to play in curbing student loan debt. To ensure that institutions have more skin in the game, so they provide a better and more affordable education to students, which will in turn help put the brakes on rising student loan defaults, I am proud to be introducing the Protect Student Borrowers Act with Senators DURBIN and WARREN.

The Protect Student Borrowers Act will hold colleges and universities accountable for student loan default by requiring them to repay a percentage of defaulted loans. Only institutions that have 25 percent or more of their students borrow would be included in risk sharing based on their cohort default rate. Risk-sharing requirements would kick in when default rate exceeds 15 percent. As the institutional default rate rises, so too will the institution's risk-share payment.

The Protect Student Borrowers Act also provides incentives for institutions to take proactive steps to ease student loan debt burdens and reduce default rates. Colleges and universities can reduce or eliminate their payments if they implement a comprehensive student loan management plan. The Secretary may waive or reduce the payments for institutions whose mission is to serve low-income and minority students such as community colleges, Historically Black Institutions, or Hispanic-Serving Institutions, provided that they are making progress in their student loan management plans.

The risk-sharing payments will be invested in helping struggling borrowers, preventing future default and delinquency, and reducing shortfalls in the Pell Grant program.

With the stakes so high for students and taxpayers, it is only fair that institutions bear some of the risk in the student loan program.

We need to tackle student loan debt and college affordability from multiple angles. We need all stakeholders in the system to do their part. With the PASS Act and the Protect Student Borrowers Act, we are providing the resources and incentives for states and institutions to take more responsibility to address college affordability and student loan debt and improve student outcomes. I urge my colleagues to cosponsor these bills and look forward to working with them to include these and other key reforms in the upcoming reauthorization of the Higher Education Act.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 1875. A bill to provide for wildfire suppression operations, and for other purposes; to the Committee on the Budget.

Mr. WYDEN. Mr. President, today I am introducing the Wildfire Disaster Funding Act of 2013 to end the destructive cycle of underfunding wildfire prevention and then having to spend even greater amounts fighting wildfires than if our forests were properly managed.

For some time now, our country has witnessed tragic wildfire seasons that have put American lives and our treasured public lands in harm's way. Sadly, this year 19 firefighters lost their lives fighting the Yarnell Hill Fire in Arizona. Due to climate change, drought, and other factors, the risks from these infernos are likely to increase in the future.

Federal fire suppression spending has increased substantially over the past 20 years. In the case of the Forest Service, the proportion of their budget devoted to wildland fire management has increased steadily from 13 percent of the total budget in 1991 to 41 percent of the budget in 2013. Most recent fire seasons have cost upwards of $1 billion, compared to $200 million in the 1990's. This leads to an unfortunate new reality: our Forest Service is turning into the Fire Service.

In 8 of the past 10 years, the Forest Service has exceeded its budget for wildfire suppression, requiring the agency to conduct what is known as ''fire borrowing'' to cover wildfire suppression costs. ''Fire robbery'' would be a more accurate term because in many cases, the borrowed funds are never repaid. These transfers are incredibly disruptive and are undermining the core mission of the Forest Service.

What is worse, in order to fund the costs of fighting these infernos, the agencies responsible for fighting fires are underfunding the very programs designed to prevent fires. The 2013 President's Budget Request included significant cuts to hazardous fuels treatments for both the Department of the Interior, 50 percent cut, and the Forest Service, 30 percent cut.

Studies confirm that hazardous fuels treatments are effective at reducing fire risk and lowering costs. For example, a recent study published by Northern Arizona University's Ecological Restoration Institute concluded that treatments ''. . . can reduce fire severity . . .'', and ''. . . successfully reduce fire risk to communities.''

It is clear that our Nation needs a new path forward on fire budgeting to make sure that there is adequate funding for fire prevention work. For much of 2013, I have been urging the Office of Management and Budget, OMB, to help the Congress develop a new path forward through oversight hearings, letters, and numerous discussions.

Therefore, today I am introducing the Wildfire Disaster Funding Act to provide a better path forward on wildfire funding and fire prevention.

This bill will establish parity for wildfire funding to how the Federal Government funds other major natural disasters such as floods and hurricanes. Specifically, the bill would move any spending above 70 percent of the 10-year rolling average for fire suppression outside of the agencies' baseline budget by making these additional costs eligible to be funded under a separate disaster account.

