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Senate

The Senate met at 10 a.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.

Holy God, because of Your great love, we do not cringe or falter at the challenges our Nation faces, for You have never forsaken us in our hour of need. Lord, give our lawmakers a desire to seek Your wisdom and to follow You where You lead. May they claim Your promise that no weapon formed against us will prosper. Help them to not permit the world to squeeze them into its mold as they seek to be transformed by Your powerful presence. Thank You for our many freedoms and empower us to use them to bless others.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 2014—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I move to proceed to Calendar No. 309, the Child Care and Development Block Grant Act.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1086) to reauthorize and improve the Child Care and Development Block Grant Act of 1990, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, because of the inclement weather we have had to rearrange things. Senator MCCONNELL and I have been directing our staffs to help us get through what we need to do. We should be able to finish this week's work tomorrow, but that is not assured. So we are going to be working throughout the day to move forward as quickly as we can. Everyone should be aware that we could have some votes into the evening tonight and tomorrow. We may have to be here on Friday.

Following my remarks and those of the Republican leader, the Senate will proceed to executive session with the time until 11:45 equally divided and controlled. At 11:45 there will be up to three rollcall votes. We expect to recess following those votes to allow for the weekly caucus meetings and work through the remaining nominations this afternoon. Senators will be notified when the votes are scheduled.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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 MINORITY LEADER

The PRESIDING OFFICER: The Republican leader is recognized.

ADEGBILE NOMINATION

Mr. MCCONNELL. Mr. President, the Department of Justice and this administration have too often put politics ahead of the law. The record of the nominee before us to head the Civil Rights Division strongly indicates that if he were confirmed, the politicization of the Justice Department would increase even further. He has a long record of leftwing advocacy marked by ideologically driven positions and very poor judgment.

In the District of Columbia v. Heller he argued in the Supreme Court that it would be ''radical'' to recognize ''an individual right to keep and bear arms.'' In fact, before the Supreme Court he repeatedly described the principle of individual liberty protected by the Second Amendment as a ''radical'' proposition. It was the position advocated by the nominee, however, that the Supreme Court rule was woefully at odds with the Constitution and individual liberty.

He also called the requirement to present identification before voting a ''modern poll tax.'' Americans strongly support this basic safeguard for the integrity of our elections. It has been endorsed by liberal Democrats such as President Carter. Not surprisingly, in Crawford v. Marion County the Supreme Court rejected the nominee's views on that subject as well.

In Hosanna-Tabor v. EEOC he took the position in the Supreme Court that a church did not have the First Amendment right to hire or fire individuals who were responsible for conveying the church's message and implementing its mission. The position the nominee advocated would greatly infringe on the free exercise of rights of religious institutions. The Supreme Court rejected his views there too, this time 9 to 0.

But it is his advocacy on behalf of the Nation's most notorious cop killer that most calls into question his fitness for the powerful government position he seeks. Back in December of 1981, 25-year-old officer Daniel Faulkner was conducting a routine traffic stop when Wesley Cook, also known as Mumia Abu-Jamal, shot him in the back. He then stood over Officer Faulkner and shot him several more times in the chest. As Officer Faulkner laid dying in the streets defenseless, Abu-Jamal shot him in the face, killing him. At the hospital Abu-Jamal bragged that he had shot Officer Faulkner and expressed his hope that he would die.

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

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At trial he was remorseless. He turned the trial into political theater, interrupting the proceedings, insulting the judge, and even smirking at Officer Faulkner's widow when the bloodstained shirt was held up in court as evidence. Four eyewitnesses saw Abu-Jamal gun down Officer Faulkner—four eyewitnesses. Three more witnesses at the hospital heard him confess to the crime. Ballistics evidence proved that Officer Faulkner had been shot with a handgun that was registered to Abu-Jamal, which was found at the scene of the murder, along with the shell casings.

Based on this overwhelming evidence, Abu-Jamal was tried, convicted, and sentenced to death. What followed was a 30-year effort by the far left to glorify Abu-Jamal and to exonerate him. This effort was taken up by law professors, leftwing activists, and in 2009 by the organization which the nominee before us led for several years, the NAACP Legal Defense Fund.

When the Legal Defense Fund became Abu-Jamal's cocounsel in 2011, its press release called him a ''symbol'' of ''racial injustice.'' It said: ''Abu-Jamal's conviction and death sentence are relics of a time and place that was notorious for police abuse and racial discrimination.'' An LDF lawyer attended rallies for Abu-Jamal. She said it was absolutely an ''honor'' to represent him and that doing so was her ''pleasure.'' She said: ''There is no question in the mind of anyone at the Legal Defense Fund that the justice system has completely and utterly failed Mumia Abu-Jamal.'' This demagoguery of the murder of a defenseless police officer has shocked and offended law enforcement officers from across the country. Current District Attorney of Philadelphia Seth Williams wrote the Judiciary Committee last month to oppose this nominee's confirmation. Here is what he had to say:

> Apart from being patently false, moreover, these claims are personally insulting to me. As an African-American, I know all too well the grievous consequences of racial discrimination and prejudice. I also know that Abu-Jamal was convicted and sentenced because of the evidence, not because of his race. And I have continued to fight for the jury's verdict because it was the just result.

District Attorney Williams notes that, given all the cases in which the Legal Defense Fund could be involved, it was ''telling'' that the nominee would go out of his way to inject himself and his organization into this one. ''His decision to champion the cause of an extremist cop-killer . . . sends a message of contempt to police officers.''

The national Fraternal Order of Police wrote President Obama to express its ''vehement opposition to the nomination.'' The FOP wrote that ''as word of this nomination spreads through the law enforcement community, reactions range from anger to incredulity,'' and that it ''can be interpreted in only one way: It is a thumb in the eye of our nation's law enforcement officers.''

The Kentucky Narcotics Officers' Association wrote me a powerful letter in opposition to the nomination as well. In it they note: ''The thought that [the nominee] would be rewarded, in part, for the work he did for Officer Faulkner's killer is revolting.''

The nominee has acknowledged that as the director of litigation for the Legal Defense Fund, he ''supervised [its' entire legal staff.'' According to LDF's own Web site, the director is responsible for coordinating ''the selection of cases'' the LDF chooses to get involved in. He manages ''all aspects of the legal docket.'' He oversees ''all aspects of discovery, motion practice, briefs, trials, appellate work and amicus briefing.''

As director of litigation he is responsible for advocacy both in the courts of law and in the court of public opinion.

Let me repeat. He is responsible for advocacy both in the courts of law and in the court of public opinion. As the head of the Civil Rights Division, the nominee now would be responsible for fulfilling the Division's mission of upholding the civil and constitutional rights of all individuals. He would have powerful resources at his disposal as well as the discretion to determine how and on whose behalf to use them.

As the junior Senator from Pennsylvania has noted, the head of the Civil Rights Division must have an absolute commitment to truth and justice. My friend from Pennsylvania goes on to observe that, while there are many highly qualified Americans who could carry out this critical mission, the nominee's record creates serious doubts that he is one of them.

I might point out that the senior Senator from Pennsylvania also opposes this nominee. So I could not say it any better. Everyone deserves a fair trial and a zealous legal defense. Lawyers are not personally responsible for the actions of their clients. But lawyers are responsible for their own actions. In this case the nominee inserted his office in an effort to turn reality on its head, impugn honorable and selfless law enforcement officers, and glorify an unrepentant cop killer.

This is not required by our legal system. On the contrary, it is noxious to it. I therefore will oppose the nomination and strongly urge my colleagues to do so as well.

Finally, I would like to note the manner in which this nomination may come to an up-or-down vote. Last fall the majority chose to break the rules of the Senate in order to change the rules of the Senate. In so doing, they violated the right of the minority under the rules to require extended debate on controversial nominees to powerful Federal positions. This serious breach of the rules is an ongoing violation. It is highlighted again today by the majority's effort to muscle through the current nominee under a procedure they came up with in the majority leader's conference room, not through the rules committee and regular order as was promised.

Members of the majority who voted for this heavyhanded procedure last fall will be responsible for the nominee's confirmation today—if that occurs—regardless of how they vote on the nomination itself. And they should not be heard to complain that the nomination process is not as productive as it was only a few months ago—before they threw caution to the wind and violated our rights under the Standing Rules of the Senate.

UKRAINE

Mr. President, last week's military intervention by Russian forces into Crimea makes it clear that President Putin is determined to maintain the Russian sphere of influence there—and at a cost to his country. That is why Washington and its allies will now be of such critical importance in Ukraine.

According to the Budapest agreement, Russia has an obligation to respect the sovereignty of its neighbor, and the West should stand united in holding President Putin to that agreement.

The United States, NATO, and the EU should also work together to support the interim government in Kiev by supporting free and fair elections. And Members of Congress are already discussing loan guarantees and additional sanctions against Russia.

But if there is one thing Russia's military intervention into Crimea also makes absolutely clear, despite the best hopes of some, it is this: The foundation of the international system is governed by force, capability, and interest. Let me say that again. The foundation of the international system is governed by force, capability, and interest. That is the reality by which we should be guided in approaching this conflict, and it is a reality by which we should be guided when it comes to American power more generally.

As I have argued before, this President has eroded American credibility in the world:

> [It starts] with the arbitrary deadlines for military withdrawal . . . and the triumph and declaration that Guantanamo would be closed within a year, without any plan for what to do with its detainees. . . . there were the executive orders that ended the Central Intelligence Agency's detention and interrogation programs . . .
>
> We all saw the so-called reset with Russia, and how the President's stated commitment to a world without nuclear weapons led him to hastily sign an arms treaty with Russia that did nothing to substantially reduce its stockpile, or its tactical nuclear weapons.
>
> We saw the President announce a strategic pivot to the Asia-Pacific, without any real plan to fund it, and an effort to end the capture, interrogation, and detention of terrorists, as well as the return of the old idea that terrorism should be treated as a law enforcement matter.
>
> After a decade-long counterinsurgency in Afghanistan, we've seen the President's failure to invest in the kind of strategic modernization that's needed to make his pivot into Asia meaningful.
>
> Specifically, his failure to make the kind of investments that are needed to maintain our dominance in the Asia Pacific theater, in the kind of naval, air, and Marine Corps

forces that we'll need there in the years ahead, could have tragic consequences down the road.

Let's be clear. Whether it is recent reports suggesting the Obama administration knew for years about potential Russian violations of the treaty that regulates medium-range missiles or whether it is Russia's refusal to negotiate a reduction in tactical nuclear weapons, its shipment of arms to the Syrian Government, or its invasion of Crimea, we can now put to rest for good any notion that the relationship with Russia has been reset.

President Putin sees himself as the authoritarian ruler of a great power—and one who is determined to preserve his regime. That is how we should understand him.

In invading Crimea he clearly concluded that protecting Russia's sphere of influence there was worth the risk of Russian lives and of any response on the part of the United States and Europe. We and our allies pay a price when our capabilities diminish. That is why I have continually advocated for investments in the modernization of our forces, for marrying our commitments to our capabilities, and for a recognition that receding from the world comes with consequences—mainly bad ones.

We remain a member of NATO and have treaty commitments to our fellow members. We also know that in Asia, China has pursued a policy of coercing its neighbors and exploiting territorial disputes. American military might is the backbone of the international order, but when we diminish our capabilities, we must understand that regional powers will fill the void.

Our President is still the leader of the free world. We will support him however we can to ensure a satisfactory outcome for the Ukrainian people and to prevent this conflict from escalating into a wider war. Ukrainians deserve our support. But this is a moment when President Obama is going to have to lead.

HONORING OUR ARMED FORCES

CHIEF PETTY OFFICER COLLIN T. THOMAS

Mr. President, I rise to speak in tribute to a brave Kentuckian who has given his life in service to his country. CPO Collin T. Thomas, a highly distinguished and decorated Navy SEAL, was killed in his final mission on August 18, 2010, in eastern Afghanistan in direct combat with the enemy. In his final act, he killed a Taliban fighter who had shot him and other members of his team, thus saving his teammates. For these acts of valor, he received the Silver Star Medal. He was 33 years old.

Chief Petty Officer Thomas held a rating of chief special warfare operator, was a Navy SEAL for 10 years, and served in the Navy for 13. In that time he received many awards, medals, and decorations, including the Silver Star Medal for the actions I have described, three Bronze Star Medals with combat ''V'' distinguishing device, a Purple Heart, the Defense Meritorious Service Medal, two Joint Service Commendation Medals with combat ''V'' distinguishing device, a Navy and Marine Corps Commendation Medal, six Marine Corps and Navy Achievement Medals, two Combat Action Ribbons, four Good Conduct Medals, the National Defense Service Medal, Afghanistan Campaign Medals with two campaign stars, the Iraq Campaign Medal, Marksmanship Medals with ''expert'' service device for both rifle and pistol, and a multitude of personal, unit and campaign awards.

On September 11, 2001, Collin Thomas's cousin, Navy weatherman AG1 Edward Earhart, was the first identified military casualty of the terrorist attack that struck the Pentagon. Sadly, this was not the first time terrorism had directly struck Collin's family. His uncle, Maj. John Macroglou, was the senior marine killed in the Beirut barracks bombing in 1983.

Then a Navy SEAL for a little over 1 year, Collin vowed to his family to make amends for the death of his uncle and his cousin. Collin's father Clayton says:

> When asked by his grandfather why he continued to be a SEAL, Collin would say that he was going to be the one to capture or kill bin Laden.

Collin was born in San Diego, and by high school he had lived in seven States and two countries. But he always considered himself a Kentuckian.

After his father's retirement from the U.S. Marine Corps, the Thomas family settled in Morehead, where Collin attended Rowan County Senior High School. He ran track and played varsity football. Collin enjoyed camping and hunting. He liked to shoot and was good at it. His grandmother would prepare squirrel gravy from the spoils of Collin's hunting expeditions reluctantly because as much as she wanted to celebrate her grandson's marksmanship, squirrel was not a favored delicacy in her household.

A story from Collin's high school years demonstrates that the motivation to help others that was the driving force behind his Navy SEAL career was present at a young age. At age 14 Collin stood up for some younger children to bullies on the schoolbus. ''He didn't even know these children, but he knew they were being bullied and denied a bus seat by bigger and older children,'' Clayton remembers. He ''gave them his seat and told the bullies they would have to answer to him if he ever saw them bullying these or any other children again. . . . The character and sense of fairness he demonstrated taking on bullies he did not know to protect others would be repeated throughout his life.''

Collin was very driven and focused from a young age on his life's goal—becoming a Navy SEAL. He began his unofficial training at age 15 after talking with a Navy master chief at the Naval Academy, who gave him an idea of the physical, academic, and psychological training Collin would need to undergo to follow his dream. By the time he received his driver's license, Collin had also completed his SCUBA open water dive certification.

Collin graduated from high school in 1995, and at Morehead State University he took every ROTC class available. The summer after his first year of college, Collin was selected for basic airborne training by his ROTC commander. He met many Active-Duty Navy SEALs there and came away convinced he was ready.

Collin enlisted in the Navy on February 20, 1997, and his oath was administered by his father Clayton, a retired marine lieutenant colonel.

Collin completed basic training, was an honor graduate at the hospital corpsman school, and trained in basic underwater demolition. He was then assigned to a SEAL team to develop his skills as a special warfare operator. He became a SEAL on June 9, 2000, and was sent on his first deployment to South America.

Chief Petty Officer Thomas was a highly skilled and capable SEAL, and his constant training took him around the world. He became certified as a paramedic and a lead climber, able to scale near-vertical cliffs. He was a master parachutist specializing in nighttime high-altitude operations. He mastered underwater diving and was able to stay underwater for over 4 hours. He won inter-unit shooting competitions with both longbarrelled and shortbarrelled weapons. He excelled in snow skiing and skied the most difficult airdrop courses in South America, Europe, and America.

In April 2010 Collin achieved a lifetime goal when he and two of his SEAL teammates climbed Mount Kilimanjaro in Tanzania, the highest freestanding mountain in the world at 19,341 feet above sea level. They made most of the climb in speedy time. Near the summit, however, Collin encountered two women from California who were ill from altitude sickness. Against his guide's advice, Collin stopped to give them medical attention, delaying his final ascent. Collin's father recalled, ''Somehow, one of the women found out that Collin had been killed, and she sent a letter telling the family how kind he was to them, and she felt he had saved their lives.'' Once again, the same young man who had stood up to bullies on a schoolbus had set his own interests aside to save others.

Collin was buried with full military honors at Forest Lawn Memorial Gardens in Rowan County, KY.

We are thinking of his loved ones today, including his parents Clayton and Paul; his sister Meghan; his fiancee Sarah Saunders, and many other beloved family members and friends.

To his father Clayton I say ''Semper fidelis''—your son was always faithful.

One of Collin's senior officers, engaged in many highly sensitive and consequential missions, was unable to give his name for attribution on the Senate floor. However, he was able to

say these words about Collin, which I will share with all of you. This unnamed officer said:

Collin Thomas was a brave American patriot and an incredibly gifted Navy SEAL. His tireless professionalism, inspiring passion for life, and humble demeanor made him a role model for all who knew him. We are deeply saddened by this tremendous loss of a brother in arms.

I know my colleagues share these sentiments, and we mourn the loss of CPO Collin T. Thomas. We extend our deepest condolences to his family. No words spoken in this Chamber can take away the sadness and loss Collin's family must feel, but I do want them to know this Nation and this Senate are deeply grateful for CPO Collin T. Thomas's service and sacrifice. We are humbled to pay tribute to his life and legacy.

I yield the floor.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF DEBO P. ADEGBILE TO BE AN ASSISTANT ATTORNEY GENERAL

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 legislative clerk read the nomination of Debo P. Adegbile, of New York, to be an Assistant Attorney General.

The PRESIDING OFFICER. Under the previous order, the time until 11:45 a.m. will be equally divided between the Senator from Vermont and the Senator from Iowa or their designees.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, similar to my Republican leader, I come to the floor to share my concerns about Mr. Adegbile's nomination, and I will explain my voting no today.

I begin by saying I believe the nominee possesses high moral character and personal integrity. I have met him. I am also aware he has been working on the chairman's staff of the Judiciary Committee for the last few months. Unfortunately, I have reached the conclusion that this nominee isn't the right pick to lead the Civil Rights Division.

First of all, it is no secret that I believe the last individual to lead this office, the current Secretary of Labor, was very political and extremely committed to a host of political causes. Of course, I don't expect President Obama to nominate conservatives to his political appointments, but as we all know, these are very important and powerful jobs. The individual who holds them wields a tremendous amount of power on behalf of the Department of Justice.

I expect the President's nominees to be liberal, maybe even very liberal, and in the vast majority of cases the President is entitled to have people of his own choosing serving in these important positions, but the Senate must provide its advice and consent, which is what we are doing today.

In my view the President's nominees can't be so committed to political causes and so devoted to political ideology that it clouds his or her judgment. This is particularly important here, given that this office, under the leadership of the last Assistant Attorney General, was marked by controversy, and those controversies, in my view, were directly linked to that individual's deep commitment to a host of liberal causes, regardless of how well held they were. At the end of the day I believe it clouded his judgment.

With that brief bit of background, I would first note there is bipartisan opposition to this nomination. As I will discuss in a few minutes, there is also widespread opposition from the law enforcement community.

Seth Williams, a Democrat and Philadelphia's district attorney, opposes this nomination. Many of the largest national law enforcement organizations, including the Fraternal Order of Police and the National Association of Police Organizations, vigorously oppose this nomination as well. This opposition is based upon the nominee's record—and the nominee's record, in my view, demonstrates that the nominee has a long history of advocating legal positions far outside the mainstream. I believe it is a record which demonstrates he is simply too deeply committed to these causes to be an effective and fair leader of this very important Civil Rights Division of the Department of Justice.

I am not going to mention every aspect of the nominee's record I find troubling but a few will be mentioned.

His record on First Amendment issues should give us all pause. For example, in the Hosanna-Tabor case before the Supreme Court, the nominee advocated for a position which would have infringed on the free-exercise rights of religious organizations. Specifically, he argued that a church didn't have the right to freely hire or fire individuals who were responsible for conveying the church's message and carrying out its religious mission. This is at the core of what religious freedom means under our Constitution. The nominee's view was a dramatic departure from established First Amendment jurisprudence. In fact, it was so outside the mainstream that the Supreme Court unanimously rejected it 9 to 0.

Likewise, the nominee's views on the Second Amendment to our Federal Constitution are out of step with the law. In Heller he argued, ''The Second Amendment does not protect an individual's right to keep and bear arms for purely private purposes.'' He also argued that ''the right protected by the Second Amendment are ones that exist only in the context of a lawfully organized militia.''

The Supreme Court, of course, rejected that view, as we all know, and the Supreme Court's decision very much strengthened the right of individuals to bear arms.

I have also been disappointed by the answers the nominee provided to a number of my questions. For example, I asked whether he believed voter-ID requirements—which have been upheld by the Supreme Court in the Crawford case—are the modern-day equivalent of a poll tax. I asked this question for several reasons.

First of all, according to press reports, this nominee said as much in 2005 during a discussion in Georgia regarding voter-ID laws. According to press reports, he called voter-ID cards ''a modern poll tax.'' But the Supreme Court upheld Indiana's voter-ID law as constitutional in the Crawford case in 2008.

So, if the nominee continues to believe that voter-ID laws are the modern-day equivalent of a poll tax and is firmly committed to that principle, I am concerned—we all ought to be concerned—that he would look for creative ways to undermine and challenge those laws, notwithstanding the Crawford case upholding Indiana's voter-ID law.

It goes without saying, of course, a significant part of this job is the enforcement of voting-rights laws, and that enforcement power should be entrusted only to someone we are confident will apply the law in an even-handed way and, obviously, uphold what the Supreme Court has already said was constitutional.

I have also repeatedly asked the nominee whether, if confirmed, he would commit to implementing the recommendations made by the Department of Justice's Inspector General regarding the hiring process in the Civil Rights Division. The IG's report exposed a hiring process in that division which was structured in a way that systematically screened out conservative applicants. So, evidently, only one point of view is welcomed in that division. But the nominee will not commit to implementing the recommendations the IG's report has put out which addressed those issues so the office has the benefit of an ideologically diverse group of lawyers. This concerns me, and it ought to concern my colleagues. Again, this is a division in the Department of Justice which needs a clean break from the political partisanship which plagued the office under the last Assistant Attorney General.

Finally, I wish to address the nominee's involvement with and representation of Mumia Abu-Jamal. To understand why the nominee's involvement in this case is so concerning to many of us, a bit of history is in order.

Mr. Abu-Jamal is this country's most notorious cop-killer. The facts of the Abu-Jamal case are well known and cannot be seriously disputed.

Back in December of 1981 Abu-Jamal—then known as Wesley Cook—gunned down Philadelphia police officer Daniel Faulkner. Abu-Jamal first shot Officer Faulkner in the back and then several more times in his chest at close range. As Officer Faulkner lay dying in the street, Abu-Jamal stood over him and shot him in the face. At the hospital a short while later, Abu-Jamal actually boasted he had shot a police officer and said he hoped the officer would die. Ballistics evidence proved Officer Faulkner had been shot with a .38-caliber revolver registered to Abu-Jamal and found at the scene, along with spent shell casings.

No serious observer of this case can question the overwhelming evidence of his guilt. Based on the evidence, he was tried. A jury—including white and African-American jurors—convicted him and sentenced him to death.

