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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 25, 2014, at 12 p.m.

Senate

MONDAY, FEBRUARY 24, 2014

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

PRAYER

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

Let us pray.

Eternal God of mystery and clarity, You are the fountain of light, and in Your light we see light. Lead our lawmakers safely to the refuge of Your choosing. Guide the Members of this body, making them faithful stewards of Your will. Give them understanding and integrity so that they may work to fulfill Your purposes. Empower them to endure hardships as good soldiers of Your kingdom, as You defend them with Your Heavenly grace. Lord, provide them with courage to face perils with total trust in You.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

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

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Pursuant to the order of the Senate of January 24, 1901, as amended by the order of February 10, 2014, the Senator from Maine, Mr. KING, will now read Washington's Farewell Address.

(Mr. KAINE assumed the Chair.)

Mr. KING, at the rostrum, read the Farewell Address, as follows:

To the people of the United States

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself, and every day

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

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the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts—of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South in the same intercourse, benefitting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford

a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a Constitution of government better calculated than your former for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils and modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and the duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchical cast patriotism may look

with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me,

fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rival-ship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements (I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy)—I repeat it therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectably defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them—conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that it must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take—and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverence, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

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

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

RECOGNITION OF THE MAJORITY LEADER

A LONGSTANDING TRADITION

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I thank very much the Senator from Maine, Mr. KING, for his fluent reading of President George Washington's Farewell Address, a message to the American people at the close of his great Presidency—the first Presidency.

The annual reading of the farewell address is one of the Senate's longstanding traditions. The custom began in 1862 as a commemoration of the 130th anniversary of President Washington's birth. It was intended to boost congressional morale during the Civil War.

As then-Senator Andrew Johnson—by the way, I have a great painting of President Johnson in my office. I always tell people who come to my office to contrast that with the statue of President Johnson when he was Vice President. I have the good fortune of having Andrew Johnson's desk at the time Lincoln was assassinated. I have that beautiful piece of furniture in my office. It is stunningly beautiful. I haven't had a chance to talk about that before, so I took this opportunity.

As then-Senator Andrew Johnson of Tennessee said before the first recitation of the address:

> The time has arrived when we should recur back to the days, the times, and doings of Washington and the patriots of the Revolution, who founded the government under which we live.

In 1888—the 100th anniversary of the Constitution's ratification—the Senate then observed the ritual, and every year since 1896 the Senate has marked Washington's birthday, honored his legacy, and recurred back to those who founded the government under which we live, as we did today with the reading of Washington's Farewell Address.

As Senator KING mentioned, President Washington prepared the address with input from James Madison, America's fourth President, as well as Alexander Hamilton, the Nation's first Treasury Secretary. Similar to our Nation's founding documents, including the Constitution, the Farewell Address was a collaboration between the great minds of our country's formative years. Each year, for 118 years, the Senate selects one of its Members, alternating parties, to deliver these valedictory remarks.

I am pleased the Senator from Maine, an avid student of history—and he truly is—was able to carry on this important tradition today. Senator KING has delivered unique aspects of history to our caucus and, of course, on the Senate floor he has no parallel to his being able to pinpoint times of history. I admire him very much, as we all do.

With this bipartisan custom of honoring our Nation's founder fresh in our minds, the Senate embarks on a fresh work period today. I hope this session will be marked by a tone of cooperation. Washington's collaboration with Madison and Hamilton, among others, is proof enough that when patriots collaborate with the country's good in mind the product is vastly improved. Too often over the past few years our two parties have found themselves working at odds instead of pulling together for a common purpose. I hope to change that this work period.

In addition to considering a number of important nominations, the Senate will consider legislation that should draw overwhelming support from Members of both parties, a bill sponsored by the Senator from Vermont Mr. SANDERS which expands health care and benefits for our Nation's veterans.

I also hope Democrats and Republicans will work together to pass the child care block development grant bill this period. It is bipartisan in nature, and I think it should pass. This measure ensures working families have safe child care options, protecting both children and working parents. This bipartisan bill, as well as the veterans measure we will consider this week, will offer an opportunity for Democrats and Republicans to find common ground and work together.

COMPREHENSIVE VETERANS HEALTH AND BENEFITS AND MILITARY RETIREMENT PAY RESTORATION ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 301, S. 1982.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> Motion to proceed to Calendar No. 301 (S. 1982) to improve the provision of medical services and benefits to veterans, and for other purposes.

SCHEDULE

Mr. REID. Following my remarks and those of the Republican leader, if any, the Senate will be in a period of morning business until 5 p.m. Senators, during this period of time, will have an opportunity to speak for up to 10 minutes.

At 5 p.m. this afternoon the Senate will proceed to executive session to consider the nomination of Jeffrey Meyer to be U.S. district judge for the State of Connecticut. At 5:30 p.m. there will be a cloture vote on the Meyer nomination, and there will be additional votes on nominations this evening.

MEASURE PLACED ON THE CALENDAR—S. 2024

Mr. REID. Mr. President, it is my understanding S. 2024 is at the desk and due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

> A bill (S. 2024) to amend chapter 1 of title 1, United States Code, with regard to the definition of ''marriage'' and ''spouse'' for Federal purposes and to ensure respect for State regulation of marriage.

Mr. REID. I object to any further proceedings with respect to this legislation.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MORNING BUSINESS

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

The Senator from Maine.

HISTORY OF WASHINGTON'S FAREWELL ADDRESS

Mr. KING. Mr. President, it was a great privilege for me a few moments ago to read George Washington's Farewell Address for a number of reasons; one, we learned in doing a little research on this practice—which as the majority leader indicated goes back more than 100 years—that the last Senator from Maine to read President Washington's Farewell Address was Senator Ed Muskie, who read it on this floor exactly 50 years ago. The last Senator to read before him from Maine was a freshman Senator in 1949, one Margaret Chase Smith. So if you believe that I am honored and humbled to be following in those footsteps, you would be correct. This is one of the seminal documents in American history. It really ranks with the Federalist Papers, the Declaration of Independence, and the Constitution itself. As the majority leader indicated, it didn't simply spring from Washington's mind. It actually has an interesting history. It was originally drafted in 1792, at the end of Washington's first term, when he intended to retire. He kept wanting to retire all the way from the end of the Revolutionary War, and the public kept calling him back into service.

The first speech in 1792 was drafted by James Madison, who was the father of our Constitution. Madison, Hamilton, and Jefferson convinced Washington that he couldn't leave at the end of his first term because there was too much going on in the country. The country was still in its very formative years, and patriotism required him to stay for a second term, which he reluctantly did.

This speech was delivered in September of 1796—at the end of Washington's second term—and was based upon the original Madison draft, edited and updated by Alexander Hamilton. I don't know about others, but I wouldn't mind having Madison and Hamilton be my ghostwriters—two of the greatest minds in American history and minds which didn't always agree about all the principles of what the country should work toward, but they agreed to work with Washington on this remarkable address.

I would like to take a moment to talk about Washington's importance. I used to teach about leadership, and one of the fundamental principles I used to pound into my students was that execution is as important as vision—that

having a good idea and a concept is not enough; it has to be executed well in order to take root and actually achieve the benefits that are intended.

Washington was the execution of the vision of the Constitution. When he took office, there was no United States. There was an idea, there was a vision, there was a concept, but how it was actually put into practice was so much in the consequences of Washington's decisions on a day-to-day basis, starting with only running for two terms, starting with when they asked him what the President should be called—and, of course, in Europe it was ''Your Excellency'' and all these fancy titles—and he said: ''Mr. President'' is the proper appellation for an executive in a republican form of government. But Washington was essential to the success of this country because of his role as the person who did the executing of the vision embodied in the Declaration of Independence and the Constitution.

The speech itself is amazing. In many parts, it could have been written last week. Several things come through to me very quickly.

One is his wonderful, inspiring, powerful, passionate commitment to public service. He talked about his humbleness, his patriotism, his feeling of duty in order to serve his country. Next, he is passionate about national unity, and indeed his comments foreshadow the Civil War. He talked about regional differences and the importance of unity not only to the country as a whole but as benefits to the regions themselves. He talks about the North and South and the East and the Atlantic. He is presaging the arguments of the 1830s, 1840s, and 1850s that led to the attempted dissolutions of the country and passionately argued for the importance and significance not only as an abstract principle but in a very material, concrete interest, how important union was.

Of course, as one of the two Independents in this body, it would be unbecoming for me to dwell at too great length on his imprecations about the dangers of party to our society. I will let those speak for themselves. But he was very worried about what he called factions and later on in the address actually refers to them as ''parties.''

He also talks about the dangers of concentration of power and the usurpation of power by one branch or another of the government—again, a fundamental principle and a realization of the important role the Constitution played in dividing powers between what he calls the segments of the government.

I think one of the aspects that comes through in this document, as it comes through in the Federalist Papers—which is the other sort of seminal explanation of how our government came to be and what the thinking is—is a brilliant in-depth understanding of human nature. He is talking to the ages in this speech. He is not talking to the politics of 1796 or the politics of 1800s or the politics of the Revolutionary War; he is talking about human nature and the tendency toward despotism, the tendency toward usurpation, the tendency toward power being accumulated in one place, and that comes through. Often he talks about human nature. I think that was one of the most important and most salient characteristics of all of the founding individuals of this country.

There is a very interesting provision on religion expressly stating that religion is part of our heritage and that morality is part of our heritage. He has an interesting image: How can an oath mean anything if religion doesn't mean anything?

Finally, there is a short but powerful passage about the importance of education. He calls it the ''general diffusion of knowledge.'' That is public education. The general diffusion of knowledge means everyone, not just the elite. That is one of the secrets of America, the general diffusion of knowledge.

Of course, one that speaks to us today is his admonition to cherish the public credit and not get into debt, and if you get into debt because of a war, endeavor during peacetime to pay off the debt. I think that is something we really need to take to heart and think about, lest our debt swamp us in the future. He uses a phrase I couldn't help but emphasize when I read the speech: that we should not ungenerously throw upon posterity the burden which we ourselves ought to bear. In other words, we ought to pay our own bill, and right now in this country we are not doing that.

He also has a sort of amusing passage about taxes, saying: Nobody likes taxes. They are never fun. They are always inconvenient. But they are necessary. And he talks about how the members of the government have to prepare the public for the idea that they have to pay for those expenditures that are going to be entailed in the pursuit of any governmental enterprise.

Finally, he talks about foreign entanglements, probably the most famous portion of the speech, where he talks about being neutral, the luxury we have being protected by huge oceans, and that we really should avoid foreign entanglements.

Interestingly, on that provision I went back and read the comments. Each time a Senator reads the speech, there is a leather-bound book in which they put their notes, which I am going to be doing in a few minutes. I went back and read the notes of Ed Muskie and Margaret Chase Smith. In 1949 Margaret Chase Smith wrote in her note: I wonder if we should be entering into NATO. This was indeed the first major foreign commitment of American enterprise after Washington's speech. Margaret Chase Smith obviously had second thoughts after she had read the speech here on the Senate floor in 1949.

Finally, this speech is so powerful because it is so fresh and it speaks to us today. My favorite quote from Mark Twain—and there are many, but one which I suspect I will repeat on this floor at least half a dozen times during my tenure here: History doesn't always repeat itself, but it usually rhymes. In this case, what Washington was telling us in the fall of 1796 rhymes. It helps us to think through so many of the issues which are confronting us here today and the wisdom of Washington expressing it. Remember, two of the most brilliant minds of that period—Hamilton and Madison—participated in the drafting of the speech—words well worth remembering, a wonderful contribution to the life of our country.

I thank the majority leader and the leadership for giving me the privilege and the honor to read the speech today on behalf of my colleagues.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

ENERGY REGULATION

Mr. MCCONNELL. Mr. President, I spent the morning over at the Supreme Court. I was there to support the plaintiffs in a very important case against overreach by the Environmental Protection Agency. And here is why I say this case is important—not only for Kentucky but for the entire country.

First of all, it involves the all-important question of whether elections actually still matter in our country. I say that because 4 years ago President Obama tried to push far-reaching energy-regulating legislation through a Congress which was at the time completely dominated by his own party. He had a 40-seat majority in the House and he had 60 votes in the Senate. The cap-and-trade bill passed the House but did not pass the Senate. Even with then-Speaker NANCY PELOSI and a Democratic majority leader in the Senate, he just couldn't get the votes to enact the cap-and-trade bill. A Democrat-controlled Congress beat back the President's plan to radically upend energy regulation in our country. They stopped the national energy tax.

Just a few months later the American people rendered a harsh verdict on the Obama agenda in an election wipeout which the President himself referred to as a ''shellacking.'' Others have described the November 2010 midterm elections as a national restraining order.

My point is that this should have been the end of the story on the President's energy regulation plan. Instead, it was just the beginning.

The President's base wasn't about to back off from divisive policies just because they couldn't achieve them legislatively. So the far-left fringe pressured the White House to push similar regulations through the back door, to achieve through Presidential fiat what they could not achieve through legislation. That, of course, is what the Obama administration has done. The administration has attempted to use

statutes such as the Clean Air Act to regulate what those laws were never intended to regulate and don't even mention.

The administration itself effectively acknowledges that if it actually followed the plain language of the Clean Air Act in regulating carbon emissions, that would lead to ''absurd results.'' The administration itself said that if they actually followed the plain language of the Clean Air Act in regulating carbon emissions, it would lead to ''absurd results.''

So here is what the Obama administration decided to do about the absurdity: just unilaterally rewrite parts of the law it didn't like, on its own, without the input of Congress—the branch of government that is supposed to write our laws. This kind of Presidential overreach should concern every Member of this body, regardless of party. From a constitutional perspective, this is a wholly troubling practice which needs to be rectified by the High Court.

But this case is about more than just constitutional theory; it is also about people's lives. Regardless of their constitutionality, the energy regulations imposed by this administration are simply bad policy. Coupled with cheaper natural gas, the administration's regulations have helped foster hardship in many of America's coal communities—hardship which has ruined lives and has hurt some of the most vulnerable people in our country.

In Kentucky these regulations have helped devastate families who haven't done anything wrong—other than to be on the wrong side of a certain set of liberals who don't seem to approve of the hard work they do to support their families.

When President Obama took office, there were more than 18,000 coal jobs in Kentucky. At last count that figure has dropped to less than 12,000—with eastern Kentucky coal employment dropping by 23.4 percent this last year alone.

Let's be clear. These regulations are unfair, and they represent the conquest of liberal elites imposing their political will on working-class Kentuckians who just want to feed their families. That is why I have filed an amicus brief in the case I was referring to. It is on behalf of the Kentuckians who are voiceless in this debate, the families that find themselves on the losing end of a ''war'' that has been declared on them by their own government.

I held a listening session on these EPA regulations with coal miners in December, and many of their stories were heartbreaking. Listen to what Howard Abshire of Fedscreek had to say:

> I say to you, Mister President of the United States . . . We're hurting. You say you're the president of the people? Well, we're people too. No one loves the mountains . . . more than we do. We live here. We crawl between them. We get up every morning and we go on top of a mountain in a strip job in the cold rain, snow, to put bread on the table . . . Come and look at our little children, look at our people, Mr. President. You're not hurting for a job; you've got one. I don't have one.

I hope the President is listening.

As far as the Supreme Court is concerned, it now has the opportunity to end this latest abuse of the Constitution by the Obama administration. I hope the justices will make the right decision in this case. Either way, I am going to keep fighting. I have already filed a proposal that would allow Congress to have a say in the administration's job-killing regulations.

It is time for Washington elites to think about ways to help, instead of hurt, the hard-working people of eastern and western Kentucky.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Kansas.

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

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

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 2037 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ROBERTS. Mr. President, I yield the floor. It would appear we do not have a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FREE SPEECH PROTECTION

Mr. MORAN. Mr. President, along with my colleagues, I have been in places across the country this past week. Most of my time was spent in Kansas, and certainly Kansans had a good opportunity to express to me some of their worries and concerns about what is going on in Washington, DC.

One of the things that has become very dominant in those conversations is the concern that this administration—Washington, DC—that the Constitution, as we learned it, as we were taught in high school government classes, does not seem to be being complied with. The concern is the constant efforts by this administration to do things unilaterally, to put in place executive orders and policies and regulations.

This has become a common conversation. It is pleasing to me that Kansans care so much about the structure of our government, the foundation that was created by the Framers of our Constitution, and they have a genuine concern that the Constitution is being violated. Often the conversation is: What are you doing about it?

The topic I want to talk about today is just one more example. This one has a reasonably positive ending, but I want to highlight something that has transpired in Washington, DC, that started last May at the Federal Communications Commission.

I just learned about this recently, and it became much more of a common topic with knowledge across the country as a result of one of the FCC Commissioners, Ajit Pai, and his opinion piece that appeared over the past few days in national publications.

What we learned was the Federal Communications Commission was considering—in fact, considered, put in place—a program in which they were going to survey the broadcasters they regulate. They hired an outside firm, as I understand it, and questions were prepared that were going to be asked of people in newsrooms across the country.

The pilot program was organized to occur in South Carolina. Among the kinds of questions that were going to be asked in newsrooms across the country by the FCC were: What is the news philosophy of this station? Who decides which stories are covered—whether a reporter ever wanted to cover a story and was told they could not do so.

It seems to me whether you have a conservative or liberal bent or you are down the middle of the road, you ought to have great concern when the agency that regulates the broadcasters decides they want to get into the newsroom to discover how news is developed at that station. That is not part of what the mandate of the FCC is, and it ought to raise genuine concerns from those who care about free speech. It certainly raised those concerns from me.

I came back to Washington, DC, today with the intention of highlighting this issue for my colleagues, making the American people more aware of this tremendous affront to the First Amendment of the U.S. Constitution. The good news is that Chairman Wheeler at the FCC announced just a couple days ago that this proposal, as it included questions about how news was developed, was being withdrawn.

So in part I am here to express my genuine concern about how did we get so far as for anyone at the FCC or their contractor to think this is appropriate behavior for a regulator; and, secondly, I am here to say that I am relieved and pleased that Chairman Wheeler has stepped in to withdraw those kinds of questions.

The argument was made that this is a voluntary survey, but as Commissioner Pai indicated in his opinion piece in the Wall Street Journal, it is hard to see how something the FCC is asking of a regulated broadcaster would be really considered voluntary.

The Commissioner says: Unlike the opinion surveys that many of us receive on the phone or in the mail, in

which we can hang up the phone or never answer the phone or we can toss the survey into the trash, when the FCC sends someone to your station to ask you questions about how news is developed, it is hard for you to say: I am not going to answer the question, when the FCC has control over your license.

So I am here to make certain that this kind of approach is something that is in the past. I serve on the Appropriations subcommittee that is responsible for the FCC's budget. When they come to tell us about their appropriations request, again I will thank Chairman Wheeler for withdrawing these questions, but I want to make certain there is a genuine concern on behalf of all of us in the Senate—Republicans and Democrats, whatever brand of philosophy you claim to espouse or believe, you ought to be worried when the FCC is making inroads into how news and opinion is formulated at broadcasting stations—television and radio—across the country.

So the speech I had intended to give raising this topic is only given now in part. It is my view that every American citizen has certain civic responsibilities. Not just us Members of the Senate, every American citizen's primary responsibility as a citizen is to make certain we pass on to the next generation of Americans a country in which the freedoms and liberties guaranteed by our Constitution are protected throughout the history of our Nation into the future.

So I ask my colleagues to be ever vigilant as we see an ever encroaching Washington, DC, administration, even Congress, intruding in the lives of the American citizens, particularly as it relates to their opportunities for free speech.

I will be back later in the week to talk about other intrusions by the Federal Government into free speech and political advocacy. But again, Mr. President, thank you for the opportunity to be on the Senate floor today to highlight what I think would have been an egregious violation of the Constitution by one of our Federal agencies.

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

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

UNANIMOUS CONSENT REQUEST—S. 1752, S. 1917

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by me, after consultation with Senator MCCONNELL, the Senate proceed to Calendar No. 251, S. 1752; that if a cloture motion is filed on the bill, there be 2 hours of debate on S. 1752 and S. 1917, equally divided between the two leaders or their designees; that upon the use or yielding back of that time, the Senate immediately proceed to vote on the motion to invoke cloture; that if cloture is invoked, all postcloture time be yielded back and the Senate immediately proceed to vote on the passage of the bill; that no amendments, points of order or motions be in order to the bill prior to a vote on passage; that if the motion to invoke cloture on S. 1752 is not agreed to, the bill be returned to the calendar; that upon disposition of S. 1752, the Senate immediately proceed to the consideration of Calendar No. 293, S. 1917; that if a cloture motion is filed on the bill, the Senate immediately proceed to the vote on the motion to invoke cloture; that if cloture is invoked, all postcloture time be yielded back and the Senate proceed to vote on passage of the bill; that no amendments, points of order or motions be in order to the bill prior to the vote on passage; that if the motion to invoke cloture on S. 1917 is not agreed to, the bill be returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. MORAN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, the Gillibrand and McCaskill bills that the majority leader talked about were filed as amendments to the Defense authorization bill that the Senate passed in December of last year. They each have significant bipartisan support.

The majority leader filled the tree on that bill and blocked amendments on both sides of the aisle, and therefore the Senate did not vote on these bills last year. There are hundreds of other amendments that were also blocked.

Would the Senator modify this request to include a vote, at a 60-vote threshold, on another proposal that was blocked from consideration? The Kirk amendment No. 2295 was filed to the Defense bill. It would impose additional sanctions against the government of Iran if it violates the interim agreement with the United States. Will the Senator include a vote on the Kirk amendment as part of this agreement?

The PRESIDING OFFICER. Does the majority leader agree to the modification?

Mr. REID. Mr. President, I reserve the right to object. There is no more important national security concern today than keeping Iran from getting a nuclear weapons capability. For our own national security and for that of Israel, our ally, we are committed to stopping Iran from getting that capability.

That is why President Obama has entered into international negotiations with Iran. The Senate has a long tradition of bipartisanship on this issue, including numerous strong bipartisan votes that we put in place to initiate the very sanctions that have brought Iran to the negotiating table.

In summation, I am terribly disappointed that my Republican friends are trying to turn this vital national security concern into a partisan issue by trying to inject it into a setting where it is clearly not relevant.

I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. MORAN. I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Iowa.

CUBA

Mr. HARKIN. Mr. President, I have come to the floor to speak about my two recent fact-finding trips to Cuba. During the first trip, which was an incredible journey across the nation of Cuba, I had conversations with Cuban citizens, farmers, doctors, nurses, students, a very broad cross section of the Cuban citizenry, also some government officials.

The second trip involved a 1-day visit to the U.S. Detention Center at Guantanamo Bay. I would like to begin with details of my first trip which took place during January's recess in the Senate. First, I wish to publicly thank Ambassador Cabanas, the Cuban—well, I guess since we do not have an embassy—he has the rank of Ambassador, but he is in charge of the Cuban interest section here. I wish to thank him and his staff personally for arranging this and overcoming a lot of difficult obstacles to make sure we could take this trip.