Based on Department of the Interior and Department of Agriculture analysis, 1 percent of wildland fires represent 30 percent of costs, so in essence my legislation would be moving the true emergency fire events to be funded under disaster programs, and the routine wildland firefighting costs—would be funded through the normal budgeting and appropriations process.

Most importantly, this legislation would free up as much as $412 million in discretionary funding to fund hazardous fuels projects and make sure urgently needed work is done in the forests to prevent wildland fires.

I am pleased to be joined by Senator CRAPO in introducing the bill today. This legislation also has the support of Secretary of Agriculture Tom Vilsack and Secretary of the Interior Sally Jewell. I look forward to working towards enactment of the Wildfire Disaster Funding Act in the 113th Congress through any possible avenue. Together, the Congress and the Administration must work to guarantee that

our country has the necessary tools to both combat and prevent wildland fires.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SCHUMER. Mr. President, I ask unanimous consent the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on December 19, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. MENENDEZ. Mr. President, I ask unanimous consent that Krishna Patel, a detailee on Senator JOHNSON's banking committee staff, be granted floor privileges for the duration of today's session.

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

Mr. CARDIN. Mr. President, I ask unanimous consent that Elise Mellinger, a State Department Foreign Service officer currently serving as a Pearson fellow in my office, be granted the privilege of the floor for the duration of Senate consideration of H.R. 3304, the Fiscal Year 2014 National Defense Authorization Act.

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

Mrs. HAGAN. Mr. President, I ask unanimous consent that privileges of the floor be granted to Margaret Lawrynowicz on December 19.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that CDR Joe Carrigan, the defense legislative fellow assigned to my office, be granted floor privileges for the remainder of the 113th Congress.

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

Mr. WHITEHOUSE. Mr. President, may I ask unanimous consent that a military fellow with Senator MURRAY's office, Major James O'Brien, be granted floor privileges for today's session of the Senate.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—Continued

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, we all have various people from other departments and agencies in our government on occasion who help us in our offices. Being a member of the Armed Services Committee, I have had the pleasure to have a number of fine defense fellows serve in my office and help us prepare the Defense bill and deal with other issues of importance.

Commander Joe Carrigan is another one of these very fine fellows. He is one of the best we have ever had. He has a good strategic mind, he works extremely hard, he is always thoughtful, and he is a delight to have in the office.

We have been talking about our military personnel and their retirement benefits. Remember, unlike other government employees, they are on call anytime, any day, to be sent anyplace in the world at the very risk to their lives and physical well-being. In addition, they work long hours. They have no thought to object to being asked to work a weekend or a night or 24 hours without sleep to do some task they are called upon to do, and they get no overtime for it. It is just the way it is done in the military because when a challenge is out there, they act.

I know some point out the weaknesses in this large entity, the Defense Department, and some of the management problems that arise. But I have to say without any doubt whatsoever that the institution has quality people—people of integrity, men and women who love their country and serve their country and do whatever you ask them to do. I see that every day when we work with people such as Commander Carrigan. And he will be successful in whatever he does and in whatever his next assignment will be.

So as we wrap up this Defense bill, I would like to thank him for his service and to thank all of our men and women in uniform who do their work, and I hope that we in the Congress can be worthy of their trust.

I yield the floor.

Mr. COATS. Mr. President, saner heads have prevailed. I think the news that we just received brought a much more reasonable way of moving forward rather than two more all-nighters with votes every 4 hours or so. It was not pleasing for anyone, particularly during the Christmas season. It was totally unnecessary to do this, had there not been some precipitating factors. I did not come down here to point fingers. There is frustration on both sides, frustrations on the Democratic side with Republicans—but I do not think it has been explained, what caused Republicans to become so concerned and so frustrated and frankly so angry over the way that the rules were broken to change the rules, something that has been precious to this body for its more than 200 years, and that is the uniqueness of the ability of a minority to have a say in legislation, to amend or at least to offer amendments. They may succeed, they may not succeed, but to have a voice.

I think those who have not served here in the past and have never been in the minority cannot begin to appreciate that right. I started in the House of Representatives where the majority rules. That is the way the Founding Fathers established that body. But they said they wanted the Senate to be different, a place where the passions could be cooled, where debate could be held, where amendments could be offered, where laws could be changed or modified. Members were given a 6-year term so they would not have the pressure of running for election in just months out or a year out; so they could step back and simply say let's look at the longer view, the larger view.