Nonetheless, over the course of the next 25 years, opponents of capital punishment and other critics of our justice system have elevated Mr. Abu-Jamal to celebrity status. Those critics have charged that the conviction was tainted by racial discrimination. They slandered police officers and prosecutors and they have leveled accusations of police abuse. They have even organized rallies which portrayed this murderer as the victim.

Amazingly, Mr. Abu-Jamal's campaign has been somewhat successful. He has actually convinced a lot of people he is a political prisoner—if you can imagine that—and his fame isn't confined to the borders of this country. The French went so far as to name a street after him in the suburbs of Paris. In fact, it became such a high-profile issue that in 2006 the House of Representatives overwhelmingly passed a bipartisan resolution 368 to 31 condemning the murder of Officer Faulkner and urging the French town to change the name of its street.

I must say the disgust with Mr. Abu-Jamal's celebrity status isn't defined by partisanship. In fact, five of today's Senate Democrats were in the House of Representatives in 2006 when that resolution was passed. Four of those five voted in favor of that resolution, rejecting the political celebrity of a murderer.

In short, this case is about much more than hyper-technical legal challenges to the imposition of the death penalty. It has become, quite plainly, a cause. So it is with that background that I would like to discuss the nominee's involvement in that matter.

In 2009, Mr. Adegbile was Director of Litigation for the NAACP's legal defense fund, and it was in that role that he worked as an advocate on Abu-Jamal's behalf. The nominee and the legal defense fund first got involved when they volunteered as an amicus and then later as lead counsel for Abu-Jamal's post-conviction proceedings.

In this first phase, the legal defense fund alleged that Philadelphia prosecutors discriminated against African-American jurors in the jury-selection process during the trial. After the Third Circuit rejected that argument, the nominee submitted an amicus brief to the U.S. Supreme Court urging the Court to take the case and hear the same arguments. The Court declined to hear that case.

After this effort failed, in 2011 the legal defense fund signed on as Abu-Jamal's lead counsel for his post-conviction challenges. It was at this point the nominee again challenged the conviction in the Third Circuit but this time under a different theory.

The nominee argued that the jury instructions were constitutionally infirm. The Third Circuit agreed, and the Supreme Court refused to hear further argument.

Now, keep in mind that Abu-Jamal never ran the risk of lacking adequate legal counsel. Highly motivated attorneys, highly motivated law professors, and legions of activists have represented him for years. They have filed literally hundreds of motions and briefs on his behalf. So this isn't a case of the nominee and the legal defense fund intervening to vindicate the rights of an indigent defendant who has been denied due process, nor is this a case of a lawyer stepping in to defend an unpopular client who couldn't otherwise find a lawyer. Abu-Jamal has enjoyed the zealous representation of some of the country's best lawyers for almost three decades.

In short, this is not John Adams defending the British soldiers after the Boston Massacre. That is not what is happening. The first attempt to challenge the conviction was unsuccessful, so the nominee and the legal defense fund redoubled their efforts and mounted a second challenge under a different theory. This was a cause in search of a legal justification.

We know this, of course, because the statements and press releases that the legal defense fund made at the time confirmed the understanding that this was a cause.

The nominee's colleagues and co-counsels explained the legal defense fund's motivations for getting involved in this case at a rally for Abu-Jamal in 2011. A lawyer with the legal defense fund said:

> There is no question in the mind of anyone at the legal defense fund that the justice system has completely and utterly failed Mumia Abu-Jamal, and in our view, that has everything to do with race, and that is why the legal defense fund is in this case.

In fact, when the legal defense fund signed on as lead counsel in 2011, their press release declared:

> Abu-Jamal's conviction and death sentence are relics of a time and place that was notorious for police abuse and racial discrimination.

Again, this is, in fact, a cause. It was a cause premised on the notion that this country's most notorious cop killer, Mumia Abu-Jamal, was a victim rather than a murderer, and the police officers and prosecutors and the entire judicial system were to blame, not the person who did the killing.

At bottom, this is why the law-enforcement community is so staunchly opposed to this nomination. That is why the Fraternal Order of Police calls this nomination a ''thumb in the eye of our Nation's law enforcement officers.''

That is why Philadelphia District Attorney Seth Williams wrote this in his letter of opposition:

> Despite the overwhelming evidence of guilt, his lawyers have consistently attempted to turn reality on its head, arguing that Abu-Jamal was framed, and that it was he, rather than Officer Faulkner, who was the victim of racism.

District Attorney Williams went on to say:

> Aside from being patently false, moreover, these claims are personally insulting to me. As an African-American, I know all too well the grievous consequences of racial discrimination and prejudice. I also know that Abu-Jamal was convicted and sentenced because of the evidence, not because of his race.

Finally, that is why Maureen Faulkner, whose husband was murdered by Abu-Jamal, wrote two letters to the Judiciary Committee, and why she wrote this:

> Officers who knew Danny and who, like him, put their lives on the line every day, must now witness Adegbile, a man proud to have chosen to aid the murderer of their friend, singled out for honors and high office by the Government of the United States. It is an abomination to now reward Adegbile as if he had done something wonderful.

So to my colleagues and to the President of this body, for the reasons I have outlined here, I cannot support this nomination. I don't believe he is the right nominee to lead this office at this time. I will oppose this nominee, and I urge my colleagues to do the same.

I reserve the remainder of my time.

Madam President, I would suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. HEITKAMP). The clerk will call the role.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

Mr. GRASSLEY. I ask unanimous consent that the time spent in quorum calls this morning be divided equally between the two sides.

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

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

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

Mr. TOOMEY. Madam President, I rise this morning to speak on the nomination of Debo P. Adegbile as the candidate to serve as the Director of the Civil Rights Division of the Justice Department. He would be the assistant attorney general in the Justice Department if he were to be confirmed.

It was 3:55 a.m. on December 9, 1981, when 25-year-old Philadelphia police officer Daniel Faulkner was brutally murdered in the line of duty.

A few weeks ago, Officer Faulkner's widow Maureen Faulkner pleaded with the Senate Judiciary Committee to listen to her story. It is a heartbreaking story. It is a story about how 32 years ago a coldblooded killer murdered her husband and how political opportunists then seized the chance to deny her justice and propagate a very pernicious set of lies.

It is also a story about how President Obama's current nominee to head the Civil Rights Department, this fellow, Debo Adegbile, joined in this gross abuse of our legal system. Unfortunately, our colleagues on the Senate Judiciary Committee—our Democratic colleagues—did not allow Maureen Faulkner to testify when the committee was considering this nominee. I think Maureen Faulkner deserves to be heard. I think she has a right to be heard. We have heard a lot of voices and a lot of arguments in this discussion. I think Maureen Faulkner's voice deserves to be heard.

Since she was not permitted to testify before the committee, I wish to read to my colleagues in the Senate the letter she sent to all of us, and I will begin now. Maureen Faulkner writes:

Dear Senators, while I would have preferred to do so personally, I'm writing this letter appealing to your sense of right and wrong, good and evil, as you consider the nomination of Debo Adegbile to be the next head of the Civil Rights Division of the Department of Justice.

Thirty-three years ago my husband, Philadelphia Police Officer Daniel Faulkner, was violently murdered by a self-professed ''revolutionary'' named Mumia Abu-Jamal.

I was 24 years old.

While most of my friends spent their summer at the Jersey Shore, I sat in a hot steamy courtroom and watched in horror and disbelief as the man who murdered my husband tried to turn the courtroom into a political stage where he could spew his hatred and contempt for this country and our judicial system.

At the moment my husband's blood stained shirt was displayed by the evidence handler, Mumia Abu-Jamal turned in his chair and smirked at me; demonstrating his contempt for law enforcement.

Thankfully, a racially mixed jury that was selected by Abu-Jamal while representing himself, found him guilty.

The following day they sentenced him to death for the brutal act he committed.

That's when my second nightmare began.

For three decades, my family and I endured appeal after appeal, each rooted in lies, distortions, and allegations of civil rights violations.

And year after year, judge after judge, the conviction and sentence were unanimously upheld.

Then, thirty years after the fact, my family, society and I were denied justice when three Federal District Court judges who have found error in every capital case that has come before them, overturned the death sentence.

Today, as my husband lies thirty-three years in the grave, his killer has become a wealthy celebrity.

He pens books and social commentaries critical of our country.

He regularly uses his nearly unlimited access to the prison telephone to do radio programs, has cable TV in his cell and is permitted to hold his wife, children and grandchildren in his arms when they visit.

Old wounds have once again been ripped open and additional insult is brought upon our law enforcement community in this country by President Obama's nomination of Debo Adegbile.

While publicly demonstrating that he doesn't even know my husband's name, Mr. Adegbile feigns sympathy and caring for my family and me.

In reality, Mr. Adegbile was a willing and enthusiastic accomplice in Mumia Abu-Jamal's bid to cheat us of the justice we had waited so many years for.

Mr. Adegbile freely chose to throw the weight of his organization behind Mumia Abu-Jamal, and he has publicly stated that he would get Mumia Abu-Jamal off death row.

Mr. Adegbile holds Mumia Abu-Jamal, a remorseless unrepentant cop killer, in high esteem.

We know this because attorneys working under Mr. Adegbile stood before public rallies held in support of my husband's killer and openly professed that it was ''an extreme honor'' to represent the man who put a hollow based bullet into my husband's brain as he lay on the ground, wounded, unarmed and defenseless.

And while Mr. Adegbile and those who support his nomination will undoubtedly argue that he did not personally make such statements, he did nothing to counter or stop them.

In the end, like so many attorneys before him, Mr. Adegbile's allegations of civil rights abuse rang hollow.

Mumia Abu-Jamal's death sentence was overturned not because of civil rights abuse as alleged by Mr. Adegbile, but because three judges with a personal dislike for capital punishment conveniently determined that the wording in a standard form given to a jury might have confused them.

While Debo Adegbile may be a well-qualified and competent litigator, through his words, his decisions and his actions he has clearly and repeatedly demonstrated that he is not the best person to fill this important position.

Certainly there are others with similar qualifications that would be better choices.

I would argue that Mr. Adegbile's decision to defend a cop killer should preclude him from holding any public position.

Your decision means a lot to me personally.

The thought that Mr. Adegbile will be rewarded, in part, for the work he did for my husband's killer is revolting.

Throughout my long ordeal I have frequently been labeled a racist by many who support my husband's killer simply because he is black and I white.

I have also been asked to throw my name, my voice and my support behind political candidates from both parties.

In each case I have declined.

I have always believed that my husband's death and my quest for justice transcends politics and race.

From my heart, I'm asking you to do the same thing.

Set aside any partisan feelings you have and do the right thing today when you vote on Mr. Adegbile's confirmation.

Please spare my family and me from further pain.

Sincerely,

Maureen Faulkner.

To conclude, as the Justice Department's Web site explains, the Civil Rights Division ''fulfills a critical mission in upholding the civil and constitutional rights of all individuals.'' This requires the head of the Civil Rights Division to have an absolute commitment to truth and justice.

There are many highly qualified Americans who can carry out this critical mission—and it is a critical mission. Mr. Adegbile's record and what he actually has done create serious doubt that he is one of them.

For these reasons I urge my colleagues to vote against cloture on the nomination of Mr. Adegbile to serve as Assistant Attorney General for the Justice Department's Civil Rights Division.

Mr. CASEY. Mr. President, I rise today to discuss the nomination of Debo Adegbile to serve as Assistant Attorney General for the Civil Rights Division of the U.S. Department of Justice. As a representative of the city of Philadelphia, the Philadelphia police, and the family of slain officer Daniel Faulkner, I feel compelled to voice my concerns about this nomination for the record.

In 2009, while Mr. Adegbile was serving as director of litigation for the National Association for the Advancement of Colored People Legal Defense and Education Fund, that organization took on the defense of Mumia Abu-Jamal. Mr. Abu-Jamal had 27 years earlier been convicted of the first-degree murder of Daniel Faulkner, a Philadelphia police officer. The political theatrics surrounding this case have deprived Officer Faulkner's widow Maureen Faulkner and others of the orderly process of justice they should have received as victims of a heinous crime.

I believe strongly that people should have the right to criminal defense no matter what the circumstances. However, I am troubled by the legal defense fund's involvement in Mr. Abu-Jamal's defense at a time when he was ably represented by other counsel. The facts in the murder of Officer Daniel Faulkner while in the line of duty are not in dispute. The events and theatrics that surrounded this trial and that were fueled by the defense team here took an incredible toll on the Faulkner family, the law enforcement community, and the city of Philadelphia. From as early as the pretrial stage, Mr. Abu-Jamal disrupted the court proceedings by demanding representation by a nonattorney, refusing to accept judicial rulings on his motions and reportedly threatening the judge with violence. Since his conviction, Mr. Abu-Jamal and his supporters have engaged in an effort to discredit the judges, the Philadelphia police, Maureen Faulkner, and Officer Faulkner in this case.

For many of my constituents, a vote for this nominee would have validated the activities of the supporters of Mr. Abu Jamal.

Mr. Adegbile has had a long and accomplished career as a civil rights advocate, including arguing twice before the Supreme Court in defense of the Voting Rights Act of 1965, a landmark piece of civil rights legislation. For years he has been actively working to defend voting rights and recently has been engaged in efforts to restore the protections of the Voting Rights Act for millions of Americans following the Supreme Court's ruling in Shelby County v. Holder. Mr. Adegbile's work on the Voting Rights Act is commendable, and all Americans benefit from his commitment to ensuring equal access to the ballot. I take very seriously my duty to advise and consent, and I have considered Mr. Adegbile's history of public service as well as my concerns about his involvement in the Abu-Jamal case.

Pennsylvanians and citizens across the country deserve to have full confidence in their public representatives—both elected and appointed. The Assistant Attorney General for Civil Rights is one of the top law enforcement positions in our Nation, and the full faith and confidence of the law enforcement community is an important consideration for a nominee for this position. The vicious murder of Officer Faulkner in the line of duty and the events that followed in the 30 years since his death have left open wounds for Maureen Faulkner and her family as well as the city of Philadelphia. After careful consideration and having met with Mr. Adegbile as well as the Fraternal Order of Police, I decided to vote against this nomination.

I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Madam President, Debo Adegbile has the keen intellect, life experience, and knowledge sufficient to be an excellent assistant attorney general. What an American story we find in his life.

The son of Nigerian and Irish immigrants, he worked his way up from poverty—including periods of homelessness and reliance on welfare—to the top of the legal profession. He graduated from Connecticut College and NYU Law School and spent the early years of his career in one of the most highly regarded law firms in New York. Then he decided to start working at the NAACP legal defense fund, ultimately becoming the organization's acting president and directing counsel. For those who don't know the NAACP legal defense fund, I would commend to them a book called ''Devil in the Grove.'' It is a Pulitzer Prize-winning story of the work of Thurgood Marshall in the 1940s and 1950s when the fund was literally the only voice for those who were poor and Black in America. Time and again, Thurgood Marshall would journey to parts of America and risk his life to defend someone accused of a crime. They were the only ones who would stand and speak for the poor and those who were in minority status.

Mr. Adegbile joined the NAACP legal defense fund, and during his 20-year career he has gained experience and perspective on a wide range of issues, certainly qualifying him for this job with the Civil Rights Division. He has widespread enthusiastic support from a broad spectrum of civil rights groups, law enforcement organizations, police officers, prosecutors, business leaders, government officials, and prominent members of both political parties.

Mr. Adegbile has twice been called on to defend the constitutionality of the Voting Rights Act in oral arguments before the U.S. Supreme Court. In the year 2013, he was the only—only—African-American attorney to argue before the Supreme Court. There is no question about his competency.

He led the NAACP Legal Defense and Education Fund's legislative outreach and public education efforts on the Voting Rights Reauthorization Act of 2006 which was passed by a unanimous 98–0 vote in the Senate and 390–33 in the House.

He has represented minorities in case after case involving employment discrimination. He led the efforts to repeal the proposition 36 initiative, California's overly punitive three strikes law, and it passed with 70 percent of the votes of Californians.

In his private practice he has successfully represented pro bono clients. His is an extraordinary legal resume.

As these select career highlights demonstrate, he is an effective advocate who can lead the Civil Rights Division. Don't take my word for it though.

The Bush administration Solicitor General Paul Clement stated:

> I've litigated both with and against Debo and have heard him argue in the Supreme Court. I have always found him to be a formidable advocate of the highest intellect, skills and integrity.

Mr. Adegbile's representation of Mumia-Abu-Jamal does not mean he lacks respect for the rule of law, and it certainly should not disqualify him from this important civil rights job.

In fact, his willingness to represent an unpopular defendant in an emotionally charged case demonstrates his appreciation for the rule of law, as well as his respect for the criminal justice system.

His critics have attempted to characterize him as someone who actively sought out this case, someone who disparaged the officer who was cut down in the line of duty, Officer Faulkner, and someone who is responsible for Abu-Jamal's death sentence being overturned.

Each of these characterizations is wrong, inaccurate, and unfair.

The NAACP legal defense fund was not involved in the Abu-Jamal case until 2006, nearly 25 years after the trial of this individual and his conviction and 5 years after the death sentence was overturned, being converted to life in prison.

LDF's president, not Mr. Adegbile, made the decision for the organization to be involved in the case. Moreover, as Adegbile stated before the committee, the briefs he signed ''made no negative comments [whatsoever] about the tragic loss of Officer Faulkner.''

I see the chairman of the committee is in the Chamber, and I know my time is short. Let me just say this. Time and again in the history of the United States people have stood, understanding the Constitution and the responsibility of the bar, to represent unpopular defendants.

John Adams set the standard when he made the unpopular decision to represent British soldiers on the eve of the Revolutionary War.

The Senate recalled that example in 2003 when it confirmed John Roberts to the DC Circuit. At the time, not one single Senator raised a concern about then-Judge Roberts providing pro bono representation to a man who had been convicted of killing eight people and was awaiting execution on Florida's death row.

What John Roberts did—now the Chief Justice of the Supreme Court—was entirely consistent with our Constitution and the responsibility of those of us in the legal profession.

I would say at this point we have an extraordinary man, with an extraordinary background, who has offered his services to this government in an important division where he can serve in a capacity that few can match.

The full scope of his life experience and his distinguished record make him well qualified, and I will support his nomination.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I so strongly concur with the statement of the senior Senator from Illinois, the deputy majority leader. It is similar to statements he has made not only here but in private and in public. He has been one of Mr. Adegbile's strongest supporters throughout this matter.

Both he and I know this nominee well. We know he is qualified to be the Assistant Attorney General for the Civil Rights Division in the Department of Justice. More than that, we know Debo Patrick Adegbile as a real person and not as the caricature we have heard from some on the other side. I think all of us have a responsibility to vote yes or no on any issue, and at least to deal with the facts as they are, not with distortions like some of the ones we have heard about this wonderful person.

The Civil Rights Division was created in 1957 in the wake of the landmark decision in Brown v. Board of Education,

and is charged with enforcing Federal laws prohibiting discrimination, and upholding the civil and constitutional rights of the most vulnerable members of our society. From protecting voting rights to combating human trafficking to protecting against religious or racial discrimination, we all know that more work needs to be done. The Civil Rights Division plays a pivotal role in protecting the civil rights of all Americans.

Debo is a man of the highest character and the utmost integrity. He is the kind of proven leader we need at the Civil Rights Division. He is a superb lawyer, to begin with. He has a compelling personal story of triumph over adversity.

He is the son of immigrants from Ireland and Nigeria. He was born in the Bronx. He grew up in poverty, amidst periods of homelessness, but he overcame all these obstacles to attend Connecticut College and the New York University School of Law. He then litigated for 7 years at one of the Nation's top law firms—picked because he was the best of the best of the best.

He then served as legal director of the NAACP Legal Defense and Educational Fund, the LDF. This is a civil rights organization founded nearly 70 years ago by the great Thurgood Marshall, who recognized the need for people to stand up for the constitutional right of all Americans to fair, honest, and competent legal representation. During his time at LDF, Debo argued two landmark cases on voting rights before the U.S. Supreme Court. The nominee is widely regarded as an expert on civil rights law. He has received an outpouring of support from the civil rights community.

Think of some of the people who support him. Congressman JOHN LEWIS has expressed his ''unwavering support'' for Debo's nomination, stating that his ''intelligence, legal acumen, experience, and commitment to his craft, reflect deeply on his ability to offer the Civil Rights Division outstanding leadership into the future.''

The Leadership Conference on Civil and Human Rights and 83 other civil rights organizations called Debo ''a tireless advocate, a skilled litigator, and a well-respected member of the legal community who is extraordinarily qualified for and suited to this position.''

And the Congressional Black Caucus stated that he is ''one of the preeminent civil rights litigators of his generation,'' and ''offers precisely the type of experience, professionalism, and leadership skills necessary to run the Division.''

Support for Debo's nomination extends from the civil rights community to supporters business and law enforcement. Kenneth Chenault, chairman and chief executive officer of American Express, wrote that he has been ''continually impressed by his skills and professionalism—along with his steadfast commitment to upholding civil rights.''

The National Organization of Black Law Enforcement Executives gave its ''unwavering support'' to his nomination. We have letters of support from Detective Terrance Daniels, a retired member of the New York City Police Department; the New York State Attorney General; and several district attorneys and Federal prosecutors.

Paul Clement, the Solicitor General under President George W. Bush, said: ''I have litigated both with and against Debo and have heard him argue in the Supreme Court. I have always found him to be a formidable advocate of the highest intellect, skills and integrity.''

We have a huge list of his supporters, and I ask unanimous consent that the whole list be printed in the RECORD.

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

LETTERS OF SUPPORT FOR THE NOMINATION OF DEBO ADEGBILE TO BE ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION

(As of March 5, 2014)

CURRENT AND FORMER PUBLIC OFFICIALS

Drew S. Days, III, Former Assistant Attorney General for the Civil Rights Division, Department of Justice; Congressman Hakeem S. Jeffries, Member of the House of Representatives for the 8th District of New York; Congressman John Lewis, 5th District, Georgia; Governor Deval L. Patrick, Commonwealth of Massachusetts and Former Assistant Attorney General for the Civil Rights Division, Department of Justice; Seth P. Waxman, Former Solicitor General of the United States, Department of Justice.

CURRENT AND FORMER PROSECUTORS AND LAW ENFORCEMENT COMMUNITY

John I. Dixon, National President, National Organization of Black Law Enforcement Executives; David Godosky, former Assistant District Attorney, Bronx County; former Criminal Court Judge, City of New York; David Raskin, former Assistant U.S. Attorney, Southern District of New York; New York State Attorney General, Eric Schneiderman; Kenneth P. Thompson, District Attorney, Kings County, Brooklyn, New York; Detective Terrance Daniels, Retired, New York City Police Department.

CIVIL RIGHTS ORGANIZATIONS

A. Philip Randolph Institute; Advancement Project; AFL-CIO; African American Ministers In Action; Alliance for Justice; American Association for Affirmative Action; American Association of Colleges for Teacher Education; American Association of People with Disabilities (AAPD); American Federation of Government Employees; American-Arab Anti-Discrimination Committee; Americans for Financial Reform; Anti-Defamation League; Asian American Legal Defense and Education Fund; Asian Americans Advancing Justice—AAJC; Asian and Pacific Islander American Vote (APIAVote); Asian Pacific American Labor Alliance; Asian Pacific American Institute for Congressional Studies; Bazelon Center for Mental Health Law; Black Women's Roundtable.