I guess I am the first Senator or Congressman to do this kind of a trip. First, we flew from Miami down to Santiago de Cuba. We spent 2 or 3 days in Santiago de Cuba. Then we drove from Santiago to Holguin, to Camaguey, Santa Clara and into Havana. So we traversed about 700 miles during the week's period we were there, seeing most of the entire nation of Cuba.

I have not seen—I have not been up to the Pinar del Rio out here in the western part. That is one part I have not been. I had visited as a Senator 11 years before, but that was only in Havana. This time I wanted to see the country. I wanted to see ordinary Cubans in small towns and communities, to get a feel for what it was like in the rest of the country.

Most people just go to Havana. That is akin to going to New York City and saying you have been to America. It is not the same. There is a lot more country to Cuba, a lot more things going on than just Havana.

It is clear to me this is a time that is very important in Cuban-American relations. So I just wanted to share some of the insights I gained during my travels across this Nation of 11 million people.

As I said, I arrived in Santiago on January 17. Over the course of the week, we traveled up through the countryside. Again, I wish to thank Bernardo Toscano, a Cuban who had been in the United States I think three or four times. He had been in Washington two or three times working in their interest section and I think once or twice in New York with their interest section in New York.

So we met him. He came with us to Santiago and then served as a host and was with us all during our trip.

Bernardo—I always say, he is an Italian Cuban, Bernardo Toscano—again, another indication that there are a lot of different nationalities that people in Cuba have.

Bernardo was so gracious, so kind, so informative in taking care of things for us. He informed me that he had been to visit 20 States in the United States. So he has been to 20 States. Yet a U.S. citizen cannot go to Cuba to see Cuba. But the trip we took was fascinating. All along the way, from Santiago all up the way, we saw tour buses—tour buses with people.

They looked like North Americans, but in fact they were from England and Germany and Sweden and Canada, mostly Canada, a lot of Canadians. But there were people traveling, visiting different things. Canada right now, they have a direct flight from Toronto to Santa Clara. Then you get on a bus and go out here, to those wonderful beaches out here, which we did not visit. A lot of Canadians and a lot of Europeans go there but not Americans. I will have more to say about that.

But, again, I wish to thank so many people of Cuba, so many people I saw, for the warm welcome, the hospitality they extended to me, my wife, my traveling companions, and my staff as we traveled throughout their country.

Prior to my election—long before my election to Congress, I was a Navy pilot stationed at Guantanamo Bay for 18 months. So this was interesting to see the rest of Cuba other than just Guantanamo Bay, which is right down here. This is the Guantanamo Bay area. It is right near Santiago de Cuba.

In fact, landing at the airport in Santiago was quite interesting. One of my traveling companions I was with was a Navy pilot with me when I was stationed in Guantanamo. He is Cuban American. We remembered how we were always kind of warned when we were out flying not to get mistaken between Santiago and Guantanamo because the runways look exactly the same.

They are both east-west runways, and they are right there on the ocean. There is a bay on both of them, and if we weren't careful, we might land on one rather than the other.

All that time that we were flying out of there we never went to Santiago—of course, we couldn't—but we used to see it as we patrolled the skies around Cuba. So now landing at Santiago was kind of an interesting flashback in time to when I was a young Navy pilot.

I wanted to get a firsthand look at the lives of ordinary people outside of Havana. Particularly, I have long advocated in this country for a strong public health infrastructure, and I wanted to examine the strengths and weaknesses of Cuba's public health system.

When we first arrived in Santiago, we went to visit the cancer hospital, which provides treatment for people from across the entire country. I found the doctors there and the leaders of that hospital to be very dedicated public servants. The institution has struggled to overcome the devastation of Hurricane Sandy, which hit Santiago very hard. Again, it would be mutually beneficial for both Cuba and the United States if we had better relations and if we had better trade relations with Cuba. They might need some medical equipment that we have, but we could also learn from them on some of the processes and procedures they use in treating cancer patients.

I was struck by one thing. This was Friday afternoon, and we were going through the hospital—yes, they have all the necessary equipment, the radiation machines and all the equipment they need to do radiation, infusion for chemotherapy. They have all of that. As I said, the hospital suffered some damage from Hurricane Sandy and that hasn't been all fixed yet—but what was interesting, as I was going through the hospital, I noticed a lot of empty beds.

As we were leaving the hospital, I said to the director: Where are all of the people? It looks like you have a lot of empty beds.

She said: Oh, it is Friday afternoon. We send them home for the weekend.

I said: Really?

She said a very interesting thing to me.

She said: Yes. You come to the hospital to get cured, but you go home to get well.

I thought about that, because not too long ago I had an instance in Des Moines, IA, where I had visited a friend of mine who was seriously ill with cancer—he has since passed away—but he wanted to leave. Literally, he wanted to leave the hospital for a Sunday meeting of the Methodist Church. He was a Methodist minister and the hospital wouldn't let him leave.

They said: If you leave, then you have to be all readmitted again through Medicare, and Medicare will cut off the payments and all of that.

There was all of this, and they wouldn't even let him leave for a few hours to go halfway across the city to partake in an award he was supposed to receive.

I thought about that when I saw this hospital and she said: No, we send people home for the weekend and then they come back on Monday.

There are interesting things such as that that we pick up. There is a lot the two of us could learn together.

In Camaguey—we stopped in Holguin, which is also kind of a small, rural community, again with a very kind of comprehensive clinic system. As we drove on up the road to Camaguey, in Camaguey we had an interesting visit. We visited the home of Dr. Carlos Finlay. Now some people might say who is Dr. Carlos Finlay?

Dr. Carlos Finlay was the person who discovered the origin of yellow fever that is transmitted by a certain mosquito. A lot of people didn't believe him. They just did not believe him, but he persevered. Later on it was a person who is sort of famous around here—at least we know the name, Dr. Walter Reed—who, when they were building the Panama Canal, discovered that Dr. Finlay was right, it was a transmission by mosquitoes.

We were able to visit his home and there is again a whole cadre of people there doing research on other transmissions of illnesses; for example, the transmission of different diseases by mosquitoes there, but again there is a heavy focus on medical research.

When we went to Santa Clara, we visited another clinic there. They call them polyclinics. In other words, they do a lot of different things. It is sort of what we might think of in this country as a community health center—it is a community health center. Unlike our community health centers, people don't have to just go there to seek help. The community health centers, the polyclinics, go out there. They go out in very rural areas to make sure kids have their vaccinations and to make sure people have checkups.

One of the reasons they have such a low infant mortality rate—which some have said is lower than ours and is, in fact, one of the lowest in the world, and they have one of the lowest rates of mortality of children zero to 5—is because when a woman gets pregnant in Cuba, she is visited immediately. As soon as they know about it, she gets visited by a nurse; visited by health officials who put her on a better diet, make sure she doesn't smoke, provide supportive services for her during her pregnancy, and make sure there is someone there for the birth. For that child, everything is covered from the earliest time of pregnancy through early childhood.

It is a hands-on approach. It is going out serving people rather than making people come in to them. This is one of the key features of what Cuba has done. They have made the practice of medicine a public service in all aspects. Whether one is a doctor, a surgeon, a nurse or various other health practitioners, it is a public service.

Cuba has put a great deal of emphasis on prevention, prevention of illness. In fact, I must say I was surprised in Cuba that they have gone on an antismoking campaign.

I was out one night in Santiago. We were out to dinner. We came back at about 10 at night, and I noticed a street was blocked off. There were a lot of people out there, and I asked Mr. Toscano what that was.

He asked somebody else and said: Well, in Santiago every Friday and

Saturday night they block off long streets and they have festivals, street parties.

I said: I want to go there.

So we parked our car and we walked out. We didn't have any guards or anybody around us. We just walked down the street. It was a mile long. It was a long street. Late at night, we went down the street, and along the sides of the street there were people cooking foods. There were little kiosks. We even saw one whole hog on a spit being turned, people eating. There were families with kids out there and a lot of young people.

There were a lot of young people out there looking for other young people on Saturday night. There was music. Every other block had some music, and it was just kind of a wonderful atmosphere.

I noticed two things that I was looking for during my walk down and back—how many people were smoking. I counted four people were smoking. There were thousands of people up and down these streets, and I counted four people who were smoking. There may have been more, but that is all I could find.

During this entire walk, with all of these people out in the street, 10:30 at night, Saturday night, I saw one policeman, and he didn't have any firearms. He just had a stick. He just kind of walked around with a stick. There was this wonderful thing, but the idea that no one was smoking, kind of fascinated me.

But I digress. I want to talk about the community-based health system and keeping people healthy. What they have said is it is not just the doctors' offices—that is only one component of keeping people healthy—it is the entire community, the schools, the community-based approach that keeps people healthy. That is something we could learn from and do in this country.

During my visit with health care professionals, they explained that in the early 1980s Cuba moved to a comprehensive family practice model throughout the country, with doctors, nurses, and other health professionals working in teams integrated into the neighborhoods where they live and they work. This has become the pillar of primary health care in Cuba and obviously has contributed to significant improvements in health outcomes. I think their longevity, lifespan, is now even longer than ours in the United States.

These changes and others have helped Cuba improve its health care system. There are several indicators of this. For instance, by the end of 2013, Cuba reported that its infant mortality rate had declined to 4.2 for 1,000 live births, the lowest in its history and one of the lowest in the world. By comparison, the United States had an infant mortality rate of 5.9 per 1,000 live births.

Also, over the past couple of decades, Cuba has increased the number of medical personnel it sends abroad to serve on medical missions, filling critical needs in underserved countries. There are currently nearly 44,000 Cuban medical personnel working in many countries around the world.

Last year I took a trip to Namibia and South Africa, and I saw Cuban doctors working there—actually, sometimes alongside our own doctors from the Centers for Disease Control and Prevention. Interesting. We can work with them there, but we can't work with them here—so they do. They have sent them all over the world.

Also, in Havana I visited a very interesting place I had never heard about. It is called the Latin American School of Medicine. The Latin American School of Medicine is about 20 miles west of Havana. It was an old naval academy. Evidently, President Castro decided they didn't need a naval academy, so they closed it down and made it a medical school. Students come from not only all over Latin America but all around the world to go to medical school.

Believe it or not, there are students from America going to school in Havana—going to medical school. This blew my mind. I never heard of such a thing.

This is what I found out. In the year 2000, the Congressional Black Caucus had a trip to Havana. During that trip they met with President Castro. One of the Congressmen, BENNIE THOMPSON from Mississippi, had said something about how difficult it was for them to get people in certain areas of Mississippi. He said there were large areas in his home district that didn't have a single physician. Also, they talked about how expensive it was to go to medical school.

So President Castro invited American students to come there, and they worked it out. I think the first class started, if I am not mistaken, in 2002. I believe that was the first class. Now, believe it or not, there are 108 U.S. students going to this school.

I didn't see them all because a lot of them, during their schooling, go out and work in hospitals, clinics, and different things such as that. I met with six of them and it was very interesting. From the left is Michael, who was from California; Nikolai from Queens in New York; Kimberly, also from northern California; Ariel was from Michigan; Olive is from Wisconsin; and Sarah is from New Mexico.

All of them are first-year students except for Sarah, who is a third-year student, watches over them, and is their tutor or their leader.

There are requirements before you go there. They have to be from an extremely low-income family and cannot afford to go to medical school. They have to be a college graduate and graduated with one of the sciences, such as biology or one of the physical sciences, something like that. So they must have graduated from college. Third, they have to agree that when they graduate they are going to come back to America and work in an underserved area.

Here is the deal: Every one of these students is going to medical school. Do you know what it costs them? Zero. Not one cent. The 108 students pay nothing. We have over 90 graduates of this school back here in America right now.

And that is another thing: Whenever we traveled over to Cuba, I went to the clinics and I talked to health people. I always asked them: What did it cost you to go to school? Do you have student debt? No. Medical school is free. There is no cost to going to medical school—none whatsoever. So here are these students, who would never be able to go to medical school and absorb that cost, getting a free medical education. So again, here is another of the things we could be working with Cuba on if we had a little better policy with Cuba.

The six students I met with are happy and grateful to have the opportunity. They were just out of their first 6 months. For the first 6 months all they do is learn Spanish—Spanish immersion. They had just finished that and they were very happy about that, and that now they would actually start studying medicine. Again, so many different things, but mainly I focused on health care and what they were doing on health care.

I also met with Foreign Minister Bruno Rodriguez. I had a long lunch with him, their former Ambassador to the United Nations and now their Foreign Minister. We had a long discussion about our relationship with Cuba.

He himself said it is time we have a new relationship with the United States. It is time for a new course. We can't be bound by old history. We need to make new history. I think that is what I would like to echo here; that we do have a constructive new policy between Cuba and America.

The last thing I did was to pay a visit to Mr. Alan Gross. Right here, Mr. Alan Gross. This is my staff member, Rosemary Gutierrez, who went with us on this trip and made sure what I was hearing was correct in terms of Spanish, since I don't speak Spanish fluently. Mr. Gross, as you know, has been in prison now for over 4 years. I am hopeful he will be released soon on humanitarian grounds. I will be working with our government to engage with the Cuban Government in serious and sustained talks to resolve his situation and other related issues.

I might add what we are holding in this photo is a little chain. What he does in his spare time is he puts things together out of bottle caps, plastic bottle caps. He is now serving a 15-year prison sentence. I spent well over an hour with him. I think he is holding up pretty well, under the circumstances. Obviously, he is not very happy. Who would be happy, being locked up like that? He is confined to his room for 23 hours of the day, but he is allowed outside. He told me he walks 10,000 steps a

day and does 50 pullups for an hour each day. So he makes these bracelets out of the rings from the water bottles. He also reads and watches television. He says he has television and things to read.

I know other Senators have visited with him in Havana, but it is time to bring Mr. Gross home. It is time to end this. It is time we do some dealing with the Cuban Government on his issue and on some other related issues that I don't mean to go into right now but the administration knows of which I speak. There is no reason why we can't return Mr. Gross to this country this year, and I am hopeful that will be done.

It is time to recognize that Cuba is our neighbor; that it is not only our neighbor but it is a sovereign nation and we have to work to improve on this relationship with a country 90 miles from our shore. It is obvious to visitors, the Cuban people and the American people have a great deal in common. In all my travels through Cuba, as we stopped at various places—stopped to have refreshments here and there, stopped in small communities—I noticed that every small town we went through or by had a baseball diamond or maybe two baseball diamonds. It is amazing how many people play baseball in Cuba. They have town teams, and towns will have two teams, one section of town against the other section—kids all playing baseball. Wouldn't it be great if we had some kind of relationship where some of our small baseball teams in the United States could go to Cuba and play? We know they have some pretty good players because some have come here to play in our Major Leagues.

In every place I stopped, and with all the people we talked to, I never heard one Cuban—not one—ever say a bad thing about the United States of America or about the American people. I never heard it. I expected some would say: You know, you are doing bad things to Cuba with your embargo and we don't like Americans for this. I expected to hear that. I never heard it. Do you know the thing I heard most often from ordinary Cubans? Where are you from? I said: I am from Iowa and I work in Washington, DC. The usual response was: Oh. Do you know my cousin so-and-so, who lives in St. Louis or my cousin so-and-so who lives here or there? It seems as though every Cuban has a cousin in America someplace. One woman said her son lives in Michigan.

There is this sense we have a lot in common, and I never felt any animosity whatsoever. It is clear we have a lot in common. We are both nations of hard-working people who want access to basic health care and a good education for our kids.

That is another thing: I didn't spend a lot of time looking at education, but it was clear to me the literacy rate in Cuba is very high. Some have said it is the highest of all the Latin American countries. I can't attest to that. But it is clear that education is a very important part of the Cuban structure.

Over the years, I have met with many Iowans, business people, diplomats who want to improve our relationship with Cuba to facilitate more trade and travel with our neighbors. Even with the limited opening with Cuba's markets, we have seen tremendous benefits from agricultural exports to Cuba from my State of Iowa and other parts of the United States. It is only our official policy that stands in the way of much greater exports of U.S. commodities and food products plus related agricultural machinery, technology, and so forth.

Here is another thing I noticed: We went through a lot of farms and we saw a lot of agriculture—mostly sugarcane, but other things too—a lot of cattle. This whole section of Cuba here, in this area of the map, is almost all cattle; livestock—goats and cattle—and other agriculture. I want to say this: This is the first and only country I have ever visited where I went out to see agricultural entities and have never seen a John Deere tractor or a John Deere implement of any kind. I can go to China. I went almost to the Tibetan border in China and saw John Deere equipment. There is John Deere equipment in Africa, John Deere equipment in Pakistan, and India. If we had better trade, I might see some more John Deere implements down in Cuba, which would be great for their productivity.

We would also benefit from a two-way trade. There are many things grown in Cuba we have appetites for, such as fruits and vegetables—fresh fruits that consumers in our country would enjoy.

Again, I think Americans really do want to change our policy. I have here the Atlantic Council. On February 11 they released the results of their latest poll which found that 56 percent of the American people support the normalization of relations with Cuba, including 63 percent of Floridians who want to normalize relations with Cuba. I think we have had a policy of isolation for far too long. As this latest poll indicates, the American people think so too. After being in place for over 50 years, this embargo has not been effective in any way. Our policy has benefited neither the Cuban people nor the American people.

Both the United States and Cuba have recently taken steps to allow for greater travel. It is a significant step forward. The Cuban Government has eliminated its long-standing policy of requiring an exit permit and a letter of invitation for Cubans to travel abroad. This change in policy has allowed for prominent dissidents and human rights activists to travel abroad from Cuba.

Additionally, restrictions on remittances have been lifted. I think remittances now from Cuban-Americans and their families are now their second largest export or second to sugar.

The United States and Cuba have resumed low-level talks on migration, search and rescue operations, and other issues. I might mention one other. When I was in Guantanamo a week or so ago, with a group led by Senator TESTER, Captain Nettleton, who is the base commander, took me around the base. I had been stationed there, as I said, about 53 years ago, so I kind of wanted to see some of the old places. As he was driving me around, he took me up to the gate, and coming back I said: Do you ever have contact with Cubans? He said: Oh yes, we do. In fact, 2 years ago the last of the Cubans retired from working at Guantanamo. They lived in Cuba but worked on Guantanamo just until 2 years ago.

He told me that recently he went to visit the hospital in Guantanamo City. Now that is not on the map but it is right outside of Guantanamo Bay, our naval base. He went to visit the hospital there because they have a burn unit. They do not have a burn unit on Guantanamo at our facility. So they have made a handshake deal and an agreement that if we have burn victims on Guantanamo, we can take them to the hospital in Guantanamo City. Things like that are happening and are kind of opening the door, so we should build on these small but positive changes in the relationship.

The United States should abandon its policy of seeking Cuba's isolation. We should lift all restrictions on travel to Cuba. What is our justification for denying Americans the right to travel to Cuba? We should allow for all U.S. citizens wishing to go to Cuba to do so. This would expose more Cubans to our young people, our ideas and interactions.

When you go to Cuba you see a lot of Canadians, a lot of Europeans, and now Cuban-Americans can go to Cuba freely. If you are Cuban-American you can get on one of about four to seven daily flights from Fort Lauderdale, Miami, and Key West to Cuba. If you are a U.S. citizen you can't get on one of those unless you have a permit from the U.S. Government. If you are a Cuban-American, you can get on the plane and go to Cuba and come back, and more and more are doing so. As of last year, I believe Americans are now the second largest group to visit Cuba, but they are all Cuban-Americans. We have this crazy policy. If you are Cuban-American you can go to Cuba, but if you are not, you can't. Someone please explain that one to me.

It is time for us to chart a new course. Our relationship is frozen in a Cold War mentality that has not achieved its goals and made it difficult to move forward on issues that encourage more trade and travel between our two countries. Our policy also fails to promote more openness and respect for internationally recognized human rights.

Multiple layers of sanctions remain in place, making it difficult for U.S. businesses to trade with Cuba. Both the Cuban people and U.S. national interests would benefit from a modernized and sensible policy. Now is not the

time to be bound and held back by history. It is time to make new history. It is time to begin a new chapter in the relations of our two countries.

I hope the Obama administration and the Cuban Government will seize this opportunity to do just that—to modernize, to move ahead, recognizing always and foremost that Cuba is a sovereign nation. They will not be dominated by America or any other country. We have to deal with them just as we do any other sovereign nation.

GUANTANAMO

I will conclude by saying I had an opportunity on a trip with Senator TESTER and two other Senators to visit the Guantanamo Bay detention center. We toured Camps 5 and 6, which house the majority of the detainees held at Guantanamo. We also had a tour of the facilities that hold high-value detainees, including Khalid Shaikh Mohammed.

Based on my own observations on my tour of Guantanamo and reports I read about previous conditions, it does appear that detainees are being treated more humanely now than previously and that conditions at Guantanamo are in line with how the detainees would be treated if they were held in the United States.

However, this trip reinforced my long-held conviction that the detention facility at Guantanamo should be closed as soon as possible. Its very existence—remote, offshore, not subject to the laws of the United States—makes it impossible to justify its existence. That is why I introduced a bill to close the facility as far back as 2007. That is why I continue to believe Federal courts and Federal prisons are fully capable of dealing with these detainees.

The indefinite detention of hundreds of individuals—some for over 13 years at this point—has harmed our image abroad, complicated relations with friendly countries, and I think really violates the basic principles of our Constitution. It is not acceptable. And the existence of this facility cannot be justified when there is an alternative—and there is.

I am not alone in advocating for this prison's closure. Military and foreign policy officials across the political spectrum have made it clear that we must close the detention center at Guantanamo. Leaders including Colin Powell, Henry Kissinger, James Baker, Madeline Albright, Warren Christopher, Robert Gates, David Petraeus, and CIA Director John Brennan have all said closing the detention center at Guantanamo is critical to our national security.

Yet I have no illusions regarding these detainees. Some are extremely dangerous terrorists with the determination and the ability, if given the opportunity, to inflict great harm on the United States and its citizens. But, indeed, prisons in the United States are already holding many of the world's most dangerous terrorists—criminals who have been found guilty in a court of law. These include Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing; Zacarias Moussaoui, the 9/11 coconspiritor; and Richard Reid, the Shoe Bomber. If we can successfully try these terrorists in courts and hold them in our prisons, we can do the same with the Guantanamo detainees.

In closing, I think it is long past due that we reexamine our policy toward Cuba. I call upon the Obama administration to not waste any more time. Get to it. Let's change our policy. Let's start making new history and not be detained by the old history. Secondly, it is time that we close the prison in Guantanamo.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

BLACK HISTORY MONTH

WILLIE F. JOHNSON

Mr. CASEY. Mr. President, as I have every year since I came to the Senate now 8 years ago, I rise today to commemorate Black History Month by paying tribute to a distinguished American. This year we are privileged to recognize Willie F. Johnson, a man who has enriched both the Commonwealth of Pennsylvania and our Nation through civic engagement and successful entrepreneurial endeavors.