In my first time here in the Senate, that practice was led by the Democratic leaders and Republican leaders. The majority changed. I came here with a Democratic leader who was eminently fair to the minority and insisted, as did many Members, none more vividly and with emotion and commitment than did Robert Byrd, the Democrat from West Virginia, who probably knew more about procedures and the history of the Senate than all the other Senators combined. Read his volumes.

We would listen to Robert Byrd, respecting how he respected this institution. I experienced under Robert Byrd, then Republican Bob Dole, and then Tom Daschle, Democrat, Trent Lott, Republican—I experienced respect for the rights of the minority even though I was in the majority. They were sacrosanct. No one stood up and said let's take those rights away. Those who did were shot down by their own party. Our party made an attempt at that. Sense and reason prevailed. It was imposed by those who had been here, saying you need to understand the unique role of the Senate that has been created by our Founding Fathers, enshrined in the Constitution, 225 years of tradition and history.

To have the majority leader, the Senator from Nevada, come here and say we are taking that away, what we had promised to do; that is, keep the rules—we are going to break them and we are going to impose on you because you are dragging out the time it takes to secure nominations. We are going to impose on you. We are going to take away your minority rights and we are going to rule by majority.

As I said, I understand the frustration that must have been felt on the other side of the aisle when Members would delay the confirmation of nominees. Why were Republicans doing that? They were doing that because the majority leader was using a technique to deny us amendments on any number of bills.

Everyone here has constituent interests, their own interests. They come to the Senate, they want to move forward with an agenda. When you are in the minority you know that the chances of passing that are slim unless you get support from the other side. That is why we cosponsor with Democrats when we want to try to move something, to see if they can convince their Members to join us. That is the way this place has always worked.

But under the process of the so-called filling of the tree—I know people in the world say what in the world are you talking about, filling the tree? It is a procedural method which denies the minority the right to offer amendments. I do not have the statistics in front of me, but the majority leader has imposed that time after time. So the frustration just kept building here, day after day, week after week, month after month, year after year, of Members who said: I came to the Senate. I don't have a voice. I do not have the ability to even bring up my amendment.

What are we afraid of, taking a vote? If you cannot take a vote and go home and explain your vote to people, then you should not be here. You vote for what you believe in. You vote for what you think your State and your constituents who sent you here believe in. Some you win, some you lose, but at least you have the opportunity to make your case.

So, month after month, year after year, under the leadership of Senator REID, increasingly that right has been taken away. The frustration boils up from our feeling like—forget it. Forget 225 years of history. Forget how the Founding Fathers decided to structure this democratic function. Forget how past leaders, Republicans and Democrats, held this as sacrosanct, a right for the minority, the minority voice.

Here is the party that says we got elected by a majority and therefore the minority has no say. Those who have not served in the minority will not understand the denial of the right to express your view and have it put before this body for a vote. You can get up and talk about it but you cannot get it to a vote, so talk is cheap. Until they experience that, I am afraid, they will not have an understanding of how we need to get back to what this body was intended to be.

I want my colleagues who have imposed this in support of the majority leader's tactics of denying Members the ability to offer an amendment regardless of what it is for—I want my colleagues to understand that is where the frustration came from. And that is why we are trying to use whatever rules we have left to send the message that you are stiffing us. You are denying us the very right that we worked so very hard to come to have here.

I am making a plea, I guess, that we sit down and have an adult conversation about how to make this place more efficient, how to make it more effective but do so in a way that allows the minority the right to participate in the process.

Going through the exercise we have gone through for the last few weeks with votes every 2 hours, sleeping on cots in our office or sleeping on the couch, coming down here in the middle of the night to vote—if we are talking about something serious for the country that needs that kind of debate, I am not saying we shouldn't do that. If it is a defense bill or a critical issue, such as a fiscal issue or a foreign policy issue, that is what this place is all about. If it takes us well into the night on something substantive like that, then we want to preserve that. But it is over the nomination of a district judge—and the statistics show that the majority party has virtually gotten every one they wanted.

Just recently the Republicans said that somehow we have to send a message that we are being shut out, and we were shut out by a majority vote of the Democratic Party which basically told Republicans: Forget the history. Forget the past. Sit down. You have no role.

I hope we can get back from that because it is so important for the future of this country to have a deliberative body that has the time and opportunity to debate, to offer amendments, and to fashion legislation in a bipartisan fashion. Maybe we have learned that lesson; maybe we haven't. There is a lot of rancor here right now.