Campaign Legal Center; Center for APA Women; Center for Community Change; Chicago Lawyers' Committee for Civil Rights Under Law; Children's Defense Fund; Colorado Lawyers' Committee; Communications Workers of America; Congressional Black Caucus; The Consortium for Citizens with Disabilities Rights Task Force; Demos; Disability Rights Education & Defense Fund; Earthjustice; Fair Elections Legal Network; FairVote; Freedom to Work; Gay, Lesbian & Straight Education Network (GLSEN); Hindu American Foundation; Hispanic National Bar Association; Hmong National Development, Inc.; Human Rights Campaign; International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW; Iota Phi Lambda Sorority, Inc.; Japanese American Citizens League.

LatinoJustice PRLDEF; Lawyers' Committee for Civil Rights Under Law; Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association; Lawyers' Committee for Civil Rights Under Law of the San Francisco Bay Area; The Leadership Conference on Civil and Human Rights; League of United Latin American Citizens; Legal Momentum; MALDEF; Mississippi Center for Justice; NAACP; NAACP Legal Defense & Educational Fund, Inc. (LDF); NALEO Educational Fund; National Action Network; National Association of Human Rights Workers (NAHRW); National Association of Social Workers; National Bar Association; National Black Justice Coalition; National Center for Lesbian Rights; National Center for Transgender Equality; National Coalition for Asian Pacific American Community Development; National Coalition on Black Civic Participation; National Conference of Black Mayors, Inc.; National Council of Jewish Women; National Council of La Raza; National Council on Independent Living.

National Disability Rights Network; National Education Association; National Employment Law Project; National Employment Lawyers Association; National Fair Housing Alliance; National Gay and Lesbian Task Force Action Fund; National Immigration Law Center; National Latina Institute for Reproductive Health; National Legal Aid & Defender Association; National Organization for Women; National Partnership for Women & Families; National Senior Citizens Law Center; National Urban League; National Women's Law Center; Native American Rights Fund.

People For the American Way; PFLAG National; Poverty & Race Research Action Council; Prison Policy Initiative; Project Vote; Public Counsel; Public Interest Law Center of Philadelphia; Sikh American Legal Defense and Education Fund (SALDEF); South Asian Americans Leading Together (SAALT); Southern Coalition for Social Justice; Southern Poverty Law Center; United Food and Commercial Workers International Union; United Steelworkers International Union; Vera Institute of Justice; Washington Lawyers' Committee for Civil Rights And Urban Affairs; Wider Opportunities for Women.

MEMBERS OF THE UNITED STATES SUPREME COURT BAR

Lisa S. Blatt, Arnold & Porter LLP; Stephen B. Bright, Southern Center for Human Rights; David W. DeBruin, Jenner & Block; Jeffrey L. Fisher, Stanford Law School; Jeffrey T. Green, Sidley Austin LLP; George H. Kendall, Squire Sanders LLP; Peter J. Neufeld, Innocence Project; Andrew H. Schapiro, Quinn Emanuel; William F. Sheehan, Goodwin Procter LLP; Paul M. Smith, Jenner & Block.

OTHER SUPPORTERS

Paul Lancaster Adams, Philadelphia Managing Shareholder, Ogletree, Deakins, Nash, Smoak & Stewart, P.C.; Abed A. Ayoub, Director of Policy & Legal Affairs, American-Arab Anti-Discrimination Committee; Ken Chenault, Chairman and CEO of American Express; Donna B. Coaxum, Vice President, General Counsel & Secretary, OSI Group, LLC; Alan Dial, Partner, King & Spalding; Randy Hertz, Professor of Clinical Law, New

York University School of Law; Frederick R. Nance, Regional Managing Partner, Squire Sanders; LaFonte Nesbitt, Partner, Holland & Knight; John E. Page, Vice President, General Counsel & Secretary, Golden State Foods Corporation.

Nicholas J. Panarella; Christopher C. Panarella; Former NYU Classmates Anthony T. Pierce, D.C. Managing Partner, Akin Gump Strauss Hauer & Feld; Hilary O. Shelton, Director, NAACP Washington Bureau & Senior Vice President for Advocacy and Policy; James R. Silkenat, President, American Bar Association; Theodore V. Wells, Jr., Co-Chair of the Litigation Department at Paul, Weiss, Rifkind, Wharton & Garrison LLP; Kwamina Williford, Partner, Holland & Knight; Benjamin F. Wilson, Managing Partner, Beveridge & Diamond, P.C.; Pamela D. Zilly, Former President of the Connecticut College Board of Trustees Current and Former Presidents of Connecticut College.

Mr. LEAHY. I have been privileged to work in civil practice, where I defended people, and also to have spent 8 years as a prosecutor. I stand behind nobody in my support of law enforcement. I was picked as one of the three outstanding prosecutors in this country when I was a prosecutor. But I believed throughout all that time that everybody who was prosecuted deserved the best of representation.

Despite Debo's expertise, some are opposing his nomination based on a single case: Mumia Abu-Jamal's appeal of his death sentence for the 1981 murder of Officer Daniel Faulkner. I condemn that murder. I condemn the murderer for it. But, just as the British in the Boston Massacre deserved representation, and got it from John Adams; just as the man who murdered a number of people, including a couple of teenagers, deserved representation from John Roberts, a Republican who is now Chief Justice of the U.S. Supreme Court; so, too, did Mumia Abu-Jamal deserve legal representation.

The murder of Officer Faulkner was a horrific tragedy, and my heart goes out to Mrs. Faulkner and all family members who have lost a loved one in the line of duty. Officer Faulkner served bravely to protect our community and to defend our system of justice and our Constitution. We are trying to defend it too.

It is officers like Officer Faulkner that drive many of us to support programs like the Bulletproof Vest Partnership Grant program. I might point out to some of my friends who stand here in righteous indignation against this nomination, saying they are standing up for law enforcement, that former Senator Ben Nighthorse Campbell and I began a bulletproof vest program that has bought bulletproof vests for officers all over this country. It is up for reauthorization. It has saved the lives of police officers. Not a single Republican has joined me in the effort to reauthorize what was a bipartisan piece of legislation that actually saves the lives of police officers. But, they will come down here and wax eloquently and misleadingly against this good nominee.

If you listen to them or you listen to FOX News, you might think the nominee himself is a criminal. Of course he is not. These attacks launched against this nominee demonstrate a fundamental misunderstanding of the role of a lawyer and the very constitutional system of justice that law enforcement officers all swear an oath to protect. It is time to clear the record.

First, the assertion that Debo made the decision for LDF to take on Abu-Jamal's case is simply not accurate. That decision was made by the previous president of LDF. The nominee we are considering today has testified under oath that it was not his decision. But once the decision was made, and he was appointed to do it, he had a duty, as an officer of the court, to do his best to represent his client, no matter how distasteful or unpopular.

Debo's role in the Abu-Jamal case was limited to two Supreme Court briefs and one Third Circuit brief. Attempts to attribute more to Debo, including the out-of-court statements by other LDF attorneys, are unfounded. These remind me of the attacks that were made against Thurgood Marshall when he was nominated to the Second Circuit Court of Appeals. At the time, Republican Senator Keating provided an articulate response of why such attacks are unreasonable and unfair:

> If counsel is suggesting something that Judge Marshall must have the responsibility for every little action that is taken by any lawyer who has been appearing in an NAACP case, he is imposing a standard of responsibility which certainly goes beyond any point of reasonableness. Judge Marshall's conduct and his ethical standards have not been questioned in these hearings. It is ridiculous to suggest that he may be disqualified for judicial service because some other lawyers who appeared in an NAACP case may or may not have done things which counsel considers questionable and where there is absolutely no showing that Judge Marshall has anything to do with the conduct at issue.

Second, and perhaps more importantly, even if it had been Debo's decision to represent Mr. Abu-Jamal, that should not disqualify him from public service. Our legal system is an adversary system, predicated upon advocacy for both sides. Without this, our justice system would be a sham. We do not criticize John Adams; we do not criticize John Roberts. Now-Chief Justice Roberts said at his confirmation hearing in 2005:

> [I]t's a tradition of the American Bar that goes back before the founding of the country that lawyers are not identified with the positions of their clients. The most famous example probably was John Adams, who represented the British soldiers charged in the Boston Massacre. He did that for a reason, because he wanted to show that the Revolution in which he was involved was not about overturning the rule of law, it was about vindicating the rule of law . . . [T]hat you don't identify the lawyer with the particular views of the client, or the views that the lawyer advances on behalf of the client, is critical to the fair administration of justice.

It is for this reason that as a nominee before the Senate John Roberts was not criticized for choosing to provide pro bono assistance to John Errol Ferguson, a prisoner in Florida who had been sentenced to death for killing eight people, including two teenagers, in the late 1970s.

I agree with what John Adams did. I agree with what John Roberts did. I agree with what Debo did, too. Whether it is John Adams or John Roberts, the principle that all sides deserve an effective counsel is at the bedrock of our constitutional system. We cannot equate the lawyer with the conduct of those we represent if we want our justice system to endure. After Debo's confirmation hearing in early January, the ranking member of the Judiciary Committee himself expressed the same sentiment when he said: ''You always have to take into consideration that everybody under our constitution is entitled to a defense.''

Some have argued that the Abu-Jamal case is somehow different because it became a ''political cause'' and was no longer just a case about defending an unpopular client. But regardless of who the defendant might be, the constitutional right to a fair trial has nothing to do with politics and cannot be dismissed as merely a ''political cause.'' In 2011, the U.S. Supreme Court declined to accept the district attorney's appeal of the lower court decisions, thereby affirming the decisions to vacate the death sentence. However unpopular LDF's decision to represent Abu-Jamal might be, these decisions by independent Federal judges affirm that this case was about defending the rights guaranteed by our Constitution and not merely some political stunt.

Finally, while criticism of a nominee's qualifications is certainly part of the appointment process, some attacks are—by any measure—out of bounds. Last month, while Debo's nomination was still in the Judiciary Committee, the Washington Times published an editorial caricature of Debo that was racially-tinged, offensive, and beyond the pale. I have spoken out against the insulting attempts to defame the nominees of Democratic and Republican Presidents, and I do so again today. I would also hope that those who are opposing Debo's nomination would similarly distance themselves from them.

Debo Adegbile is one of the Nation's leading civil rights lawyers. Those of us who have worked with him cannot recognize the caricature that some are trying to paint. I have seen him testify before a crowded Senate hearing room. I have heard him quietly give counsel in a private meeting room. I know him to be a thoughtful, respectful, and competent person, a good family man, a good husband and father.

I regret these attacks. I have been here 40 years. I do not know if I have ever heard a time in those 40 years when a person was so misrepresented in the attacks against him. I hope now some of those who attack him, saying they are standing up for law enforcement, would do things like join on the bulletproof vest bill and others they refuse to.

I see the majority leader. I ask unanimous consent that the majority leader have whatever time he needs.

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

The majority leader.

Mr. REID. Madam President, Debo Adegbile is the President's nominee to lead the Civil Rights Division of the Department of Justice. He is a man who renews my faith in the American dream. He is the son of Irish and Nigerian immigrants.

To say he grew up in poverty is an understatement. There were times when he and his mom—he was raised mostly by a single mom—were homeless. Despite these challenges, he worked his way through the educational system and to the top of the legal profession.

He graduated from prestigious New York University Law School. He argued two of the most important civil rights cases of his generation before the U.S. Supreme Court. He has received numerous awards for his legal prowess and his commitment to civil rights.

He is one of the Nation's foremost civil rights attorneys. He is eminently qualified to lead the office that enforces Federal laws prohibiting every type of discrimination, including discriminatory voting practices.

His job—the job of that person who is in the Civil Rights Division—is to do everything they can do to make sure people have the opportunity to vote. We know what has happened around the country. We know how Republican Governors and other Republican officials have done everything they can to stop voting. Early voting they eliminate or they shorten the time period. They take away voting places that make it easier for people to vote.

This is an important position. The person that is best qualified to do that is going to have a vote in just a few minutes. Despite all this nominee has achieved, Republicans have not given this man a fair shot at confirmation. His time at the NAACP, where he worked for 12 years, involved many different things. But one of the things he did not do, he did not step foot into a courtroom representing that violent murderer in Philadelphia that occurred in 1981 when he was 13 years old.

Although the condemned man was undoubtedly a very bad man, as I understand the facts: 3 o'clock, 3:30 in the morning a cab is stopped; the murderer's brother is in the cab, just by coincidence. So there were a lot of problems in Philadelphia at the time. The murderer gets out of the car and shoots a police officer viciously and wantonly, for no reason, in the head—terrible murder.

He was a bad man who was convicted of a heinous crime and given the death sentence. When the nominee got into this case, the murder had taken place 25 years earlier. Five years before he got into the case, the death penalty had already been overturned, was already gone. Where did the death penalty overturn come from? That is pretty interesting. It came from a Reagan appointee. Then the circuit court affirmed what the district court had done. They got rid of the death penalty. That district court decision was upheld by President Bush's appointees. I am sorry. The district court opinion was issued by an appointee of the first President Bush, H.W. Bush. The Third Circuit opinion that upheld it was composed of two Ronald Reagan appointees, including one of the most famous jurists of all time, John Sirica.

It is interesting. A person who wrote an op-ed piece in the Wall Street Journal not long ago—who is the district attorney—chose not to reseek the death penalty even though he is writing op-ed pieces about what a bad guy this is, a man who had nothing to do with the case.

The defendant in 2001 was resentenced to life in prison without parole. The death penalty was gone. How can we engage in guilt by association? I repeat, the nominee did not step into a courtroom, a courtroom for the murderer. He did not write one word in a brief for the murderer. He worked at the NAACP and oversaw the litigation and signed the brief third down the row. He had nothing to do with the appeal as far as arguing it.

Even the Philadelphia Inquirer, the hometown newspaper where this murder of the police officer who was so tragically slain took place, said: ''It would be hard to find a better candidate for the position.'' I agree with that.

> To argue that [the nominee], one of the country's foremost legal scholars—especially when it comes to civil rights law—should be disqualified from the Justice post because he participated in [these] appeals is an affront to what it means to live in America. This country allows every convict to exhaustively appeal a verdict, even when all the prior evidence appears to have assured his guilt.

I have met with this man on several occasions. I spent the morning in my office with him. He is a fine man. What a story of the American dream. He has devoted his life to public service. He could be like a lot of other lawyers—nothing wrong with that—go out and see how much money he can make, but he decided not to do that. He believes in public service. He is married, has two beautiful girls.

But I am afraid he is treated by the Republicans kind of like Congressman Watt, Mel Watt, Jeh Johnson, Todd Jones, Circuit Court Judge Wilkins. They have distorted this man's good name in an attempt to score points politically and block confirmation of a faithful defender of voting rights, which the Republicans do everything they can to not prevent. They want fewer people voting. They do not want people to vote. They especially do not want poor people to vote.

The NAACP, we know their record. So much has changed in America because of their legal defense fund. Thurgood Marshall is the most famous of all, but there have been great lawyers who have been part of that program. The organization stands for the constitutional right of every American to a fair trial regardless of the nature of the crime or the content of their character. I think that is what the legal profession is all about. That is what I thought it was about when I practiced law.

I represented some very bad people. I did it a lot of time for no pay. The NAACP also advances the cause of civic engagement, economic opportunity, education, health care, freedom from discrimination. That is for all Americans. They are not out representing just African Americans—all Americans. But there is no question Mr. Adegbile actually specializes in voting rights issues.

He has worked for years at the NAACP and every other thing he has done to safeguard the right of every American to cast a ballot without discrimination or intimidation. That is how the legal defense fund got involved in this case. He did not step into a courtroom. He did not write one single word of any brief. He did not make the decision to represent the Philadelphia defendant, who was a very bad guy, nor did he appear in court or write a word in this case.

They have attempted to paint him as sympathetic to the convict. The man is still in jail. That is where he should be. The truth is lawyers—not all of them but lawyers represent unpopular clients at some point in their cause and in their careers. John Roberts, he is not known as a great trial lawyer, but he is known as a great lawyer. Chief Justice Roberts provided pro bono assistance, for example, to the defense of a prisoner on Florida's death row who was convicted of killing eight people. That was not brought up during his confirmation hearing by us because he had a job to do.

As he said, advocacy on behalf of a client is not about overturning the rule of law, but it is vindicating the rule of law. This nominee has strong support from groups all over America. I cannot express strongly enough what a fine man he is. The President of the American Bar Association wrote the Judiciary Committee. Here is what he said to Chairman LEAHY and other members of the committee. He was ''alarmed to learn . . . [about] opposition to [his] nomination based solely on his efforts to protect the fundamental rights of an unpopular client.''

That is all it was about this murderer. He was a bad guy, but he is entitled to a lawyer. I repeat for the fourth time: The nominee did not step into a courtroom for this guy. He did not write a word of any brief. He has constantly—this nominee stood for the constitutional rights as well as Americans' fundamental right to participate in our democracy. He is exceptionally well qualified for the job for which he is nominated.

Opponents have used his defense of the Constitution as a political weapon

against him. He deserves an affirmative vote, to be judged on the body of his work and the admirable qualities of his character. I thought that is what we did here. It is a real shame that people are questioning whether he deserves this vote.

I ask unanimous consent that following the cloture vote on the Hernandez nomination, the Senate recess until 2:15 p.m. for the weekly caucus meetings; that at 2:15 p.m. the Senate proceed to legislative session and a period of morning business until 3:30 p.m. with Senators permitted to speak up to 10 minutes each; that at 3:30 p.m. the Senate resume executive session and the consideration of the Hernandez nomination with the time until 4 p.m. equally divided between the chairman and ranking member of the Judiciary Committee; that at 4 p.m. all remaining postcloture time be yielded back on the Hernandez nomination and the Senate proceed to vote on the confirmation of the Hernandez nomination; that upon disposition of the Hernandez nomination, the Senate proceed to the votes on the remaining motions to invoke cloture which were filed Thursday, February 27, on Executive Calendar Nos. 569, 565, 571, and 636; that if cloture is invoked on any of the nominees, with the exception of the Gottemoeller nomination, all postcloture time be yielded back and the Senate proceed to vote on the confirmation of the nominations; that there be 2 minutes equally divided in the usual form prior to each cloture vote; finally, all after the first vote be 10 minutes.

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

Mr. REID. I would close by saying I sure hope we get enough votes for this good man. If we do not, maybe it is time America had a good discussion on civil rights. If this man who is defending the right of the Constitution—that is what he has done. Does the Constitution mean anything? Should a man who has had nothing to do with the case of a violent murderer be used as a scapegoat for the Republicans to try to stop people from voting? I hope not.

We will have a discussion if this good man does not have the votes. We will have a discussion on civil rights. I think he will have a lot to do with the direction the discussion will take.

CLOTURE MOTION

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

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 Debo P. Adegbile, of New York, to be an Assistant Attorney General.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Patty Murray, Barbara Boxer, Sheldon Whitehouse, Jack Reed, Carl Levin, Debbie Stabenow, Tom Udall, Martin Heinrich, Christopher Murphy, Michael F. Bennet, Maria Cantwell, Amy Klobuchar, Richard Blumenthal, Tom Harkin.

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

The question is, Is it the sense of the Senate that the debate on the nomination of Debo P. Adegbile, of New York, to be an Assistant Attorney General 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. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CORNYN).

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

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 48 Ex.]

YEAS—47

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

NAYS—52

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

NOT VOTING—1

Cornyn

The VICE PRESIDENT. On this vote the yeas are 47, the nays are 52. The motion is rejected.

The Senator from Nevada.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on this nomination.

The VICE PRESIDENT. The motion is entered.

CLOTURE MOTION

The VICE PRESIDENT. 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 Pedro A. Delgado Hernandez, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark L. Pryor, Mark Begich, 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 VICE PRESIDENT. 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 Pedro A. Delgado Hernandez, of Puerto Rico, to be United States District Judge for the District of Puerto Rico, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CORNYN).

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

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

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 49 Ex.]

YEAS—57

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

NAYS—41

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

ANSWERED ''PRESENT''—1

Hatch

NOT VOTING—1

Cornyn

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 41, with one Senator voting ''present.''

The motion to invoke cloture is agreed to.

NOMINATION OF PEDRO A. DELGADO HERNANDEZ TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Pedro A. Delgado Hernandez, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

RECESS

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

Thereupon, the Senate, at 12:54 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. COONS).

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The assistant majority leader is recognized.

UKRAINE

Mr. DURBIN. Mr. President, Sunday was a perfect Chicago afternoon—not in terms of weather, which has not been too kind to us lately, but in terms of my events and schedule.

My first stop was at Navy Pier for the Lithuanian Independence Day celebration, an event which is important to me personally because my mother was born there. I happened to be on hand for the latest round of independence in Lithuania when the Soviet Union was finally dispelled and this country was allowed to stand on its feet. It was a great celebration with regional food people might expect, dancing and music.

I left there to go over to a section of Chicago known as Ukrainian Village. I asked, after church on Sunday, if my friends in the Ukrainian-American community would come gather and we would invite a telephone call from Kiev from the American Ambassador, Geoffrey Pyatt. I expected a nice crowd. I didn't expect an overflowing crowd, but that is what I found.

The concern of Ukrainian-Americans and many others about the situation in that country is very tense and very personal. Many of them have family members there and strong cultural family ties, and they are very worried. So the Ambassador called in and gave a few moments of remarks and then answered questions. Then we met later to talk about some of the possibilities as we consider the future of Ukraine.

I looked through the audience and found many of my Polish friends, many of my Lithuanian friends—friends from all of the different ethnic groups which had endured some form of Soviet Union or Russian aggression in the past. They felt bonded with the people of Ukraine, the Ukrainian-Americans, as we discussed this.

I had hoped a few weeks ago that we had turned a corner in Ukraine—that the difficult events of the last few months were coming to an end—but that didn't happen. We saw horrific violence in Maidan Square and sadly many innocent people were killed. Just as Ukraine seemed to be emerging from this difficult period with the departure of President Yanukovych, the Russians moved into Crimea. I think that situation has moderated somewhat, although I don't know because it changes by the hour, but their decision to have a show of force in Crimea is one we cannot ignore.

The operation in Crimea was so well orchestrated that it had to have been planned by Russian President Vladimir Putin during the 22nd Winter Olympic Games hosted in Sochi, Russia. Can anyone imagine anything so crass or brazen as to lavishly try to present Russia to the world as a peaceful and moderate nation while secretly planning the military occupation of another neighboring country? The Russian taxpayers should get their $51 billion back they paid to set up the Olympics. It was money wasted by Vladimir Putin to try to create an impression of Russia which sadly does not exist.

The former Ukraine President, Viktor Yanukovych, freely elected, also squandered a historic opportunity to further modernize Ukraine, to overcome corruption, and to lift the aspirations of his people. He unnecessarily and cynically divided his Nation. Instead of strengthening economic and political ties with Europe, reforming his economy, and respecting Ukraine's historical ties to Russia, he set off to become a pawn in Moscow. He saw his survival politically teaming up with Vladimir Putin. As the emerging pictures from Yanukovych's opulent palace illustrate, he enriched himself personally and his enablers while allowing the country's promising yet troubled economy to deteriorate. Ultimately, his government led the bloody assault on his own people using heavily armed snipers to massacre the Ukrainian people on the streets of Kiev.

I met with Mr. Yanukovych and many in his government just a year and a half ago. Yanukovych said he truly saw his country's future with greater ties to the West. But under enormous Russian pressure and unable to let go of his own political grudges and terrified of the transparency that an Association Agreement with the European Union would mean for his corrupt regime, he ultimately put his own political future ahead of the good and the needs of the Ukrainian people.

We all know the likely tragic consequences of such self-serving political calculations. Look at President Assad in Syria and President Maduro in Venezuela. The Ukraine will be no different.