Willie Johnson's contributions both as a citizen and as the founder and chairman of PRWT Services, Inc.—one of the oldest and most significant minority-owned businesses in the United States—are a credit to both him and to the Commonwealth of Pennsylvania. Today I am proud to share some of Willie's achievements and the examples he and PRWT have set of responsible corporate citizenship. PRWT does it all. It employs over 1,500 people, makes money for its shareholders, and still manages to give back to its community and its other stakeholders to an extent that few other for-profit companies ever achieve.

Throughout his career, Willie Johnson has remained committed to his roots in social services and has never lost sight of the importance of the social and community impact of his work. Willie Johnson's professional life stands as a testament to his values.

After graduating from Allen University in South Carolina with a degree in sociology, he earned a master's of social work from the University of Pennsylvania while serving as a house parent for the Philadelphia Development Center, a residential facility for young offenders. Willie pursued a long career in social services after graduating, working for 18 years as the regional commissioner of the Office of Social Services in the southeastern region of Pennsylvania, director of Youth Services Coordinating Office for the city of Pennsylvania, and finally as executive director of the Office of Employment and Training under the Office of the Mayor of Philadelphia. So he has served both our Commonwealth and the city of Philadelphia in that work.

After years of serving the people of Philadelphia as a social administrator, Willie's commitment to job creation led him to consider whether he might be better able to benefit his community as an entrepreneur. So in 1983 he worked with partners to found Fidelity Systems, a cable/line construction company that hired and trained local residents to lay cable and work in equipment warehouses. Through this work, Willie became acquainted with the president of the Lockheed Martin company, who was interested in using technology to help State and local governments manage their businesses.

In August of 1988 Willie joined with Paul Dandridge, Raymond A. Saulino, and William Turner to establish PRWT Services, Inc., which we now know by the acronym PRWT. PRWT received its first contract in its first year, providing parking services for the city of Philadelphia. The company would go on to secure a significant contract from Lockheed Martin, providing customer service and back-office staff to support Lockheed's technology, drawing on the workforce management expertise of Willie Johnson and his partners to better manage these resources.

Over the years, PRWT expanded to provide business process outsourcing services for a variety of industries as well as serve many State and municipal governments nationwide. During Willie Johnson's two-decade tenure as CEO, PRWT grew to employ more than 1,500 workers in eight States and the District of Columbia.

In 2001 PRWT acquired U.S. Facilities, Inc. That acquisition marked one of the first purchases of a publicly traded company by a minority-run business.

In 2008 a PRWT subsidiary became the first minority-owned manufacturer of pharmaceutical ingredients in the United States of America.

In 2008, after experiencing a 120-percent increase in revenues, PRWT made the decision to become a publicly traded and owned company. Mindful of their significant role as a successful minority-owned business, Willie and his partners made their first public offering while maintaining majority shares to ensure that the company remained minority owned and run. Willie remains chairman of PRWT's board of directors, which has maintained its leadership and minority-owned status throughout the process of diversifying.

As PRWT has expanded, Willie and his partners have maintained a focus on the community impact of their work. PRWT is generous with charitable contributions and investments and encourages its employees to volunteer and remain engaged in their communities. Willie has been just as engaged and committed to service outside of his work with PRWT. He serves on the boards of a number of national and Pennsylvania-based organizations,

including the Philadelphia Tribune, which, as we all know, has been a leader of the Black press throughout its history, as well as a variety of educational institutions, including his alma mater Allen University, the Cheyney University Foundation, Girard College, and Community College of Philadelphia. Willie has contributed his significant business expertise to the boards of the African American Chamber of Commerce and the Philadelphia Chamber of Commerce, where he serves as a member of the executive committee. He has also continued his commitment to employment and job creation through his prior service as chair of the Transitional Work Corporation and membership on the Philadelphia Workforce Development Corporation Board.

It should surprise no one that Willie Johnson and PRWT have been consistently recognized for their significant accomplishments and contributions. In the year 2001 PRWT received the U.S. Conference of Mayors Excellence in Public/Private Partnership Award. Black Enterprise Magazine has ranked PRWT in the top 100 for the past 9 years and in 2009 named them the Industrial/Service Company of the Year. In that same year, 2009, Ernst & Young honored Willie as Entrepreneur of the Year in the Greater Philadelphia region.

Willie has noted that ''there is something very unique about Black enterprise: most Black enterprises develop and grow within their own community and within their own region because they are depending on their relationships.'' It is this dedication to community engagement which is a critical part of Willie Johnson's story and the story of PRWT, and it is that community engagement and commitment that we honor today.

Willie Johnson has been a dedicated public servant, a trailblazer for Black business enterprise, and a deeply engaged citizen. Willie's path has touched the lives of many in our Commonwealth and our country. In building a world-class entrepreneurial, diversified company, while also remaining a responsible corporate citizen dedicated to community betterment, Willie and his partners have built PRWT into an example of the best corporations have to offer. So today, as we come to the end of the month that commemorates Black history, we express our gratitude for the important work Willie Johnson has done throughout his life in service to the people of Philadelphia, the Commonwealth of Pennsylvania, and our great Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I ask unanimous consent to speak in morning business for up to 12 minutes.

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

CUBA

Mr. RUBIO. Mr. President, a few minutes ago the body was treated to a report by the Senator from Iowa about his recent trip to Cuba. It sounds as if he had a wonderful trip visiting what he described as a real paradise. He bragged about a number of things he learned on his trip to Cuba which I would like to address briefly.

He bragged about their health care system: Medical schools are free, doctors are free, clinics are free; their infant mortality rate may be even lower than ours.

I wonder if the Senator, however, was informed that, No. 1, the infant mortality rate of Cuba is completely calculated on figures provided by the Cuban Government. And by the way, totalitarian Communist regimes don't have the best history of accurately reporting things. I wonder if he was informed that the forecast showed that Cuba was 13th in the whole world in infant mortality. I wonder if the government officials who hosted them informed him that in Cuba there are instances reported—including by defectors—that if a child only lives a few hours after birth, they are not counted as a person who ever lived and therefore don't count against the mortality rate.

I wonder if our visitors to Cuba were informed that in Cuba any time there is any sort of problem with a child in utero, they are strongly encouraged to undergo abortions, and that is why they have an abortion rate that skyrockets and some say is perhaps the highest in the world.

I also heard him talk about the great doctors they have in Cuba. I have no doubt they are very talented. I met a bunch of them. You know where I met them? I met them in the United States because they have defected. Doctors would rather drive a taxicab than be a doctor in Cuba.

I wonder if they spoke to him about the outbreak of cholera they have been unable to control or the three-tiered system of health care that exists where foreigners and government officials get health care that is much better than what is available to the general population.

I also heard him speak about baseball. I know Cubans love baseball since my parents are from Cuba and I grew up in a community surrounded by it. He talked about the great baseball players coming from Cuba, and they are. I wonder if they informed him—in fact, I bet they didn't talk about those players to him because every single one of those guys playing in the Major Leagues defected. They left Cuba to play here.

He also talked about how people would come up to him in the streets and not a single person said anything negative about America. Nobody came up to him wagging their finger, saying, you Americans and your embargo are hurting us. I am glad to hear that because everyone who wants to lift the embargo is constantly telling us that the Castros use that to turn the people against us. So obviously that is not true. I am glad to hear confirmation of what I already knew to be true.

I heard about their wonderful literacy rate and how everyone in Cuba knows how to read. That is fantastic. Here is the problem: They can only read censored stuff. They are not allowed access to the Internet. The only newspapers they are allowed to read are Granma or the ones produced by the government. I wish someone on that trip would have asked the average Cuban: With your wonderful literacy skills, are you allowed to read the New York Times or the Wall Street Journal or, for that matter, any blog? The answer is no.

It is great to have literacy, but if you don't have access to the information, what is the point of it? I wish somebody would have asked about that on that trip.

We heard about Mr. Gross, who is not in jail. He is not a prisoner. He is a hostage. In the speech I heard a moment ago, I heard allusions to the idea—he didn't say it, but I know the language. I know the code. He made the allusion that maybe there should be a spy swap. Here is the problem: Mr. Gross is not a spy. Do you know what his crime was, if that is what you can call it? He went to Cuba to hand out satellite radios to the Jewish community. We are glad to hear the Cubans are so nice to him that they let him walk 10,000 steps a day, do pullups, and build a necklace out of bottle cap tops. It is very nice that they allow him to do those things. How generous.

I wonder if anybody asked about terrorism, because Cuba is a state sponsor of terrorism. I wonder if anybody asked about the fact that just a few months ago a North Korean ship going from Cuba to North Korea was stopped in the Panama Canal, and it contained items in violation of international sanctions against the government in North Korea.

A report just came out confirming what we already knew, that North Korea has death camps and prison camps. The Cubans are allowing them to evade these sanctions. Did that come up in any of the wonderful conversations in the socialist paradise of the Caribbean? I bet it didn't.

Let me tell you what the Cubans are really good at. They don't know how to run their economy, they don't know how to build a country, and they don't know how to govern a people. What they are really good at is repression. What they are really good at is shutting off information to the Internet, radio, television, and social media. That is what they are really good at. They are not just good at it domestically, they are good exporters of these things.

Do you want to see Exhibits A, B, C, and D? I will show them to you right now. They have exported repression in real time in our hemisphere right now.

This is the first slide. This gentleman is the former mayor of a municipality in Caracas. His name is Leopoldo Lopez. This is the National Guard of Venezuela pulling him into an armored truck last week. Do you know why? He is protesting against the government. He is protesting against the Government of Venezuela, which are puppets of Havana. They are completely infiltrated by Cubans and agents from Havana. Not agents. Openly. There are foreign military affairs officials involved in Venezuela. Do you know why? Because the Venezuelan Government is giving them cheap oil—even free oil—in exchange for help in doing these sorts of repressions. He is sitting in jail right now because he is protesting against the government.

Here is the next slide. This is Genesis Carmona. She is a beauty queen and student in a city called Valencia. She is on that motorcycle because the government in Venezuela and thugs—these so-called civilian groups that they have armed, which is another export from Cuba—shot her in the head. She died last week.

This is the government that the Cubans support, not just verbally, not just emotionally, but with training and tactics. This is what they do, and she is dead. This is her being taken on a motorcycle to the hospital where they were unable to save her life because she was shot in the head by Venezuelan security forces.

Here is another slide. Earlier I showed you Mr. Lopez. These are his supporters being hit by water cannons in the street because they are protesting against the government. This has been going on for 2 weeks. These are the allies of Cuba. Venezuela is a puppet of Cuba. This is what they do to their own people. They are using water cannons to knock people to the ground. Why? Because they are protesting the government.

Here is another slide. This is a demonstrator detained by police. Look at how they dragged him through the streets. This is in Caracas, Venezuela.

I will show another demonstrator. This is a student—by the way, these are all students in the street. This young man was also shot in the head by security forces and progovernment groups in Caracas. This happened on February 11.

This is what they do in Venezuela. This is what the allies of the Castro regime do. This is what they export. This is what they teach. This is what they support.

It doesn't stop here. Who are Cuba's allies in the world? North Korea; before he fell, the dictator in Libya; the dictator in Syria; the tyrant in Moscow. This is who they line up with. This is a wonderful paradise?

What is happening in Venezuela deserves attention in and of itself. This is happening in our own hemisphere. It is shameful that only three heads of state in this hemisphere have spoken against what is happening. It is shameful that many Members of Congress who traveled to Venezuela and are friendly with Chavez—some even went to his funeral—sit by and say nothing while this is happening in our own hemisphere. This is what the wonderful Cuban paradise government we heard about supports.

Just this morning the dictator—who calls himself the President, even though he has never been elected to anything—Raul Castro announced he is there to do whatever they need to help them do this.

I listened to the stuff about Cuba and what is happening in Venezuela, and it is very similar, not just in the repression part but the economic part. Venezuela is an oil-rich country with hardworking people. We don't have an embargo against Venezuela. They have a shortage of toilet paper and toothpaste. Why? Because they are incompetent, and communism doesn't work. They look more and more like Cuba economically and politically every single day.

What is the first thing the Venezuelans did when this broke out? They cut off access to Twitter, Facebook, and the Internet. They ran CNN out of there. They closed down the only Colombian station. Years before they had to close down all the independent media outlets that criticized the government. Where did they learn that from? Cuba. Yet we have to listen to what a paradise Cuba is.

I wonder. How come I never read about boatloads of American refugees going to Cuba? Why have close to 1½ million people left Cuba to come here, but the only people who leave here to move there are fugitives from the law and people who steal money from Medicare and go there to hide? Why? How come no American baseball players defect to Cuba? Why don't any American doctors defect to Cuba if it is such a paradise?

He cited a poll that more Americans want normal relations with Cuba. So do I—a democratic and free Cuba. But you want us to reach out and develop friendly relationships with a serial violator of human rights that supports what is going on in Venezuela and every other atrocity on the planet? On issue after issue, they are always on the side of the tyrants. Look it up. This is who we should be opening up to? Why don't they change? Why doesn't the Cuban Government change? Why doesn't the Venezuelan Government change?

Throughout this week, I will outline proposals and ideas about what we need to do and the sanctions we should be pursuing against the individuals responsible for these atrocities.

We have sanctions against North Korea. Why? Because they have a terrorist and illegitimate government. We have sanctions against Iran. Why? Because they support terrorism and have an illegitimate government. We have sanctions against Cuba. Why? Well, you just saw why. Sanctions are a tool in our foreign policy toolbox. We, as the freest Nation on Earth, are looked to by people in this country and all around the world to stand by them in their moment of need when they clamor for liberty and human rights. They look for America to be on their side, not for America to be cutting geopolitical deals or making it easier to sell tractors to the government there. We should be clear about these things.

Here is the great news. I don't know if they get C–SPAN in Cuba. I bet the government people do. I hope you see that in America we are a free society. You are allowed to stand on the floor and say and spread whatever you want. You think Cuba is a paradise? You think it is an example and model we should be following? You are free to say that here, in the press and anywhere you want. We are also free to come here and tell the truth. We are also free to come here and denounce the violations of human rights and brutality.

I suggest to my colleagues that the next time they go to Cuba, ask to meet with the Ladies in White. Ask to meet with Yoani Sanchez. Ask to meet with the dissidents and the human rights activists who are jailed, repressed, and exiled. Ask to meet them. I bet you will hear something very different than what you heard from your hosts on your last trip to the wonderful socialist paradise called Cuba, because it is a joke. It is a farce. I don't think we should stand by with our arms crossed and watch these things happen in our hemisphere and say nothing about them.

I will close by saying over the last week, I have tweeted about these issues. I get thousands of retweets from students and young people—until they shut them out in Venezuela—who are encouraged by the fact that we are on their side. What they want is what we have, freedom and liberty. That is what all people want.

If America and its policymakers are not going to be firmly on the side of freedom and liberty, who in the world will? Who on this planet will? If this Nation is not firmly on the side of human rights and freedom and the dignity of all people, what nation on Earth will? If we are prepared to walk away from that, then I submit to you that this century is going to be a dangerous and dark one, but I don't believe that is what the American people want from us, nor the majority of my colleagues.

I thank the Presiding Officer for the opportunity to share these thoughts.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JEFFREY ALKER MEYER TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT

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

The assistant legislative clerk read the nomination of Jeffrey Alker Meyer, of Connecticut, to be United States District Judge for the District of Connecticut.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided and controlled in the usual form.

Mr. RUBIO. 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.

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

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

SEXUAL ASSAULT

Mrs. GILLIBRAND. Mr. President, this is a sad day for the Senate. What does it say about this body that after having seen so many brave survivors of sexual assault in the military walk through the halls of this Congress for over a year now, we can't even give them the decency of a debate on the reform they so deeply believe in—a reform they believe in so deeply that they have selflessly retold their stories, reliving some of the worst moments of their lives, all so, hopefully, someone else doesn't have to suffer what they did. They may not wear the uniform anymore, but no one can tell me they aren't still serving their country through their sacrifice. Yet we can't even agree to vote for moving forward to debate the issue? They deserve a vote. The men and women who serve in our Armed Forces deserve a vote.

Anyone who has been listening has heard over and over from survivors of sexual assaults in the military how the deck has been stacked against them. For two full decades the Defense Department has been unable to uphold its continued failed promises of zero tolerance for sexual assault. But when the Senate can't even agree to debate the one reform that survivors have consistently said is needed to solve this crisis, we are telling those victims the deck is stacked against them right here in the Senate as well.

Last month this Congress rushed with great speed to remove a reduction in military pensions not slated to begin until 2015—a fix I fully supported. Legislative action was swift, and it was just. But I ask: Where is the same urgency to help stem the crisis of military sexual assault—an epidemic that is happening today? How is it we can't wait another week to stop a COLA reduction in pensions, but a reform that will lead to more rapists and predators behind bars waits indefinitely. We have been waiting for 20 years now—all the way back to 1992, when Secretary of Defense Dick Cheney stated zero tolerance in the wake of Tailhook.

As many of my colleagues likely saw, the Associated Press revealed new evidence last month that took years of freedom of information requests to obtain. After reviewing the documents from Okinawa, Japan, the AP described the handling of cases as ''chaotic,'' where commanders overruled recommendations to prosecute or dropped charges altogether.

Among the AP's findings: ''Victims increasingly declined to cooperate with investigators or recanted—a sign they may have been losing confidence in the system.''

If that sounds familiar, it is because that is a fact that today's military leaders openly admit themselves. As Commandant of the Marine Corps James Amos put it:

> Why wouldn't female victims come forward. Because they don't trust us. They don't trust the chain of command. They don't trust the leadership.

That is what we have a chance to fix right here today, but we are letting it pass us by because some here believe it is not even worthy of debate.

This was never about being a Democratic idea or a Republican idea. It is just about doing what is right. People of good faith from both sides of the aisle, from both parties, can unite to deliver an independent, objective, and nonbiased military justice system that is worthy of the sacrifice the men and women in uniform make every day. It has taken us a long time to get to this point—too long, in fact. Every day we wait is another day the deck remains stacked against sexual assault victims in our military—another day when, statistically, it is estimated that over 70 incidents of unwanted sexual contact occur, and nearly nine out of 10 go unreported.

Nowhere else in America would we allow a boss to decide if an employee was sexually assaulted, except in the U.S. military.

The men and women of our military deserve to have unbiased, trained military prosecutors reviewing their cases and making the ultimate decision about whether to go to trial solely on the merits of the evidence. They deserve a fair shot at justice today, not after another year of a system that is broken under any metric. They deserve a vote that a bipartisan majority of the Senate supports, and they deserve that vote now.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the role.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. 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. BLUMENTHAL. Mr. President, I am here very proudly and gratefully to support the nomination of Jeffrey Meyer as a U.S. district court judge for the District of Connecticut. I am proud because of his extraordinary credentials. I am grateful to President Obama and, hopefully, to this body for giving Connecticut the services of a professor, litigator, prosecutor, and a person of extraordinary integrity and ability. Jeffrey Meyer has all of the qualifications in extraordinary depth and quality to be a great judge. He is truly a lawyers' lawyer. He is a prosecutors' prosecutor. He will be a judges' judge.

Mr. Meyer served as a legal aid lawyer in Vermont for Vermont Legal Aid and as an associate of two Washington, DC, law firms. He really has made his mark as a prosecutor in the U.S. Attorney's Office in Connecticut, where he served for 10 years, five of them as appeals chief. He also was a law clerk to Judge Oakes for the Second Circuit. He has a grounding in academia, having taught at Quinnipiac Law School and served as Supreme Court advocacy clinic teacher at Yale, where he has also been a visiting professor since 2000.

I am abbreviating and summarizing his credentials because they are well documented and well known in this body. What can't be summarized so easily is the quality of judgment he has and that befits a judge on the Federal court.

Judges on the U.S. district court, as I know from my own experience, having litigated for quite a few years, are often the last point of justice for many people in our country. They are the voice and face of justice for so many people who may not have the means or the persistence to appeal further, and for most litigants he will be the voice and face of justice before his court. That is a very solemn responsibility. It is a responsibility for life.

These decisions about who will serve on the district court are among the most important we make in this body, so we approach it seriously and thoughtfully. Following the high standards we impose, Jeffrey Meyer aptly and abundantly meets the test for serving as a U.S. district court judge: His background in litigation; his experience in actually trying cases; his background as an academic, in thinking through some of the toughest issues of the law and teaching others how to do it, how to actually be a lawyer; and, of course, his judgment and his sense of perspective and, most importantly, his integrity.

I have worked with Jeff Meyer. I know of his dedication to his clients. I have worked with him in very tough personal situations where his advice to a client would make a critical difference in that person's life. I know he

has the human quality of compassion and insight that is really necessary to make judgments about credibility when he has to judge the credibility of a witness on the stand or when he has to sentence an individual who may have broken the law but has mitigating factors to present. Anybody who spends time in a trial court knows that judges have to make split-second decisions based on their knowledge of the law but also on their instincts, on what they sense is right. Jeff Meyer has that quality of judgment that makes all the difference in the world. Some people have it, even if they haven't graduated, as Jeff Meyer did, from some of the best schools in the country, and some people don't, even when they have all the degrees in the world. Maybe it is common sense or horse sense or good instincts or character. It is very hard for anyone to say who has it without meeting them, as we did on the Judiciary Committee, and knowing them.

I thank the chairman of the Judiciary Committee, my great friend and colleague Senator LEAHY, for championing people of this great ability. Senator LEAHY has devoted his lifetime to the quality of our Federal judiciary, and it has been immensely beneficial to our judiciary and to all who appear before our Federal judges to have a champion such as Senator LEAHY of Vermont.

There are now 96 vacancies in our Federal court. Thirty-nine of those vacancies have been classified as judicial emergencies. Let us get on with our task and our responsibility to make sure justice is not delayed in the greatest country in the history of the world, because we know so often justice delayed is, in fact, justice denied. That may be true of the least seemingly important case that matters so greatly to the person whose life is at stake or it may be an issue of great moment to the Nation's future. But one way or the other, the American people rely on us to make sure justice is done, that judges are nominated and confirmed, and that we enable every American to have access to judges who will decide fairly and wisely the merits of their case. Whether it is through a trial or in a motion, justice is what makes our Nation one of the greatest—the greatest, in fact—in the history of the world.

I am very proud and grateful for the opportunity to support Jeff Meyer to be a U.S. district court judge for Connecticut.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Connecticut for his kind words. Having served as attorney general of his State and in various other roles in our courts, he understands very much when he says justice delayed is justice denied. Whether you are a plaintiff or a defendant, that is true.

Mr. President, I ask unanimous consent that I be recognized for 5 minutes and Senator MURPHY of Connecticut be recognized for 5 minutes.

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

Mr. LEAHY. Mr. President, I began the year expressing my hope that we would set aside our differences and do what is best for this country by confirming qualified nominees to fill these critical vacancies facing our Federal judiciary. I have been here with both Republican and Democratic leadership, Republican and Democratic Presidents. Never in my 40 years in the Senate have I seen such an effort to exploit every means of delay for every judicial nomination, even when a nominee is supported by both Republicans and Democrats and supported by their home State Senators. This did not happen with President Ford, with President Carter, with President Reagan, with President George H.W. Bush, with President Clinton, with President George W. Bush. This President is treated differently.