I am glad we came to an agreement to have two votes at 11:15 this evening, and then we will move the process to six votes tomorrow morning, and then we will be able to go home and enjoy Christmas with our families.

I think the solution to this is not to throw daggers at each other but to sit down and think things through. Maybe we need to reach back to some of the writings of Robert Byrd. Maybe we need to reach back to some of the stirring words that were spoken by the majority telling their own Members: Don't go there. You are taking away the very essence of the U.S. Senate.

One of the Members on the Democratic side who has many years of experience here—many more than I—made that plea. Unfortunately, it wasn't listened to by Members in his caucus. I think if we could step back and we could look at the history of those in the majority doing everything they could to protect the rights of those in the minority, we would recognize that there is a better way to go forward than what we have done here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the quorum be rescinded.

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

MANUFACTURING JOBS

Mr. COONS. Mr. President, I come to the floor once again to talk about manufacturing jobs. This week, under Senator AMY KLOBUCHAR's leadership, the Joint Economic Committee released a report that thoroughly and thoughtfully lays out why manufacturing jobs have such promise and how Congress can act to help spur manufacturing job creation now and into the future.

The report shows that today manufacturing jobs are high-quality jobs, that they pay better than jobs in any other sector in wages and benefits, and that they help create more local service sector jobs, that they contribute more to the local economy, and that manufacturers invest the most in private sector R&D of any sector in our country.

Manufacturing, as the Presiding Officer well knows, has long played an important role in our Nation's economy, has served as our economic backbone, and has built the American middle class. But over the past 60 years, manufacturing in our country has changed, gradually and then dramatically. As our economy and the world have changed, so has the nature of manufacturing and the playing field on which we can and must compete.

Due to global competition and the worst recession since the Great Depression, we lost 6 million manufacturing jobs in the United States in the first decade of this century. We are now on our way back, but we are well short of where we were in 2000. We have gained 550,000 manufacturing jobs over the last 3 years, and that gives me real hope. In just the last 6 months, we have seen new signals that our manufacturing sector continues to be on the rebound.

A new report from the Institute for Supply Management shows the U.S. manufacturing sector grew last month at its fastest pace in 2½ years, and hiring has reached an 18-month high. The value of our manufacturing exports has grown 38 percent in the last 4 years, and those exports now account for nearly 3 million jobs on American shores.

But, as the Presiding Officer and I well know and as many of our colleagues know, we need to invest more in that success and in that growth, in the private sector and in the public sector.

Overall, this is great news, about the slow, but real, steady recovery of our manufacturing sector. The reason we are coming back is the United States is actually poised to compete in advanced manufacturing, in the manufacturing economy of this century. In the 21st century, manufacturing is fundamentally different than it was in our past. Rather than repeating the same simple tasks over and over, workers must now carry out far more complex and varying tasks. They need to be critical thinkers and problem solvers. They

have to do math and communicate with each other in writing and as a team and work in ways simply not expected 20 or 30 years ago. Crucially, they need to understand the entire manufacturing process in a way that wasn't necessary before. Yes, there are machines doing a lot of work, but we need workers who can oversee them and understand them to keep our steady, growing benefits to increase productivity.

Manufacturers can't rely on someone from outside our country to fix a problem every time there is one. Today they rely on their workers to troubleshoot on the fly. Our workers need to continue to be some of the most productive in the world and, to do that, they need to be more skilled than ever, particularly because they are overseeing highly complex operations.

The manufacturing floor today, as this report reminds us, is no longer the dirty, dingy, dangerous manufacturing workplace of 150 years ago. Today it is clean, high tech, highly productive, and it needs a highly skilled workforce. We can win by training our workers for these jobs.

While some nations engage in a race to the bottom on environmental labor and wage standards, this isn't the playing field we can or should try to win. Fortunately, we already have the tools to lead the way in manufacturing, in an innovation-centered economy.

This Joint Economic Committee report outlines how low-energy costs, due to greatly expanded natural gas supplies, a highly skilled workforce relative to much of the rest of the world, and having still the world's best universities, all in combination give us a real fighting chance. American manufacturing, I am convinced, is poised for a takeoff.

Now we have this report from the Joint Economic Committee which shows us just that. It shows why we should remain optimistic about American manufacturing, if we can simply in this body harness the will to act. This report frankly lays out a lot of why we have created Manufacturing Jobs for America.