I understand the Crimea region of Ukraine has a long and complicated history. I understand that then-Soviet Premier Nikita Khrushchev actually gave Crimea to Ukraine in 1954, probably never imagining the collapse of the Soviet Union and an independent Ukraine to follow.

Let's be clear about what happened. Ukraine wasn't joining NATO. Ukraine wasn't joining the European Union. Ukraine wasn't proposing cutting off its economic and political ties with Russia. Ukraine was simply contemplating signing a long-negotiated trade agreement with the European Union. For that rationale alone, Vladimir Putin decided to militarily invade and occupy Ukraine.

I know Mr. Putin says he was protecting Russian citizens, but there have been no credible examples of threats to any Russian citizens in Ukraine. In fact, the New York Times reported this week that Russian tourists have been sent to eastern Ukraine, where they are stirring up anger and resentment against the Ukrainian Government in Kiev. Arguing that Russia can militarily invade another country any time to protect the Russian people is an ominous suggestion that raises alarms for independent sovereign nations all along the Russian borders, and it also raises the chapters of history back in the middle of the 20th century which we need not recount in detail.

One need only look at the two regions of Georgia—South Ossetia and Abkhazia—that have been militarily occupied by Russia since 2008. Russia continues to illegally occupy these areas and has erected fences along administrative lines and permanent military bases in violation of the cease-fire agreement negotiated with the European Union. I have been there myself, and I have seen the deeply troubling permanent bases and boundary fences in Georgia.

The Prime Minister of the Republic of Georgia came to see me the day after the final Olympic ceremonies at Sochi, and he said there was a report that morning after the final ceremony that the Russians were stringing barbed wire around the perimeters of the places they were occupying in Georgia. Russia even stopped some of the demarcation during the Olympics but started again, as I have said, after the games' conclusion. Russian actions in Ukraine and Georgia are a clear violation of international obligations and treaties.

For example, Russia was a signatory to the 1994 Budapest Memorandum that

reaffirmed its commitment to Ukraine to respect the independence and sovereignty and existing borders of that nation, to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, to refrain from economic coercion to subordinate Ukraine to Russia's interests, and to consult in the event a situation arises that raises a question concerning these commitments.

Remember why the Budapest Memorandum was entered into by Russia, the United States, and the United Kingdom as well as Ukraine. It was entered into because the Ukrainians were surrendering their nuclear weapons. They had decided to give up their nuclear arsenal as long as they had an assurance they would be protected and their sovereignty would be respected. Russia signed on and then summarily ignored it by basically an act of aggression in Crimea in this last week.

In 1997, the Russian Federation and Ukraine signed a friendship treaty. It was during that time that Russian President Boris Yeltsin said in Kiev, ''We respect and honor the territorial integrity of Ukraine.'' As a participating state in the Final Act of the Conference for Security and Cooperation in Europe in 1975, Russia committed to respect the sovereign equality and individuality of other participating States.

It is clear that in many respects Russia has violated the very agreements it signed. It has shown an act of aggression in the sovereign nation of Ukraine.

I will concede the situation is complicated because of the basic agreement between Russia and Ukraine when it comes to that critical piece of real estate in the Black Sea, but it still does not warrant the efforts that have been made by Putin to destabilize an effort for a peaceful government.

Mr. Putin has argued that the change in government in Ukraine was just the mob in the street. Nothing could be further from the truth. The change in government in Ukraine occurred through its Parliament, through its Constitution, and with the promise of an open and free election on May 25. It is up to us in the West and all countries that believe Ukraine deserves our assistance and support to make sure that election is carefully monitored, is totally legal and free, and the people of Ukraine have the last word about their future and their leadership.

Mr. Putin ought to be part of the observation team—at least his representatives—so that there is no argument about a free and fair election in Ukraine.

We also need to help this country that is going through some extremely difficult economic times. A recent article I read suggested Ukraine needs our assistance—way beyond the $1 billion Secretary Kerry has talked about in his visit. But in order to achieve that, they are going to have to make some significant and maybe unpopular reforms in their economy, in their gas program, and the like. It is tricky. To do that runs the risk of an unpopular backlash against these reformers. But without the reforms there can be no meaningful aid package. We need to stand with Ukraine, and Ukraine needs to stand for the reforms necessary to strengthen their economy.

This week I am working with Senators BROWN, SHAHEEN, WICKER, MURPHY, Kaine, COLLINS, and WARNER to construct a resolution condemning the Russian action in Crimea. There is more to be done. Senator MENENDEZ, at our luncheon, spoke today about the need to discuss aid, as well as sanctions, that may be necessary. I sincerely hope the sanctions will not be necessary. I hope Vladimir Putin and the Russians understand they cannot show this kind of aggression toward Crimea without a cost, but I hope they will do it soon so we can see the return of stability to Ukraine.

Ukraine is a critically important country, the second largest country in Europe today. It was a major part of the Soviet Union, and its independence, I am sure, has rankled Mr. Putin and his dreams of Russian empire. But the people of Ukraine should decide their future, not Vladimir Putin. We need to work with those people in Ukraine to give them that chance of self-governance, to give them a chance to pursue those values which we share here in the United States.

I hope my colleagues on a bipartisan basis will join us in this effort condemning this Russian aggression and standing by the people of Ukraine.

I see another colleague in the Chamber.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

INCREASED EXPORTS

Mr. BARRASSO. Mr. President, a few years ago—actually in 2010—President Obama announced something he called the National Export Initiative. The goal of the initiative was to double American exports in 5 years. That is right, double American exports in 5 years—something certainly I support. It has been more than 4 years now, and it is pretty clear we are going to fall way short of the President's goal.

During his State of the Union Address this January, the President pledged once again to open new markets to American goods. The President specifically requested trade promotion authority. The very next day the Democrats' majority leader rejected the request. I come to the floor today to discuss how President Obama can increase American exports despite the opposition from his own party.

The President should focus on energy, and the President should take the steps needed to increase exports of American natural gas, oil, and coal. Energy exports are going to create good jobs here in America and reduce our Nation's trade deficit. American natural gas, our oil, and our coal exports will also reap important foreign policy benefits, such as helping nations in Europe such as Ukraine free themselves from Russian manipulation. That is what it is—Russian manipulation.

Last month the magazine The Economist published an article with the headline ''The petro-state of America: The energy boom is good for America and the world. It would be nice if Barack Obama helped a bit.'' That is from The Economist last month. The article explained that the United States may already have surpassed Russia as the world's largest oil and natural gas producer. The Economist went on to discuss the benefits of liquefied natural gas exports from the United States. It said that natural gas exports ''could generate tanker loads of cash''—''tanker loads of cash''—for America.

However, The Economist also pointed out that the process for obtaining the permits—the permits needed to export that American natural gas—is ''insanely slow.'' This is not an exaggeration. Over the past 3½ years the Department of Energy has used its discretion to approve only six applications to export liquefied natural gas. Meanwhile, the Department of Energy is sitting on 24 other applications. Fourteen of those have been pending for more than 1 year, and two of them have been pending for more than 2 years. To put this in context, the United States has approved only two-thirds of the amount of liquefied natural gas exports that Canada has.

Last year I introduced a piece of legislation, S. 192, the Expedited LNG for American Allies Act. It is a bipartisan bill, with supporters on both sides of the aisle, cosponsors on both sides of the aisle. This would require the Department of Energy to approve applications to export natural gas to members of NATO, to Japan, and to any other country where gas exports would promote U.S. national security interests. Think about the country of Ukraine. As Congress considers this legislation, President Obama should direct his Energy Department to expedite the existing permitting process. He should set firm deadlines for the Department in acting on pending applications.

These exports are going to create jobs all across this country—from natural gas fields in Wyoming, to steel mills in the Midwest, to ports along our coasts.

Liquefied natural gas exports will also help reduce our Nation's trade deficit, which stood at nearly $39 billion in December.

Finally, natural gas exports will help our allies in Europe. Ukraine imports about 60 percent of its natural gas from Russia. So what is Russia's position on this? Well, we know that Vladimir Putin—Russia had actually cut off natural gas supplies to Ukraine twice before—in 2006 and in 2009. Earlier this

week the Wall Street Journal reported that Russia's state-owned energy giant, Gazprom, is now threatening to raise gas prices in the Ukraine. American natural gas exports could help Ukraine and other European countries reduce their dependence on Russia.

President Obama can also increase American exports by lifting the ban on exporting crude oil. The International Energy Agency estimates that the United States is going to overtake Saudi Arabia as the world's largest producer of crude oil by 2020. This really is a remarkable development, and it has happened because of hydraulic fracturing and unconventional oil and gas production. It is estimated that unconventional oil and gas production is going to create up to 1.7 million new jobs in this country by 2020. But in January the International Energy Agency warned that the ban on crude oil exports—the ban that exists on those exports—could impede American crude oil production.

If the President does not lift the export ban, he is going to put American oil production and thousands of jobs at risk. He will also pass up on an incredible opportunity—an opportunity to reshape the global oil market. For generations, Americans have been subject to the whims of the global oil market. Americans pay more at the pump when oil production goes offline, wherever it is located. American crude oil exports would boost the world's oil supply and help stabilize prices for American consumers.

American exports would also undermine the influence of oil-rich countries that do not like us very much. For years the United States has asked Japan and India to reduce their imports of Iranian oil. These are two of the world's largest oil importers—Japan and India. In 2012 Japan imported more than 4 percent of its oil from Iran. India imported about 8 percent of its oil from Iran. American crude oil exports could help cut off a vital supply of funding to the Iranian regime. If my colleagues are serious about ensuring that countries abide by U.S. sanctions on Iran, they should support American crude oil exports, not oppose them.

Finally, President Obama needs to promote exports of American coal. Like natural gas and oil, coal exports are going to create good jobs all across the country.

Over the last several years the Environmental Protection Agency has taken steps to block American coal exports. The EPA is asking the Army Corps of Engineers to radically expand the environmental review process for new export terminals. It wants the Corps to consider the carbon emissions that would be produced by exports after they leave the United States. I want to repeat that. The EPA wants to block exports because of the carbon emissions the exports would produce when they are used after they leave the United States.

The National Association of Manufacturers says the EPA's actions would set ''a very dangerous precedent that could be used to block exports of all types.'' That includes exports of American automobiles, exports of civilian aircraft, exports of heavy equipment that we manufacture here in the United States.

To its credit, the Army Corps of Engineers has said it will not expand the environmental review process for new export terminals. President Obama should ensure that the Corps will complete its work in a timely manner and do so without interference from the EPA or any other agency.

President Obama is fond of saying he has a pen and he has a phone. He has boasted about ignoring the will of Congress. He seems to take delight in finding legal authority where he has none. President Obama should stop using his so-called authority that is authority he does not have, and he should start using authority he does have. He needs to use his authority to promote American exports. President Obama needs to lift restrictions on exports of natural gas and on oil and coal so Americans can get back to work and our country can regain its stature in the world.

THE BUDGET

I also want to speak very briefly about another area where I think the President's administration is really not doing enough.

Yesterday the White House finally released the President's budget. This budget included no evidence of leadership and no sign that the President is ready to make a single responsible decision when it comes to Washington's out-of-control debt. The budget increases spending by $791 billion over the next 10 years. It is a 63-percent increase over where we are today—63 percent. It adds another $8.3 trillion of debt over the next decade. That is on top of $6.8 trillion in debt the President has already racked up. The President has never submitted a balanced budget in his life, and this one is no exception.

President Obama is now a lameduck President. That becomes more obvious every time he puts out a partisan political agenda such as this one instead of putting out a serious plan for how government should spend taxpayers' money. The President's budget does nothing to reform Washington's entitlement spending. Is this really the legacy the President wants to leave for America's young people?

The White House has called this plan ''Opportunity for All.'' There is no opportunity in this budget. It is just more debt, more taxes, more accounting gimmicks, budget tricks so the President does not have to make the tough, responsible decisions one would expect of the President of the United States.

On energy exports and on the budget, the President should be taking opportunities to solve some of the real challenges facing our country, not letting them pass him by.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. 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 BUDGET

Mr. HATCH. Mr. President, I rise to offer some remarks on President Obama's fiscal year 2015 budget proposal, some of which was released yesterday. As we all know, the release of the President's budget is an annual event here in Washington. It sets in motion a chain of processes and events that drive much of what we do right here in Congress.

Unfortunately, with President Obama's budgets in particular, this annual chain of events, for the most part, becomes an empty, almost meaningless exercise. The first problem with this year's budget is that we received it just yesterday, a full month past the statutory deadline.

What budget information we did receive yesterday is certainly incomplete. For example, when you look at the appendix of the budget, there is often reference to a section called ''analytical perspectives.'' But those perspectives are nowhere to be found. I assume the rest of the budget information is forthcoming. Still, we can only wonder why it is being released a few pieces at a time.

Of course, the problems with this budget go well beyond the delays and the sporadic release of information. Put simply, no one in their right mind would say the substance of this budget was worth the wait. Despite the fact that they took an extra month to put this budget together, the most striking thing about it is how little there is in the way of new ideas and proposals.

Indeed, when you look for the substance of the budget, you will see the administration appears to be short on new ideas. President Obama's new budget consists largely of proposals from his past budgets, which is surprising, given that none of them have received a single affirmative vote in Congress. Let me repeat that. None of his past budgets have received a single affirmative vote in Congress.

These proposals center on three familiar themes, all of which we have seen in past budgets, and in virtually every policy proposal from this President. First, we see the administration's continued insistence that we can tax and spend our way into prosperity, and that growing the Federal Government is the same as growing our economy.

Second, there is the effort to further redistribute income and the notion that this will, on its own, somehow lead to economic growth and job creation.

Finally, we see another attempt to define ''tax reform'' as a process of closing whatever the administration deems to be a ''loophole'' in the Tax Code, and using the resulting revenue not to reduce the deficit or lower tax rates but to fuel even more Federal spending.

Using overly optimistic economic assumptions, the administration claims this budget will reduce our high debt-to-GDP ratio. However, to get there, and to help fulfill its tax-and-spend objectives, the budget envisions well over $1 trillion of additional taxes in the face of a persistently sluggish economy.

That bears repeating. President Obama's latest budget contains more than $1 trillion in proposed tax hikes.

No one should mistake the President's intentions. Indeed, this budget is the outline of his domestic policy priorities for the future. Once again, chief among those priorities is another massive tax increase which, if the President had his way, would come on top of all of the tax increases we have seen already under this administration. This is hardly what our struggling economy needs.

Let's talk about the economy for a moment. Someone certainly should, so I will. If this economy is any indication, President Obama certainly is not interested in that conversation. Currently we have an economy in which labor force participation has fallen from around 66 percent, prior to the financial crisis, to 63 percent with no recovery in sight. This is the lowest labor force participation rate we have seen since the Carter administration, and it is holding back our country's economic growth.

The nonpartisan Congressional Budget Office has noted that a decline in the growth of the labor force is a principal reason that potential growth in the economy will decline in the coming decade. No one seriously disputes that there is a problem except, of course, when such declines can be attributed to ObamaCare.

We all remember last month when the CBO found that, as a result of the generous subsidies and the not-so-generous taxes in ObamaCare, millions of workers would either reduce their hours or leave the workforce entirely.

Virtually every objective observer saw this as a bad thing. Yet in response to these numbers, the administration and its supporters took to the airwaves to applaud the fact that ObamaCare would ''free'' people from their jobs and allow them to, in the words of the White House Press Secretary, ''pursue their dreams,'' courtesy of their fellow taxpayers.

While the economists in the administration and liberal pundits might applaud the reduced labor supply resulting from ObamaCare, it is, to say the least, difficult for me to find merit in the resulting reduction in economic growth. Of course, there is nothing in the President's budget that would address this issue. If anything, the policies contained in this new round of proposals would make all of this worse.

Returning to the latest call for well over $1 trillion of new revenue, the administration claims—as it has for years now—that these tax hikes are needed to restore fiscal responsibility and reduce the deficit as part of a ''balanced approach.''

However, we need to look at the facts. If we look at the deficit reduction that has taken place over the past 5 years, we will see just how unbalanced this approach is.

In fiscal year 2009, we achieved a high deficit watermark of $1.4 trillion. That number fell to a still high $680 billion in fiscal year 2013. Of the $736 billion of deficit reduction over that 5-year span, $670 billion came from increased revenue or taxes and only $66 billion came from reduced outlays.

In terms of budget realizations, rather than promises for the future, less than 9 percent of the deficit reduction between 2009 and 2013 came from reductions in spending. The vast majority came from increased revenue.

Yet the mantra from the administration continues—more revenues and higher taxes, along with ever more spending. One can only wonder where job creation falls into the mix, if it does at all.

Since President Obama came into office, we have heard a lot of talk about his laser-like focus on job creation. However, the record of this administration suggests that his focus is more on growing government than on growing our economy.

We have seen the failed stimulus, ObamaCare, and initiatives such as Dodd-Frank, all of which have expanded the size and scope of the Federal Government without laying any foundation for economic growth.

Sadly, the budget offered this week does not present a vision for such growth in the future. This budget is, instead, a political document. Its purpose is to galvanize support from the President's left-leaning base in an election year. Nothing more; nothing less.

This is disappointing, to say the least, particularly when we look at the challenges our Nation is currently undergoing and facing. One such challenge is our Nation's broken Tax Code. While this budget comes close to acknowledging that the Tax Code is a problem, it misses an opportunity to actually do something about it. Tax reform, if it is done correctly, would promote growth and competitiveness in jobs, the economy, and provide greater economic efficiency, simplicity, and fairness.

However—as I said earlier—in the administration's review, tax reform is guided primarily by a desire to obtain more tax revenue to fund yet more expansion of the Federal Government, along with an insistence on unilaterally picking winners and losers. The ''tax reform'' outlined in the President's budget uses a corporate-only approach.

In other words, it would amend the business tax system and leave the individual Tax Code largely as it is. That approach is different from the ideas outlined by the two chairmen of the tax-writing committees, both of whom have proposed detailed comprehensive tax reform plans.

While I haven't endorsed either Chairman CAMP's or Chairman WYDEN's plan, they both recognize that the noncorporate business sector, which makes up over half of all U.S. businesses, is also in need of tax reform.

This sets them apart from President Obama and the proposals in his latest budget. Of course, let's not forget hard-working individual Americans, far too many of whom need assistance in filling out their tax returns. These people would be left behind under the President's proposal.

The President's proposal looks to raise tax revenue largely to increase more spending in what it calls ''investments'' in infrastructure. That sounds wonderful.

However, what is taken to be infrastructure in the minds of the Federal bureaucrats—who the President would empower to spend hard-earned taxpayer money—is sure to be guided more by politics than by economic efficiency. The so-called infrastructure bank or infrastructure finance authority—or whatever is the label of the day—that the President has continually called for would surely become the next Fannie and Freddie, putting innocent taxpayers on the hook for any losses resulting from the large Federal contractors rolling the dice on building projects.

As I said, our Nation and our economy face a number of challenges. Ongoing sluggishness threatens to become a permanent fixture on our long-term economic path. Indeed, as I referred to earlier, the nonpartisan Congressional Budget Office has already ratcheted down its estimate of the long-run growth path of the economy—partly because of the negative effects of the ever-evolving health care law that Democrats unilaterally enacted and that the President seems intent on unilaterally implementing.

I don't think that any Member of this body would argue that the status quo in our economy is acceptable. We have a lot of work to do when it comes to creating jobs, economic growth, prosperity, and opportunity in this country.

Unfortunately, the President's recent budget does not, in my view, add to the intelligent discussion. Rather, it returns to already-rejected ideas and appears to be aimed at the politics more than the need for proven private-sector jobs.

At this critical time in our Nation's history, the American people are demanding leadership. Sadly, they aren't getting it with President Obama's latest budget, and I think that is a catastrophe.

We need to change it in Congress. Of course, the Senate seems to be slow in

wanting to make any changes for the better. In fact, we hardly ever really debate legislation anymore—and, by the way, we will probably be voting on eight different votes this evening on various judges, all of whom would have been passed by unanimous consent in December had it not been for the majority breaking the rules to change the rules.

It is pathetic, really. It is pathetic what this body hasn't done, and it is time for us to bring it into account.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF PEDRO A. DELGADO HERNANDEZ TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session to resume consideration of the Pedro A. Delgado Hernandez nomination.

Under the previous order, the time until 4 p.m. will be equally divided between the Chair and ranking member of the Judiciary Committee.

Mr. LEAHY. Mr. President, to use part of my time, we are finally going to vote to end the filibusters of four judicial nominees to the Federal district court in Arkansas, Puerto Rico, Tennessee, and California.

None of these nominees is controversial. Timothy Brooks is to fill a vacancy in the Western District of Arkansas; Pedro Delgado Hernandez is to fill a vacancy in the District of Puerto Rico; Pamela Reeves is to fill a vacancy in the Eastern District of Tennessee; and Vince Chhabria is to fill a judicial emergency vacancy in the Northern District of California. They were voted out of the Senate Judiciary Committee with bipartisan support from both the Republicans and Democrats.

Incidentally, all of them have the highest rating by the ABA Standing Committee on the Federal Judiciary—a ''well-qualified'' rating. It is rare to have all four nominees with that high rating.

I mentioned this because nominees who would normally have just gone through in a matter of weeks have been held up, and held up, and held up, and held up, for no good reason. Pamela Reeves was originally nominated in May of last year—almost 1 year ago. Timothy Brooks and Pedro Delgado Hernandez were originally nominated last June. Vince Chhabria was nominated last July. Everybody knows they all could have been confirmed last year. They all had strong Republican and Democratic support in the Senate Judiciary Committee, but instead Republicans blocked their confirmation all year long until they had to be returned to the President at the end of the year. These nominees then had to be renominated and reprocessed. People who had already gone through the whole procedure had to go through it all over again.

After they had been voted out with strong support by the Judiciary Committee, Senate Republicans again forced us to file cloture to end the filibusters of these nominations. It will have taken the Senate 8, 9, and 10 months to bring these nominees up for a vote, and that is shameful.

What this does to the nominees is outrageous. These are people with distinguished careers, and all of a sudden, they have to put it on hold. Once they are nominated to be a judge, everything in their life is put on hold. Most of them have to take a big cut in pay to take the job to begin with, and then they sit there month after month after month.

Everybody has told them there is no controversy to their nomination, and that when their nomination does come to a vote, they will be easily confirmed. At some point they have to say: When is this when? It was not last year when it should have been, and we are well into this year when it comes before the Senate.

I have heard some Republican Senators say the filibuster is dead now that the rules have changed. That is simply wrong. The Senate Republicans are just filibustering nominees for the sake of filibustering them under different rules. They refuse to consent to vote on dozens of pending noncontroversial judicial nominees, and that means these nominees sit on the floor for months, and months, and months before we have to overcome unnecessary procedural hurdles. The result is that precious time and resources better devoted to other critical business is wasted on overcoming the dilatory tactics of Senate Republicans.

We could be done with this, and debating and voting on things that are critically important to this country—everything from rebuilding the decaying bridges and roads of this Nation, to health care for the elderly, to health research and all the things we need. Instead we spend time on the pettifoggery and, I would say, total balderdash in the arguments from the other side holding up these nominees.