Now, I have heard some Senate Republicans claim the majority leader can simply bring up these nominations for a vote whenever he chooses to do so. I think that is done with the hope that some in the press or some people watching may not understand they are hiding from the American people the fact that they are not letting the majority leader bring them up for a vote. In fact, if their claims were true, we would be voting to confirm four district court judges tonight. Instead, the Senate Republicans are deliberately obstructing and placing roadblocks so that each and every confirmation takes longer. It is very similar to what they did when they caused the needless and costly partial shutdown of the government. They shut down the government. Here, they are trying to shut down the judiciary.

This pointless obstruction is why Congress is so unpopular with the American people. They make it as difficult as possible to respond to the needs of our Federal judiciary. This has been going on since President Obama first took office in 2009. In fact, within a short time after the President was sworn in, Republicans filibustered his very first judicial nominee. That has never been done for any President of either party. Incidentally, that judicial nominee, who had the highest possible rating from the American Bar Association, had the strong support of the senior Senator from his State, who was also the senior Republican then serving in the Senate. The most senior Republican Senator supported the nomination, but the Republican leadership said: No. We have to filibuster and block the nomination because, after all, it was President Obama's nomination, not President Bush's nomination.

It was around this time that the Republican leader said his primary goal was for President Obama to fail. Now, if a Democrat had said that about a Republican President, we would have heard about it ad infinitum.

We were forced to change the Senate Rules. This was something I was very reluctant to see done, but we did it because we have to get past this obstruction. Otherwise, our Federal judiciary would grind to a halt in many parts of the country. The worst part about it is when there are judicial nominees with the support of both Republican and Democratic Senators, but a tiny group in their leadership says: Oh, no, we cannot possibly vote on these. It might give President Obama a victory. This ignores the fact that he was elected twice by pretty significant margins. It also ignores the fact that the Federal judiciary has always been kept out of partisan politics. Instead, they do it to politicize the Federal judiciary more than I have seen in my 40 years here. It is a shame. It should stop.

Let's start acting like grownups in the Senate, not like children fighting in a sandbox. And then they wonder why the American people are so turned off. First they close down the Federal Government; now they are, by increments, closing down the Federal courts.

Tonight I hope we will vote to end the filibusters of four judicial nominees to Federal district courts in Connecticut, Arkansas, and California. Each of these nominees—Jeffrey Meyer to fill a vacancy to the District of Connecticut; James Maxwell Moody, Jr., to fill a vacancy to the Eastern District of Arkansas; and James Donato and Beth Labson Freeman to fill judicial emergency vacancies to the Northern District of California—were voted out of the Senate Judiciary Committee with the unanimous support of Republicans and Democrats. Yet, they have languished on the Senate floor for months. Because of Republican obstruction we are again wasting precious time to overcome procedural hurdles just to have an up-or-down vote on these worthy nominees.

I began the year expressing my hope that we would set aside our differences and do what is best for this country by confirming qualified nominees to fill critical vacancies facing our Federal Judiciary. Instead, it appears that Senate Republicans have decided to double down and to further exhaust every means of delay at their disposal, even when a nominee is supported by those on both sides of the aisle and supported by both home State Senators.

A few weeks ago, prior to recessing, Senator PRYOR asked for unanimous consent to vote on the nominations of Timothy Brooks and James Moody to fill judicial vacancies in the Western and Eastern Districts of Arkansas. Both of these nominees had the bipartisan support of their home State senators, as well as the bipartisan support of every single member of the Judiciary Committee. Both these nominees could and should have been confirmed last year, as they were originally voted out of committee by voice vote last October and November, respectively. Nevertheless, Senate Republicans refused

to consent to a vote on their nominations as the year ended. This meant that these nominees had to be re-nominated and re-processed through committee. Having jumped through all of these additional hurdles, these nominees still cannot get a vote on their nominations as Senate Republicans continue to object. Senate Republicans claim that the majority leader himself can bring up these nominations for a vote whenever he chooses to do so. But what the Republicans are hiding from the American people is that they are deliberately obstructing and placing roadblocks so that each and every confirmation takes as long as humanly possible.

This illustrates why Congress is so unpopular with the American people. Here, you have lawmakers deliberately making it as difficult as possible to do something to address the needs of our Federal Judiciary. Republicans may see this as retribution for the rules change that occurred last year, but their steadfast obstruction only hurts the American people.

More than a month into the new year, we have confirmed just one judicial nominee. This is the case even though there are currently 96 judicial vacancies, 39 of which have been deemed emergency vacancies by the Administrative Office of the U.S. Courts. In stark contrast, there were only 56 judicial vacancies at the same point in President Bush's tenure. The comparison is even more troubling when you consider the 32 judicial nominees currently pending on the Executive Calendar. We could lower the number of judicial vacancies today to 64 if Senate Republicans would consent to voting on the pending nominees. We have not had fewer than 70 vacancies since May 2009, more than 4 years ago. And for most of President Obama's tenure in office, judicial vacancies have continued to hover around 80 and 90 because of Senate Republican obstruction. Nevertheless, Senate Republicans continue to object to votes on these nominations.

There are no excuses for the delays except sheer partisanship. All but 3 of the 32 judicial nominees currently pending on the Executive Calendar had hearings before the Senate Judiciary Committee last year. Despite the self-imposed delays by Republicans, who demanded these nominees be sent back to the President to be re-nominated and re-processed through committee, the Judiciary Committee has worked hard to again report them out of committee. The only delay that is holding them up is the Republicans who have continuously objected to a vote on their nominations.

Almost all of the judicial nominees pending before the full Senate are uncontroversial. In fact, of the 32 judicial nominees currently pending, 30 were voted out of committee with bipartisan support. It is clear that Senate Republicans have decided to use the rules change as another excuse to further accomplish their partial government shut down. Before the rules change, Senate Republicans used anonymous holds to delay confirming qualified judicial nominees, and dragged their feet every step of the way to slow down the confirmation process. Senate Democrats changed the rules precisely because of these delay tactics, which were causing great harm to the judicial system and negatively impacting those Americans who were seeking justice in our Federal courts. The American people who have sought to obtain justice in our Federal courts deserve speedy and prompt justice. The petty partisan tactics on display tonight are not even worthy of the playgrounds of our children and grandchildren, let alone the United States Senate.

It used to be that nominees for U.S. attorney and U.S. marshal were confirmed by unanimous consent without taking up any floor time. However, Republicans have now decided that they will delay the confirmation of these nominees as well. Once again, the only individuals who are hurt by these tit-for-tat political games are the American people. When a State lacks the necessary law enforcement officers they need to keep its streets safe from criminals, it is the American people that are hurt. I hope that Senate Republicans will re-think this misguided strategy of obstruction and do-nothingness.

Shortly, I hope we can overcome the filibusters on the following qualified judicial nominees:

Jeffrey Meyer is nominated to fill a judicial vacancy in the U.S. District Court for the District of Connecticut. He has served since 2006 as a professor of law at Quinnipiac University School of Law, and since 2010 as a visiting professor of law at Yale Law School. He served as senior counsel to the Independent Inquiry Committee into the United Nations Oil-for-Food Program in Iraq from 2004 to 2005. He served as an assistant U.S. attorney in the District of Connecticut from 1995 to 2004, and as appeals chief from 2000 to 2004. Prior to his work as a Federal prosecutor, he worked as an associate at Kellogg, Huber, Hansen, Todd, Evans & Figel PLLC from 1993 to 1995, and at Shearman & Sterling LLP in 1993, and from 1990 to 1991. He worked as a staff attorney for Vermont Legal Aid from 1992 to 1993. Following law school, he served as a law clerk to three distinguished Federal judges, including Justice Harry Blackmun of the U.S. Supreme Court, Judge Donald Ross of the Eighth Circuit, and Judge James Oakes of the second Circuit. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Meyer well qualified to serve on the U.S. District Court for the District of Connecticut, its highest rating. He has the strong support of both his home State Senators, Senator BLUMENTHAL and Senator MURPHY. He was approved by the Judiciary Committee by voice vote last September, and once again, last month.

Judge James Moody is nominated to fill a judicial vacancy in the U.S. District Court for the Eastern District of Arkansas. Since 2003, he has served as a circuit court judge in Arkansas's Sixth Judicial Circuit. He has presided over 1,000 cases in the Arkansas State Court Systems. He previously worked in private practice at Wright, Lindsey & Jennings LLP as a partner from 1994 to 2003, and as an associate from 1989 to 1994. The ABA Standing Committee on the Federal Judiciary unanimously rated Judge Moody well qualified to serve on the U.S. District Court for the Eastern District of Arkansas, its highest rating. He has the strong bipartisan support of both his home State Senators, Senator PRYOR and Senator BOOZMAN. He was approved by the Judiciary Committee by voice vote last November, and once again, last month.

James Donato is nominated to fill a judicial emergency vacancy in the U.S. District Court for the Northern District of California. Since 2009, he has worked in private practice as a partner at Sherman & Sterling LLP. He has served pro bono as a court appointed mediator in the Northern District of California since 2002, handling civil rights actions against state and local law enforcement departments. He previously worked as a Partner at Cooley LLP from 1998 to 2009, and as a special counsel from 1996 to 1998. He served as a deputy city attorney in the Trial Division of the San Francisco City Attorney's Office from 1993 to 1996, and as an Associate at Morrison & Foerster LLP from 1990 to 1993. Following his graduation from Stanford Law School, he clerked for Judge Proctor Hug, Jr., of the United States Courts of Appeals for the Ninth Circuit. Mr. Donato earned his B.A. in 1983 from the University of California, where he was a member of Phi Beta Kappa. He earned his M.A. in history in 1984 at Harvard University, and his J.D. in 1988 from Stanford Law School, where he served as senior editor of the Stanford Law Review. He has the strong support of both his home State Senators, Senator BOXER and Senator FEINSTEIN. He was approved by the Judiciary Committee by voice vote last October, and once again, last month.

Judge Beth Freeman is nominated to fill a judicial emergency vacancy in the U.S. District Court for the Northern District of California. Since 2001, she has served as a California State judge in San Mateo County Superior Court. She served as the presiding judge from 2011 to 2012. During her 12 years on the bench, she has presided over approximately 150 jury trials and over a thousand bench trials. She previously served as a deputy county counsel to the San Mateo County Counsel's Office from 1983 to 2001. She worked in private practice at Fried, Frank, Harris, Shriver, and Jacobson in Washington, DC as an associate attorney from 1979 to 1981. Judge Freeman earned her B.A. with distinction from the University of California,

Berkeley in 1976. She earned her J.D. from Harvard Law School in 1979. She has the strong support of both her home State Senators, Senator BOXER and Senator FEINSTEIN. She was approved by the Judiciary Committee by voice vote last October, and once again, last month.

I thank the majority leader for filing cloture petitions to end the filibusters of these much needed trial court judges. I hope my fellow Senators will join me today to end these filibusters so that these nominees can get working on behalf of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I join my colleagues in support of the nomination of Jeffrey Meyer of Connecticut to be a U.S. judge for the District of Connecticut. I thank the chairman of the Judiciary Committee for his hard work in shepherding Mr. Meyer's nomination through the process and thank my colleagues and leadership for bringing it to the floor today.

Before I make brief remarks in support specifically of Meyer's nomination, I want to associate myself with the remarks of Senator LEAHY and Senator BLUMENTHAL.

There are essentially two ways to try to shut down the government from within. You can try to defund it—and we have seen that effort play out in real terms at great cost to the American people over the last year and a half—and you can also try to depopulate it. You can try to very slowly and methodically take people out of positions by either denying them confirmation into the administration—as we have seen, as a long list of nominees to agencies throughout the Federal Government are being delayed by Republicans—or you can try to keep the judiciary understaffed so it cannot do its work as well.

So I, unfortunately, believe this is part of a pretty methodical policy and strategy on behalf of those who feel as though they have been elected to destroy government from within, to both try to defund the organs of government and then also to depopulate its ranks. That is part of the reason I think we are laboring under delay tactic after delay tactic when it comes to our Federal judiciary. Today, though, hopefully we can unite around a nominee who is singularly qualified to serve on the district court.

I am proud to support Jeff Meyer's nomination—someone who comes from a family with deep roots in public service. Mr. Meyer has worked in the legal system but also has a history of helping the poor and the voiceless in Connecticut throughout his career. Both Senator BLUMENTHAL and I know his father well, Ed Meyer, who served with me in the Connecticut State Senate.

Jeff Meyer comes from a world-class educational background, in part because he got a lot of it in Connecticut. He is a graduate of both the college and the law school at Yale. He has an extensive academic and teaching background. After he graduated law school, Mr. Meyer clerked at the Supreme Court for Justice Blackmun, and then for Judge James Oakes, the former chief judge of the Second Circuit. Currently, he teaches the Supreme Court Advocacy Clinic at Yale Law School, where he provides pro bono legal services. Before that, he taught at Quinnipiac Law School, where he was honored with their Excellence in Teaching Award.

But even more impressive than his academic background and training is Jeff Meyer's long history of working for a fair and just legal system in Connecticut and, frankly, throughout the Northeast. Even as a law student Jeff Meyer showed a commitment to helping disadvantaged groups by giving legal assistance to homeless clients through the Yale Law School clinic. He actually received an award for his work there from the City of New Haven. Later, he worked as a staff attorney in Senator LEAHY's home State of Vermont at Vermont Legal Aid. In Connecticut, he helped keep our State safe by serving as an assistant U.S. attorney for 9 years. Since 2008 he has served on the Connecticut Judicial Ethics Committee—a fairly thankless task, I might add—and he has served on a range of other important State and local committees, including the Advisory Committee for the Selection of the Connecticut Federal Public Defender, the Independent Accountability Panel for New Haven's police department, and the U.S. Attorney's Police and Urban Youth Task Force.

Aside from his academic and community work, Jeff Meyer has also managed to find time in between to litigate complex commercial issues and investigate foreign aid issues. He served as an editor and counselor of the Independent Panel Review of the World Bank Department of Institutional Integrity. And he did an incredibly important tour of duty as the senior counsel of the Independent Inquiry Committee into the United Nations Oil for Food Program. He also wrote a book on the U.N. oil for food scandal. Along with his book, Mr. Meyer has an impressive body of legal scholarship that includes a wide range of law review articles and opinion pieces on topics ranging from criminal justice issues, to foreign aid, to workplace safety.

I will point out that Jeff Meyer is exceptional in the sense that he has sought work that others in the legal community might avoid. The work he has done on Connecticut's Judicial Ethics Committee or in the independent review process of the New Haven Police Department or even in his work investigating the Oil for Food Program was tough stuff—issues that were controversial that some other lawyers may have avoided. But Jeff Meyer sought places in which his talents were needed and in areas in which others may have looked the other way.

The District of Connecticut is currently about 13 percent understaffed, and this confirmation would fill a vacancy that has existed now for almost 2 years. Because Jeff Meyer has such stellar qualifications, I cannot think of any reason why people in this body would oppose his nomination. I urge all my colleagues to support him.

I yield the floor.

● Mr. NELSON. Mr. President, today the Senate will vote to invoke cloture on the nomination of Jeffrey Meyer to fill a judicial vacancy on the U.S. District Court for the District of Connecticut. Though I was not able to be present to cast my vote this afternoon, I fully support the nomination of this qualified individual to fill the vacancy in Connecticut. If I had been here I would have voted to confirm this highly qualified nominee. It would not have changed the outcome of the vote. I want to congratulate Senator LEAHY and Senator GRASSLEY on their leadership and hope that we can all continue to work together to address the backlog of judicial nominations.●

CLOTURE MOTION

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Jeffrey Alker Meyer, of Connecticut, to be United States District Judge for the District of Connecticut.

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

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

The question is, Is it the sense of the Senate that debate on the nomination of Jeffrey Alker Meyer, of Connecticut, to be United States District Judge for the District of Connecticut, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HATCH (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Florida (Mr. NELSON) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Idaho (Mr.

RISCH), and the Senator from Pennsylvania (Mr. TOOMEY).

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

The yeas and nays resulted—yeas 55, nays 37, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—55

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

NAYS—37

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

ANSWERED ''PRESENT''—1

Hatch

NOT VOTING—7

Graham	Murkowski	Toomey
Isakson	Nelson	
Landrieu	Risch	

The PRESIDING OFFICER. The yeas are 55, the nays are 37, and 1 Senator voting ''present.''

The motion is agreed to.

Pursuant to the provisions of S. Res. 15 of the 113th Congress, there will be up to 2 hours of postcloture consideration of the nomination, equally divided, in the usual form.

The majority leader.

Mr. REID. On behalf of the majority, I yield back 58 minutes.

The PRESIDING OFFICER. The time is so yielded.

The Senator from Iowa.

Mr. GRASSLEY. Either tonight or tomorrow the Senate will consider several district court nominees. These nominees will be brought up, considered by the Senate, and in all likelihood confirmed in very short order. As I mentioned several times, this is a procedure the Democrats voted to pursue in November when they voted for the so-called nuclear option. The majority voted to eliminate the filibuster on nominations and to cut the minority, us Republicans, out of the process.

While the Senate is debating these district court nominees, it gives me a good opportunity to continue the discussion about how the Senate ought to be functioning in the constitutional way determined by our Constitution writers. There is no debate that the Senate isn't functioning properly, and we have been treated to relentless finger-pointing from the other side regarding who is to blame.

Unless we can establish a nonpartisan account of how the Senate ought to function, this debate will amount to nothing more than a kindergarten shouting match.

I wish to return to the Federalist Papers, which are the most detailed account, from the time the Constitution was being ratified, about how our institution, this Senate, was intended to operate. Although these Federalist Papers were written over 200 years ago, the principles those papers articulate are timeless, and the problems they highlight are strikingly relevant to this very day.

The last time I addressed the Senate on this subject I quoted at length from a passage in Federalist No. 62. Although the Federalist Papers were published under the pseudonym of ''Publius,'' we know they were written by three of our Founding Fathers: James Madison, Alexander Hamilton, and John Jay.

Federalist No. 62 has been attributed to the father of the Constitution James Madison. In it he lists several problems that can be encountered by a republic the Senate was specifically, under the Constitution, designed to counteract.

The first point Madison makes is that having a second chamber—meaning the Senate—composed differently than the House makes it less likely one faction will be able to take over and enact an agenda out of step with the American people.

The second point deals with the tendency of a unicameral legislature to yield to sudden and popular impulses and pass what he called ''intemperate and pernicious resolutions.''

The third point is that based on the experience of the early unicameral State legislatures, a second chamber, with longer terms, such as the Senate, and a more deliberative process, such as the Senate is supposed to have, will make sure any laws passed are well thought out. The Framers of our Constitution determined it was better to get it right the first time than to subject the American people to the upheavals caused by the need to fix poorly conceived laws.

Madison talks about the early American experience with ''all the repealing, explaining and amending laws,'' which he calls ''monuments of deficient wisdom; so many impeachments exhibited by each succeeding against each preceding session; so many admonitions to the people, of the value of those aids which may be expected from a well-constituted Senate.''

In my last speech I did not get to Madison's fourth and final point in Federalist Paper 62, which is quite long and deserves to be examined in detail, and that is my main purpose today. Madison concludes Federal No. 62 with an extensive discussion of the importance of stability to good government and the danger to rule of law from constant change. So here he is talking about the purpose intended for the Senate. This section starts:

> Fourthly, the mutability in the public councils arising from a rapid succession of new members, however qualified they may be, points out, in the strongest manner, the necessity of some stable institution in the government. Every new election in the States is found to change one-half of the representatives. From this change of men must proceed a change of opinions; and from a change of opinions, a change of measures. But a continual change even of good measures is inconsistent with every rule of prudence and every prospect of success. The remark is verified in private life, and becomes more just, as well as more important, in national transactions.

Here Madison is making a case for stable government instead of constant change. He says that constant change, even with good ideas, will not produce positive results. Madison then elaborates on the various problems caused by an unstable government. This is what he first says about a country that is constantly changing its laws:

> . . . she is held in no respect by her friends; that she is the derision of her enemies; and that she is prey to every nation which has an interest in speculating on her fluctuating councils and embarrassed affairs.

Madison then makes the case that the domestic ramifications of constantly enacting and changing laws ''poisons the blessing of liberty itself.''

But he goes on to explain:

> It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow.

This sounds a little bit like what we are finding with the health care law today, which is being rewritten daily and on the fly by the Obama administration. The Law has been changed by the President 29 times so far. But it is part of a bigger problem we face with new laws and regulations from agencies which have the force of law being churned out in such volume that no American can possibly know what all those regulations are.

Just based upon probability, Americans are likely to violate some regulation or some other law without knowing it at the time. Madison is making a case not just for more thoughtful laws but fewer laws.

When the majority leader and many in the media complain the Senate should be passing laws at a higher rate, those people miss the point entirely. To listen to some Members of the majority, and even more so in the media of America, one would think the success of a session of Congress was measured solely on the sheer number of laws passed and not on the quality of those laws that it passes.

Common sense tells all of us the Senate was specifically designed to slow down the process and to make sure

that Congress passes fewer but better laws. Madison elaborates further on why fewer laws are better in this passage, which is extremely relevant today:

> Another effect of public instability is the unreasonable advantage it gives to the sagacious, the enterprising, and the moneyed few over the industrious and uninformed mass of the people.
>
> Every new regulation concerning commerce or revenue, or in any way affecting the value of the different species of property, presents a new harvest to those who watch the change, and can trace its consequences; a harvest, reared not by themselves, but by the toils and cares of the great body of their fellow citizens.

In other words, a situation where Congress is constantly changing the laws gives more influence to those who can hire lawyers to keep on top of the changes and lobbyists who influence them versus the little guy who is out there on his own.

It is sometimes said that big businesses don't like regulations. But that isn't my experience in many instances. The bigger and wealthier a business or a union or other special interest group, the better chance they have to shape a new law or regulation and the more people they can hire to help them comply. On the other hand, small businesses and individuals can't hire a team of lawyers to read the latest laws and regulations and fill out the proper paperwork. Small businesses and individuals are the ones squeezed out of the marketplace by the constant flow of new laws.

An overactive government benefits the big guys at the expense of the little guys. If you think that fact is lost on the big guys and their lobbyists when they come to Congress, you would in fact be very badly mistaken. So as James Madison so wisely noted, an overactive government is an invitation to the rich and the powerful to use government to their benefit and to the detriment of their competitors.

That goes to show there is a great benefit to stability in laws as opposed to constant change—the very purpose Madison sets out for the Senate.

A cornerstone of liberty is the rule of law, meaning the law is transparent and no one is above the law. If you look around the world today, the poorest and least free countries are the ones where there is no rule of law. If someone can take what you have earned through force and you have no legal recourse, that is an example where there is no rule of law. If the rich and the powerful get special privileges, that is an example of where the rule of law has broken down.

The rule of law is one of the principles our country was founded upon. But when there are so many rules and they are changing so quickly the average citizen cannot keep up, that undermines the rule of law.

Of course, the situation is only made worse when the rules already on the books are waived for the politically connected. Of course, that is another problem, but one that has become all too common under this administration, particularly with the health care reform law, where 29 changes have already been made by the President on his own volition, and some of us believe even contrary to law. As an example, I have even heard some Democratic Senators comment: How can the President make the change on employer mandates?