Manufacturing Jobs for America is a campaign. It is a campaign to build support for good manufacturing legislation that Democrats and Republicans can agree on. So far, 26 Democratic Senators have come together to contribute 44 bills to a conversation; 31 of those bills have already been introduced in this body, and almost half of them have bipartisan cosponsors. We are actively seeking Republican cosponsors on the rest.

Our goal overall is to generate more and work more closely with Republicans to build consensus for bills that can pass the Senate, pass the House, and go to the White House to become law. We want to see manufacturing bills that can really help put Americans back to work.

I am grateful for the leadership of Senator DEBBIE STABENOW who, along with her cochair, Senator LINDSEY GRAHAM, led the bipartisan manufacturing caucus that is helping take great ideas and bills generated through this initiative and turn them into solid, bipartisan bills.

This Joint Economic Committee report emphasizes that there are four key areas where we have to focus to create manufacturing jobs now and in the future and they are exactly the areas that the Manufacturing Jobs for America initiative centers on as well.

First, we have to strengthen America's workforce. Second, we have to fight for a more level global playing field so we can open markets abroad and compete successfully. Third, we need to make it easier for manufacturers—especially new and small businesses—to access capital, to invest in research and development as well as new equipment and products. Fourth, we can and should do more to ensure a coordinated, all-of-government effort in supporting manufacturing by insisting on a stronger, clearer national manufacturing strategy. Together, across these four areas, the bills in Manufacturing Jobs for America can have a real and substantial impact if they become law.

I believe in the power of this initiative because I have seen the potential of manufacturing up close. In my time in the private sector, I developed a fierce belief in how we can and must act here in Washington to support and spur American private sector manufacturing. Before I came here, much of my work in the private sector was at a manufacturing company, a materials-based science company that makes hundreds of products. At one point I was part of a site location team that had to decide where to locate a new state-of-the-art semiconductor chip packaging manufacturing plant.

What made the difference? In the ultimate decision it was first and foremost we needed a skilled and reliable workforce. Second, we wanted the State, county, and city governments to be responsive and have made investments in infrastructure. While we also of course considered tax credits and training grants, the first two really were the main factors—the skills and capabilities of the workforce at all levels and the responsiveness of the local government, the State government, and the Federal Government in investing in infrastructure.

This experience taught me two things: that the advanced manufacturing sector can thrive in the United States—that facility was located in America, not overseas; and there is a critical role for government to play. So if this Congress makes a concerted, across-the-board push to help create manufacturing jobs in America, I am convinced we can lay a strong foundation for growth today and tomorrow. The opportunity is there, just in front of us. We just need to stop the endless partisan struggles that have dominated this Congress in the last few years and seize the very real, very positive opportunity in front of us—to lay out a bipartisan path forward to strengthen the manufacturing sector in our country.

Together, we can keep our factories humming and lead the way in new industries in the future. We just need the political will to try. That is what this effort, Manufacturing Jobs for America, is all about.

I am so grateful to Senator KLOBUCHAR and the Joint Economic Committee for the Manufacturing Jobs for The Future report and for the vision it lays out, and I appreciate the effort of all of my colleagues who contributed great and strong and clear ideas to this Manufacturing Jobs for America initiative.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. 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.

Mr. LEVIN. Mr. President, the bill we are about to vote on is a good bill. It is the product of an extensive bipartisan, bicameral agreement between the Armed Services Committees of the Senate and the House of Representatives. We have passed a defense bill every year for the last 51 years. This bill deserves to be the 52nd because, like our previous bills, it does the right thing for our troops, their families, and our Nation's security. It passed the House with a vote of 350 to 69, and it deserves an equally strong bipartisan vote in the Senate tonight.

Yesterday I praised the members of our committee, and I also noted the amazing work of our staff, and I am not going to repeat that.

This bill is not a Christmas gift to our troops and their families. Authorizing funding for our troops, supporting our troops and their families is what we owe them. It is the least we can do, for they are the gift—they are the gift to this country, to this Nation, and to all of its people.

I would like to describe some of the many important provisions in this bill.

The bill includes numerous provisions to sustain the compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. For example, our bill reauthorizes over 30 types of bonuses and special pays aimed at encouraging enlistment, re-enlistment, and continued service by Active Duty and Reserve component military personnel.