These are the same people who shut down the Federal Government last year. This government shutdown cost the taxpayers of this country tens of billions of dollars and cost the private industry tens of billions of dollars more. They caught so much grief for this disruption that, I suppose, they do not want to have a complete shutdown of the Federal judiciary. Instead, they do it by a sort of water torture—drip, by drip, by drip. They are doing the same thing to the Federal judiciary that they did to the Federal Government, trying to close it down. It may be the case that Republicans cannot stop a noncontroversial judicial nominee from eventually receiving an up-or-down vote, but they have done a pretty darn good job of delaying five judicial nominees from filling longstanding vacancies. This kind of needless delay only hurts the American people. It is hurting the Federal judiciary. It is one of the reasons so many people in this country are angry at what happens here, when they see one thing after another delayed and slowed up.

I hope we can overcome the filibusters on the qualified judicial nominees before us, and I hope the Senate Republicans will not continue to try to shut down the Federal judiciary. I hope they have learned how much the American people are angry at them for shutting down the Federal Government last year, which cost the taxpayers tens of billions of dollars.

Timothy Brooks is nominated to fill a judicial vacancy in the Western District of Arkansas. He has worked in private practice at Taylor Law Partners LLP for approximately 25 years, first as an associate (1989–1993) and subsequently as a partner (1993–current). He has extensive experience as a litigator before both State and Federal courts, and in both civil and criminal cases. Mr. Brooks earned his J.D. with honors in 1989 from the University of Arkansas School of Law, where he served as an editor on the University of Arkansas Law Review. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Brooks well qualified to serve on the U.S. District Court for the Western District of Arkansas, its highest rating. He received the support of both of his home State senators, Senator BOOZMAN and Senator PRYOR. The Judiciary Committee reported him by voice vote to the full Senate on October 31, 2013, and again by voice vote on January 16, 2014.

Pedro Delgado Hernandez has worked in private practice at O'Neill & Borges LLC for nearly 15 years, first as an associate (1986–1990) and then as a partner (1990–current). From 1995 to 1996, he served as a judge on the Circuit Court of Appeals of Puerto Rico. He previously served as solicitor general for Puerto Rico's Department of Justice by appointment from 1993 to 1995. Following law school, he clerked for Judge Juan Torruella, of the U.S. District Court for the District of Puerto Rico and the U.S. Court of Appeals for the First Circuit, from 1984 to 1986. He served in the U.S. Army Reserve from 1979 to 1985. He earned his B.S. from the University of Puerto Rico in 1979. He earned his J.D., magna cum laude, from the University of Puerto Rico School of Law in 1983. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Hernandez well qualified to serve on the U.S. District Court for the District of Puerto

Rico, its highest rating. He received the support of Representative PEDRO PIERLUISI of Puerto Rico. The Judiciary Committee reported him by voice vote to the full Senate on October 31, 2013, and again by voice vote on January 16, 2014.

Pamela Reeves has worked in private practice since 2002 at Reeves, Herbert & Anderson, P.A., as an attorney and managing attorney. She previously worked as a partner at Watson, Hollow & Reeves, P.L.C. from 1988 to 2002. She also served as an adjunct professor for trial practice at the University of Tennessee Law School (1991–1996). Following graduation from law school, she worked as an associate at Griffin, Burkhalter, Cooper & Reeves from 1979 to 1985. She earned her J.D. from the University of Tennessee College of Law in 1979. She has been named one of the Best Lawyers in America, and one of the Top 100 Lawyers in Tennessee, from 2006 to 2012. If confirmed, she would be the first woman to serve as a Federal judge in the Eastern District of Tennessee. The ABA Standing Committee on the Federal Judiciary unanimously rated Ms. Reeves well qualified to serve on the U.S. District Court for the Eastern District of Tennessee, its highest rating. She received the support of her home State senators, Senator ALEXANDER and Senator CORKER. The Judiciary Committee reported her by voice vote to the full Senate on November 14, 2013, and again by voice vote on January 16, 2014.

Vince Chhabria has served as a San Francisco deputy city attorney for government litigation since 2005, and has served as the co-chief of appellate litigation since 2011. He previously worked in private practice as an associate at Covington & Burling LLP from 2002 to 2004, and as an associate at Keker & Van Nest LLP in 2001. Upon graduating from law school, Mr. Chhabria served as a law clerk to three distinguished Federal judges: Judge Charles Breyer of the U.S. District Court for the Northern District of California from 1998 to 1999; Judge James Browning on the Ninth Circuit Court of Appeals from 1999 to 2000; and Associate Justice Stephen G. Breyer of the U.S. Supreme Court from 2001 to 2002. Mr. Chhabria earned his J.D., Order of the Coif, in 1998 from Berkeley Law School. If confirmed, he would serve as California's first Article III judge of South Asian descent. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Chhabria well qualified to serve on the U.S. District Court for the Northern District of California, its highest rating. He received the support of his home State senators, Senator FEINSTEIN and Senator BOXER. The Judiciary Committee reported him favorably with bipartisan support to the full Senate on November 14, 2013, and again with bipartisan support on January 16, 2014.

I thank the majority leader for filing cloture petitions to end the filibusters of these much needed trial court judges. And I continue to hope that Senate Republicans will change course so that we can work together to confirm without further delay noncontroversial nominees to longstanding judicial vacancies.

At some time reality has to catch up with the rhetoric around this place. I heard speeches earlier today on how people want to stand up for law enforcement. I would remind everybody that one of the things we have actually done in this body and the U.S. House of Representatives to help law enforcement was the bulletproof vest program.

This is a bipartisan program that was started by the former Republican Senator from Colorado, Ben Nighthorse Campbell, and myself to provide bulletproof vests to police departments that could not afford them. We have had some of the most gripping testimony before the Senate Judiciary Committee.

The distinguished Presiding Officer may recall one police officer from a northern State who came to testify before us. He told us how much he loved being a police officer. He said the only thing he loves more than being a police officer are his parents, his wife, and his children. He said: ''If it were not for this,'' and he reached under the table and pulled up a bulletproof vest. You could see two bullets stuck in it. He said, ''If I had not been wearing this, I never would have seen my parents or my wife or my children,'' all of whom were sitting behind him.

He said, ''Please keep this program going.'' His family got to visit him in the hospital where he had a couple of cracked ribs. If he had not been wearing his bulletproof vest, he said they would have been visiting him in the morgue instead.

I only mentioned this story because every single Democrat has agreed to the reauthorization of the bulletproof vest bill. We have not had a single Republican step forward to say: We will stand up to protect the men and women in uniform of this country who protect us. Having served 8 years in law enforcement, I find that shameful.

I say, stop trying to shut down the Federal judiciary, but also stand up for the protection of the men and women in uniform in the police departments throughout this country.

From the time Senator Campbell and I first started working on this bill decades ago, this bill has always been a bipartisan bill. Decades ago, we heard testimony from a police officer talking about seeing his parents, wife, and children when he has had to face gunfire in the line of duty.

Do not let us hear from the same parents, spouses, or children about why we did not protect their husband or wife, son or daughter, when we could have. Why did we play silly games when not one single Republican would step forward and say: Let's pass this bulletproof vest bill. Let's stand up for the men and women in uniform in this country.

Mr. President, what is the present parliamentary situation?

The PRESIDING OFFICER. The Senate is currently considering the Hernandez nomination.

Mr. LEAHY. Is there a time for a vote?

The PRESIDING OFFICER. Currently, there are 3 minutes of debate time remaining.

Mr. LEAHY. Mr. President, have the yeas and nays been requested on the nomination?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I ask unanimous consent that all time remaining be yielded back.

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

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The question is, Is it the sense of the Senate that debate on the nomination of Pedro A. Delgado Hernandez, of Puerto Rico, to be U.S. District Judge for the District of Puerto Rico, shall be brought to a close?

The yeas and nays were previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Michigan (Mr. LEVIN) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CORNYN).

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

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 50 Ex.]

YEAS—98

Alexander	Boxer	Cochran
Ayotte	Brown	Collins
Baldwin	Burr	Coons
Barrasso	Cantwell	Corker
Begich	Cardin	Crapo
Bennet	Carper	Cruz
Blumenthal	Casey	Donnelly
Blunt	Chambliss	Durbin
Booker	Coats	Enzi
Boozman	Coburn	Feinstein

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

NOT VOTING—2

Cornyn Levin

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form.

Who yields time?

Mr. MCCAIN. I yield back.

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Pamela L. Reeves, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

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 Pamela L. Reeves, of Tennessee, to be United States District Judge for the Eastern District of Tennessee, shall be brought to a close?

Yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CORNYN).

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 62, nays 37, as follows:

[Rollcall Vote No. 51 Ex.]

YEAS—62

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

NAYS—37

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

NOT VOTING—1

Cornyn

The PRESIDING OFFICER. On this vote the yeas are 62, the nays are 37. The motion to invoke cloture is agreed to.

NOMINATION OF PAMELA L. REEVES TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Pamela L. Reeves, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. It is 4:45 p.m. We have a lot of votes. We can move through these votes very quickly. They are 10-minute votes. I have some complaints from some Senators that it is not fair to wait around for other Senators when there are a lot of things going on tonight. At the end of 15 minutes, no matter who is not here, we are going to cut off the votes. That is what everybody wants and that is what we are going to do.

Anyway, we have to do that. If it is a close vote, then we always give time for people to play around with that, but these votes haven't been that close and so I think we should get through these votes as quickly as we can. I am alerting everyone and the floor staff.

The PRESIDING OFFICER. Under the previous order, the postcloture time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Pamela L. Reeves, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CORNYN).

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 99, nays 0, as follows:

[Rollcall Vote No. 52 Ex.]

YEAS—99

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

NOT VOTING—1

Cornyn

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to the cloture vote.

The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, this next nominee, Timothy Brooks of the Western District of Arkansas, is excellent in every way. He basically has the support from plaintiffs', defendants', and criminal defendants' lawyers, prosecutors, Democrats and Republicans, businesses—everybody. They really like this nominee is the total consensus on him. He has been waiting for a long time. We tried to get this going last year and got caught up in end-of-the-year stuff.

I ask all my colleagues to vote yes on the procedure and on confirming him.

The PRESIDING OFFICER. The junior Senator from Arkansas is recognized.

Mr. BOOZMAN. Mr. President, I share my support for the nominee on whom we are about to vote.

Judge Timothy Brooks has the experience, background, and temperament to unanimously qualify him for the position of district judge. I am proud to stand before my colleagues and offer my support of his confirmation. I am pleased that we have been able to act on this vacancy and hope that Judge Brooks will be easily confirmed much like Judge Moody was for the Eastern District of Arkansas seat last week.

Again, these are highly qualified nominees. Judge Moody is a great fit for the Eastern District. I am confident Judge Brooks will complement him well in the Western District. One of the most important aspects of what we do in the Senate is the confirmation of judges, the process of selecting people with the right temperament and qualifications. I believe both Judge Moody and Judge Brooks will make excellent Federal judges and will make Arkansas proud.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

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

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 Timothy L. Brooks, of Arkansas, to be United Stated District Judge for the Western 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 Timothy L. Brooks of Arkansas, to be United States District Judge for the Western 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 bill clerk called the roll.

The yeas and nays resulted—yeas 59, nays 41, as follows:

[Rollcall Vote No. 53 Ex.]

YEAS—59

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

NAYS—41

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

The PRESIDING OFFICER (Mr. BLUMENTHAL). On this vote the yeas are 59 and the nays are 41.

The motion is agreed to.

NOMINATION OF TIMOTHY L. BROOKS TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination.

The assistant legislative clerk read the nomination of Timothy L. Brooks, of Arkansas, to be United States District Judge for the Western District of Arkansas.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, all postcloture time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Timothy L. Brooks, of Arkansas, to be United States District Judge for the Western District of Arkansas?

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 54 Ex.]

YEAS—100

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

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to the cloture vote.

Mr. REID. Mr. President, we yield back all time.

The PRESIDING OFFICER. All time is yielded back.

The clerk will report the motion to invoke cloture.

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 Vince Girdhari Chhabria, of California, to be United States District Judge for the Northern District of California.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Ron Wyden, Christopher A. Coons, Martin Heinrich, Jack Reed, Robert Menendez, Tom Harkin, Sheldon Whitehouse, Patty Murray, Dianne Feinstein, Richard J. Durbin, Barbara Boxer, Carl Levin, Jeff Merkley, Amy Klobuchar.

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 Vince Girdhari Chhabria of California, to be U.S. District Judge for the Northern District of California shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 57, nays 43, as follows:

[Rollcall Vote No. 55 Ex.]

YEAS—57

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

NAYS—43

Alexander	Coburn	Flake
Ayotte	Cochran	Graham
Barrasso	Corker	Grassley
Blunt	Cornyn	Hatch
Boozman	Crapo	Heller
Burr	Cruz	Hoeven
Chambliss	Enzi	Inhofe
Coats	Fischer	Isakson

Johanns
Johnson (WI)
Kirk
Lee
McCain
McConnell
Moran
Paul
Portman
Risch
Roberts
Rubio
Scott
Sessions
Shelby
Thune
Toomey
Vitter
Wicker

The PRESIDING OFFICER. On this vote the ayes are 57, the nays are 43.

The motion is agreed to.

NOMINATION OF VINCE GIRDHARI CHHABRIA TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Vince Girdhari Chhabria, of California, to be United States District Judge for the Northern District of California.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Vince Girdhari Chhabria, of California, to be United States District Judge for the Northern District of California?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. UDALL) is necessarily absent.

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

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 56 Ex.]

YEAS—58

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

NAYS—41

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

NOT VOTING—1

Udall (CO)

The nomination was confirmed.

VOTE EXPLANATION

● Mr. UDALL of Colorado. Mr. President, had I been present to cast a vote relative to rollcall vote No. 56 on March 3, 2014 on the nomination of Vince Chhabria to be U.S. District Judge for the Northern District of California, I would have voted ''aye.''●

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to the cloture vote.

Who yields time?

Mr. INHOFE. I yield back.

The PRESIDING OFFICER. Time is yielded back.

Who yields time in support of the nomination?

Mr. MENENDEZ. Mr. President, parliamentary inquiry. I understand the Republican side yielded back their time.

The PRESIDING OFFICER. The Senator is correct. The time in opposition is yielded back.

Mr. MENENDEZ. I yield back our time.

The PRESIDING OFFICER. All time having been yielded, 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 Rose Eilene Gottemoeller, of Virginia, to be Under Secretary of State for Arms Control and International Security.

Harry Reid, Robert Menendez, Benjamin L. Cardin, Ron Wyden, Christopher A. Coons, Patrick J. Leahy, Martin Heinrich, Jack Reed, Tom Harkin, Sheldon Whitehouse, Patty Murray, Dianne Feinstein, Richard J. Durbin, Barbara Boxer, Carl Levin, Jeff Merkley, Amy Klobuchar.

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 Rose Eilene Gottemoeller, of Virginia, to be Under Secretary of State for Arms Control and International Security, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 55, nays 45, as follows:

[Rollcall Vote No. 57 Ex.]

YEAS—55

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

NAYS—45

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

The PRESIDING OFFICER. On this vote the yeas are 55 and the nays are 45. The motion to invoke cloture is agreed to.

NOMINATION OF ROSE EILENE GOTTEMOELLER TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk reported the nomination of Rose Eilene Gottemoeller, of Virginia, to be Under Secretary of State for Arms Control and International Security.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that with respect to the nominations confirmed today, the motions 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.

Mr. REID. I further ask unanimous consent that following morning business on Thursday, March 6, the time until 11:20 a.m. be equally divided between the majority leader and the Republican leader or their designees; that at 11:20 the Senate proceed to vote on confirmation of Calendar No. 626, the nomination of Rose Gottemoeller to be Under Secretary of State for Arms Control and International Security; further, that following disposition of the Gottemoeller nomination, the Senate proceed to vote on the confirmation of Calendar Nos. 510, 511; there be 2 minutes for debate prior to each vote equally divided in the usual form; that all after the first vote be 10 minutes in length; that the motions to reconsider be considered made and laid on the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that

the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. REID. We have laid out tomorrow to some degree. We have other work to do tomorrow. If we have some cooperation from both sides, we can finish sometime midafternoon; otherwise, it could be a while.

UNANIMOUS CONSENT AGREEMENT—S. 1086

Mr. REID. I ask unanimous consent that at a time to be determined by me, with the concurrence of Senator MCCONNELL, the Senate proceed to the consideration of Calendar No. 309, S. 1086; further, that the cloture motion filed on Thursday, February 27, with respect to the motion to proceed be withdrawn. This is the child care block grant legislation.

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

Mr. REID. Mr. President, I ask unanimous consent that Senator HARKIN be recognized, Senator COLLINS follow after him, then Senator BOXER follow after Senator COLLINS.

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

The Senator from Iowa.

ADEGBILE NOMINATION

Mr. HARKIN. Earlier today a vote was taken in the Senate that, to this Senator, marked about the lowest point that I think this Senate has descended in my 30 years here. I don't say that lightly. I was in Congress during the impeachment process trial for President Clinton. I thought that was a low, but it didn't compare to what happened today.

The vote on Debo Adegbile to be Assistant Attorney General for the Civil Rights Division at the Department of Justice sent a strong message. This is the message we sent today and, young people, listen up.

If you are a young White person working for a law firm and have a chance to defend someone who has done something wrong—even a heinous crime—my advice from what happened today is you should feel free to go ahead and do your job as a lawyer. Who knows? You might wind up as the Chief Justice of the U.S. Supreme Court one day.

However, if you are a young Black person working on civil rights issues at the NAACP legal defense fund and you—under your obligations as an attorney—are called upon to handle an appeal for someone who committed a heinous crime, the message sent today is you're putting your career on the line.

If you fulfill your duty as a lawyer, you will be denied by the Senate from being an assistant attorney general in the U.S. Department of Justice. We have a double standard, a terrible double standard.

While in private practice, the Chief Justice of the Supreme Court defended a mass murderer in Florida who committed eight murders. He is the Chief Justice of the Supreme Court. Did we hear one peep from the Republican side? I didn't hear anyone on this Senate floor at that time raising it as any issue at all for his qualifications to be a judge on the appeals court or to be the Chief Justice of the Supreme Court, and rightfully so. It should have never been an issue. He was fulfilling his legal obligations and his moral duty as a lawyer.

Debo Adegbile, working as an attorney for the NAACP legal defense fund, did nothing different. He was only asked to work on an appeal. And because of that, and only because of that, he was excoriated on the Senate floor and denied his opportunity to be an Assistant Attorney General for Civil Rights.

Did anyone raise an issue of his qualifications? No. He is eminently qualified. But person after person spoke about the heinous murder that took place in Philadelphia, the murder of a police officer by a young Black man who had bragged about it—a heinous crime, a horrible crime. Debo Adegbile didn't defend him at trial. He only filed appeals aimed at protecting the defendant's civil rights and the civil rights of all Americans.

I listened to the Senator from Pennsylvania this morning. He had a big poster with a picture of the police officer and his wife on their wedding day. He was talking about how horrible a crime this was, how the murderer had bragged about it, and all that is terrible.

But it had nothing to do with Debo Adegbile. The Senator from Pennsylvania said it is why Mr. Adegbile should not be approved to be an assistant attorney general, because he worked as a lawyer on a defendant's appeal.

What about the Chief Justice of the Supreme Court? He defended a person who killed eight people. I don't see my friends on the Republican side of the aisle clamoring to institute an impeachment process. Maybe they did not know that John Roberts defended a mass murderer. But now that they do, are they going to try to impeach the Chief Justice because he fulfilled his legal obligation to defend a murderer?

I hope you see the ridiculousness of that argument and how unfair it was for Debo Adegbile to be denied—not on the basis of any qualifications but because he was fulfilling his duty as a lawyer. I have not heard one person say he is unqualified or he has done something that would disqualify him. No. He did what he was supposed to do within his legal profession—and he was denied.

Shame. Shame on this Senate. Shame on every Senator who claims to be a lawyer, who went to law school, raised their hand and was sworn into the bar. Shame on every lawyer who voted against Mr. Adegbile because he worked on an appeal.

If somebody had some question about his qualifications or felt that Mr. Adegbile is totally unqualified, that is a different story. I challenge anyone to come forward with anything remotely connected to his qualifications that would show him to be unqualified.

I wish to read—and I will close shortly—a quote from James Silkenat, the president of the American Bar Association. Listen up, lawyers.

He said:

> A fundamental tenet of our justice system and our Constitution is that anyone who faces loss of liberty has a right to legal counsel. Lawyers have an ethical obligation to uphold that principle and provide zealous representation to people who otherwise would stand alone against the power and resources of the government—even to those accused or convicted of terrible crimes.

Continuing:

> I was alarmed to learn that there is some opposition to Mr. Adegbile's nomination based solely on his efforts to protect the fundamental rights of an unpopular client while working at the legal defense fund. His work, like the work of ABA members who provide thousands of hours of pro bono legal services every year, is consistent with the finest tradition of this country's legal profession and should be commended, not condemned.

Shameful. It was a shameful vote today, a rush to judgment based upon emotion.

I will not name any names, but I had one Senator say: My head tells me he should be confirmed, but my guts, my emotion, say no.

We make our decisions based on that around here? God help us. Maybe we ought to all go back and think about ''To Kill a Mockingbird.'' Read the book, watch the movie, and know what it is to stand against the powers of government and defend someone who is unpopular.

Mr. Adegbile wasn't even the defense attorney. He only worked on an appeal relating directly to legal issues particularly important to the civil rights community.

Shame on the Fraternal Order of Police. Shame on them. I have been one of their strong supporters for my 30 years, but shame on them for doing this. Shame on them. They mounted a campaign against Mr. Adegbile just on that one thing. Shame on all of us here, especially the lawyers—especially the lawyers. It was a rush to judgment and a shameful episode in the history of the Senate.

I know Senator REID filed a motion to reconsider. I hope he will, and I hope people will pray on this and think back, especially the lawyers who are in the Senate. Think about it. Think about the ethical obligation, the ethical obligation to do what he did—and he did nothing wrong. Hopefully Mr. Adegbile, on a motion to reconsider, will have the votes to take his position as Assistant Attorney General for Civil Rights in the Justice Department.

It is a shameful day for the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank my colleague from California for allowing me to precede her in speaking on the Senate floor this evening. I very much appreciate her courtesy.

(The remarks of Senator COLLINS pertaining to the introduction of S. 2081 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I was very interested in listening to both my colleagues, TOM HARKIN, who I thought was very passionate about the need to understand that when people do pro bono work, as Justice Roberts did, or they work for an organization, as our nominee did making the case a jury was perhaps tainted, that that not be used against them. I think he was passionate. I think Senator COLLINS makes a good point. I do wish to say she is totally right. The IRS should never, ever be used politically. We have gone through that in our lifetime, and it is absolutely wrong. I agree. But I also wish to point out that any organization taking big tax deductions which cost people money, but they are political—whether they are on the left, the right or the center—have to stop what they are doing too. I think she points out it is a careful balance.

We also don't want Members of Congress to intimidate and harass the IRS. That is wrong and a very careful balance. I look forward to looking at her bill to see if this oversight commission is something free from politics. That, to me, is the key. IRS should never be used politically.

MILITARY JUSTICE IMPROVEMENT ACT

Mrs. BOXER. I rise in strong support of the Military Justice Improvement Act. I am so proud to stand with 17 of the 20 women Members of this Senate on both sides of the aisle and with a large number of colleagues from both sides—a majority—to fight for real change in the way our military addresses the epidemic of military sexual assault.

When one is in Washington for a while—and I have been in Washington for a while. Thanks to the good people of California, I was elected to the House in 1982 and took my seat in 1983. I have seen this issue get worse and worse. The issue of sexual assault in the military is not new. Unfortunately, it is decades old.