Of course, going back to the Senate's role, I am not making a case for doing nothing or that we should be happy with the failure of the Senate to debate legislation. The Senate is supposed to be slow and deliberative, not stopped. That is why we are called the greatest deliberative body in the world. Still, it is important to get away from this notion that somehow the failure to ram legislation through the Senate with no debate and no amendments is a problem.

The reason the Senate doesn't function when the majority leader tries to run it that way is very simple. The Senate was not designed to do business that way. The Senate was intended to be the deliberative body we always praise and has been for most of its history. But it has now become routine for the leadership to file cloture to end consideration of a matter immediately upon moving to it. By contrast, the regular order is for the Senate to consider a matter for some period of time—how long would vary—but allowing Senators from all parties to weigh in before cloture is even contemplated.

Cloture was invented to allow the Senate to end consideration of a matter after the vast majority of Senators had concluded it has received sufficient consideration. Prior to that, there was no way to end debate so long as at least one Senator wished to keep deliberating. Cloture was a compromise between the desire to move things along and the principle that each Senator, as a representative of his or her respective State, has the right to participate fully in the legislative process.

The compromise was originally that two-thirds of Senators voting had to be satisfied a matter had received sufficient consideration. That was reduced to three-fifths of all Senators. Each time this matter is renegotiated, the compromise leans more in favor of speeding up the process at the expense of allowing Senators to fully represent the people of their respective States.

The majority leadership routinely files cloture immediately upon proceeding to a matter. Again, cloture is a tool to cut off further consideration of a matter when it appears it is dragging on too long. One can hardly claim the Senate has taken too much time to deliberate over something when it hasn't even begun consideration and debate of the specific matter.

According to data from the Congressional Research Service, there were only seven times during the first session of this current Congress the Senate started to consider a bill for a day or more before cloture was filed. That is out of 34 cloture motions related to legislative business. The number of same-day cloture filings has more than doubled compared to when Republicans last controlled the Senate.

Moreover, the total number of cloture motions filed each session of Congress under this majority leadership has roughly doubled compared to the period from 1991 to 2006, under majority leaders of both political parties. Before 1991, cloture was even more rare. This is a sign that cloture is being overused, even abused, by the majority.

Still, if this alarming rise in cloture motions was a legitimate response to a minority of Senators insisting on extended debate to delay proceedings beyond what is necessary for reasonable deliberation, otherwise known as a filibuster, then of course it would be justified. That is clearly not the case when the overwhelming number of motions to cut off debate are made before debate has even started.

What amount of time is necessary for deliberations and what is purely dilatory in any particular case is, of course, a subjective determination. However, the practice of routinely moving to cut off consideration of virtually every measure when there has not even yet been any deliberation cannot be justified in a body termed ''the most deliberative body in the world''—that being the U.S. Senate.

So we are in a situation where this is very much an abuse of the cloture motion. Along with the routine blocking of amendments, cloture abuse is preventing Senators from doing what we are paid to do; that is, to represent the people of our States.

Shutting Senators out of the deliberative process isn't just an argument about dry Senate procedure, as the majority leader has tried to suggest in response to criticisms. When Senators are blocked from participating in the legislative process, the people they represent are effectively disenfranchised.

When I say people are disenfranchised when the majority leadership shuts Senators out of the process, I don't just mean citizens of the 45 States that elected Republican Senators. The citizens of States that elected Democratic Senators also expect those Senators to offer amendments and engage with their colleagues from different parties. Shutting down consideration of a bill before it has been considered prevents even Members of the majority party from offering amendments which may be important to the people of their respective States. Voters have a right to expect the people they elect to actually do the hard work of representing them, not just be a rubberstamp for their leadership's legislative agenda.

Senators who go along with tactics which disenfranchise their own constituents should have to answer to those who voted them into office as to why they aren't willing to do the job they were elected to do. That job includes not just offering amendments

when appropriate but taking tough votes which reveal to their constituents where that Senator stands. The majority leader has gone out of his way to shield members of his caucus from taking votes that may hurt them back home. Senators don't have any right to avoid tough votes. That is not the deliberative process James Madison envisioned and expressed in the writings of the Federalist Papers.

If we are going to have good laws which can stand the test of time, the Senate must be allowed to function as it was intended to function. One aspect of what is needed to return the Senate to its proper function as a deliberative body is to end cloture abuse.

I would ask my colleagues to reflect on all the changes to the Senate recently, including those negotiated between the two leaders a year ago in return for a promise—which was not kept—not to use the nuclear option, as well as the subsequent use of the nuclear option yet 10 months later, last November.

Those reforms, if you can call them reforms, have been in the direction of reducing the ability of individual Senators to represent the people of their States and at the same time concentrating power with the majority leadership. It is time we had some reforms to get the Senate back functioning as a deliberative body as was intended under the Constitution. The Senate is supposed to be a place where all voices are heard and reason can rise above partisanship.

I urge all my colleagues to reflect on these thoughts and think about our responsibility to the people of our States. If we do, I am sure we can come up with some sensible reforms to end the abuse of cloture and restore the Senate to the deliberative body the Framers of the Constitution intended it to be and, most importantly, as expressed by James Madison. I will be thinking about that, and I would encourage all my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

OBAMACARE

Mr. WICKER. Mr. President, the distinguished Senator from Iowa talks convincingly and persuasively about so many times when Members are shut out of the process. Certainly chief among those would have been in 2009, when we could have used the expertise of Senator GRASSLEY, had our colleagues across the aisle been willing to work with him in a bipartisan fashion to write a bipartisan health care bill which employed market principles and competition. Instead, just as he mentioned in his remarks, he was shut out of the process, as were all Republicans. So we have an ObamaCare law on the books now supported by every Democrat in the Senate and supported by no Republicans, some 18 percent of our gross domestic product turned on its head by this legislation, and it was not done in a bipartisan fashion as anything this big should be done. The Senator is correct, and I appreciate him mentioning the larger sense in which Members feel they are being shut out of the process.

I rise tonight particularly to call Members' attention to an op-ed in today's Wall Street Journal, Monday, February 24, page A–15, entitled ''ObamaCare and My Mother's Cancer Medicine,'' by Stephen Blackwood.

I have no idea about Stephen Blackwood's politics. The article at the end says Mr. Blackwood is president of Ralston College, a planned liberal arts institution in Savannah, GA. So I know he comes from academia, and I know he loves his mother and is concerned with what ObamaCare has done to his mother's cancer coverage.

The story Mr. Blackwood tells about his mother Catherine reflects the very real life-or-death consequences of the President's health care law. Many of us who oppose the law often point to the financial costs, the delays, and the flawed implementation. But the human aspect is much more tragic.

In relaying his family's current situation in this op-ed in the Wall Street Journal today, Mr. Blackwood depicts the law's devastating effects on individual Americans. He begins by saying:

> When my mother was diagnosed with carcinoid cancer in 2005, when she was 49, it came as a lightning shock.

I know it would to any family. He goes on to say later:

> Anyone who's been there knows that a cancer diagnosis is terrifying.

He explains later on in the op-ed that:

> Carcinoid, a form of neuroendocrine cancer, is a terminal disease but generally responds well to treatment by Sandostatin, a drug that slows tumor growth and reduces (but does not eliminate) the symptoms of fatigue, nausea, and gastrointestinal dysfunction. My mother received a painful shot twice a month and often couldn't sit comfortably for days afterwards.
>
> As with most cancers, one thing led to another. There have been several more surgeries, metastases, bone deterioration, a terrible bout of thyroiditis (an inflammation of the thyroid gland) and much more. But my mother kept fighting, determined to make the most of life, no matter what it brings. She has indomitable will and is by far the toughest person I've ever met. But she wouldn't be here without the semimonthly Sandostatin shot that slows the onslaught of her disease.
>
> And then in November, along with millions of other Americans, she lost her health insurance. She'd had a Blue Cross/Blue Shield plan for nearly 20 years. It was expensive, but given that it covered her very expensive treatment, it was a terrific plan. It gave her access to any specialist or surgeon, and to the Sandostatin and other medications that were keeping her alive.
>
> And then, because our lawmakers and the president thought they could do better, she had nothing. Her old plan, now considered illegal under the new health law, had been canceled.
>
> Because the exchange website in her state (Virginia) was not working, she went directly to insurers' websites and telephoned them, one by one—

This is a woman with carcinoid cancer whose policy has been cancelled because of ObamaCare

> —over dozens of hours. As a medical office manager, she had decades of experience navigating the enormous problems of even our pre-ObamaCare system.

Even with her experience, she had trouble with the repeated and prolonged phone waits, which Mr. Blackwood described as Sisyphean. In the end, she was told she could purchase a Humana policy.

The enrollment agent said that after she met her deductible for all her treatments and medications, including those for cancer, she would be covered 100 percent. However, the enrollment agents did not have access to the coverage formularies for the plans they were selling. They said the only way to find out what was in the plan in detail was to buy the plan.

Does that sound familiar? It sounds like what the former Speaker of the House, NANCY PELOSI, famously told us in 2009. We have to hurry up and pass the bill so we can find out what is in it.

In this case, Mrs. Blackwood needed to hurry up and buy the insurance plan—pay the premiums—so she could then find out whether she was covered, and it turns out she was not covered. The cost of the Sandostatin alone, since January 1 of this year, was $14,000, and the company was refusing pay.

To quote Mr. Blackwood further:

> The news was dumbfounding. This was a woman who had an affordable health plan that covered her condition. Our lawmakers weren't happy with that because . . . they wanted plans that were affordable and covered her condition. So they gave her a new one. It doesn't cover her condition and it's completely unaffordable.
>
> Though I'm no expert on ObamaCare (at 10,000 pages, who could be?), I understand that the intention—or at least the rhetorical justification—of this legislation was to provide coverage for those who didn't have it. But there is something deeply and incontestably perverse about a law that so distorts and undermines the free activity of individuals that they can no longer buy and sell the goods and services that keep them alive. ObamaCare made my mother's old plan illegal, and it forced her to buy a new plan that would accelerate her disease and death. She awaits an appeal from her insurer.
>
> Will this injustice be remedied, for her or millions of others? Or is my mother to die because she can no longer afford the treatment that keeps her alive?
>
> Like every American, I want affordable health care, and I'm open to innovative solutions of all kinds—individual, corporate, for-profit, nonprofit and public. It will take all of these, and all the intelligence, creativity and self-discipline we have, as well as everything we can offer one another as families, neighbors, friends and citizens—and it still won't be perfect. But it is precisely because health care for 300 million people is so complicated that it cannot be centrally managed.

Mr. Blackwood concludes:

> The ''Affordable'' Care Act is a brutal, Procrustean disaster. In principle, it violates the irreducible particularity of human life, and in practice it will cause many individuals to suffer and die. We can do better, and we must.

At this point, I ask unanimous consent that this opinion piece by Stephen Blackwood be printed in the RECORD.

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

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

[From the Wall Street Journal, Feb. 24, 2014]

OBAMACARE AND MY MOTHER'S CANCER MEDICINE

(By Stephen Blackwood)

When my mother was diagnosed with carcinoid cancer in 2005, when she was 49, it came as a lightning shock. Her mother, at 76, had yet to go gray, and her mother's mother, at 95, was still playing bingo in her nursing home. My mother had always been, despite her diminutive frame, a titanic and irrepressible force of vitality and love. She had given birth to me and my nine younger siblings, and juggled kids, home and my father's medical practice with humor and grace for three decades. She swam three times a week in the early mornings, ate healthily and never smoked.

And now, cancer? Anyone who's been there knows that a cancer diagnosis is terrifying. A lot goes through your mind and heart: the deep pang of possible loss (what would my father and all of us do without her?), and the anguish and anger at what feels like injustice (after decades of mothering and managing dad's practice, she was just then going back to school).

We, as a family, were scared and angry, but from the beginning we knew we would do all we could to fight this disease. We became involved with fundraising for research, through the Caring for Carcinoid Foundation in Boston; we blogged; we did triathlons (my mother's idea) and cherished our time together as never before.

Carcinoid, a form of neuroendocrine cancer, is a terminal disease but generally responds well to treatment by Sandostatin, a drug that slows tumor growth and reduces (but does not eliminate) the symptoms of fatigue, nausea and gastrointestinal dysfunction. My mother received a painful shot twice a month and often couldn't sit comfortably for days afterward.

As with most cancers, one thing led to another. There have been several more surgeries, metastases, bone deterioration, a terrible bout of thyroiditis (an inflammation of the thyroid gland), and much more. But my mother has kept fighting, determined to make the most of life, no matter what it brings. She has an indomitable will and is by far the toughest person I've ever met. But she wouldn't still be here without that semimonthly Sandostatin shot that slows the onslaught of her disease.

And then in November, along with millions of other Americans, she lost her health insurance. She'd had a Blue Cross/Blue Shield plan for nearly 20 years. It was expensive, but given that it covered her very expensive treatment, it was a terrific plan. It gave her access to any specialist or surgeon, and to the Sandostatin and other medications that were keeping her alive.

And then, because our lawmakers and president thought they could do better, she had nothing. Her old plan, now considered illegal under the new health law, had been canceled.

Because the exchange website in her state (Virginia) was not working, she went directly to insurers' websites and telephoned them, one by one, over dozens of hours. As a medical-office manager, she had decades of experience navigating the enormous problems of even our pre-ObamaCare system. But nothing could have prepared her for the bureaucratic morass she now had to traverse.

The repeated and prolonged phone waits were Sisyphean, the competence and customer service abysmal. When finally she found a plan that looked like it would cover her Sandostatin and other cancer treatments, she called the insurer, Humana, to confirm that it would do so. The enrollment agent said that after she met her deductible, all treatments and medications—including those for her cancer—would be covered at 100%. Because, however, the enrollment agents did not—unbelievable though this may seem—have access to the ''coverage formularies'' for the plans they were selling, they said the only way to find out in detail what was in the plan was to buy the plan. (Does that remind you of anyone?)

With no other options, she bought the plan and was approved on Nov. 22. Because by January the plan was still not showing up on her online Humana account, however, she repeatedly called to confirm that it was active. The agents told her not to worry, she was definitely covered.

Then on Feb. 12, just before going into (yet another) surgery, she was informed by Humana that it would not, in fact, cover her Sandostatin, or other cancer-related medications. The cost of the Sandostatin alone, since Jan. 1, was $14,000, and the company was refusing to pay.

The news was dumbfounding. This is a woman who had an affordable health plan that covered her condition. Our lawmakers weren't happy with that because . . . they wanted plans that were affordable and covered her condition. So they gave her a new one. It doesn't cover her condition and it's completely unaffordable.

Though I'm no expert on ObamaCare (at 10,000 pages, who could be?), I understand that the intention—or at least the rhetorical justification—of this legislation was to provide coverage for those who didn't have it. But there is something deeply and incontestably perverse about a law that so distorts and undermines the free activity of individuals that they can no longer buy and sell the goods and services that keep them alive. ObamaCare made my mother's old plan illegal, and it forced her to buy a new plan that would accelerate her disease and death. She awaits an appeal with her insurer.

Will this injustice be remedied, for her and for millions of others? Or is my mother to die because she can no longer afford the treatment that keeps her alive?

Like every American, I want affordable health care, and I'm open to innovative solutions of all kinds—individual, corporate, for-profit, nonprofit and public. It will take all of these, and all the intelligence, creativity and self-discipline we have, as well as everything we can offer one another as families, neighbors, friends and citizens—and it still won't be perfect. But it is precisely because health care for 300 million people is so complicated that it cannot be centrally managed.

The ''Affordable'' Care Act is a brutal, Procrustean disaster. In principle, it violates the irreducible particularity of human life, and in practice it will cause many individuals to suffer and die. We can do better, and we must.

Mr. WICKER. We talk a lot about the failures of the Affordable Care Act. Because of ObamaCare, 7 million people are expected to lose their employer-sponsored health insurance by 2024. Another 5 million Americans have seen their health care plans canceled, and one of them is Mrs. Blackwood.

I say again to my colleagues and everyone within the sound of my voice, I don't know the politics of the Blackwood family. They had an insurance policy that worked for Mrs. Blackwood. It covered a vital drug—Sandostatin—that kept her alive from the disease of carcinoid cancer, and she has lost that coverage because of the very act that was supposed to help people.

Mr. Blackwood says, ''We can do better,'' and I suggest we can do better. We need to repeal this ill-considered law which has caused so much pain for millions and millions of Americans and still left 31 million people uninsured.

We need to work together across the aisle in a bipartisan way to fix this system and have a system that doesn't throw innocent and sick people out of their insurance coverage and threaten their health and their very lives.

I yield the floor.

• Mr. NELSON. Mr. President, today the Senate will vote to confirm the nomination of Jeffrey Meyer to fill a judicial vacancy on the U.S. District Court for the District of Connecticut. Although I was not able to be present to cast my vote this afternoon, I fully support the nomination of this qualified individual to fill the vacancy in Connecticut. If I had been here I would have voted to confirm this highly qualified nominee. It would not have changed the outcome of the vote. I congratulate Senator LEAHY and Senator GRASSLEY on their leadership and hope that we can all continue to work together to address the backlog of judicial nominations.•

Mr. LEAHY. I see the majority leader is on the floor. Obviously, he is seeking recognition.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, if the President pro tempore could wait for just a minute, I wish to tell everyone what we are going to do this evening. We will have two more votes tonight.

I ask unanimous consent that if cloture is invoked on Executive Calendar No. 570, at 11:15 tomorrow, Tuesday, February 25, the Senate proceed to Executive Session and that all postcloture time with respect to Calendar No. 570 be dispensed with and the Senate proceed to vote on the confirmation; further, that following disposition of Calendar No. 570, the Senate proceed to vote on cloture on Calendar No. 566, and that if cloture is invoked, all postcloture time be dispensed with and the Senate proceed to vote on Calendar No. 566; further, that following disposition of Calendar No. 566, the Senate proceed to vote on cloture of Calendar No. 567, and that if cloture is invoked, all postcloture time be dispensed with and the Senate proceed to vote on confirmation of Calendar No. 567; that all after the first vote on Tuesday be 10 minutes in length; that with respect to the above nominations the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

I express appreciation to my friend for yielding to me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that there be 2 minutes for debate equally divided in the usual form prior to the second rollcall vote tonight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, when I was in third grade, I read all of Dickens and all of Robert Louis Stevenson. I remember two words that really struck me during that time. The words ''pettifoggery'' and ''balderdash.'' I have heard more pettifoggery and balderdash on the other side this evening than I could imagine.

The fact of the matter is this. The Republican Party—and many of them are dear friends of mine—orchestrated a partial shutdown of the government last year. It cost the taxpayers tens of billions of dollars and it accomplished nothing. Well, I shouldn't say it accomplished nothing. It stopped cancer research and a number of other things. Now they are trying the same thing with the Federal judiciary by taking judges who had passed out of the Senate Judiciary Committee unanimously and doing what the Republicans did with the very first nominee of President Obama who came up. They filibustered it—something that had not been done ever in my 40 years here with either Republican or Democratic presidents—ever. This was a judge supported by the most senior Republican in the Senate.

Shortly after that, the Republican leader said his primary goal was for President Obama to fail. Unfortunately for them, he didn't. He was reelected resoundingly. But they have now achieved a partial shutdown of the Federal judiciary by blocking these judges. It is balderdash and pettifoggery.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. I yield back the remainder of our time.

The PRESIDING OFFICER. Without objection, the time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Jeffrey Alker Meyer, of Connecticut, to be United States District Judge for the District of Connecticut?

Mr. BOOZMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

There is a sufficient second.

The clerk will call the roll.

The legislative called the roll.

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mr. CORNYN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Idaho (Mr. RISCH), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''yea.''

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

The result was announced—yeas 91, nays 2, as follows:

[Rollcall Vote No. 37 Ex.]

YEAS—91

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

NAYS—2

Coburn	Crapo

NOT VOTING—7

Blunt	Murkowski	Toomey
Cornyn	Nelson	
Graham	Risch	

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent the motion to reconsider be considered made and laid on the table and the President be immediately notified of the Senate's action.

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

NOMINATION OF JAMES M. MOODY, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to the next vote.

• Mr. NELSON. Mr. President, today the Senate will vote to invoke cloture on the nomination of James Moody to fill a judicial vacancy on the U.S. District Court for the Eastern District of Arkansas. Though I was not able to be present to cast my vote this afternoon, I fully support the nomination of this qualified individual to fill the vacancy in Arkansas. If I had been here I would have voted to confirm this highly qualified nominee. It would not have changed the outcome of the vote. I want to congratulate Senator LEAHY and Senator GRASSLEY on their leadership and hope that we can all continue to work together to address the backlog of judicial nominations.•

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise to encourage my colleagues to support the nomination of James M. Moody to be a Federal judge in the Eastern District of Arkansas. He is highly qualified, completely noncontroversial, stellar across the board, and meets every criteria anyone could ever have.

So when the times comes, I would appreciate a great vote for Judge Moody.

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

Mr. LEAHY. Madam President, this is just one more of those judges who passed unanimously from the Senate Judiciary Committee. Every Republican, every Democrat voted for him. He has been held up and delayed by Republicans who, I am afraid, are trying to do the same to the Federal judiciary they did to the Federal Government by closing it down.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I yield back our time.

CLOTURE MOTION

The PRESIDING OFFICER. All time is yielded back.

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

The legislative clerk read as follows.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of James Maxwell Moody, Jr., of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Harry Reid, Patrick J. Leahy, Mark L. Pryor, Mark Begich, Robert Menendez, Benjamin L. Cardin, Tom Harkin, Amy Klobuchar, Christopher Murphy, Patty Murray, Jon Tester, Richard J. Durbin, Barbara Boxer, Angus S. King, Jr., Claire McCaskill, Richard Blumenthal, Sheldon Whitehouse, Jack Reed.

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

The question is, Is it the sense of the Senate that debate on the nomination of James Maxwell Moody, Jr., of Arkansas to be United States District Judge for the Eastern District of Arkansas shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HATCH (when his name was called). ''Present.''

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mr. CORNYN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Alaska (Mrs. MURKOWSKI), the Senator from Idaho (Mr. RISCH), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''nay.''

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

The yeas and nays resulted—yeas 58, nays 34, as follows:

[Rollcall Vote No. 38 Ex.]

YEAS—58

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

NAYS—34

Barrasso	Grassley	Paul
Burr	Heller	Portman
Chambliss	Hoeven	Roberts
Coats	Inhofe	Rubio
Coburn	Isakson	Scott
Cochran	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Crapo	Kirk	Thune
Cruz	Lee	Vitter
Enzi	McCain	Wicker
Fischer	McConnell	
Flake	Moran	

ANSWERED ''PRESENT''—1

Hatch

NOT VOTING—7

Blunt	Murkowski	Toomey
Cornyn	Nelson	
Graham	Risch	

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 34, and one Senator voted ''present.''

The motion is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I ask consent that the Senate resume legislative session.