It authorizes $25 million in supplemental impact aid to local educational agencies with military dependent children and $5 million in impact aid for

schools with military dependent children with severe disabilities.

It enhances DOD programs to assist veterans in their transition to civilian life and increase their opportunities for early employment by improving access to credentialing programs for civilian occupational specialties.

It requires the Secretary of Defense and the Secretary of Veterans Affairs to ensure that the electronic health records systems of the two Departments are interoperable and provide a single integrated display of data.

The bill also includes funding needed to provide our troops the equipment and support that they need for ongoing combat, counterinsurgency, and stability operations around the world. For example, our bill authorizes $9.9 billion for U.S. Special Operations Command, including both base budget funding and OCO funding.

It authorizes nearly $1 billion for counter-IED efforts, beginning to ramp down expenditures in this area, while ensuring that we make investments needed to protect our forces from roadside bombs.

It provides $6.2 billion in funding to train and equip the Afghan National Army and Afghan Police, as requested by the commander of U.S. forces in Afghanistan, so that we can complete the transition of security responsibility, as planned, by the end of 2014.

It authorizes the Secretary of Defense—upon a determination from the President that it is in the national security interests of the United States—to use up to $150 million of amounts authorized for the Coalition Support Fund account in fiscal years 2013 and 2014 to support the border security operations of the Jordanian Armed Forces.

It extends global train and equip—section ''1206''—authority through 2017 to help build the capacity of foreign force partners to conduct counterterrorism and stability operations.

The bill includes a compromise on Guantanamo, which eases the transfer of Gitmo detainees overseas, while retaining prohibitions on transfers to the United States. It includes 36 provisions to strengthen DOD's response to the problem of sexual assault in our military.

The bill includes hundreds of other important provisions to ensure that the Department can carry out its essential national defense missions. For example, Section 121 of the bill increases the cost cap for the Gerald R. Ford aircraft carrier program as requested by the Department of Defense and tightens cost controls on the program. In the absence of this provision, DOD would have to stop work on the aircraft carrier, resulting in the layoff of thousands of workers and an additional cost of up to $1 billion dollars on the Ford and subsequent ships.

Section 352 of the bill requires DOD to eliminate the development and fielding of service-specific combat and camouflage utility uniforms and instead move to combat and camouflage uniforms that are used by all members of the Armed Forces. This provision addresses a finding by GAO that identified DOD's fragmented approach to developing and acquiring combat uniforms as a significant source of duplication and waste in the Department.

Section 904 of the bill requires the Secretary of Defense to streamline DOD management headquarters at all levels by changing or reducing the size of staffs, eliminating tiers of management, cutting functions that provide little or no added value, and consolidating overlapping and duplicative programs and offices. We expect this provision to save $40 billion or more over the next 10 years.

Section 1024 of the bill allows the Secretary of the Navy to settle 20-year old litigation arising from the default termination of the contract for the production of the A–12 aircraft. Under the proposed settlement authorized by this provision the Navy will receive ships and aircraft worth almost $400 million at no cost to the government.

Section 1098 of the bill authorizes the Department of Defense to transfer unneeded aircraft to the Forest Service, providing the Forest Service with much-needed replacements for aging wildfire suppression aircraft. This provision was based on a Senate floor amendment which we were unable to adopt even though it had been cleared on both sides.

Section 1302 of the bill authorizes the use of funds available under the Cooperative Threat Reduction—CTR—program to eliminate Syrian chemical weapons. This provision will give DOD the funding flexibility that it says it needs to carry out the destruction of these dangerous weapons, as provided by our agreements with the Russians and others.

Section 2807 of the bill requires that all future military construction projects funded using in-kind payments from partner nations under an international agreement be submitted for congressional authorization. That may not sound like a big deal, but this provision is the result of a yearlong investigation by the committee staff, in which we learned that DOD was using in-kind payments from our allies to fund questionable military construction projects without appropriate oversight.