It was 23 years ago that dozens of women and men were sexually harassed and assaulted in the halls of a Las Vegas hotel during the Tailhook Association's annual convention. The 1991 Tailhook scandal focused a national spotlight on the issue of military sexual assault, and then-Secretary of Defense Dick Cheney declared after it was over a zero tolerance policy.

I have to be completely blunt with everybody who may be listening to this. The fact is, after Tailhook and all of these promises from everybody, I thought we would never see this epidemic grow as it has. I thought we stopped the epidemic of sexual assault in the military because it was heinous to see what they did when everyone said it would be over.

Let's take a look at how many Secretaries of Defense made a pledge. We will start from the bottom and work our way up to the top.

Secretary Cheney in 1993 said:

> Well, we've got a major effort underway to try to educate everybody, to let them know that we've got a zero-tolerance policy where sexual harassment's involved.

So a real commitment from then Defense Secretary Cheney.

The next year it was Secretary William Perry. In 1996, he said:

> For all reasons, therefore, we have zero tolerance for sexual harassment.

Then it was Secretary William Cohen. In 1997, he said:

> I intend to enforce a strict policy of zero tolerance of hazing, of sexual harassment, and of racism.

Now we move to Donald Rumsfeld in 2004:

> Sexual assault will not be tolerated in the Department of Defense.

These are beautiful words. But I say to those listening: Nothing has stopped this epidemic—Democratic or Republican Secretaries of Defense, it doesn't matter.

Then Robert Gates, who served both Republican and Democratic Presidents, what did he say.

> This is a matter of grave concern. I have zero tolerance for sexual assault.

Leon Panetta, under President Obama:

> We have absolutely no tolerance for any form of sexual assault.
>
> I take sexual assault allegations very seriously. We have no place in the military for sexual assault.

Currently, Secretary Chuck Hagel, under President Obama:

> It's not good enough to say we have a zero tolerance policy. We do.

But what does it mean? How does it translate into changing anything? I want to know.

> These crimes have no place—no place—in the greatest military on earth.

We all agree with that. But here is what this shows you: Seven Secretaries of Defense, Republicans and Democrats, all these years—the first one being Dick Cheney in 1992—have all promised zero tolerance, and the problem of sexual assault in the military gets worse.

So Senator GILLIBRAND has issued a call to action. She has written a terrific bill, working with Republicans and Democrats, and we are getting a vote on the bill tomorrow—assuming we can break a filibuster, because there is a filibuster and we have to file cloture and we need a supermajority of 60 in order to get to an up-or-down vote.

So these promises to me ring hollow. I like so many of these people. I have worked with so many of them. They are good people. They care. But these words are hollow. We have to change the way we deal with sexual assault in the military, and that is what this vote is about tomorrow. But we have to break a filibuster.

Here is what has happened to those who have come forward: Instead of justice, sexual assault survivors have faced retaliation, revictimization, and further abuse. Instead of justice, survivors have been kicked out of the military while their attackers go unpunished.

I will share some deeply troubling statistics which speak to the scope of this problem: 26,000 cases of sexual assault occurred in the U.S. military in 2012 and 1.2 percent were prosecuted.

Mr. President, I know how deeply you care about this. You were responsible for protecting justice for the people of Connecticut. What if you had a range of cases and only 1.2 percent were prosecuted? I am sure you would admit that something was very wrong. Of course, your record speaks for itself.

The point I am making is this: How can anyone defend the status quo? Yet we have a group of people here in the Senate who are defending the status quo. Yes, they are making changes around the edges. I give them that, and I am very happy with that. But they are not getting to the root cause of the problem, which is who decides whether these cases go forward. Who is the decider? That is why the Gillibrand amendment is so critical.

So I want people to keep this chart in their minds. These are all the assaults. The number prosecuted is 1.2 percent. That means that of the estimated 26,000 sexual assaults, only 302 were prosecuted. Keep that in mind—26,000 sexual assaults in the military and only 302 were prosecuted.

Let me give another troubling figure. One in five female servicemembers reported experiencing unwanted sexual contact while serving in the military. One in five female servicemembers reported experiencing unwanted sexual contact while serving in the military. There is something wrong with the culture there. These women are putting their lives on the line, and what do they get for it? One in five is experiencing unwanted sexual contact. And by the way, many of the men are too. But we have this statistic we wanted to share.

What is this misconduct that these women—one out of five women—in the military are facing, unwanted sexual contact? This means they are experiencing rape, sexual assault, and unwanted sexual contact while serving in the military. But they don't report it because they are too scared, and that is why the Gillibrand bill is so critical, and that is why we need to make sure we defeat that filibuster—because you cannot and should not filibuster justice. Let's get an up-or-down vote. How many more women and men will become victims of these heinous crimes

before we take action? For 20 years the military has had to deal with this.

I am a fairly patient person. Before I got into politics, I was not a patient person. When I got into politics, I realized, yes, change takes time. You have to be patient, you have to work hard, and you have to make the case. You have to pile up your statistics. You have to make sure you have the facts and then take action.

But 20 years of doing nothing, 20 years of commitment from all of these people—Richard Cheney, William Perry, William Cohen, Donald Rumsfeld, Secretary Gates, Secretary Panetta, Chuck Hagel; it doesn't matter whether they are Republican or Democratic—all saying the same thing; they are going to stop this heinous situation. And they don't because they cannot.

We need to listen to survivors—survivors who are going to solve the crisis of sexual assault in the military because they are going to speak up, and they have. Survivors are telling us that the only way to stop this horrible epidemic of sexual assault is to take the decision about whether to prosecute serious crimes such as sexual assault out of the hands of the commanders. Give it to the professional, trained military prosecutors outside the chain of command.

There are many people who misconstrue this. They think we are going to take it completely outside the military structure. That is not what we do. What we do is we say the professionals should deal with this. Right now you have to report to your commander. We never would allow a CEO of a corporation to make the decision about whether one of his or her employees should be prosecuted for rape. If something happened in our office and someone came to the Presiding Officer or to me and said: Something horrible has happened upstairs, and we think somebody raped someone else. We wouldn't decide whether to prosecute. We would go right to the police—right to the police. And that is what we are saying when supporting the Gillibrand amendment. We are saying these legal decisions should be made by independent, experienced legal experts so the decision to go to trial is a fair one, objective, and based on the evidence.

By the way, that helps all sides—the accuser and the accused. As a matter of fact, we have some people who are worried that the accused may not get a fair trial if we don't change things because there has been so much publicity about this.

There has been a defense advisory committee on women in the services that has advised the Secretary of Defense for over 60 years. That commission overwhelmingly supports this reform, arguing that the authority of commanders to decide whether to prosecute these cases ''poses an inherent conflict of interest.'' It is obvious. Of course it is a conflict of interest. If the commander is faced with a situation—remember, we are talking about people who put their lives on the line. If the commander is in a circumstance where he does not want to lose one of these guys who is, let's say, a very good fighter, he has a conflict right there. He may be friends with the guy or the gal, whoever the accused is. We have to take this away from the commander and let them focus on what they need to do.

We have been told by many commanders that they would welcome this even though the top brass is quashing it and fighting hard against them. Why? Why are they fighting against this when for 20 years they have claimed they want to solve the problem? Let's listen to retired military officers such as LTG Claudia Kennedy, the first female three-star general in the Army. This is what she said:

> If military leadership hasn't fixed the problem in my lifetime, it is not going to be fixed without a change from the status quo. The imbalance of power and authority in commanders dealing with sexual assaults has to be corrected. There has to be independent oversight over what is happening.

Then we have a situation where a woman was put up for a position. This is amazing. Dr. Jo Ann Rooney was nominated to be the Under Secretary of the Navy. She was asked:

> In your view, what would be the impact of requiring a judge advocate outside the chain of command to determine whether allegations of sexual assaults should be prosecuted?

Mr. President, do you know what she said? This is what she said would happen if the Gillibrand bill passed:

> I believe the impact would be decisions based on evidence rather than the interest of preserving good order and discipline.

And she is against the Gillibrand bill because she put good order and discipline over justice.

Then she said:

> I believe this will result in fewer prosecutions and therefore defeat the very problem I understand it seeks to address.

Many of us have said we are not going to let a vote come up on this. We have been very open about it. She is complaining that if we pass the Gillibrand bill, the decision will be based on the evidence rather than on the good old boy system. I don't get it.

We need to listen to our allies, such as Israel, Canada, the United Kingdom, Australia. They have successfully made this change.

I want to say very clearly that none of us in this body should filibuster justice. And I have a very strong chart here. I am going to keep this up: ''Don't filibuster justice.'' That is what we are facing. We have people who are going to filibuster the Gillibrand bill and not allow a vote on it, while they would vote not to filibuster the McCaskill bill. I say don't filibuster either of these bills. Vote yes on both. Both are good. But it is only the Gillibrand bill that will make sure the system that is resulting in a disastrous record of prosecutions and a disastrous record of people—90 percent of the people don't report. Isn't that true? Ninety percent of the people don't report because they are scared. These are men and women. If you don't report, you cannot have justice.

For over a year survivors of military sexual assault have been walking the halls of Congress and calling for these vicious crimes to be decided outside the chain of command. In other words, they support S. 1752. They don't want us to filibuster S. 1752. They don't want us to filibuster justice. These brave men and women deserve an up-or-down vote on the Gillibrand bill. They don't deserve the filibuster. That is wrong. They don't deserve two more decades of broken promises. We should be humble in their presence—humble in their presence.

You know, I hear people stand and say: Oh, this is terrible. It would be terrible. It would be awful.

Wait a minute. Why not ask the people who have been raped? Why not ask the people who survived that? Why not ask the people who did not report because they are frightened to death of the commander? We need to give these brave survivors what they deserve—an up-or-down vote on legislation that will fix our broken military justice system.

I want to tell a couple of stories if the numbers are not convincing enough. I want to put a face on it. This is the story of Stacey Thompson, who is a Californian. I stood next to her, and I literally held her hand when she first told the story publicly.

Stacey was drugged and brutally raped by a male sergeant in December 1999 while she was stationed in Okinawa, Japan. She did what she was supposed to do: She reported the rape to her superior. Her allegations were swept under the rug. Her attacker was allowed to leave the Marine Corps without ever facing trial. Do you hear what I am saying? He was allowed to leave the Marine Corps, where he went home and probably continued his activities of raping.

But what happened to Stacey? She became the target of a drug investigation, extending from the night of her rape because her attacker drugged her—drugged her that night and molested her on the ground. She was forced out of the Marine Corps with an other-than-honorable discharge. Stacey told me she still struggles with the emotional and psychological effects of being raped. She is fighting to have her discharge upgraded so she can access the benefits she earned.

So let me just synthesize this story. Here she is. She was raped. She was drugged. She was left on the ground. As a result of the drugging by her attacker, they began an investigation and she was drummed out of the military and denied any benefits. She is appealing, and she hopes to make progress on that appeal. Her accuser gets out of the military scot-free. Right?

I want to point out that half of the estimated 26,000 victims of military sexual assault are men, so I would like to share the story of Amando Javier.

Amando was serving in the Marine Corps in 1993 when he was raped and assaulted by a group of fellow marines. Ashamed and fearing for his life, he kept his rape a secret for 15 years.

When Amando finally found the courage to share his story with a friend, he decided to write it down. I would like to read some of his words at this time.

> My experience left me torn apart physically, mentally, and spiritually. I was dehumanized and treated with ultimate cruelty, by my perpetrators. . . . I was embarrassed and ashamed and didn't know what to do. I was young at that time. And being part of an elite organization that values brotherhood, integrity and faithfulness made it hard to come forward and reveal what happened.

Now it is two decades later and no one has been held accountable for this heinous crime. The perpetrators are still out there able to commit these crimes again and again.

Ninety percent of the assaults are not reported. We think 26,000 is a conservative number. Think of how many perpetrators there are in the military, and then when they get out of the military they continue to commit these crimes.

I also want to share the story of Ariana Clay. Ariana graduated from the U.S. Naval Academy and joined the Marine Corps. She deployed to Iraq in 2008. Following her return Ariana was selected to serve at the Marine Barracks in Washington, DC, which is a very prestigious post down the street.

At the Marine Barracks Ariana was subjected to constant sexual assault, and when she tried to report it to her chain of command, she was told to ''deal with it.''

In August 2010, Ariana was gang raped by a senior Marine officer and his friend at her home. Ariana bravely reported the assault, but a Marine Corps investigation determined she had welcomed the harassment because she wore makeup and exercised in shorts and tank tops.

Finally, the Marine Corps did court-martial one of her rapists but failed to convict him of rape. Instead, he was convicted only of adultery and indecent language.

Ariana's husband is a former Marine Corps officer. He joined her at the recent press conference about the importance of changing how the military handles sexual assault. Here is what Ariana's husband said:

> The first step to addressing sexual assault in the military is to remove its prosecution from the chain of command. It is unfair to expect commanders to be able to maintain good order and discipline as long as their justice system incentivizes and empowers them to deny their units' worst disciplinary failures ever happened.

That was from a former Marine Corps officer who said that the first step is to remove the prosecution of these crimes from the chain of command. So we now see the whole story, and we are going to go through these charts again.

Sadly, Senator GILLIBRAND's bill—which will finally take the prosecution of these assaults outside the chain of command, keep it in the military, and give it to the trained prosecutors—is being filibustered by my colleagues. Don't you think we should have a vote on justice without having to set up a 60-vote threshold?

I say to my colleagues—none of whom are here now, and I understand since it is very late—don't filibuster justice. If you want to vote against the Gillibrand approach, vote against it but allow us an up-or-down vote. Don't filibuster justice. That is wrong. Frankly, anyone who does that ought to lose some sleep over it. I will tell you, if we get very close—somewhere in the high fifties—this change is coming, so why not make the change now.

I will put these charts back up to remind everyone of what I said. These magnificent men and women in the military are innocent. They joined the military out of love and devotion to country. They put their lives on the line. One in five women is either getting assaulted or harassed and many men—50 percent of the 26,000 cases are men. Men have an even harder time of stepping to the plate and admitting this happened.

The commanders are making these decisions. They are choosing between two people in their unit. It is akin to a CEO determining whether he or she is going to prosecute a case for a Senator and saying: You know what. It is a he said, she said, and I will decide who is telling the truth. Wrong. That is not justice in America. That should not be justice anywhere on our streets, and it should not be justice in the military.

Look at that face. This is a woman who was destroyed. I stood next to her and had to hold her hand so she could actually get the words out. Because of Senator GILLIBRAND's bill, she is empowered to speak out. Because of a movie called ''Invisible War,'' which focused on people coming forward and telling the truth, she is empowered.

We have to change the way the military handles this or we are just a bunch of folks who come out here and sound great. No, it is time to change.

There were 26,000 cases of sexual assault in 2012. Of those 26,000 cases, 1.2 percent were prosecuted. This is an absolute disgrace on its face and anyone who will not make the changes required is accepting this because all they are doing is tinkering around the edges. It doesn't help because that is all we have done for years.

The moment of truth is coming in the Senate—and it is coming tomorrow around 2 p.m.—and Senators will have to stand here and decide if they are going to filibuster the Gillibrand bill and filibuster justice. They are going to have to decide that.

We have been listening to words and promises and baloney for 20-odd years. I was here all that time, so I know. I was here after Tailhook. Oh, this will never happen. Dick Cheney said: it will not happen. Then we heard from William Perry, William Cohen, Gates, Panetta, Chuck Hagel. I think they meant it when they said no more and zero tolerance, but they will not step up and support the change that needs to be made.

We made a lot of changes in the military. Many years ago they would not allow Blacks and Whites to fight side by side. Those days, thank God, are over. Gays in the military—oh, my God, that was going to be horrific and hurt morale. Thank God that is over. The military fought tooth and nail, day in and day out, and this is just part of the pattern. They protect the status quo.

Put this in your mind: There is no place for a filibuster when it comes to justice. If you don't like the Gillibrand bill, then vote no on it, but give us a chance to vote up or down. I am going to vote to allow a vote on the Gillibrand bill, and I am going to vote to allow a vote on MCCASKILL's bill.

I ask that the McCaskill people please join us. Let us have an up-or-down vote. Honestly, I know in my heart that these opportunities to make change don't come along very often, and this is our moment. We have all the facts on our side. We have every victims' rights group and every survivor group on our side. We know status quo is dangerous.

I just want to say about my colleague Senator GILLIBRAND how proud I am to stand with her. What an amazing Senator she is. She listens to advice from both sides of the aisle. Her bill reflects comments that were made by myself, Senator PAUL, Senator HIRONO, as well as other Senators on both sides of the aisle. People were so happy to sit and work with her and her staff.

Now we are down to the wire. To have people tell me to my face: Oh, yes. I am going to filibuster this because I don't like it—if you don't like it, then vote no, but give us a chance to vote up or down.

It is interesting because many of the same people who are going to filibuster this tell me they want to do away with the filibuster altogether. It is odd. They want to do away with it but not on this one.

We are at the moment of truth, and tomorrow Senator GILLIBRAND will lead us in the hour of time that we have. Senator MCCASKILL will offer her views of negativity on the Gillibrand bill. Senator GILLIBRAND will support both bills, as will I.

I truly pray tonight that people will think about this and will think about Stacey and the men and women who have come forward in such a difficult situation to open their hearts to talk about things that have been kept a secret for so long because they honestly think it will help bring about change.

If we don't allow a vote on that change, then I am afraid this Senate will not look very good when we awaken the next morning.

I thank the Presiding Officer, yield the floor, and note the absence of a quorum.

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

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

VENEZUELA

Mr. LEAHY. Mr. President, we are all painfully aware of the many resource rich countries whose leaders care far more about maintaining their grip on power and enriching themselves than addressing the needs of their people. The departed Ukrainian President Victor Yanukovych was a good example, and in this hemisphere Venezuela's late President Hugo Chavez and his successor President Nicolas Maduro stand out.

President Chavez, a former army officer who was swept into power in a wave of popular discontent after decades of corrupt, elitist governments, mastered the art of deception. He was a cult personality and virulently anti-United States, who dished out favors to poor communities as he ruined the country's economy, destroyed any semblance of an independent judiciary, changed the constitution so he could hold onto power indefinitely, and used the police to intimidate the press.

In the year since Chavez' death, President Maduro has tried to fill his shoes. He has adopted Chavez' divisive, anti-U.S. rhetoric, but he lacks Chavez' charisma, and the prognosis for positive change in Venezuela is increasingly bleak.

Early last month a few student demonstrations quickly spiraled into the largest public protests against President Maduro since he came to power. Having been elected by a razor-thin margin, the smallest in nearly half a century, many Venezuelans hoped the stultifying reality of widespread unemployment and economic stagnation would inspire reforms. Regrettably, President Maduro did not heed the people's message.

Instead, inflation has skyrocketed in the oil-rich country and food shortages have plagued local markets. Additionally, the World Economic Forum's Global Competitiveness Report for 2013–2014 ranks Venezuela number three on its list of economies damaged by high crime rates and violence, contributing to the resolve of the thousands of Venezuelans who took to the streets in protest. From San Cristobal, to Maracaibo, to the capital city of Caracas, the demonstrations have attracted students, merchants, and middle-class professionals in a challenge to government repression and mismanagement.

For several weeks images of the protests trickled out of Venezuela through various social media platforms, offering a limited, unfiltered perspective amidst the state-run media's censorship of impartial coverage. Because of the fog caused by this lack of objective information, it took nearly 2 weeks for many major U.S. news sources to arrive in country to begin coverage.

The distorted, self-serving portrayal of the protestors as treasonous fascists by the Maduro administration and the state-run media has been compounded by the deaths of some 18 people and the arbitrary arrests of hundreds, and risks inciting a further crackdown against the opposition. Additionally, there have been reports that foreign journalists have been detained while trying to cover the protests, with up to 20 having been physically assaulted, according to a Colombian news source that has since been banned from Venezuela for covering the protests.

The U.S. State Department's recently released Country Reports on Human Rights Practices for 2013 describes the Maduro government's efforts to impede freedom of expression. The increasingly heavy-handed and violent actions over the last few weeks have exacerbated the situation.

As one of Venezuela's most important trading partners, and as a nation whose people take note of the well-being and basic rights of other peoples in our hemisphere and beyond, the United States has an interest in ensuring that human rights are not violated with impunity. I hope President Maduro will not continue to make the mistake of other messianic, autocratic leaders who demonize their opponents. In Venezuela they represent roughly half of the population. He would do far better to work with all Venezuelans to reduce tensions and find real solutions to the country's problems. The people of his country deserve nothing less.

TRIBUTE TO SHERIFF DOUG GILLESPIE

Mr. REID. Mr. President, I rise to honor Sheriff Doug Gillespie, of the Las Vegas Metropolitan Police Department, who was recently named the National Sheriffs' Association's 2014 Sheriff of the Year.

The Ferris E. Lucas Award for Sheriff of the Year is awarded to recognize an outstanding sheriff for contributions made to improve the office of sheriff at the local, State, and national levels, and for involvement in the community above and beyond the responsibilities required. By this measure, I can think of no one more deserving than Sheriff Gillespie. His tireless service as sheriff has made the Las Vegas metropolitan area a safer and better place to live, work, and raise a family.

Sheriff Gillespie has diligently served the Las Vegas community for 33 years as a metropolitan police officer, the last 7 as sheriff. Under Sheriff Gillespie's leadership, metro has become one of only 72 intelligence-gathering fusion centers in the country. It has won the Webber Seavey Award, given for quality in law enforcement by the International Association of Chiefs of Police, for an outreach effort to strengthen police relations in the Las Vegas area. Metro is also one of only 32 departments to achieve the highest standard of accreditation from the Commission on Accreditation for Law Enforcement Agencies.

In addition to his position as sheriff, he has served in many leadership roles in other law enforcement organizations, such as board director of the National Sheriff's Association Executive Committee, chair of the Homeland Security Committee for the Major City Chiefs Association, vice chair of the Nevada High Intensity Drug Trafficking Area Task Force, finance committee chair for the Nevada Commission for Homeland Security, and president of the Major County Sheriff's Association.

On behalf of the U.S. Senate, I congratulate Sheriff Doug Gillespie on receiving the Ferris E. Lucas Award for Sheriff of the Year and look forward to the continuation of a career that has already made Nevada very proud.

SIMMONS COLLEGE OF KENTUCKY

Mr. MCCONNELL. Mr. President, I rise today to honor one of the oldest educational institutions in my home State of Kentucky. Recently, the Simmons College of Kentucky announced its accreditation from the Association of Biblical Higher Learning. It is the college's first national accreditation.

The story of Simmons College is one of success. After the Civil War came to an end in 1865, there was no place in my home State where African Americans could obtain a college degree. That changed in 1879 when the Kentucky Normal Theological Institute opened its doors on the corner of 8th and Kentucky Street in Louisville. The school's second president, Dr. W.J. Simmons, transformed the nascent school into a full-fledged university that offered a wide array of liberal arts and theological programs. Simmons increased the school's enrollment from 13 to over 200 during his 10-year tenure. In 1918, Charles Parrish assumed the role of president of the university and aptly renamed the school Simmons University.

Simmons flourished into the 1920s, when enrollment peaked at over 500 students, but this success could not

shield the school from the devastation that sprang out of the Great Depression. The school was forced to sell its property in 1930 and drastically scale back its academic offerings. Simmons was down, but in no way, shape, or form was it out. In 1935 its leaders obtained a new location at 1811 Dumesnil Street. At this location, Simmons continued to provide Christian education, and in 1982 the school was renamed Simmons Bible College in order to reflect this focused mission.