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

MORNING BUSINESS

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

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

AGRICULTURAL ACT OF 2014

Mr. CASEY. Madam President, I wish to discuss the Agricultural Act of 2014, otherwise known as the farm bill.

I sincerely appreciate the Agriculture Committee chairwoman's and ranking member's work in moving the process forward.

I have made it a priority to keep Pennsylvania's agricultural industry and our rural economies strong to support Pennsylvanian families.

Agriculture is the Commonwealth's largest industry. Pennsylvania's farm gate value—that is cash receipts to growers—is about $5.8 billion. Agribusiness in Pennsylvania is a $46.4 billion industry. Seventeen and one-half percent of Pennsylvanians are employed in the food and fiber system. What does this mean?

It means that we must have a five-year farm bill.

The farm bill creates economic opportunities in our rural areas and sustains the consumers and businesses that rely on our rural economy.

This farm bill would reduce the deficit by approximately $23 billion through the elimination of some subsidies, the consolidation of programs and producing greater efficiencies in program delivery.

Furthermore, dairy farmers deserve the best dairy program possible. The Senate bill contains many improvements that I support. Dairy is Pennsylvania's No. 1 agricultural sector. The dairy industry annually generates more than $1.8 billion in on-farm cash receipts, which represent about 32 percent of Pennsylvania's total agricultural receipts.

There are so many other important items that come out of having a five-year farm bill.

I am especially thankful to the chairwoman and ranking member for inclusion of a provision to establish cooperative lending pilot projects to aid administration of microloans. These projects will help provide business planning support and financial management expertise to farmers to ensure their success in order to foster economic development in agriculture and sustain farm profitability.

Making risk management and crop insurance products work better for Pennsylvanians, especially small farmers, specialty crop farmers and organic farmers, is very important. Providing funding through risk management, conservation and agricultural marketing agencies to underserved states, the Agricultural Management Assistance, AMA, program helps to make the farm bill more equitable among regions. I genuinely appreciate the chairwoman's and ranking member's work to enhance the Agricultural Management Assistance program, including support for organic transition assistance. The improvements in this bill to crop insurance delivery are important.

We have worked to address the unique concerns of specialty crop farmers and beginning farmers, and we have done so in a bipartisan way. Specialty crops are very important to Pennsylvanian agriculture. The Specialty Crops Research Initiative, SCRI, Specialty Crops Block Grant program and Fresh Fruit and Vegetable Snack Program all advance the specialty crops industry, playing a key role in ensuring that this important agricultural sector receives continued acknowledgement in the farm bill. These programs remain strong under this bill.

In addition, the Nation's organic industry has grown exponentially from $3.6 billion in 1997 to $29 billion in 2010, with an annual growth rate of 19 percent from 1997–2008. In 2008, Pennsylvania was ranked 6th in number of organic farms with 586 and 3rd in sales at $212.7 million.

I also support the improvements in promotion programs within the farm bill.

Through research, we develop more efficient and effective farming methods. Research also helps producers maintain a competitive edge in the global market by fighting threatening diseases and pests.

I am pleased that the farm bill invests in relevant and targeted research and maintains the Animal and Plant Health Inspection Service programs that work to eradicate the invasive species that threaten our nation's forests and farms.

The farm bill's forestry programs are essential for assisting forest landowners in managing threats and enhancing stewardship. I am pleased that the farm bill continues important forestry programs so that forest owners can continue to create new economic opportunities. I am also grateful to the chairwoman and ranking member for working with me to fix USDA's Biopreferred program to even the playing field for Pennsylvanian forestry products. Revenues from Pennsylvania's forest products industry exceed $5.5 billion annually. Over 10 percent of the State's manufacturing workforce is involved in the forest products industry.

I am appreciative to the committee for the inclusion of my provision directing USDA to work with the Food and Drug Administration toward the development of a standard of identity for honey, a tool which will promote honesty and fair dealing and serve the interest of consumers and Pennsylvania's honey industry. The majority of our honey is imported, but because there is no standard, contaminated, low-quality honey continues to pass through customs and undercut our domestic product. Pennsylvania is a major player in the honey industry. Honey bee pollination can be directly attributed to the production of about $60 million of agricultural produce in Pennsylvania annually.

I am committed to keeping Pennsylvania's rural communities strong and support rural development programs that provide access to capital for rural businesses to provide economic opportunities and create jobs. A

rural community's viability in attracting and keeping businesses is often directly related to the condition of its infrastructure and facilities. USDA's Rural Development programs empower rural communities, transform local economies and preserve the quality of life in small towns across the Commonwealth. A rural economic development program that saves and creates jobs in rural economies and improves rural life is extremely important for Pennsylvanian families.

Farmers are the original stewards of the land and continue to lead the charge in protecting our natural resources. I believe the voluntary conservation programs in the farm bill provide important tools to help farmers comply with Federal and State regulations while keeping farmers in business. I am committed to making conservation programs more efficient, effective and relevant to farmers.

Conservation programs are an extremely important resource for many Pennsylvanian farmers. I worked with my Senate colleagues to support enhancements to conservation programs through this process in an effort to ensure that these remodeled programs would better serve the needs of Pennsylvanians.

Pennsylvania's watersheds contribute more than half of the fresh water flowing to the Chesapeake Bay. While Pennsylvania does not border the bay, activities in the Commonwealth profoundly affect the bay's health. The bay's tributaries, such as Susquehanna and Potomac Rivers, are important to the region's economy, culture and outdoor recreation.

Under the 2008 farm bill, the Chesapeake Bay Watershed Initiative, CBWI, provided essential support to farmers facing Federal and State regulations concerning water quality and helped to meet demand for conservation programs. In advance of the Agriculture Committee's consideration of the 2012 farm bill, I introduced the Chesapeake Bay Watershed Fairness Act, which among other things reauthorized the CBWI, because I know Pennsylvania farmers used this program very well.

I am grateful that the 2014 farm bill contains portions of this legislation which are aimed at equipping farmers with the tools necessary to better meet water quality goals. To reduce the number of conservation programs, the farm bill consolidates four different programs into one that will provide competitive funds to regional partnerships and will also provide conservation funding directly to producers. CBWI was one of the programs that got folded into this new program.

I worked very closely with other Senators from the watershed to strengthen the conservation title to better benefit our region. Together we secured significant policy improvements. The current bill focuses on the most critical conservation areas and will help farmers in the Chesapeake Bay watershed participate in conservation programs so that they can help the region meet water quality standards.

Pennsylvania's agricultural producers and forest land owners use the Environmental Quality Incentives Program, EQIP, to implement conservation practices, which might otherwise be cost prohibitive, to protect valuable natural resources.

Further, the Farmland Protection Program, FPP, protects prime farmland from development. FPP is rolled into a new Agriculture Lands Easement, ALE, Program to help keep working lands preserved as farm land. I support USDA in its efforts to craft the rules of this program to allow flexibility so that States are allowed to use their own easement terms and conditions as long as they are consistent with the program purposes, in order to certify successful entities like the Pennsylvania Department of Agriculture's Bureau of Farmland Protection and improve the efficiency of this program.

While I do not mention all of the farm bill conservation programs, I do believe that each serves an important purpose.

My constituents, and all Americans, deserve some certainty and having a farm bill will put us in that direction. A comprehensive farm bill is something that I fought for years to enact and I certainly support the goal of a comprehensive Farm bill to provide long-term certainty for our farmers.

Chairwoman STABENOW deserves a lot of credit for her tireless work to get this bill across the goal line. She managed the very difficult task of negotiating a bill that advanced without some of the most egregious and draconian proposals, including $39 billion in Supplemental Nutrition Assistance Program, SNAP, cuts that the House had passed.

However, this farm bill contains cuts to SNAP that will be devastating for many of my constituents. There are 1.7 million SNAP recipients in Pennsylvania. I support changes in SNAP to increase accountability like stopping lottery winners from continuing to receive assistance and cracking down on retailers and recipients engaged in benefit trafficking.

But this farm bill will adversely impact many children, seniors, people with disabilities and working families in Pennsylvania.

According to the Greater Philadelphia Coalition Against Hunger, the SNAP cut in this farm bill will cause 175,000 Pennsylvanian households to lose, on average, $65 for food each month. These same households already saw a cut to their monthly benefits just 3 months ago when the American Recovery and Reinvestment Act, ARRA, increase in benefits expired.

My guest for the 2014 State of the Union was Tianna Gaines-Turner, a Philadelphia woman who knows all too well the challenges working families face. Tianna lost her job in December and is the mother of a nine-year-old and twin six-year-olds. Her husband works in a minimum wage job. Tianna participates in a research and advocacy project founded by the Center for Hunger-Free Communities at Drexel University: ''Witnesses to Hunger.''

In 2008, Dr. Mariana Chilton provided cameras to 42 single mothers in Philadelphia, simply asking that they use them to take pictures to tell us about their lives and their children. These Witnesses to Hunger, seeing the opportunity to spread awareness and create change, accepted Dr. Chilton's challenge and started documenting the poverty and hunger that they face on a daily basis. Living it each day, these remarkable mothers understand the trials of hunger and raising a family more than anyone else. The Witnesses to Hunger inspire me and challenge me to do more in the Senate. I am incredibly grateful for the guidance they provide.

Tianna wrote me a letter that said:

> Our voices and pictures show our pain, struggles. When you're voting, close your eyes and think of the picture of my children. Their hunger pains rest in your hands.

Another Witness to Hunger, Angela Sutton's son Jahzaire wrote me a letter that said:

> I was told that you were cutting food stamps and I want to know why? I need food stamps so I can eat to be big and strong. So I can become Senator one day.

Every child deserves adequate food so that the light inside them can continue to burn brightly. It is an impossible situation to raise a family and have to make the choice between heating a home or putting food on the table. Recent research from Children's HealthWatch demonstrated that improved SNAP benefit levels also have a positive impact on children's health. Children in families receiving SNAP were significantly more likely to be classified as ''well'' than were young children whose families were eligible but did not receive SNAP.

Hunger and food insecurity is an unfortunate and preventable reality for many Pennsylvanians. Hunger affects working families, children, and older Americans across the Nation and not one community across this country is Hunger Free. Nearly half of all SNAP participants are children and 76 percent of families receiving SNAP have at least one employed member. Cutting SNAP is not a way to address the deficit.

Moody's Analytics estimates that in a weak economy, every $1 increase in SNAP benefits generates $1.72 in economic activity. In fact, economic importance is demonstrated in part by Walmart, which on January 31, 2014 put out updated expectations for its fourth quarter. Its report stated:

> Despite a holiday season that delivered positive comps, two factors contributed to lower comp sales performance for the 14-week period for Walmart U.S. First, the sales impact from the reduction in SNAP (the U.S. government Supplemental Nutrition Assistance Program) benefits that went into effect Nov. 1 is greater than we expected . . .

CBO rated an increase in SNAP benefits as one of the two most cost-effective of all spending and tax options it examined for boosting growth and jobs in a weak economy.

About 94.6 percent of Federal spending goes directly for food; administrative costs are low. SNAP's error rates stand at record lows; fewer than 2 percent of SNAP benefits are issued to households that do not meet all of the program's eligibility requirements.

I am thankful that The Emergency Food Assistance Program will receive increased funding under this bill, but there is no way for our already-strained food banks to make up for the increased demand they will see due to the SNAP cuts in Pennsylvania.

Therefore, I could not in good conscience vote for this bill.

I want this Senate to think about the children of the Witnesses to Hunger and all others who face hunger in this Nation—and what more we can do to help them succeed in the face of low wages, unemployment or underemployment.

TRIBUTE TO 2014 OLYMPIC GOLD MEDALIST DAVID WISE

Mr. HELLER. Madam President, today I wish to extend well-deserved congratulations to Nevada's own David Wise, a Sochi Olympic athlete who won gold in this year's debut sport of halfpipe skiing. Motivated by support from his family and the Nevada community, David triumphed this year in Russia to bring home one of the United States' nine gold medals.

Despite difficult conditions in Sochi that proved challenging for these experienced athletes, David outperformed his skilled opponents by scoring a 92 on his first run in the halfpipe. As an American and Nevadan, I am honored that David represented our Nation proudly and brought home the gold.

During his free time, David enjoys spending time with his wife Alexandra and their 2-year-old daughter Nayeli. David's accolades reach far beyond his athleticism and victories on the slopes. As a believer in service, David frequently supports a number of charities, including several water projects in the Dominican Republic. This community service extends to his local community, where he runs a youth group at his family's local church.

Driven by his purpose founded in sport, service, and family, David embodies the spirit of an exemplary athlete that the Nevada Family is proud to call our own. I ask my colleagues to join me in congratulating this remarkable individual as we show our pride and support for all of his accomplishments.

ADDITIONAL STATEMENTS

TRIBUTE TO JAMES LAROSA

• Mr. MANCHIN. Madam President, I wish to honor the life of a remarkable West Virginian who was taken from us on February 15, 2014. James Dominick LaRosa, known to his friends and family as Jim, was a true pioneer developer who never forgot his roots as he helped enrich North Central West Virginia into a thriving, vibrant and beautiful region of the Mountain State. As we mourn the loss of a truly special person, I join all West Virginians in keeping in our thoughts and prayers Jim's only son, Jimmy Joe, his daughter-in-law, Leigh Ann, and his three grandchildren, Lauren Louise, Natalie Nicole and James Lee.

A native of Harrison County, which neighbored my local area in Marion County, Jim was driven and motivated at an early age. Anyone who met him immediately recognized that there was a bright future ahead for Jim. In 1944, he graduated from Washington Irving High School in Clarksburg, WV and then attended West Virginia University. After graduating in 1948 with a degree in business administration, he learned the fundamentals of business in his father's small surface mining company. At the ripe age of 35, James assumed the position of president of his father's company.

During this time, his entrepreneurial temperament took flight. Jim's unwavering dedication to the area's communities, accompanied with his innovative visions and inspirational spirit, helped improve the region's quality of life, enhanced medical accessibility, built multiple businesses and recreational facilities, created jobs, increased local revenue, boosted visitor access, and most of all, created a positive image of the North Central region.

Many of Harrison County's most well-known areas and attractions can be attributed to the vision and discipline of Jim LaRosa, including the Pete Dye Golf Course, Bridgeport Hill and the Eastpointe and Newpointe Shopping Centers. He also focused on projects that underscored his many interests, especially his Italian heritage, quality food access, the performing arts and theater, interior decorating and animals.

Time and again, Jim showed how greatly an individual can contribute to his community through passion, commitment and hard work.

He not only played the role of pioneer developer, but he also served on several boards of directors, such as the Clarksburg Chamber of Commerce, Lowndes Bank and the West Virginia Coal and Advisory Commission. In addition, he served on the original board of the West Virginia Surface Mining and Reclamation Association and the Director's 100 Club for WVU Athletics.

During his life, Jim received countless awards to honor his accomplishments and his commitments to West Virginia's North Central region. He received the Distinguished West Virginian from two Governors. He also received an honorary doctorate degree of humane letters from Salem College in 1984. In 1985, our dear Senator Robert C. Byrd recommended to President Reagan that Jim should be a member of the Christopher Columbus 500th Jubilee Commission, which consisted of 35 Americans of Italian descent, in celebration of the 500th year of the discovery of America.

Jim's remarkable foresight, coupled with his leadership skills and his well-deserved accomplishments, has consistently enriched the communities of North Central West Virginia and across the Mountain State.

Jim's imprint will always be marked in the countless businesses, facilities, centers and improvements that he established over years of hard work and dedication. He will be greatly missed by the people whose lives he touched.

West Virginians cannot thank Jim enough for the steadfast commitment and positive influence he's had on our great State. Jim LaRosa will always be remembered as a truly gifted and exceptional West Virginian. And though he will be greatly missed, his legacy will always live on.•

TRIBUTE TO DR. KISHORE CHALLA

• Mr. MANCHIN. Madam President, I wish to congratulate one of West Virginia's most dedicated and talented cardiologists, Dr. Kishore Challa, on receiving the 2014 Heart of Gold Award, which was presented by the West Virginia American Heart Association. There is no one more qualified, more compassionate or more devoted than Dr. Challa, who has been practicing in West Virginia for more than 20 years.

A native of India, Dr. Challa has called the Mountain State his home since 1989, and his unwavering commitment to the cardiology field at South Charleston Cardiology, where he continues to practice today, has consistently saved West Virginian lives across our State. We cannot thank him enough for continuing to deepen his roots in the Mountain State. His significant contributions, positive influence and medical expertise have helped boost the quality of our medical community as well as improved the health and well-being of many, many West Virginians.

Dr. Challa's integrity and work ethic know no bounds in a field where long hours and often times emotional, demanding and traumatic experiences become routine. Most cannot imagine the pressure and stress physicians endure on a daily basis, and Dr. Challa's calm, compassionate and enjoyable personality should inspire us all to always focus on the good and the positive. Regardless of the day, Dr. Challa treats all of his patients, staff and friends with kindness and respect, and that is why I am truly proud to call him my friend.

Dr. Challa is also no stranger to prestigious awards, including the Distinguished West Virginian award, which was created to honor those who have contributed significantly to West Virginia and those who have brought positive attention to our great State. His

dedication to his patients, his commitment to the West Virginia community, and his passion of cardiology have made West Virginia a better place.

It is fitting that Dr. Challa was presented with the Heart of Gold Award, for he once stated that in his field, ''helping people is instant gratitude and it's all worth it.'' So today, I congratulate a friend—and a remarkably intelligent and gifted cardiologist—on receiving such an esteemed honor. I know he will continue to save lives in the great State of West Virginia for years to come.●

BOGUE FALAYA BAPTIST CHURCH

● Mr. VITTER. Madam President, I wish to recognize Bogue Falaya Baptist Church.

Beginning with 15 charter members in 1858, Bogue Falaya Baptist Church has been ministering to the community for more than 155 years. On February 23 they celebrated a milestone, as the congregation commemorated the completion of the relocation and expansion of their church. Tireless work was undertaken to ensure this project happened.

The staff and members of Bogue Falaya have served others with compassion and care, without hesitation, and they prioritize teaching children about Jesus, the Scriptures, and helping others.

Many are told today that sharing one's religious beliefs are taboo. However, as the oldest church in St. Tammany Parish, Bogue Falaya has continued to share its beliefs. The congregation has grown, a testament to the efforts of Pastor Jake Roudkovski and those who work with him. Bogue Falaya has been a cornerstone for spiritual guidance in St. Tammany, and I recognize the efforts of all members of the church community as the congregation continues in Christ's footsteps.●

NEW HOPE BAPTIST CHURCH

● Mr. VITTER. Madam President, today I wish to recognize New Hope Baptist Church.

On Sunday, February 23, New Hope Baptist Church observed its 145th anniversary of its Christian ministry to the citizens of Gretna, LA. Founded in 1863 by 14 freed slaves, New Hope was first known as the Congregational Church, later changing to the Freewill Baptist Church before finally adopting its current name.

Under the leadership and guidance of Rev. Warren Johnson, New Hope has remained true to the core values and beliefs that serve as the spiritual foundation of its mission. The church is part of the historical tour of Gretna and is located next to the site of the first school for African-American children in the city. New Hope has served as beacon of light and a place where people in the community can come to rejuvenate their faith.

It is my honor to recognize New Hope Baptist Church on this anniversary, and I offer my best wishes for many more years of faithful service.●

REMEMBERING TIM LILLEBO

● Mr. WYDEN. Madam President, earlier this month, Oregonians—and indeed all those who cherish America's natural treasures—lost one of their most ardent champions, Tim Lillebo. Today, I wish to join his wife Karen, his father Tom and a multitude of friends and colleagues in mourning the passing of this true son of Oregon.

Tim will be remembered as someone with a deep-felt love of Oregon's magnificent wild places. Those of us in Congress who had the honor to meet Tim and get to know him were impressed by his vast knowledge of Oregon, his personal history as a timber faller and an unmatched passion for Oregon's mountains and rivers.

He was not your stereotypical lobbyist. More comfortable in hiking boots than wing-tips, Tim would have much rather been out hunting elk in the Strawberry Mountains than tracking down Members of Congress. He was, in many ways, like former President Teddy Roosevelt—someone who liked to test himself against the elements, whether it was rowing down the John Day or Owyhee rivers or hiking into the Oregon's backcountry to camp among his beloved Ponderosa Pines.

Tim Lillebo was uniquely suited to help heal the differences between rural and urban residents. As a product of both Prairie City in Eastern Oregon and Salem in Western Oregon, he was at home on either side of the mountains, simultaneously maintaining a local's knowledge of the backcountry and an insider's perspective of the legislative process.

Tim and I did not always see eye-to-eye on forest management policies. But our differences were never personal, never acrimonious. He could disagree but was never disagreeable. As issues relating to Federal forests management changed, Tim adapted. He helped plan thoughtful restoration projects that improved forest health and protected rural communities, and did it with an air of collaboration. Without sacrificing his convictions and wilderness advocacy, he led by example in proving there were sometimes agreements in this often divisive issue. When he testified for my original Eastside Oregon forestry bill, he made it very clear that he strongly supported legislation to increase thinning restoration projects and at the same time it was necessary to protect old growth. One of those projects, the Glaze Meadow restoration project outside Sisters, OR, would not have gotten off the ground if Tim had not done the heavy lifting.

I will miss Tim Lillebo, both his wise counsel and his ready smile, along with his love of our State and his ability to bring people together to solve difficult problems. Our country could use more citizens like Tim.

On behalf of his family and friends, and his fellow Oregonians, I want to express my profound appreciation for the life and labors of Tim Lillebo.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 2013, the Secretary of the Senate, on February 14, 2014, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills and joint resolutions:

S. 25. An act to ensure that the reduced annual cost-of-living adjustment to the retired pay of members and former members of the Armed Forces under the age of 62 required by the Bipartisan Budget Act of 2013 will not apply to members or former members who first became members prior to January 1, 2014, and for other purposes.

S. 540. An act to temporarily extend the public debt limit, and for other purposes.

S.J. Res. 28. Joint resolution providing for the appointment of John Fahey as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 29. Joint resolution providing for the appointment of Risa Lavizzo-Mourey as a citizen regent of the Board of Regents of the Smithsonian Institution.

Under the authority of the order of the Senate of January 3, 2013, the enrolled bills and joint resolutions were signed on February 14, 2014, during the adjournment of the Senate, by the President pro tempore (Mr. LEAHY).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2024. A bill to amend chapter 1 of title 1, United States Code, with regard to the definition of ''marriage'' and ''spouse'' for Federal purposes and to ensure respect for State regulation of marriage.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on February 14, 2014, she had presented to the President of the United

States the following enrolled bills and joint resolutions:

S. 25. An act to ensure that the reduced annual cost-of-living adjustment to the retired pay of members and former members of the Armed Forces under the age of 62 required by the Bipartisan Budget Act of 2013 will not apply to members or former members who first became members prior to January 1, 2014, and for other purposes.

S. 540. An act to temporarily extend the public debt limit, and for other purposes.

S.J. Res. 28. Joint resolution providing for the appointment of John Fahey as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 29. Joint resolution providing for the appointment of Risa Lavizzo-Mourey as a citizen regent of the Board of Regents of the Smithsonian Institution.