Section 2941 through 2946 of the bill authorize a new land withdrawal to expand the Marine Corps training range at 29 Palms in California. This provision was the No. 1 legislative priority of the Marine Corps this year. As the Commandant of the Marine Corps explained in an August 29 letter to the committee, the Marine Corps has spent more than 6 years analyzing and preparing for this expansion to ensure that the Corps can meet its minimum training criteria for live fire and maneuver training. The Commandant's letter explains:

Although Twentynine Palms has served the Marine Corps well since the 1940s, it is currently inadequate to properly train our Marine Palms is my top legislative priority. Successful MEB training requires coordinated simultaneous air and ground live fire in concert with ground maneuvers over a 48–72 hour period involving 15,000 Marines. Although a MEB is our principal fighting force, we currently lack sufficient training space to train a MEB-sized unit. The Marine Corps proposes to correct this training and readiness shortfall by expanding Twentynine Palms through the withdrawal and acquisition of 168,000 acres in the Johnson Valley area.

These are just a few examples drawn from hundreds of provisions in this bill. As Gen Martin Dempsey, the Chairman of the Joint Chiefs of Staff, told us last week, the authorities included in this bill ''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.''

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

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

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. REID. Has all time expired?

The ACTING PRESIDENT pro tempore. It has.

Mr. REID. I ask unanimous consent to withdraw the motion to concur with the amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The motion is withdrawn.

The question is on agreeing to the motion to concur.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

The result was announced—yeas 84, nays 15, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—84

Alexander	Carper	Grassley
Ayotte	Casey	Hagan
Baldwin	Chambliss	Harkin
Baucus	Coats	Hatch
Begich	Cochran	Heinrich
Bennet	Collins	Heitkamp
Blumenthal	Coons	Heller
Blunt	Cornyn	Hirono
Booker	Donnelly	Hoeven
Boozman	Durbin	Inhofe
Boxer	Feinstein	Isakson
Brown	Fischer	Johanns
Burr	Franken	Johnson (SD)
Cantwell	Gillibrand	Johnson (WI)
Cardin	Graham	Kaine

King
Kirk
Klobuchar
Landrieu
Leahy
Levin
Manchin
Markey
McCain
McCaskill
McConnell
Menendez
Mikulski
Moran
Murkowski
Murphy
Murray
Portman
Pryor
Reed
Reid
Roberts
Rockefeller
Rubio
Schatz
Schumer
Scott
Shaheen
Stabenow
Tester
Thune
Toomey
Udall (CO)
Udall (NM)
Vitter
Warner
Warren
Whitehouse
Wicker

NAYS—15

Barrasso
Coburn
Corker
Crapo
Cruz
Enzi
Flake
Lee
Merkley
Paul
Risch
Sanders
Sessions
Shelby
Wyden

NOT VOTING—1

Nelson

The ACTING PRESIDENT pro tempore. The motion to concur in the House amendment to the Senate amendment to H.R. 3304 is agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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 Alejandro Nicholas Mayorkas, of the District of Columbia, to be Deputy Secretary of Homeland Security.

Harry Reid, Thomas R. Carper, Barbara Boxer, Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tom Udall, Debbie Stabenow, Sheldon Whitehouse, Bernard Sanders, Mazie K. Hirono, Christopher A. Coons, Jon Tester, Brian Schatz, Martin Heinrich, Claire McCaskill, Heidi Heitkamp, Kirsten E. Gillibrand.

The ACTING PRESIDENT pro tempore. Under the previous order, the mandatory quorum call under rule XXII is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Alejandro Mayorkas, of the District of Columbia, to be Deputy Secretary of Homeland Security shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

The yeas and nays resulted—yeas 55, nays 45, as follows:

[Rollcall Vote No. 285 Ex.]

YEAS—55

Baldwin
Baucus
Begich
Bennet
Blumenthal
Booker
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Coons
Donnelly
Durbin
Feinstein
Franken
Gillibrand
Hagan
Harkin
Heinrich
Heitkamp
Hirono
Johnson (SD)
Kaine
King
Klobuchar
Landrieu
Leahy
Levin
Manchin
Markey
McCaskill
Menendez
Merkley
Mikulski
Murphy
Murray
Nelson
Pryor
Reed
Reid
Rockefeller
Sanders
Schatz
Schumer
Shaheen
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Warren
Whitehouse
Wyden

NAYS—45

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

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 55, and the nays are 45. the motion is agree to.

EXECUTIVE SESSION

NOMINATION OF ALEJANDRO NICHOLAS MAYORKAS TO BE DEPUTY SECRETARY OF HOMELAND SECURITY

The ACTING PRESIDENT pro tempore. Cloture having been invoked, the Senate will proceed to executive session and the clerk will report the nomination.