In 2007 the school, now bearing its current name of ''Simmons College of Kentucky,'' returned to its old location at the corner of 8th and Kentucky. The property was purchased in 2005 by the Reverend Dr. Kevin W. Cosby—himself the grandson of a Simmons College alumnus. Dr. Cosby's immense respect for the history and mission of the school led him to launch a campaign to return Simmons to its original location. Dr. Cosby also took on the role of president of the university and worked to once again expand Simmons's educational offerings.

Dr. Cosby was helped in this endeavor by University of Louisville president James Ramsey. The two developed a friendship, and in 2010 they signed an agreement that made it easier to transfer credits between the schools. President Ramsey called the deal ''historic'' as well as a ''testament to Reverend Cosby's persistence in seeking partnerships and opportunities for the less fortunate.''

Simmons's recent accreditation by the Association for Biblical Higher Education is another enormous step forward for this venerable institution. The school continues to fulfill its mission of producing ''productive citizens and agents of change in society.''

Accreditation inherently brings increased credibility and prestige to the university, but it also provides more tangible benefits. With this formal recognition, Simmons is now eligible to receive government subsidies designated for historical Black colleges and universities. This money, coupled with a $2-million private donation from the Gheens Foundation, will undoubtedly lead to even brighter days ahead for Simmons College. Cole states that the university has plans to increase their enrollment from 130 to 350 students, as well as expand the range of programs offered.

Through thick and thin, Simmons has weathered the storms of history to arrive at this moment stronger than ever. President Cosby believes that the school's past trials mustn't be forgotten but, rather, harnessed as source of strength to spur on future successes. I extend my gratitude and congratulations to the president of Simmons College, the Reverend Dr. Kevin W. Cosby, for his extraordinary success in leading the renaissance of this historic school.

Simmons College is a truly remarkable institution, and their recent accreditation serves as testament to its perseverance and the good it continues to accomplish today. I ask that my Senate colleagues join me in honoring President Cosby and this admirable school.

REMEMBERING PFC WILLIAM T. CARNEAL

Mr. MCCONNELL. Mr. President, this April 25, PFC William T. Carneal will be laid to rest in his hometown of Paducah, KY. Private First Class Carneal made the ultimate sacrifice in giving his life in service of his country. I rise today to honor him and to share the remarkable story that culminates in his forthcoming burial—70 years after he was killed on the island of Saipan during the Second World War.

William T. Carneal, known to his family as ''Teetum,'' was the youngest of Plummer and Johnnie Ella Hite Carneal's 10 children. Raised in McCracken County, KY, William's childhood was marked by tragedy and loss. His mother passed away when he was 18 months old and his father when he was 7, leaving the responsibility to raise William to his older sister, Ruth Anderson, and her husband, L.O.

William graduated from Heath High School in 1939 and, like so many members of the ''greatest generation,'' answered his country's call of duty and joined the U.S. Army in 1941. In January of the following year he was sent to Hawaii in preparation for deployment into the Pacific theater.

On July 7, 1944, his company in the 105th infantry regiment, 27th infantry division was engaged in hostilities with Japanese forces on the island of Saipan. When the enemy counterattacked, his company was forced to withdrawal—but William was never seen again. That day he was reported as missing in action, and a year later he was reported dead at the age of 24. Soon the war ended. Yet William's remains were never found—still buried somewhere in the Saipan soil.

His remains stayed lost for nearly 70 years—the chances of ever finding them no better than finding a needle in a haystack. In March of 2013, however, an unlikely source happened upon that needle. Keuntai, a Japanese nonprofit dedicated to finding the remains of Japanese soldiers killed during the war, was conducting an excavation on Saipan when they discovered the remains of five American soldiers—one of whom bore a 1939 Heath High School class ring. Carneal's dog tags were found, too, along with some loose change and a pocket-watch.

To confirm the identity of the remains, Keuntai passed them along to the Joint POW/MIA Accounting Command for DNA testing. On December 4 of last year, the tests confirmed what Carneal's surviving family members already knew—the class ring and the remains belonged to William T. Carneal.

William's family—nephews J.T. and Carlton, niece Mary Carneal Christian, great-nephew Jimmy Fields, and great nieces Carol Ann Fields Lindley and Beverly Fields Swift—were given the option of a burial at Arlington Cemetery. But after 70 years they thought it was time for William to come home to Kentucky, where he will be buried next to his sister Ruth.

The military believes that a grenade blast, possibly part of a suicide attack, killed William and the four other soldiers he was found buried with under 3 feet of clay. On April 25 of this year, William's birthday, he will be laid to his final resting place. He will receive the full honors of a military burial, including a 21-gun salute and a flag ceremony. Military personnel from Fort Campbell will preside over the funeral, and local World War II veteran Edward ''Earl'' Gidcumb will play taps.

As of December 19, 2013, there remain 73,640 U.S. personnel whose bodies have not been recovered from the Second World War. Most never will. But in this story, Sandy Hart, curator of the Kentucky Veteran and Patriot Museum in Wickliffe, KY, finds solace for the families of all the missing. ''When Teetum is brought home,'' she said, ''a part of them are all going to be brought home.''

I ask that my U.S. Senate colleagues join me in honoring PFC William T. Carneal's service to this country and all those who played a role in the incredible story of returning his remains, at last, to his old Kentucky home.

Mr. President, the Paducah Sun recently published an article regarding the incredible discovery and return of William's remains. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Paducah Sun, Feb. 26, 2014]

FAMILY GETS WORLD WAR II CASUALTY'S BELONGINGS

(By Laurel Black)

Most people wouldn't choke up at the sight of a deteriorated poncho, a rust-eaten key or a decades-old pocket knife. But tears rose to the eyes of several members of Private First Class William T. Carneal's family on Tuesday as they perused the items found with the World War II veteran's remains.

The belongings, which included Carneal's dog tags, belt buckle and a 1939 class ring from Heath High School, were recovered on the Japanese island of Saipan, where Carneal was killed in July 1944. After nearly seven decades without news of their relative, Carneal's descendants had little reason to believe they'd ever recover his possessions or remains.

But Carneal's possessions finally crossed the ocean and arrived in his family's hands. During a brief presentation at Reidland Clothing Company, U.S. Army Sergeant Tyler Holt unpacked a brown cardboard box and returned the objects, one by one.

''We kind of feel like now he's home with us,'' nephew J.T. Carneal said after the presentation.

J.T. Carneal added that the family has also found closure because of a recent investigation that revealed the cause of his uncle's death. The military believes that William Carneal, whose body was found with four others under more than three feet of clay, was killed by a grenade blast during a suicide attack by enemy forces, his nephew said.

''It's a blessing to us that the whole family now can know what happened and put it to rest,'' Carneal said. ''He gave his life for his country.''

Except for a dog tag that will be given to the Veterans Museum in Wickliffe, the belongings will remain in the hands of Carneal's descendants. Carneal is also survived by nephew Carlton M. Carneal, niece Mary Carneal Christian, great-nephew Jimmy Fields, and great-nieces Carol Ann Fields Lindley and Beverly Fields Swift.

The process of finding and returning Carneal's possessions and remains was hardly straightforward. Japanese non-profit Keuntai, which searches for the bodies of Japanese soldiers killed in World War II, discovered Carneal's remains a year ago and turned them over to the Joint POW/MIA Accounting Command. The class ring gave the family hope that their ancestor had at last been found, but DNA testing was required to confirm Carneal's identity. The results arrived in December.

After Tuesday's presentation, the family gathered to make plans for Carneal's interment, scheduled for April 25, his birthday. Although Carneal could have been buried at Arlington National Cemetery, the family agreed that he should be laid to rest next to sister Ruth Anderson at Palestine United Methodist Church in West Paducah. Following a brief ceremony at 1 p.m. at Milner & Orr, Carneal will receive full military honors at the cemetery, including a 21-gun salute and flag ceremony. The military personnel of Fort Campbell will preside over the funeral. Local World War II veteran Edward ''Earl'' Gidcumb has offered to play taps.

''So many families exist that don't have any idea where their loved ones are,'' said Gidcumb, who also served in the Pacific theater, ''and it's an honor to be involved in this whole thing.''

EL PASO DIOCESE CENTENNIAL

Mr. CORNYN. Mr. President, I wish to recognize the centennial anniversary of the Roman Catholic Diocese of El Paso, which took place on March 3, 2014.

For nearly 400 years, the Catholic Church has served the needs of people in the El Paso area, beginning with the arrival of Franciscan missionaries in the late 1600s. By the time Pope Pius X founded the Diocese of El Paso on March 3, 1914, the Church had established a network of parochial schools and private sanatoriums to treat tuberculosis patients. The ministries, parishes, and schools were founded with a desire to share Catholic life and give witness to Christ. Today, under the leadership of its 6th bishop, Mark J. Seitz, the Diocese includes 64 parishes and missions, 11 schools, and a seminary that serve more than 600,000 Catholics.

I invite my colleagues to join me in celebrating the Diocese's legacy of service and faith in El Paso. I ask God's continued blessing on the leaders and members of the Diocese as they carry on their good work in providing health care, education, and spiritual care to the people of West Texas.

2014 OLYMPIANS

Mr. CRAPO. Mr. President, I rise today to congratulate athletes with strong Idaho ties who competed in the Sochi 2014 Winter Olympics and contributed to three of the U.S. Olympic team's 28 total medals. Their dedication is inspiring.

Idaho-connected Olympians earned two gold medals and one silver medal in the Olympic Games in Sochi. Kaitlyn Farrington, who was raised on a ranch in Bellevue, Idaho, earned a gold medal competing for the first time as an Olympic snowboarder in the halfpipe competition. Hilary Knight of Sun Valley competed once again in women's hockey in the 2014 Winter Olympics where the team earned a silver medal. Additionally, Sage Kotsenburg, a Coeur d'Alene native, took home the first-ever gold medal in the new men's slope style event and the first U.S. gold medal in the 2014 Winter Olympics.

Six other remarkable athletes also represented our state and nation well on the U.S. Olympic team. Nick Cunningham, a graduate of Boise State University and Sergeant in the New York National Guard, earned 12th place in both the two-man bobsled and four-man bobsled competitions. Erik Fisher, an alpine skier from Middleton, Idaho, went to Sochi as part of the U.S. Olympic team. Simi Hamilton, a Sun Valley skier, competed in cross country skiing, and he placed 6th in the men's team sprint classic and 11th in the men's 4x10k relay. Nate Holland, who grew up in Sandpoint, Idaho, placed 25th in men's snowboardcross in Sochi. Jessika Jenson of Rigby competed in the first Olympic snowboard slopestyle competition in Sochi where she finished 13th. Sara Studebaker from Boise competed in her second Olympics in biathlon competitions at Sochi where she helped earn a 7th place finish in the Women's 4x6k Relay Biathlon.

These athletes, like their fellow Olympic athletes from communities across the country and around the world, inspire us to push beyond the limits of what we may think is possible. They commit themselves to significant training and turn that preparation into achievements. Congratulations to Idaho and American Olympians for their extraordinary efforts leading up to and during these Olympics.

ADDITIONAL STATEMENTS

COOK INLET HOUSING AUTHORITY

• Mr. BEGICH. Mr. President, in 2014, Cook Inlet Housing Authority celebrates its 40th anniversary of building housing opportunities for the people of the Cook Inlet region of Southcentral Alaska.

In 1974, the Alaska State Legislature facilitated the creation of Cook Inlet Housing to ensure elders, individuals, and families in the Cook Inlet region would have access to quality, affordable housing. Since that time, Cook Inlet Housing has developed more than 1,500 energy-efficient and affordable homes for seniors and families and has catalyzed the revitalization of the Mountain View neighborhood in Anchorage.

The passage of Native American Housing Assistance and Self Determination Act by the U.S. Congress in 1996, and the flexibility allowed within it, has empowered Cook Inlet Housing to leverage funding from private and public sources and more than doubled the amount of quality, affordable housing available to families in Southcentral Alaska.

This year, Cook Inlet Housing is being recognized nationally with the prestigious HUD and American Planning Association's 2014 HUD Secretary's Opportunity and Empowerment Award. This award honors excellence in community planning resulting in measureable benefits in terms of increased economic development, employment, education, or housing choice and mobility for low- and moderate-income residents. I know the work that Cook Inlet Housing is doing for our community matters and helps transform lives.

I would like to congratulate Cook Inlet Housing Authority for their commitment to innovation and thoughtful, dynamic development that promotes their critical mission: To create housing opportunities that empower people and build communities.•

TRIBUTE TO DR. JOHN KERNER

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 95th birthday of Dr. John Kerner, an American hero, healthcare pioneer, and cherished doctor to so many families, including my own.

John Kerner was born in Portland, OR, and raised in Boston and San Francisco. He graduated from the University of California, Berkeley and UCSF Medical School, serving in the ROTC while in school. In 1943, he was called to active duty and commissioned as a first lieutenant.

As a battalion surgeon and combat medic in World War II, Dr. Kerner served with great distinction on the battlefields of Omaha Beach, Saint-Lô, and Bastogne. Shortly after landing in Normandy, he delivered a breech baby at a combat aid station, saving the mother and her child. On another occasion, when a group of U.S. soldiers was nearly surrounded by German SS troops, Dr. Kerner and one of his medics drove straight through the lines to deliver medical supplies and care to the wounded.

For his valiant service in World War II, Dr. Kerner was awarded the Combat Medic Badge, two Bronze Stars, five Battle Stars, and a Presidential Unit Citation. In 2007, he was awarded the Legion of Honor by French President Nicolas Sarkozy. He later recounted his experiences in a stirring memoir, ''A Combat Medic Comes Home.''

After the war, Dr. Kerner returned home to California, where he served

the women and families of the San Francisco Bay area as an outstanding OB/GYN and the medical community as a teacher and administrator. During his residency studies at UC San Francisco, he worked closely with Dr. Herbert F. Traut, who had helped to develop the Pap smear. Along with Traut, Kerner was instrumental in ensuring that women in the community had access to these critical screenings, which drastically reduced the instances of cervical cancer. To honor Dr. Kerner and his groundbreaking work, UC San Francisco established the John A. Kerner Distinguished Professorship in Gynecologic Oncology focusing on cancer research and patient care for women.

Dr. Kerner later became the founding director of the OB/GYN Department at Mt. Zion Hospital, where he taught the next generation of physicians and served as chief of staff before establishing his own private practice. My children are among the more than 2,000 babies that he delivered over the course of his career.

Dr. John Kerner has enriched the lives of so many, from the wounded of World War II who made it home thanks to his exceptional care and courage, to the women whose health he protected and whose babies he brought into the world, to the many doctors who now do the same because he taught them how. I am honored to salute him today in the Senate.●

TRIBUTE TO ANN WAYT

● Mr. BROWN. Mr. President, when we think of those who provide treatment to our loved ones, we think of registered nurses like Ann Wayt—a longtime staff member of Affinity Medical Center in Massillon, OH. Ms. Wayt has earned both the Affinity Medical Center Nurse Excellence Award and the esteemed Cameos of Caring award from the University of Akron's College of Nursing. Patients and fellow nurses in the hospital's orthopedic unit, were touched daily by Ms. Wayt's professionalism and care. Several of Ms. Wayt's coworkers have referred to her as a role model.

It does not come as a surprise that a nurse who cares so much about her patients also cares about her fellow workers and their working conditions. Collective bargaining in health care isn't just about a paycheck. It is about staffing levels, patient safety, and ensuring health care quality. For years, joining a union was a ticket to the middle class and ensured that those who work hard and take responsibility can still get ahead.

However, on September 26, 2012, Ann was fired by Community Health Systems, the hospital's parent company, shortly after she rallied with co-workers to organize a collective voice for better, safer workplace conditions and patient care. In fact, Ms. Wayt was fired by the hospital the day before the nurses voted to form a collective bargaining unit. Though other grounds were given, both the National Labor Relations Board, NLRB, and the Federal Court ruled Ms. Wayt was fired because she was a lead organizer for her fellow nurses.

We have seen too many attacks on workers' rights in recent years. We have seen too many efforts to hamstring the NLRB and its ability to protect the rights of workers, and we have seen too many people fired for engaging in collective activity.

Fortunately, the NLRB stepped in and held a hearing last year, and the findings speak for themselves: Community Health Systems was ordered to reinstate Ms. Wayt and to recognize the nurses' union. Community Health Systems refused to comply.

In January 2014, Federal Judge John Adams ordered Ann's reinstatement, the recognition of the nurses' collective bargaining unit and for the hospital to stop harassing the nurses because they want a voice at work.

Nurses are on the front lines of patient care and deserve to have their voices heard on important, common sense issues such as:

Minimum staffing levels based on patient acuity;

the right to refuse unsafe assignments;

the right to advocate for patients; and

lift equipment safety protections for RNs and patients.

A 2013 study by the American Nurses Association shows that when workplaces collaborate and listen to worker input, nurses are able to provide care more effectively, and hospitals gain better overall patient outcomes.

Welcome back, Ann, and congratulations.●

TRIBUTE TO COREY TAYLOR

● Mr. HELLER. Mr. President, today I wish to honor an exceptional Nevadan, Corey Taylor.

Corey is a sophomore at Las Vegas' Northwest Career and Technical Academy and the host of her own radio show, which focuses on bullying issues in high schools. She is on a mission to end the senselessness that is bullying. Championing a safe environment through activism of acceptance, even at a young age, Corey has embraced diversity by defending individual expression.

Overcoming her own situation of adversity is just one example of character Corey stands upon as a leader in her community. The hard-earned money she saves goes to her radio show, where she reaches an audience through her words in addition to her actions. She encourages people of all ages to surround themselves with positive influences and to embrace their unique qualities.

Through her community outreach, Corey encourages her peers to be true to themselves despite any type of social pressure. She refuses to let her spirits be diminished by bullying, and her work has inspired others to do the same.

I ask my colleagues to join me in honoring and congratulating Corey for her service and contributions to Nevada.●

KCAM RADIO

● Ms. MURKOWSKI. Mr. President, I wish to honor Alaska radio station KCAM on its 50th anniversary on the air.

KCAM, is a radio station located in Glennallen, AK and it literally had an earth-shattering start. That is because KCAM signed onto the air under emergency orders late on the day of the Great Alaskan earthquake, on March 27, 1964. While the station had been planned and in preparation for going on air, its broadcast air date was advanced under emergency orders by the Federal Communications Commission so it could provide lifesaving information and aid in disaster relief communications following the largest earthquake ever recorded in North America.

At 5:36 p.m. Alaska Standard Time on Good Friday, nearly 50 years ago, an earthquake struck deep beneath Miners Lake in northern Prince William Sound, just 90 miles southwest of Glennallen. The quake, which then measured 8.6 on the Richter Scale but which has since been revised upwards to 9.2, sent shockwaves up to 700 miles away. The earthquake and resulting tsunami killed 131 people, 115 in Alaska and others in California and on the west coast. Amazingly only 12 people were killed by collapsing buildings and the quake itself, 119 in the tsunami that followed.

The earthquake, which lasted more than 4 minutes, released 10 million times more energy than the atomic bomb that devastated Hiroshima, Japan, according to a story in The Alaska Almanac. The quake devastated Southcentral Alaska, inundating Valdez and other coastal villages, destroying whole blocks in downtown Anchorage, the State's now largest city, but causing significant damage even north of the Chugach Mountain Range, where Glennallen is nestled.

KCAM, found at 790 on the AM radio dial, signed on in a part of east central Alaska, in the Center of the Copper River Valley, that then and even now is underserved by broadcast communication outlets. Then as now the station provides vital weather information, travel reports—valued by motorists on the Alaska Highway, the only surface route between Interior Alaska and the Lower 48 States—plus news, sports and music. The relative isolation of the region is highlighted by the fact that Caribou Clatters, the station's on air community bulletin board, is a valued way for area residents to get personal news to friends who live off the highway, in remote cabins not served by the array of telecommunication devices that many

Americans today take for granted. It is a real ''News from Lake Wobegon'' feature, far different than radio in urban America today.

It was no small feat for KCAM to sign onto the air—having electricity and a broadcast antenna still standing—in the hours just after the great earthquake, broadcasting a signal to warn drivers on the highway heading toward the Anchorage area of the damage ahead and dangers they were to face and to give vital information to Interior Alaskans to help them survive the late winter when normal supply deliveries were largely impossible.

The station today, while operating in less challenging times, serves as a ministry of the 40-year-old Alaska Bible College. It is staffed by broadcast professionals ''who love the Lord and are committed to bringing excellence in radio'' to the community of about 600 residents plus visitors. It also now offers an all-music station, 88.7 FM, which is staffed by Alaska Bible College students who are involved as board operators, broadcasters, office workers, and reporters—many receiving training in broadcasting through an introductory course offered each fall semester by station manager Scott Yahr.

The station, as I know firsthand from my appearances on it, provides residents of the Copper River Valley State political news that allows them to make informed ballot choices and to know how to dress for the day ahead through its weather updates. It is a great pleasure to congratulate Scott, program director Michelle Eastty, and special projects director Roger Bovee on the station's 50th anniversary. I know the station will be formally celebrating its golden anniversary during a celebration banquet to be held on Saturday, April 12, but I wanted in advance to wish everyone connected to the station and all of its committed listeners a happy anniversary and a wish that the station continue to broadcast vital weather bulletins, important State and community news, and music and entertainment features for many decades to come.●

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS

● Ms. MURKOWSKI. Mr. President, I rise today to acknowledge the milestone 125th anniversary of the National Association of Regulatory Utility Commissioners, the national association representing our Nation's State utility economic regulators.

The work of our Nation's public utility regulators often goes unnoticed and unheralded until the lights go out or our utility rates increase. But, rest assured, the work these officials do on a daily basis impacts every single one of us in the country.

State utility regulators ensure the rates we pay for utility services are fair, just, and reasonable. They help make sure the utilities deliver these services—electricity, natural gas, water, and telecommunications—in a safe and reliable manner.

NARUC offers its members countless opportunities for education, sharing of best practices, advocacy, and much more. Since March of 1889, the Association has provided countless resources aimed at improving regulatory practices. Since just about all of us pay utility bills in some way or another, we have all benefited from NARUC's work over the last century and a quarter.

Think about it: in 1889, the electricity industry was in its infancy. Alexander Graham Bell was still perfecting his groundbreaking invention called the telephone. We were still learning how best to transport water and natural gas.

What a difference 125 years makes. We can now electrify our homes from solar rooftops. We can carry our personal computers in our pockets on our smartphones. We are using new technologies to find abundant resources of natural gas.

The one constant has been NARUC and the quality utility regulation it promotes. I thank NARUC and congratulate it on this 125th year anniversary.

Congratulations NARUC!●

CENTRAL LOUISIANA CHAMBER OF COMMERCE

● Mr. VITTER. Mr. President, I wish to recognize the Central Louisiana Chamber of Commerce.

The Central Louisiana Chamber of Commerce was originally founded as the Alexandria Chamber of Commerce by 250 men from all walks of life on March 30, 1914, in the Italian Room of the Hotel Bentley. Their intent was to promote the city and the region in order to attract business and facilitate growth, and they have been continuing this work for 100 years.

Over the next few decades, the Alexandria chamber would see many accomplishments toward this goal, with railroad companies like Missouri Pacific and Texas and Pacific opening terminal and repair facilities. Likewise, in 1923 RoyOMartin would open a forestry and wood products manufacturing facility. The U.S. military established a presence with Camp Beauregard, and the Alexandra VA Hospital opened to train and care for our men during World Wars I and II. Fort Polk was opened in 1941 to support our engagement in World War II, and the Fort Polk and the Joint Readiness Training Center continues to train men and women defending the United States today.