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. SCHATZ:

S. 2034. A bill to authorize the Secretary of the Interior to establish a program to facilitate the transfer to non-Federal ownership of appropriate reclamation projects or facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BEGICH:

S. 2035. A bill to provide funding to the National Institute of Mental Health to support suicide prevention and brain research, including funding for the Brain Research Through Advancing Innovative Neurotechnologies (BRAIN) Initiative; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. MURPHY, and Ms. AYOTTE):

S. 2036. A bill to protect all school children against harmful and life-threatening seclusion and restraint practices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS (for himself, Mr. TESTER, Mr. INHOFE, Mr. DURBIN, Mr. ENZI, Ms. BALDWIN, Mr. MORAN, Mr. FRANKEN, Mr. GRASSLEY, Mr. BARRASSO, Mrs. FISCHER, Ms. COLLINS, Mr. JOHANNS, Ms. KLOBUCHAR, Mr. HOEVEN, and Mr. KIRK):

S. 2037. A bill to amend title XVIII of the Social Security Act to remove the 96-hour physician certification requirement for inpatient critical access hospital services; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 360. A resolution to authorize testimony and representation in United States v. Onstad; considered and agreed to.

By Mr. CARDIN (for himself, Mr. RUBIO, Mr. MENENDEZ, and Mr. CORKER):

S. Res. 361. A resolution recognizing the threats to freedom of the press and expression in the People's Republic of China and urging the Government of the People's Republic of China to take meaningful steps to improve freedom of expression as fitting of a responsible international stakeholder; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 15, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 116

At the request of Mr. REED, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 116, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 204

At the request of Mr. PAUL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 204, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 315

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 315, a bill to reauthorize and extend the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008.

S. 361

At the request of Ms. WARREN, her name was added as a cosponsor of S. 361, a bill to require the lender or servicer of a home mortgage, upon a request by the homeowner for a short sale, to make a prompt decision whether to allow the sale.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 506

At the request of Ms. COLLINS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 506, a bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers.

S. 562

At the request of Mr. WYDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 562, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 635

At the request of Mr. MORAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 644

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 644, a bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the abuse of dextromethorphan, and for other purposes.

S. 862

At the request of Ms. AYOTTE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor 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 New Hampshire (Ms. AYOTTE) 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. 942

At the request of Mr. CASEY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 942, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 968

At the request of Mr. UDALL of Colorado, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 968, a bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 987

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 987, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1011

At the request of Mr. JOHANNS, the names of the Senator from Kansas (Mr. MORAN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Idaho (Mr. CRAPO) 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. 1053

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1053, a bill to amend title XVIII of the Social Security Act to strengthen and protect Medicare hospice programs.

S. 1066

At the request of Mrs. GILLIBRAND, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1066, a bill to allow certain student loan borrowers to refinance Federal student loans.

S. 1069

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1069, a bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1135

At the request of Mr. CASEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1135, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1163

At the request of Mr. CARPER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1163, a bill to amend the Internal Revenue Code of 1986 to include automated fire sprinkler system retrofits as section 179 property and classify certain automated fire sprinkler system retrofits as 15-year property for purposes of depreciation.

S. 1174

At the request of Mr. BLUMENTHAL, the names of the Senator from Hawaii (Ms. HIRONO), the Senator from New Jersey (Mr. BOOKER) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1181

At the request of Mr. MENENDEZ, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1181, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1204

At the request of Mr. COBURN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1204, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

S. 1208

At the request of Mr. REID, his name was added as a cosponsor of S. 1208, a bill to require meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1208, supra.

S. 1332

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

S. 1349

At the request of Mr. MORAN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 1349, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1406

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

S. 1410

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1410, a bill to focus limited Federal resources on the most serious offenders.

S. 1431

At the request of Mr. THUNE, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1495

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1495, a bill to direct the Administrator of the Federal Aviation Administration to issue an order with respect to secondary cockpit barriers, and for other purposes.

S. 1562

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1562, a bill to reauthorize the Older Americans Act of 1965, and for other purposes.

S. 1596

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 1596, a bill to require State educational agencies that receive funding under the Elementary and Secondary Education Act of 1965 to have in effect policies and procedures on background checks for school employees.

S. 1597

At the request of Mr. MORAN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1597, a bill to provide for the use of savings promotion raffle products by financial institutions to encourage savings, and for other purposes.

S. 1599

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1599, a bill to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

S. 1648

At the request of Mr. KIRK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1648, a bill to amend title 36, United States Code, to encourage the nationwide observance of two minutes of silence each Memorial Day.

S. 1704

At the request of Mr. DURBIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1704, a bill to expand the use of open textbooks in order to achieve savings for students.

S. 1760

At the request of Mr. BEGICH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1760, a bill to amend the statutory authorities of the Coast Guard to improve the quality of life for current and former Coast Guard personnel and their families, and for other purposes.

S. 1792

At the request of Mrs. FISCHER, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1792, a bill to close out expired, empty grant accounts.

S. 1802

At the request of Mr. DONNELLY, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1802, a bill to provide equal treatment for utility special entities using utility operations-related swaps, and for other purposes.

S. 1817

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1817, a bill to require the Secretary to implement standards for short-term custody of individuals held in facilities of U.S. Customs and Border Protection and for other purposes.

S. 1821

At the request of Mr. REID, his name was added as a cosponsor of S. 1821, a

bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of Typhoon Haiyan in the Philippines.

S. 1823

At the request of Mr. RUBIO, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1823, a bill to amend part E of title IV of the Social Security Act to better enable State child welfare agencies to prevent human trafficking of children and serve the needs of children who are victims of human trafficking, and for other purposes.

S. 1862

At the request of Mr. BLUNT, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of 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.

S. 1875

At the request of Mr. WYDEN, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1875, a bill to provide for wildfire suppression operations, and for other purposes.

S. 1923

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1923, a bill to amend the Securities Exchange Act of 1934 to exempt from registration brokers performing services in connection with the transfer of ownership of smaller privately held companies.

At the request of Mr. MANCHIN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1923, supra.

S. 1946

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1946, a bill to amend the Reclamation Safety of Dams Act of 1978 to modify the authorization of appropriations.

S. 1956

At the request of Mr. SCHATZ, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1956, a bill to direct the Secretary of Defense to review the discharge characterization of former members of the Armed Forces who were discharged by reason of the sexual orientation of the member, and for other purposes.

S. 1957

At the request of Mr. BLUNT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1957, a bill to establish the American Infrastructure Fund, to provide bond guarantees and make loans to States, local governments, and infrastructure providers for investments in certain infrastructure projects, and to provide equity investments in such projects, and for other purposes.

S. 1977

At the request of Ms. AYOTTE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1977, 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.

S. 1982

At the request of Mr. SANDERS, the names of the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. MARKEY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1982, a bill to improve the provision of medical services and benefits to veterans, and for other purposes.

S. 2021

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2021, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 2024

At the request of Mr. CRUZ, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2024, a bill to amend chapter 1 of title 1, United States Code, with regard to the definition of ''marriage'' and ''spouse'' for Federal purposes and to ensure respect for State regulation of marriage.

S. 2026

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2026, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income any prizes or awards won in competition in the Olympic Games or the Paralympic Games.

S. CON. RES. 13

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 13, a concurrent resolution commending the Boys & Girls Clubs of America for its role in improving outcomes for millions of young people and thousands of communities.

S. RES. 348

At the request of Mr. BURR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 348, a resolution expressing support for the internal rebuilding, resettlement, and reconciliation within Sri Lanka that are necessary to ensure a lasting peace.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. MURPHY, and Ms. AYOTTE):

S. 2036. A bill to protect all school children against harmful and life-threatening seclusion and restraint practices; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I come to the floor today to introduce a bill to support teachers, paraprofessionals and especially students, students with challenging behaviors.

Last week I released a report titled ''Dangerous Use of Seclusion and Restraints in Schools Remains Widespread and Difficult To Remedy: Ten Case Studies.'' This report is the product of a 6-month investigation by my HELP Committee staff

The report highlights the continued use of seclusion and restraints in schools, the lack of information families have about these practices, and the inability, in many cases, of families to stop the use of them on their children.

We found that in many cases, families may not know their children are being secluded and restrained. In some cases children are being secluded and restrained for months at a time, multiple times a day, sometimes for many hours, all without the knowledge of their families.

We also found that families do not have the tools to stop these practices. Provisions of some of our education laws, such as the Individuals with Disabilities Education Act, prohibit families from seeking redress and relief from the use of seclusion and restraints with their children unless they exhaust their due process options, which can take months or even years. This often leaves families with no choice but to remove their children from school in order to protect them.

Finally, the report found it is almost impossible for families to gather the information they need to prove harm and to stop the use of seclusion and restraints. The lack of access to information causes families to give up on their schools and there are many cases where families move to a new city or even out of state.

These events are not isolated incidents, as some claim. In March 2011, the U.S. Department of Education published the ''Civil Rights Data Collection Report'' that showed there were over 66,000 occurrences of seclusion and restraints during the 2009–2010 school year. In other words, there were 66,000 times when children were put at risk of injury, psychological trauma and death.

These incidents occur everywhere, even in my own state of Iowa. Last year, in a public residential school, at least three young women were secluded for up to 23 hours a day—in one case, for as long as nine months. If it were not for the good work of my state's Protection and Advocacy agency, Disability Rights Iowa, that practice might have continued indefinitely.

These practices aren't just ineffective, they can cause harm. Take for example 8-year-old Isabel Loeffler, who

was subjected to restraint and seclusion when she was living in Iowa. Isabel was locked in a seclusion room for up to three hours at a time on over 100 different occasions. She was held from behind and forced to draw with crayons, sometimes with four staff members holding her. When Isabel failed a task, she was secluded or restrained. The use of these practices made her behaviors worse, not better, so her parents withdrew her from school.

Injuries, both physical and psychological, are horrible enough, but at times the use of seclusion and restraints results in death. Jonathan King was secluded in an 8–by–8–foot concrete room in his Georgia school from the time he was a kindergartener. During one school year Jonathan was placed in a seclusion room, unobserved, 19 times over the course of 29 days for over an hour and a half.

His parents did not know this was happening to him.

On the day he died, his teacher had given him a rope to hold up his pants before she secluded him. Jonathan, who hated wearing a belt, had threatened to kill himself before. While he was in seclusion that day he hung himself with that rope. Jonathan was just 13–years-old.

It is time to put a stop to these abuses. We need make sure schools have access to the practices to serve our children well. The data show that too many teachers do not have the tools they need to help children with challenging behaviors. Too many parents do not know how their children are being treated at school. And too many children are being mentally and physically scarred because of the use of these harmful practices and the lack of knowledge about positive alternatives.

So I have come to the floor, today, to urge my colleagues to join with me in stopping these unconscionable practices. I come to ask that we work to provide teachers and administrators with the knowledge and skills they need to teach children in safe, supportive environments and to stop these violations of basic human rights. It is time to stop the systematic use of restraint and seclusion in our schools.

In the United States, we have regulations to protect people in hospitals, in nursing homes, and in psychological facilities from restraint and seclusion. But not in our schools. The last frontier for prohibiting seclusion and allowing restraint only in emergency situations is our classrooms.

This is why, today, I am introducing the Keeping All Students Safe Act. This bill prohibits the use of seclusion as well as mechanical and chemical restraints in schools. Period. Complete prohibition of these practices that have no educational or therapeutic benefits for children.

My bill also places strict limits on when, how, and by whom physical restraints may be used. Physical restraints could only be used in emergency situations. Not for so-called treatment. Not as discipline. Not as negative reinforcement. For emergencies only.

My bill would also create greater transparency so parents will know when an emergency situation happens and when a restraint has been used. It requires that schools meet with parents to explain the emergency and to plan for how to avoid emergencies in the future.

In addition, the bill allows families to file a civil action even if they have not exhausted their due process rights under IDEA. This will give families more power to stop the use of seclusion and restraints with their children.

There has been a lot of debate on whether it is right to implement a complete ban on seclusion in schools. I answer with an unequivocal yes. Putting a child in a locked room without supervision is absolutely wrong. Because when children are locked up, they frequently hurt themselves in frustration. Sometimes they hit their bodies against the wall until they are bruised and bloodied. Sometimes they vomit. Sometimes, as in the case of Jonathan King, they die.

Something is seriously wrong when a child suffers post-traumatic stress disorder after attending school. To lock a child up with no supervision is dangerous and, in many instances, can amount to acute psychological torture.

Proponents of the use of seclusion and restraints call them ''effective practices'' or ''useful techniques.'' But they are not. A child does not learn how to hold herself still, to listen more attentively, or to do her work by having her teacher lock her up, strap her down, or sit on her. Using euphemisms and politically correct terms to describe these practices does not disguise their barbarity and harmfulness. By no stretch of the imagination can sitting on a child be about educating.

There are alternatives. We know that school-wide, preventive practices can reduce and eliminate the use of seclusion and restraints. Ten years ago, at the Centennial School in Lehigh, PA, a school that serves children with the most challenging behaviors, the use of restraints was pervasive; over 1,000 occurrences per school year. Now, through the leadership of Dr. Michael George and the systematic use of preventive strategies, restraints are used less than 5 times a year and only in the most severe of emergency situations, only by trained personnel, and never as punishment or behavior management.

The Keeping All Students Safe Act will make positive behavioral interventions more widely available for educators. It will provide supports to schools to improve the school climate and culture through evidence-based practices and data-driven decision-making. The bill calls for better data collection on the use of seclusion and restraints in order to document their occurrence and efforts to eliminate them. The bill calls for mandatory reporting so that parents will know why, when, and how physical restraints are used on their children.

We know that teachers want to teach and to keep all their students safe. Let us give them the skills and knowledge to prevent challenging behaviors, and when they occur, to respond to them in the most effective ways possible.

If Isabel's teachers had the support, knowledge and training that the Keeping All Students Safe Act will make available, they could have identified the interventions she needed to be successful. They could have known what reinforcements worked for her. And they could have known what triggers would make her behavior worse. Instead of locking her in a closet, where she wet herself and hit herself in the head, Isabel's teachers could have fundamentally improved her educational experience, helping her to reach her potential.

All children have the right to be safe. Parents entrust schools to protect their children and help them to flourish. Let us make good on that trust by prohibiting seclusion and making the use of restraint so uncommon that it is only used in emergency situations. I urge my colleagues to join with me to protect all students, and to ensure that all educators have the tools they need to keep all of students safe.

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. 2036

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 ''Keeping All Students Safe Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPLICABLE PROGRAM.—The term ''applicable program'' has the meaning given the term in section 400(c)(1) of the General Education Provisions Act (20 U.S.C. 1221(c)(1)).

(2) CHEMICAL RESTRAINT.—The term ''chemical restraint'' means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

(A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and

(B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law.

(3) ESEA DEFINITIONS.—The terms—

(A) ''Department'', ''educational service agency'', ''elementary school'', ''local educational agency'', ''parent'', ''secondary school'', ''State'', and ''State educational agency'' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

(B) ''school resource officer'' and ''school personnel'' have the meanings given such terms in section 4151 of such Act (20 U.S.C. 7161).

(4) FEDERAL FINANCIAL ASSISTANCE.—The term ''Federal financial assistance'' means

any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of—

(A) funds;

(B) services of Federal personnel; or

(C) real and personal property or any interest in or use of such property, including—

(i) transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(5) FREE APPROPRIATE PUBLIC EDUCATION.—For those students eligible for special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the term ''free appropriate public education'' has the meaning given the term in section 602 of such Act (20 U.S.C. 1401).

(6) MECHANICAL RESTRAINT.—The term ''mechanical restraint''—

(A) has the meaning given the term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290jj(d)(1)), except that the meaning shall be applied by substituting ''student's'' for ''resident's''; and

(B) does not mean devices used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

(i) restraints for medical immobilization;

(ii) adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

(iii) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

(7) PHYSICAL ESCORT.—The term ''physical escort'' means the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

(8) PHYSICAL RESTRAINT.—The term ''physical restraint'' means a personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint.

(9) POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.—The term ''positive behavioral interventions and supports''

(A) means a school-wide systematic approach to embed evidence-based practices and data-driven decisionmaking to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students, including those with the most complex and intensive behavioral needs; and

(B) encompasses a range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrence of challenging behaviors, and teach appropriate behaviors to students.

(10) PROTECTION AND ADVOCACY SYSTEM.—The term ''protection and advocacy system'' means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(11) SECLUSION.—The term ''seclusion''—

(A) means the isolation of a student in a room, enclosure, or space that is—

(i) locked; or

(ii) unlocked and the student is prevented from leaving; and

(B) does not include a time out.

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Education, and, where appropriate, the Secretary of the Interior and the Secretary of Defense.

(13) STATE-APPROVED CRISIS INTERVENTION TRAINING PROGRAM.—The term ''State-approved crisis intervention training program'' means a training program proposed by a local educational agency and approved by a State that, at a minimum, provides training in evidence-based practices shown to be effective—

(A) in the prevention of the use of physical restraint;

(B) in keeping both school personnel and students safe in imposing physical restraint in a manner consistent with this Act;

(C) in the use of data-based decisionmaking and evidence-based positive behavioral interventions and supports, safe physical escort, conflict prevention, behavioral antecedents, functional behavioral assessments, de-escalation of challenging behaviors, and conflict management;

(D) in first aid, including the signs of medical distress, and cardiopulmonary resuscitation; and

(E) certification for school personnel in the practices and skills described in subparagraphs (A) through (D), which shall be required to be renewed on a periodic basis.

(14) STUDENT.—The term ''student'' means a student who—

(A) is enrolled in a public school;

(B) is enrolled in a private school and is receiving a free appropriate public education at the school under subparagraph (B) or (C) of section 612(a)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)(B), (C));

(C) is enrolled in a Head Start or Early Head Start program supported under the Head Start Act (42 U.S.C. 9831); or

(D) receives services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.).

(15) TIME OUT.—The term ''time out'' means a behavior management technique that may involve the separation of the student from the group, in a non-locked setting, for the purpose of calming. Time out is not seclusion.

SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to promote the development of effective intervention and prevention practices that do not use restraints and seclusion;

(2) to protect all students from physical or mental abuse, aversive behavioral interventions that compromise health and safety, and any restraint imposed for purposes of coercion, discipline or convenience, or as a substitute for appropriate educational or positive behavioral interventions and supports;

(3) to ensure that staff are safe from the harm that can occur from inexpertly using restraints; and

(4) to ensure the safety of all students and school personnel and promote positive school culture and climate.

SEC. 4. MINIMUM STANDARDS; RULE OF CONSTRUCTION.

Each State and local educational agency receiving Federal financial assistance shall have in place policies that are consistent with the following:

(1) PROHIBITION OF CERTAIN ACTION.—School personnel, contractors, and resource officers are prohibited from imposing on any student—

(A) seclusion;

(B) mechanical restraint;

(C) chemical restraint;

(D) aversive behavioral interventions that compromise health and safety;

(E) physical restraint that is life-threatening, including physical restraint that restricts breathing; and

(F) physical restraint if contraindicated based on the student's disability, health care needs, or medical or psychiatric condition, as documented in a health care directive or medical management plan, a behavior intervention plan, an individualized education program or an individualized family service plan (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), or plan developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or other relevant record made available to the State or local educational agency.

(2) PHYSICAL RESTRAINT.—

(A) IN GENERAL.—Physical restraint may only be implemented if—

(i) the student's behavior poses immediate danger of serious physical harm to self or others;

(ii) the physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication; and

(iii) less restrictive interventions have been ineffective in stopping the immediate danger of serious physical harm to the student or others, except in a case of a rare and clearly unavoidable emergency circumstance posing immediate danger of serious physical harm.

(B) LEAST AMOUNT OF FORCE NECESSARY.—When implementing a physical restraint, staff shall use only the amount of force necessary to protect the student or others from the threatened injury.

(C) END OF PHYSICAL RESTRAINT.—The use of physical restraint shall end when—

(i) a medical condition occurs putting the student at risk of harm;

(ii) the student's behavior no longer poses immediate danger of serious physical harm to the student or others; or

(iii) less restrictive interventions would be effective in stopping such immediate danger of serious physical harm.

(D) QUALIFICATIONS OF INDIVIDUALS ENGAGING IN PHYSICAL RESTRAINT.—School personnel imposing physical restraint in accordance with this subsection shall—

(i) be trained and certified by a State-approved crisis intervention training program, except in the case of rare and clearly unavoidable emergency circumstances when school personnel trained and certified are not immediately available due to the unforeseeable nature of the emergency circumstance;

(ii) engage in continuous face-to-face monitoring of the student; and

(iii) be trained in State and school policies and procedures regarding restraint and seclusion.

(E) PROHIBITION ON USE OF PHYSICAL RESTRAINT AS PLANNED INTERVENTION.—

(i) IN GENERAL.—Except as provided in clause (ii), the use of physical restraints as a planned intervention shall not be written into a student's education plan, individual safety plan, plan developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), individualized education program or individualized family service plan (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), or any other planning document for an individual student.

(ii) EXCEPTION.—The use of physical restraints as a planned intervention may be written into a student's individualized education program, individual safety plan, or plan developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) if State law allows for the use of physical restraint as part of such program or plan, as agreed upon by school personnel, the family

of the student, and the individualized education program committee if such individuals—

(I) have considered less restrictive means to address behavioral concerns that would meet the emergency standard described in subparagraph (A) and, when using such physical restraints in an emergency, meet the conditions described in subparagraphs (B), (C), and (D); and

(II) have conducted a researched based, individualized functional behavioral analysis and implemented a corresponding positive intervention plan based on such functional behavioral analysis that—

(aa) addresses preventative measures used to reduce or prevent emergencies; and

(bb) is written into the student's individualized education program, individual safety plan, or plan developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(3) OTHER POLICIES.—

(A) IN GENERAL.—The State or local educational agency, and each school and educational program served by the State or local educational agency shall—

(i) establish policies and procedures that ensure school personnel and parents, including private school personnel and parents, are aware of the State, local educational agency, and school's policies and procedures regarding seclusion and restraint;

(ii) establish policies and procedures to keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe;

(iii) establish policies and procedures for planning for the appropriate use of restraint in crisis situations in accordance with this Act by a team of professionals trained in accordance with a State-approved crisis intervention training program; and

(iv) establish policies and procedures to be followed after each incident involving the imposition of physical restraint upon a student, including—

(I) procedures to provide to the parent of the student, with respect to each such incident—

(aa) a verbal or electronic communication on the same day as each such incident; and

(bb) within 24 hours of each such incident, written notification; and

(II) after the imposition of physical restraint upon a student, procedures to ensure that—

(aa) the person who imposed the restraint, the immediate adult witnesses, a representative of the administration, a school mental health profession, and at least 1 family member of the student participate in a debriefing session; and

(bb) the student who was restrained is given the opportunity to discuss the student's perspective about the event with a trusted adult who will communicate to the debriefing session group.