The legislative clerk read the nomination of Alejandro Nicholas Mayorkas, of the District of Columbia, to be Deputy Secretary of Homeland Security.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. KING). Under the previous order, the Senate will be in a period of morning business for debate only, with Senators permitted to speak for up to 10 minutes each.

PROVIDING FOR ENROLLMENT CORRECTIONS TO H.R. 3304

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 71 which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 71), providing for corrections to the enrollment of the bill H.R. 3304.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. I ask unanimous consent that the concurrent resolution be read a third time and passed and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 71) was agreed to.

CLARIFYING THE NATIVE AMERICAN VETERANS' MEMORIAL ESTABLISHMENT ACT OF 1994

Mr. PRYOR. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2319, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2319) to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. I further ask that the bill be read three times and passed and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The bill (H.R. 2319) was ordered to a third reading, was read the third time, and passed.

CONVEYANCE OF CERTAIN PROPERTY IN ANCHORAGE, ALASKA

Mr. PRYOR. I ask unanimous consent that the Indian Affairs Committee be discharged from further consideration of H.R. 623 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 623) to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. I further ask that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The bill (H.R. 623) was ordered to a third reading, was read the third time, and passed.

AMENDING THE ENERGY POLICY ACT OF 2005

Mr. PRYOR. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 767, and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 767) to amend the Energy Policy Act of 2005 to modify the Pilot Project offices of the Federal Permit Streamlining Pilot Project.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The bill (H.R. 767) was ordered to a third reading, was read the third time, and passed.

ACCURACY FOR ADOPTEES ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1614, and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1614) to require Certificates of Citizenship and other Federal documents to reflect name and date of birth determinations made by a State court and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The bill (S. 1614) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1614

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 ''Accuracy for Adoptees Act''.

SEC. 2. RECOGNITION OF STATE COURT DETERMINATIONS OF NAME AND BIRTH DATE.

Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended by adding at the end the following:

''(c) A Certificate of Citizenship or other Federal document issued or requested to be amended under this section shall reflect the child's name and date of birth as indicated on a State court order, birth certificate, certificate of foreign birth, certificate of birth abroad, or similar State vital records document issued by the child's State of residence in the United States after the child has been adopted or readopted in that State.''.

MEASURES READ THE FIRST TIME—S. 1859 AND S. 1881

Mr. PRYOR. Mr. President, I understand that there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 1859) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

A bill (S. 1881) to expand sanctions imposed with respect to Iran and to impose additional sanctions with respect to Iran, and for other purposes.

Mr. PRYOR. Mr. President, I now ask for a second reading, en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be read for the second time on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, and upon the recommendation of the Republican leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, reappoints the following individual to the United States-China Economic Security Review Commission: The Honorable James M. Talent of Missouri, vice Daniel Blumenthal, for a term expiring December 31, 2015.

ORDERS FOR FRIDAY, DECEMBER 20, 2013

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Friday, December 20, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate resume executive session under the previous order.

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

PROGRAM

Mr. PRYOR. Mr. President, there will be six rollcall votes at approximately 10:15 a.m. tomorrow.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. PRYOR. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 12:21 a.m., adjourned until Friday, December 20, 2013, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate on December 19, 2013:

THE JUDICIARY

GREGG JEFFREY COSTA, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE FORTUNATO P. BENAVIDES, RETIRED.

JULIE E. CARNES, OF GEORGIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE JAMES LARRY EDMONSON, RETIRED.

JAMES ALAN SOTO, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE DAVID C. BURY, RETIRED.

LEO T. SOROKIN, OF MASSACHUSETTS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS, VICE JOSEPH L. TAURO, RETIRED.

ELEANOR LOUISE ROSS, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE CHARLES A. PANNELL, JR., RETIRED.

LEIGH MARTIN MAY, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE BEVERLY B. MARTIN, ELEVATED.

M. HANNAH LAUCK, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE JAMES R. SPENCER, RETIRING.

MARK HOWARD COHEN, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE CLARENCE COOPER, RETIRED.

TANYA S. CHUTKAN, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE AN ADDITIONAL POSITION IN ACCORDANCE WITH 28 U.S.C. 133 (B)(1).

MICHAEL P. BOGGS, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE JULIE E. CARNES.

DISCHARGED NOMINATION

On December 17, 2013, the Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of January 7, 2009 and the nomination was placed on the Executive Calendar:

*MICHAEL G. CARROLL, OF NEW YORK, TO BE INSPECTOR GENERAL, UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.