(B) DEBRIEFING SESSION.—

(i) IN GENERAL.—

(I) TIMING.—The debriefing session described in subparagraph (A)(iv)(II) shall occur as soon as practicable, but not later than 5 school days following the imposition of physical restraint unless it is delayed by written mutual agreement of the parent and school.

(II) OBSERVATIONS BY SCHOOL PERSONNEL.—Each adult witness in the proximity of the student immediately before and during the time of the of the physical restraint but not directly involved shall submit the witness's observations in writing for the debriefing session.

(III) PARENTAL LEGAL RIGHTS.—Parents shall retain their full legal rights for children under the age of majority concerning participation in the debriefing or other matters.

(ii) CONTENT OF SESSION.—The debriefing session described in subparagraph (A)(iv)(II) shall include—

(I) identification of antecedents to the physical restraint;

(II) consideration of relevant information in the student's records, and such information from teachers, other professionals, the parent, and student;

(III) planning to prevent and reduce reoccurrence of the use of physical restraint, including consideration of the results of any functional behavioral assessments, whether positive behavior plans were implemented with fidelity, recommendations of appropriate positive behavioral interventions and supports to assist personnel responsible for the student's educational plan, the individualized education program for the student, if applicable, and plans providing for reasonable accommodations under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(IV) a plan to have a functional behavioral assessment conducted, reviewed, or revised by qualified professionals, the parent, and the student; and

(V) for any student not identified as eligible to receive accommodations under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), evidence of such a referral or documentation of the basis for declining to refer the student.

(iii) COMMUNICATION BY THE STUDENT.—When a student attends a debriefing session described in subparagraph (A)(iv)(II), information communicated by the student may not be used against the student in any disciplinary, criminal, or civil investigation or proceeding.

(4) NOTIFICATION IN WRITING ON DEATH OR BODILY INJURY.—In a case in which bodily injury or death of a student occurs in conjunction with the use of physical restraint or any intervention used to control behavior, there are procedures to notify, in writing, within 24 hours after such injury or death occurs—

(A) the State educational agency and local educational agency;

(B) local law enforcement; and

(C) a protection and advocacy system, in the case of a student who is eligible for services from the protection and advocacy system.

(5) PROHIBITION AGAINST RETALIATION.—The State or local educational agency, each school and educational program served by the State or local educational agency, and school personnel of such school or program shall not retaliate against any person for having—

(A) reported a violation of this section or Federal or State regulations or policies promulgated to carry out this section; or

(B) provided information regarding a violation of this section or Federal or State regulations or policies promulgated to carry out this section.

SEC. 5. INTERACTIONS; RULES OF CONSTRUCTION.

(a) RULES OF CONSTRUCTION.—

(1) RIGHTS AND REMEDIES OF STUDENTS AND PARENTS.—Nothing in this Act shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal or State law (including regulations) or to restrict or limit stronger restrictions on the use of restraint, seclusion, or aversives in Federal or State law (including regulations) or in State policies.

(2) RESTRICTIONS ON SECRETARIAL PROHIBITIONS.—Nothing in this Act shall be construed to authorize the Secretary to promulgate regulations prohibiting the use of—

(A) time outs; or

(B) devices implemented by trained school personnel, or utilized by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

(i) restraints for medical immobilization;

(ii) adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

(iii) vehicle safety restraints when used as intended during the transport of a students in a moving vehicle.

(b) DENIAL OF A FREE APPROPRIATE PUBLIC EDUCATION.—Failure to meet the minimum standards of this Act as applied to an individual child eligible for accommodations developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or for education or related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) shall constitute a denial of a free appropriate public education.

(c) EXHAUSTION OF DUE PROCESS.—

(1) IN GENERAL.—A student may file a civil action under the Constitution, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.), or other applicable Federal law in the case of the use of seclusion or restraint in violation of this Act seeking relief from the use of seclusion or restraint with respect of such student.

(2) NONAPPLICABILITY.—Section 615(l) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(l)) shall not apply to an action filed pursuant to paragraph (1).

SEC. 6. REPORT REQUIREMENTS.

(a) IN GENERAL.—Each State educational agency shall (in compliance with the requirements of section 444 of the General Education Provisions Act (commonly known as the ''Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g)) prepare and submit to the Secretary, and make available to the public, a report with respect to each local educational agency, and each school not under the jurisdiction of a local educational agency, located in the same State as such State educational agency that includes the following information:

(1) The total number of incidents in which physical restraint was imposed upon a student in the preceding full academic year.

(2) The information described in paragraph (1) shall be disaggregated—

(A) by the total number of incidents in which physical restraint was imposed upon a student—

(i) that resulted in injury to students or school personnel, or both;

(ii) that resulted in death; and

(iii) in which the school personnel imposing physical restraint were not trained and certified as described in section 4(2)(D)(i); and

(B) by the demographic characteristics of all students upon whom physical restraint was imposed, including—

(i) the subcategories identified in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i));

(ii) age; and

(iii) disability category.

(b) UNDUPLICATED COUNT; EXCEPTION.—The disaggregation required under subsection (a) shall—

(1) be carried out in a manner to ensure an unduplicated count of the total number of incidents in the preceding full academic year

in which physical restraint was imposed upon a student; and

(2) not be required in a case in which the number of students in a category would reveal personally identifiable information about an individual student.

SEC. 7. GRANT AUTHORITY.

(a) IN GENERAL.—From the amount appropriated under section 10, the Secretary may award grants to State educational agencies to assist in—

(1) establishing, implementing, and enforcing the policies and procedures to meet the minimum standards described in this Act;

(2) improving State and local capacity to collect and analyze data related to physical restraint; and

(3) improving school climate and culture by implementing school-wide positive behavioral interventions and supports.

(b) DURATION OF GRANT.—A grant under this section shall be awarded to a State educational agency for a 3-year period.

(c) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including information on how the State educational agency will target resources to schools and local educational agencies in need of assistance related to preventing and reducing physical restraint.

(d) AUTHORITY TO MAKE SUBGRANTS.—

(1) IN GENERAL.—A State educational agency receiving a grant under this section may use such grant funds to award subgrants, on a competitive basis, to local educational agencies.

(2) APPLICATION.—A local educational agency desiring to receive a subgrant under this section shall submit an application to the applicable State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

(e) PRIVATE SCHOOL PARTICIPATION.—

(1) IN GENERAL.—A State educational agency receiving grant funds under this section shall, after timely and meaningful consultation with appropriate private school officials, ensure that private school personnel can participate, on an equitable basis, in activities supported by grant or subgrant funds.

(2) PUBLIC CONTROL OF FUNDS.—The control of funds provided under this section, and title to materials, equipment, and property with such funds, shall be in a public agency and a public agency shall administer such funds, materials, equipment, and property.

(f) REQUIRED ACTIVITIES.—A State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section shall use such grant or subgrant funds to carry out the following:

(1) Researching, developing, implementing, and evaluating evidence-based strategies, policies, and procedures to reduce and prevent physical restraint in schools, consistent with the minimum standards described in this Act.

(2) Providing professional development, training, and certification for school personnel to meet such standards.

(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In addition to the required activities described in subsection (f), a State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section may use such grant or subgrant funds for 1 or more of the following:

(1) Developing and implementing a high-quality professional development and training program to implement evidence-based systematic approaches to school-wide positive behavioral interventions and supports, including improving coaching, facilitation, and training capacity for administrators, teachers, specialized instructional support personnel, and other staff.

(2) Providing technical assistance to develop and implement evidence-based systematic approaches to school-wide positive behavioral interventions and supports, including technical assistance for data-driven decisionmaking related to positive behavioral interventions and supports in the classroom.

(3) Researching, evaluating, and disseminating high-quality evidence-based programs and activities that implement school-wide positive behavioral interventions and supports with fidelity.

(4) Supporting other local positive behavioral interventions and supports implementation activities consistent with this subsection.

(h) EVALUATION AND REPORT.—Each State educational agency receiving a grant under this section shall, at the end of the 3-year grant period for such grant—

(1) evaluate the State's progress toward the prevention and reduction of physical restraint in the schools located in the State, consistent with the minimum standards; and

(2) submit to the Secretary a report on such progress.

SEC. 8. ENFORCEMENT.

(a) USE OF REMEDIES.—If a State educational agency fails to comply with the requirements under this Act, the Secretary shall—

(1) withhold, in whole or in part, further payments under an applicable program in accordance with section 455 of the General Education Provisions Act (20 U.S.C. 1234d);

(2) require a State or local educational agency to submit, and implement, within 1 year of such failure to comply, a corrective plan of action, which may include redirection of funds received under an applicable program;

(3) issue a complaint to compel compliance of the State or local educational agency through a cease and desist order, in the same manner the Secretary is authorized to take such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e); or

(4) refer the State to the Department of Justice or Department of Education Office of Civil Rights for an investigation.

(b) CESSATION OF WITHHOLDING OF FUNDS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a State or local educational agency that is subject to the withholding of payments under subsection (a)(1) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subsection.

SEC. 9. APPLICABILITY.

(a) PRIVATE SCHOOLS.—Nothing in this Act shall be construed to affect any private school that does not receive, or does not serve students who receive, support in any form from any program supported, in whole or in part, with funds provided by the Department of Education.

(b) HOME SCHOOLS.—Nothing in this Act shall be construed to—

(1) affect a home school, whether or not a home school is treated as a private school or home school under State law; or

(2) consider a parent who is schooling a child at home as school personnel.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 2015 and each of the 4 succeeding fiscal years.

By Mr. ROBERTS (for himself, Mr. TESTER, Mr. INHOFE, Mr. DURBIN, Mr. ENZI, Ms. BALDWIN, Mr. MORAN, Mr. FRANKEN, Mr. GRASSLEY, Mr. BARRASSO, Mrs. FISCHER, Ms. COLLINS, Mr. JOHANNS, Ms. KLOBUCHAR, Mr. HOEVEN, and Mr. KIRK):

S. 2037. A bill to amend title XVIII of the Social Security Act to remove the 96-hour physician certification requirement for inpatient critical access hospital services; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I started my public service career fighting for rural health. In a State that has many rural hospitals, the rural health care delivery system is especially important to Kansas. One of my first speeches was to rural hospitals. Since that time, I have been beating the drum, so to speak, for our rural areas about how important it is to focus on rural health.

I have always said that people in rural towns deserve the same access to care and level of treatment as their urban counterparts. I have made it my mission to protect our rural health system and patient access to the best possible care. I am honored to serve as the cochair of the Senate Rural Health Caucus where I work with my colleagues to fight for our rural health care system every day.

Unfortunately, these days it feels as though rural health care, and all of those involved in it, face an uphill battle. Over the past few years, the rural health system has continued to face even more challenges.

Funding for rural health care programs has been targeted again and again. This year the Senate Finance Committee held a markup with regular order where we considered some of the rural extenders that are absolutely vital to our rural communities. Regrettably, we have more work to do. We have to convince and educate our colleagues, this administration, and everyone else about the importance of rural health care. We have been successful in protecting some of the ideas I have championed, especially on the rural extenders side, but we have more work to do. As this process moves forward, we need to ensure we follow regular order on the floor of the Senate and for any pay-fors for the doc fix package. While I was pleased with some of the additions that addressed rural health care in the package passed out of committee, I have concerns that these issues were not included or addressed in the most recent package introduced in the House and in the Senate.

In addition to ensuring rural health is part of any moving legislation, I wish to ensure it is a package that is offset and paid for, and this has to be done before I can support it. But the bottom line is that we, the Senate, need to return to regular order and ensure that practice does continue.

As will many of my colleagues in the Senate, I will continue to vigorously fight to rein in Federal spending and to

reduce the deficit. In order to address this fiscal crisis, I think Congress must enact basic structural changes to entitlement programs that will strengthen and preserve these programs for future generations while protecting current participants. Without real tangible reform and cuts in Federal spending, we will bankrupt the country. At the same time, we need to ensure that any of those policies we put in place do not result in a disproportionate impact on our rural health care system or restrict patients' access to the care they need. As I started saying today, this is going to be an uphill battle. But I, for one, am ready to lead the charge.

As a member of both the Finance and HELP Committees, as well as the co-chair of the Rural Health Caucus, I have tried to be a leader in the discussion about the need to address the entire health system.

I have made it a point that within our health care system discussions, we need to talk about the differences between our rural areas and the care and treatment provided in those rural settings and their urban counterparts. We need to address common misconceptions about funding challenges in rural communities before taking a Lizzie Borden ax to the funding streams.

Throughout my career in public office, I have made it a point to always fight for Kansas and rural health care providers. This has been one of my top priorities in Congress. I understand the important role of rural health in America and continue to advocate for policies that protect and preserve these benefits.

Most recently, the Centers for Medicare and Medicaid Services—CMS—have made some changes that will be particularly harmful to rural health. More specifically, their changes will force doctors into a guessing game about their patients. The condition of payment changes CMS is making would require the physician, and no other level provider, to not only predict at the time of admission to the critical access hospital that the patient will require hospital care for more than two midnights, but also that the patient can be cared for and discharged in less than 96 hours. This is an extremely narrow CMS window for the physician to make a determination about that patient's future needs—extremely difficult, if not impossible. A physician may certify that they expect the patient to be treated and discharged within 96 hours, but, unfortunately, the patient's situation may change and they may need to be kept longer. The physician's concern will be that they have failed to meet the terms of their certification according to CMS. This is likely to lead to premature discharges and readmissions, both of which CMS has taken actions to minimize.

A CEO for one of our critical access hospitals in Council Grove, KS, writes:

This new ''condition of payment'' rule causes potential conflicts with what is best for the patient, causes issues for the physician in having to predict outcomes at admission in complex cases, and may cause increased expense for medically unnecessary transfers to more costly care centers.

Today I am introducing the Critical Access Hospital Relief Act of 2014. My bipartisan legislation would remove the condition of payment for critical access hospitals that requires a physician to certify that each patient will be discharged or transferred in less than 96 hours. This is another example of having to tell CMS, ''If it isn't broken, then there is no need to fix it.'' We need to focus on ensuring rural patients have access to their health system, not coming up with bureaucratic ways to make it harder for patients in rural areas to get quality care from their doctors.

I urge my colleagues to cosponsor the Critical Access Hospital Relief Act of 2014.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 360—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. ONSTAD

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 360

Whereas, in the case of *United States v. Onstad*, Crim. No. 13–65, pending in the United States District Court for the District of Montana, the prosecution has requested the production of testimony from Tom Lopach, Chief of Staff for United States Senator Jon Tester;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current and former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Tom Lopach, Chief of Staff for United States Senator Jon Tester, and any other current or former employee of the Senator's office from whom relevant testimony may be sought, are authorized to testify in the case of *United States v. Onstad*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent current and former employees of Senator Tester's office in connection with the production of testimony authorized in section one of this resolution.

SENATE RESOLUTION 361—RECOGNIZING THE THREATS TO FREEDOM OF THE PRESS AND EXPRESSION IN THE PEOPLE'S REPUBLIC OF CHINA AND URGING THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO TAKE MEANINGFUL STEPS TO IMPROVE FREEDOM OF EXPRESSION AS FITTING OF A RESPONSIBLE INTERNATIONAL STAKEHOLDER

Mr. CARDIN (for himself, Mr. RUBIO, Mr. MENENDEZ, and Mr. CORKER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 361

Whereas, in its 2013 World Press Freedom Index, Reporters Without Borders ranked China 173rd out of 179 countries in terms of press freedoms;

Whereas China's media regulator, the State Administration of Press, Publication, Radio, Film and Television, enforces a system of strict controls, including an extensive licensing system and government supervision by the Chinese Communist Party;

Whereas domestic radio and television broadcast journalists in China must pass a government-sponsored exam that tests their basic knowledge of Marxist views of news and communist party principles;

Whereas this state supervision of the media distorts and blocks free and open coverage of key issues including Tibet, political unrest, and corruption by government officials, as well as Chinese foreign policy;

Whereas China's media regulator officially bans journalists from using foreign media reports without authorization and forbids news editors from reporting information online that has not been verified through official channels;

Whereas the Congressional-Executive Commission on China (CECC) has documented several instances of reprisals against and harassment of independent journalists and newspaper staff by the Government of the People's Republic of China, including Chinese journalists working for foreign-based websites and newspapers;

Whereas the Foreign Correspondents' Club of China has noted that foreign journalists continue to face challenging work conditions, visa denials or delays, and various forms of harassment, and 70 percent of journalists surveyed in the FCCC's 2013 annual survey stated that ''conditions have worsened or stayed the same as the year before'';

Whereas, according to the CECC, authorities in China appeared to maintain or enhance policies to block and filter online content, particularly sensitive information about rights activists, official corruption, or collective organizing;

Whereas China is the world's second largest economy and the United States' second largest trading partner and has been a member of the World Trade Organization since 2001;

Whereas China's growing economic importance increases the need for the Government of the People's Republic of China to act transparently and respect international trading regulations; and

Whereas official government censorship denies the people of China, including nearly 600,000,000 Internet users, their freedom of expression, undermines confidence in China's safety standards, and causes increasingly serious economic harm to private firms that rely on unfettered access to social media as a business model: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the importance of freedom of the press to efforts by the United States Government to support democracy, mitigate conflict, and promote good governance domestically and around the world;

(2) expresses concern about the threats to freedom of the press and expression in the People's Republic of China;

(3) condemns actions taken by the Government of the People's Republic of China to suppress freedom of the press, including the increased harassment of Chinese and international journalists through denial of visas, harassment of sources, physical threats, and other methods; and

(4) urges the President to use all appropriate instruments of United States influence to support, promote, and strengthen principles, practices, and values that promote the free flow of information to the people of China without interference or discrimination, including through the Internet and other electronic media.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, ''Offshore Tax Evasion: The Effort to Collect Billions in Unpaid Taxes on Hidden Offshore Accounts.'' The hearing will continue the Subcommittee's examination of tax haven bank facilitation of U.S. tax evasion, focusing on the status of efforts to hold Swiss banks and their U.S. clients accountable for billions of dollars in unpaid U.S. taxes. Witnesses will include representatives from a Swiss bank and the U.S. Department of Justice. A witness list will be available Monday, February 24, 2014.

The Subcommittee hearing has been scheduled for Wednesday, February 26, 2014, at 9:30 a.m., in room G–50 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224–9505.

COMMITTEE ON INDIAN AFFAIRS

Mr. TESTER. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, February 26, 2014, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct an oversight hearing to receive testimony on ''Early Childhood Development and Education in Indian Country: Building a Foundation for Academic Success.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, February 26, 2014, at a time to be determined, in room 216 of the Capitol Building to mark up the nominations of Vivek Hallegere Murthy, of Massachusetts, to serve as Surgeon General of the Public Health Service; Portia Y. Wu, of the District of Columbia, to serve as Assistant Secretary of Labor for Employment and Training; Nomination of Christopher P. Lu, of Virginia, to serve as Deputy Secretary of Labor; Heather Lynn MacDougall, of Florida, to serve as a Member of the Occupational Safety and Health Review Commission; and Massie Ritsch, of the District of Columbia, to serve as Assistant Secretary for Communications and Outreach, Department of Education; as well as any additional nominations cleared for action.

For further information regarding this meeting, please contact the Committee at (202) 224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet on February 27, 2014, at 10 am, in room SH–216 of the Hart Senate Office Building, to conduct a hearing entitled ''Promoting College Access and Success For Students With Disabilities.''

For further information regarding this meeting, please contact Alyssa Mowitz of the committee staff on (202) 228–3453.

SUBCOMMITTEE ON WATER AND POWER

Ms. LANDRIEU. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 27, 2014, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing will be to hear testimony on the following measures:

S. 1419, the Marine and Hydrokinetic Renewable Energy Act of 2013;

S. 1771, the Crooked River Collaborative Water Security Act of 2013;

S. 1800, the Bureau of Reclamation Transparency Act;

S. 1946, a bill to amend the Reclamation Safety of Dams Act of 1978 to modify the authorization of appropriations;

S. 1965, a bill to amend the East Bench Irrigation District Water Contract Extension Act to permit the Secretary of the Interior to extend the contract for certain water services;

S. 2010 and H.R. 1963, the Bureau of Reclamation Conduit Hydropower Development Equity and Jobs Act;

S. 2019, SECURE Water Amendments Act of 2014; and,

S. 2034, the Reclamation Title Transfer Act of 2014.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to John_Assini@energy.senate.gov.

For further information, please contact Sara Tucker at (202) 224–6224 or John Assini at (202) 224–9313.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Lauren Sarkesian and Bruno DiMascio, interns with my personal staff, be granted floor privileges for today's session.

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

AUTHORIZING AUTHORITY

Mr. PRYOR. I ask unanimous consent the Senate proceed to the consideration of S. Res. 360, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 360) to authorize testimony and representation in United States v. Onstad.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in a Federal criminal action pending in Montana Federal district court. The defendant is charged with, among other offenses, conspiring to defraud the United States by making fraudulent statements in connection with a grant of Federal money for a project serving disadvantaged youth.

The prosecution has requested the production of testimony from Senator TESTER's chief of staff, who has information relevant to the charged offenses, which include the charge that the defendant conspired to represent falsely to Federal authorities that employees of the Senator's office were contributing in-kind services to the youth project at issue. Senator TESTER would like to cooperate with this request by providing relevant employee testimony from his office.

The enclosed resolution would authorize the production of testimony from the Senator's chief of staff and any other current or former employee of the Senator's office from whom relevant testimony may be had, with representation by the Senate legal counsel.

Mr. PRYOR. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 360) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR TUESDAY, FEBRUARY 25, 2014

Mr. PRYOR. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, February 25, 2014; 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; that following any leader remarks, the Senate be in a period of morning business until 11:05 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that at 11:05 a.m., the Senate resume executive session to consider the nomination of James M. Moody to be U.S. District Judge in Arkansas, with the time until 11:15 a.m. equally divided and controlled in the usual form; that following disposition of the Freeman nomination and the resumption of legislative session, the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings; that at 2:15 p.m. there be up to 30 minutes of debate equally divided and controlled between the two leaders or their designees prior to the cloture vote on the motion to proceed to S. 1982, the veterans' benefits bill.

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

PROGRAM

Mr. PRYOR. Mr. President, there will be five votes at 11:15 a.m. tomorrow and a sixth vote at 3:15 p.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. PRYOR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:57 p.m., adjourned until Tuesday, February 25, 2014, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

TODD SUNHWAE KIM, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS, VICE KATHRYN A. OBERLY, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ANTHONY J. ROCK

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. ROBERT D. TENHET

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY MEDICAL CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. BERTRAM C. PROVIDENCE

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5046:

To be major general

COL. JOHN R. EWERS, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. BRIAN D. BEAUDREAULT
BRIG. GEN. VINCENT A. COGLIANESE
BRIG. GEN. JAMES W. LUKEMAN
BRIG. GEN. CARL E. MUNDY III
BRIG. GEN. DANIEL J. ODONOHUE
BRIG. GEN. RICHARD L. SIMCOCK II
BRIG. GEN. GARY L. THOMAS

CONFIRMATION

Executive nomination confirmed by the Senate February 24, 2014:

THE JUDICIARY

JEFFREY ALKER MEYER, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.