In 1956, the Alexandria chamber would merge with its neighboring chamber in Pineville, LA, to establish the Greater Alexandria-Pineville Chamber of Commerce to expand economic development initiatives across the region. During the next 30 years, LSU opened a campus in Alexandria; commercial airlines offered flights from Esler Field; and companies such as Proctor & Gamble and Manning, Maxwell & Moore opened manufacturing plants, all in part due to the efforts of Greater Alexandria-Pineville Chamber.

In 1986, the chamber would adopt its current name, with a mission and vision to advocate for pro-business policies and provide programs that foster an environment for economic growth across the 11 parish region that it now represents, leveraging partnerships with many other organizations in the area to promote the region. The central Louisiana chamber has also prioritized helping young people in the community. The Chamber's Young Professionals Group is one such example of efforts to engage, retain, and involve Louisiana's future leaders. Also, its Work Ready Network is a partnership with the Rapides Foundation, the Orchard Foundation, and the Central Louisiana Economic Development Alliance to link education, workforce development efforts, and the region's economic needs.

Since its founding the Central Louisiana Chamber of Commerce has gone on to become the largest chamber in the region with more than 1,100 member businesses representing more than 28,000 employees. The chamber been an economic, social, and political leader for central Louisiana, and I am pleased to congratulate them on a century of success.●

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 23. An act to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2197. An act to amend the Wild and Scenic Rivers Act to designate segments of the York River and associated tributaries for study for potential inclusion in the National Wild and Scenic Rivers System.

H.R. 2259. An act to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws and to preserve existing uses.

H.R. 3370. An act to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

H.R. 4076. An act to address shortages and interruptions in the availability of propane and other home heating fuels in the United States, and for other purposes.

ENROLLED BILL SIGNED

At 6:23 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker had signed the following enrolled bill:

S. 23. An act to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes.

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

MEASURES REFERRED

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

H.R. 2197. An act to amend the Wild and Scenic Rivers Act to designate segments of the York River and associated tributaries for study for potential inclusion in the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

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

S. 2077. A bill to provide for the extension of certain unemployment benefits, and for other purposes.

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

H.R. 2259. An act to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws and to preserve existing uses.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3370. An act to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–4803. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a report of draft legislation entitled ''Federal Agriculture Mortgage Corporation Governance; Farmer Mac Corporate Governance and Standards of Conduct'' received in the Office of the President of the Senate on February 27, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4804. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of seven (7) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4805. A communication from the General Counsel for Operations, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, Department of Housing and Urban Development, received in the Office of the President of the Senate on February 26, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–4806. A communication from the Administrator, U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran''; to the Committee on Energy and Natural Resources.

EC–4807. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Property Transferred in Connection with the Performance of Services under Section 83'' ((RIN1545–BJ15) (TD 9659)) received in the Office of the President of the Senate on February 27, 2014; to the Committee on Finance.

EC–4808. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual Price Inflation Adjustments for Passenger Automobiles First Placed in Service or Leased in 2014'' (Rev. Proc. 2014–21) received in the Office of the President of the Senate on February 27, 2014; to the Committee on Finance.

EC–4809. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2014 Calendar Year Resident Population Figures'' (Notice 2014–12) received in the Office of the President of the Senate on February 27, 2014; to the Committee on Finance.

EC–4810. A communication from the Acting Director of the Directorate of Whistleblower Protection Program, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Handling Retaliation Complaints Under Section 402 of the FDA Food Safety Modernization Act'' (RIN1218–AC58) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–4811. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Ninety-Day Waiting Period Limitation and Technical Amendments to Certain Health Coverage Requirements Under the Affordable Care Act'' (RIN1210–AB56) received in the Office of the President of the Senate on February 25, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–4812. A communication from the Executive Analyst, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Children and Families (Family Support), Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

EC–4813. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2013 Annual Report on FDA Advisory Committee Vacancies and Public Disclosures''; to the Committee on Health, Education, Labor, and Pensions.

EC–4814. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report on FDA's Policy to be Proposed Regarding Premarket Notification Requirements for Modifications to Legally Marketed Devices''; to the Committee on Health, Education, Labor, and Pensions.

EC–4815. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary for Management, Department of Homeland Security, received in the Office of the President of the Senate on February 26, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–4816. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Audit of the Administration of District Funds to the D.C. Children and Youth Investment Trust Corporation''; to the Committee on Homeland Security and Governmental Affairs.

EC–4817. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Placement of Alfaxalone into Schedule IV'' (Docket No. DEA–370) received during adjournment of the Senate in the Office of the President of the Senate on February 28, 2014; to the Committee on the Judiciary.

EC–4818. A communication from the President, Chief Scout Executive, and the National Commissioner, Boy Scouts of America, transmitting, pursuant to law, the organization's 2013 annual report; to the Committee on the Judiciary.

EC–4819. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to eight legislative recommendations; to the Committee on Rules and Administration.

EC–4820. A communication from the Associate Administrator, Office of Government Contracting and Business Development, Small Business Administration, transmitting, pursuant to law, a report entitled ''2012 Fiscal Year Report to the U.S. Congress on Minority Small Business and Capital Ownership Development''; to the Committee on Small Business and Entrepreneurship.

EC–4821. A communication from the Attorney-Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator, National Highway Traffic Safety Administration, Department of Transportation, received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4822. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''National Appeals Office Rules of Procedure'' (RIN0648–BA36) received in the Office of the President of the Senate on February 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4823. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 60 Feet Length Overall Using Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD101) received in the Office of the President of the Senate on February 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4824. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic'' (RIN0648–XC464) received in the Office of the President of the

Senate on February 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4825. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction'' (RIN0648–XD078) received in the Office of the President of the Senate on February 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4826. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer'' (RIN0648–XD063) received in the Office of the President of the Senate on February 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4827. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Pot Catcher/Processors in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD104) received in the Office of the President of the Senate on February 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4828. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Increase'' (RIN0648–XD100) received in the Office of the President of the Senate on February 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4829. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD114) received in the Office of the President of the Senate on February 25, 2014; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Ms. CANTWELL for the Committee on Small Business and Entrepreneurship.

*Maria Contreras-Sweet, of California, to be Administrator of the Small Business Administration.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

Caroline Diane Krass, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

John P. Carlin, of New York, to be an Assistant Attorney General.

Francis Xavier Taylor, of Maryland, to be Under Secretary for Intelligence and Analysis, Department of Homeland Security.

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

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. SHAHEEN (for herself, Ms. AYOTTE, Mr. JOHNSON of Wisconsin, and Mr. MANCHIN):

S. 2078. A bill to prohibit Federal funding for motorcycle checkpoints, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RUBIO:

S. 2079. A bill to establish a pilot program to hire individuals with alternative educational experience; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself and Mr. CRAPO):

S. 2080. A bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, improve the quality of life for the people of the United States, enhance fish and wildlife-dependent recreation, and for other purposes; to the Committee on Environment and Public Works.

By Ms. COLLINS:

S. 2081. A bill to amend the Internal Revenue Code of 1986 to require notification of Congress by the Internal Revenue Service Oversight Board regarding any violation of the Constitutional rights of taxpayers; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mrs. FISCHER):

S. 2082. A bill to provide for the development of criteria under the Medicare program for medically necessary short inpatient hospital stays, and for other purposes; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself and Mr. BEGICH):

S. 2083. A bill to amend the Natural Gas Act to promote economic growth and job creation in the United States, to strengthen strategic partnerships with allies of the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRYOR (for himself and Ms. LANDRIEU):

S. 2084. A bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior to publish and make available for public comment a draft economic analysis at the time a proposed rule to designate critical habitat is published; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself, Mr. HOEVEN, Mr. FRANKEN, and Ms. BALDWIN):

S. 2085. A bill to address shortages and interruptions in the availability of propane and other home heating fuels in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ (for himself and Mr. CORKER) (by request):

S.J. Res. 33. A joint resolution relating to the approval of the proposed Third Amendment to the Agreement for Co-operation Between the United States of America and the International Atomic Energy Agency; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. COATS (for himself, Mr. KIRK, Mr. GRAHAM, Mr. MCCAIN, Mr. PORTMAN, Mr. BARRASSO, Mr. CORNYN, Mr. GRASSLEY, Mr. WICKER, Mr. ROBERTS, and Mr. HOEVEN):

S. Res. 370. A resolution supporting the territorial integrity of Ukraine and condemning Russian military aggression in Ukraine; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself, Mr. KIRK, and Mr. DURBIN):

S. Res. 371. A resolution honoring the legacy of Jan Karski by designating April 24, 2014, as ''Jan Karski Day''; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. Res. 372. A resolution supporting the goals and ideals of the Secondary School Student Athletes' Bill of Rights; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS (for himself, Mr. MORAN, Mr. BLUNT, and Mrs. MCCASKILL):

S. Res. 373. A resolution recognizing the importance of biosecurity and agro-defense in the United States; considered and agreed to.

By Mr. COONS (for himself, Mr. UDALL of New Mexico, Mrs. FEINSTEIN, Mr. INHOFE, Mr. WHITEHOUSE, Mr. DURBIN, Mr. MARKEY, and Mr. CARDIN):

S. Res. 374. A resolution designating March 3, 2014, as ''World Wildlife Day''; considered and agreed to.

By Mr. COONS (for himself and Mr. FLAKE):

S. Res. 375. A resolution concerning the crisis in the Central African Republic and supporting United States and international efforts to end the violence, protect civilians, and address root causes of the conflict; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 114

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 114, a bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy.

S. 192

At the request of Mr. BARRASSO, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 192, a bill to enhance the energy security of United States allies, and for other purposes.

S. 313

At the request of Mr. CASEY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 364

At the request of Mr. WALSH, his name was added as a cosponsor of S. 364, a bill to establish the Rocky Mountain Front Conservation Management

Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, and for other purposes.

S. 452

At the request of Mr. FRANKEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to reduce the incidence of diabetes among Medicare beneficiaries.

S. 739

At the request of Mrs. BOXER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 739, a bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes.

S. 932

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

S. 942

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. BROWN) 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. 958

At the request of Mr. UDALL of Colorado, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 958, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level, and for other purposes.

S. 1008

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1008, a bill to prohibit the Secretary of Homeland Security from implementing proposed policy changes that would permit passengers to carry small, nonlocking knives on aircraft.

S. 1060

At the request of Ms. KLOBUCHAR, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1060, a bill to amend the Public Health Service Act to facilitate emergency medical services personnel training and certification curriculums for military veterans.

S. 1181

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. SCHATZ) 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. 1401

At the request of Mr. HOEVEN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1401, a bill to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal land, and for other purposes.

S. 1495

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) 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. 1694

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1694, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1733

At the request of Ms. KLOBUCHAR, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1733, a bill to stop exploitation through trafficking.

S. 1738

At the request of Mr. CORNYN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1738, a bill to provide justice for the victims of trafficking.

S. 1756

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

S. 1799

At the request of Mr. COONS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1799, a bill to reauthorize subtitle A of the Victims of Child Abuse Act of 1990.

S. 1827

At the request of Mr. MANCHIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1827, a bill to award a Congressional Gold Medal to the American Fighter Aces, collectively, in recognition of their heroic military service and defense of our country's freedom throughout the history of aviation warfare.

S. 1941

At the request of Mr. JOHANNS, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1941, a bill to establish requirements for the adoption of any new or revised requirement providing for the screening, testing, or treatment of an airman or an air traffic controller for a sleep disorder, and for other purposes.

S. 2046

At the request of Mr. BROWN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2046, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries coordinated care and greater choice with regard to accessing hearing health services and benefits.

S. 2049

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. WALSH) was added as a cosponsor of S. 2049, a bill to curb unfair and deceptive practices during assertion of patents, and for other purposes.

S. 2069

At the request of Mr. BEGICH, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2069, a bill to amend the Internal Revenue Code of 1986 to expand and modify the credit for employee health insurance expenses of small employers.

S. CON. RES. 6

At the request of Mr. BARRASSO, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 348

At the request of Mr. BURR, the name of the Senator from Connecticut (Mr. MURPHY) 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.

S. RES. 365

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. Res. 365, a resolution deploring the violent repression of peaceful demonstrators in Venezuela, calling for full accountability for human rights violations taking place in Venezuela, and supporting the right of the Venezuelan people to the free and peaceful exercise of representative democracy.

AMENDMENT NO. 2752

At the request of Mr. BURR, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 2752 intended to be proposed to S. 1982, a bill to improve the provision of medical services and benefits to veterans, and for other purposes.

AMENDMENT NO. 2790

At the request of Ms. KLOBUCHAR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 2790 intended to be proposed to S. 1982, a bill to improve the

provision of medical services and benefits to veterans, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself and Mr. CRAPO):

S. 2080. A bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, improve the quality of life for the people of the United States, enhance fish and wildlife-dependent recreation, and for other purposes; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, I rise today to speak about a bill I am introducing with the Senior Senator from Idaho, that will help improve the long term health and abundance of United States' fish populations. Our bill takes a comprehensive approach to stopping the single greatest threat declining fish populations, by stemming the decline of healthy aquatic ecosystem habitats that are critical to all fish species.

Improving the quality of fish habitat provides benefits beyond improving the health and abundance of fish populations. Healthier aquatic ecosystems means healthier habitats for waterfowl and other wildlife as well as safer recreational waters for Americans to swim, boat and fish in.

North America is home to nearly 700 native fish species. This abundance of fish species is one of many natural treasures we must work to protect and maintain. Much like other precious natural resources in this country our wild fish populations face unfortunate anthropogenic threats. Forty percent of our native fish populations are in decline. This is due in large part to the impairment of more than half of our nation's waters including the waters of my state's, and the mid-Atlantic region's greatest treasure, the Chesapeake Bay. Deliberate and targeted action is needed to stem the loss of our precious fish resources by ensuring that these important aquatic habitats are better preserved.

State, federal and private efforts to address this challenge of improving and protecting critical fish habitat are underway in many states and in local communities. However, too many of these efforts are uncoordinated with one another which is leading to fragmented and less effective results than if these efforts carried out in a more networked and comprehensive fashion.

Under the National Fish Habitat Conservation Act, Federal Government agencies will work in careful coordination with state and local governments, as well as stakeholder organizations and industries like conservation groups, fisherman, and companies in the outdoor recreation industry to collaboratively execute the scientifically most effective fish and aquatic habitat conservation projects possible.

Our legislation leverages funds from Federal and State natural resource agencies and private funds to build regional partnerships focused on improving critical aquatic habitats across the country. Targeting these financial resources, through government and private partnership, towards projects in regional watersheds that will make the greatest improvements to the health of aquatic habitats will improve the health and abundance of native fish populations, improve the quality of life for surrounding communities, and improve recreational opportunities which is a boost to our national and local economies. The goal of this effort is to foster landscape scale starting at the local level through multi-state aquatic habitat improvement projects. The goal is also to engage stakeholders like commercial fisherman, anglers, outfitters and other angling and sportsmen industries to participate in this effort to make lasting improvements to the health and sustainability of our fisheries resources.

The National Fish Habitat Conservation Act authorizes $7.2 million annually for fish habitat restoration and protection projects that are supported by regional Fish Habitat Partnerships the bill also establishes. Based on the successful North American Wetlands Conservation Act model, the National Fish Habitat Conservation Act establishes a multi-stakeholder National Fish Habitat Board to recommend projects to the Secretary of Interior for funding. Regional Fish Habitat Partnerships are responsible for implementing habitat protection and restoration projects in the watersheds that will enhance fish habitats and fish populations.

The National Fish Habitat Conservation Act applies a proven and effective model for habitat conservation to protect and restore declining quality fish habitat. Our legislation ensures collaboration between expert stakeholders and state and regional fisheries resource managers to ensure the effectiveness of the work that is done.

I look forward to working with my colleagues to pass this important legislation.

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. 2080

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Fish Habitat Conservation Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purpose.
Sec. 3. Definitions.
Sec. 4. National Fish Habitat Board.
Sec. 5. Fish habitat partnerships.
Sec. 6. Fish habitat conservation projects.
Sec. 7. National Fish Habitat Conservation Partnership Program.
Sec. 8. Technical and scientific assistance.
Sec. 9. Conservation of fish habitat on Federal land.
Sec. 10. Coordination with States and Indian tribes.
Sec. 11. Accountability and reporting.
Sec. 12. Effect of Act.
Sec. 13. Nonapplicability of Federal Advisory Committee Act.
Sec. 14. Funding.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) healthy populations of fish depend on the conservation, protection, restoration, and enhancement of fish habitats in the United States;

(2) fish habitats (including wetlands, streams, rivers, lakes, estuaries, and coastal and marine habitats) perform numerous valuable environmental functions that sustain environmental, social, and cultural values, including recycling nutrients, purifying water, attenuating floods, augmenting and maintaining stream flows, recharging ground water, acting as primary producers in the food chain, and providing essential and significant habitat for plants, fish, wildlife, and other dependent species;

(3) the extensive and diverse fish habitat resources of the United States are of enormous significance to the economy of the United States, providing—

(A) recreation for 60,000,000 anglers;

(B) more than 828,000 jobs and approximately $115,000,000,000 in economic impact each year relating to recreational fishing; and

(C) approximately 575,000 jobs and an additional $36,000,000,000 in economic impact each year relating to commercial fishing;

(4) at least 40 percent of all threatened species and endangered species in the United States are directly dependent on fish habitats;

(5) certain fish species are considered to be ecological indicators of fish habitat quality, such that the presence of those species reflects high-quality habitat for fish species;

(6) loss and degradation of fish habitat, riparian habitat, water quality, and water volume caused by activities such as alteration of watercourses, stream blockages, water withdrawals and diversions, erosion, pollution, sedimentation, and destruction or modification of wetlands have—

(A) caused significant declines in fish populations throughout the United States, especially declines in native fish populations; and

(B) resulted in economic losses to the United States;

(7)(A) providing for the conservation and sustainability of fish populations has not been fully realized, despite federally funded fish and wildlife restoration programs and other activities intended to conserve fish habitat; and

(B) conservation and sustainability may be significantly advanced through a renewed commitment and sustained, cooperative efforts that are complementary to existing fish and wildlife restoration programs and clean water programs;

(8) the National Fish Habitat Action Plan provides a framework for maintaining and restoring fish habitats to perpetuate populations of fish species;

(9) the United States can achieve significant progress toward providing fish habitats for the conservation and restoration of fish species through a voluntary, nonregulatory incentive program that is based on technical and financial assistance provided by the Federal Government;

(10) the creation of partnerships between local citizens, Indian tribes, Alaska Native organizations, corporations, nongovernmental organizations, and Federal, State,

and tribal agencies is critical to the success of activities to restore fish habitats;

(11) the Federal Government has numerous land and water management agencies that are critical to the implementation of the National Fish Habitat Action Plan, including—

(A) the United States Fish and Wildlife Service;

(B) the Bureau of Land Management;

(C) the National Park Service;

(D) the Bureau of Reclamation;

(E) the Bureau of Indian Affairs;

(F) the National Marine Fisheries Service;

(G) the Forest Service;

(H) the Natural Resources Conservation Service; and

(I) the Environmental Protection Agency;

(12) the United States Fish and Wildlife Service, the Forest Service, the Bureau of Land Management, and the National Marine Fisheries Service each play a vital role in—

(A) the protection, restoration, and enhancement of the fish communities and fish habitats in the United States; and

(B) the development, operation, and long-term success of fish habitat partnerships and project implementation;

(13) the United States Geological Survey, the United States Fish and Wildlife Service, and the National Marine Fisheries Service each play a vital role in scientific evaluation, data collection, and mapping for fishery resources in the United States;

(14) the State and Territorial fish and wildlife agencies play a vital role in—

(A) the protection, restoration, and enhancement of the fish communities and fish habitats in their respective States and territories; and

(B) the development, operation, and long-term success of fish habitat partnerships and project implementation; and

(15) many of the programs for conservation on private farmland, ranchland, and forestland that are carried out by the Secretary of Agriculture, including the Natural Resources Conservation Service and the State and Private Forestry programs of the Forest Service, are able to significantly contribute to the implementation of the National Fish Habitat Action Plan through the engagement of private landowners.

(b) PURPOSE.—The purpose of this Act is to encourage partnerships among public agencies and other interested parties consistent with the mission and goals of the National Fish Habitat Action Plan—

(1) to promote intact and healthy fish habitats;

(2) to improve the quality and quantity of fish habitats and overall health of fish species;

(3) to increase the quality and quantity of fish habitats that support a broad natural diversity of fish and other aquatic species;

(4) to improve fish habitats in a manner that leads to improvement of the annual economic output from recreational, subsistence, and commercial fishing;

(5) to enhance fish and wildlife-dependent recreation;

(6) to coordinate and facilitate activities carried out by Federal departments and agencies under the leadership of—

(A) the Director of the United States Fish and Wildlife Service;

(B) the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration; and

(C) the Director of the United States Geological Survey; and

(7) to achieve other purposes in accordance with the mission and goals of the National Fish Habitat Action Plan.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) ASSISTANT ADMINISTRATOR.—The term ''Assistant Administrator'' means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(3) BOARD.—The term ''Board'' means the National Fish Habitat Board established by section 4(a)(1).

(4) CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.—The terms ''conservation'', ''conserve'', ''manage'', and ''management'' mean to maintain, sustain, and, where practicable, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and the regulated harvesting of fish)—

(A) a healthy population of fish;

(B) a habitat required to sustain fish and fish populations; or

(C) a habitat required to sustain fish productivity.

(5) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(6) FISH.—

(A) IN GENERAL.—The term ''fish'' means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) INCLUSIONS.—The term ''fish'' includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(7) FISH AND WILDLIFE-DEPENDENT RECREATION.—The term ''fish and wildlife-dependent recreation'' means a use involving hunting, fishing, wildlife observation and photography, or conservation education and interpretation.

(8) FISH HABITAT.—

(A) IN GENERAL.—The term ''fish habitat'' means an area on which fish depend to carry out the life processes of the fish, including an area used by the fish for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) INCLUSIONS.—The term ''fish habitat'' may include—

(i) an area immediately adjacent to an aquatic environment, if the immediately adjacent area—

(I) contributes to the quality and quantity of water sources; or

(II) provides public access for the use of fishery resources; and

(ii) an area inhabited by saltwater and brackish fish, including an offshore artificial marine reef in the Gulf of Mexico.

(9) FISH HABITAT CONSERVATION PROJECT.—

(A) IN GENERAL.—The term ''fish habitat conservation project'' means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 6; and

(ii) provides for the conservation or management of a fish habitat.

(B) INCLUSIONS.—The term ''fish habitat conservation project'' includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by the National Fish Habitat Conservation Partnership Program or any other agency to facilitate the development of strategies and priorities for the conservation of fish habitats; or

(ii) the voluntary obtaining of a real property interest in land or water, by a State, local government, or other non-Federal entity, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

(10) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) NATIONAL FISH HABITAT ACTION PLAN.—The term ''National Fish Habitat Action Plan'' means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(12) PARTNERSHIP.—The term ''Partnership'' means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 5(a).

(13) REAL PROPERTY INTEREST.—The term ''real property interest'' means an ownership interest in—

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(15) STATE.—The term ''State'' means—

(A) each of the several States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) the Virgin Islands; and

(F) any other territory or possession of the United States.

(16) STATE AGENCY.—The term ''State agency'' means—

(A) the fish and wildlife agency of a State;

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or sustains the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

SEC. 4. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) FISH HABITAT BOARD.—There is established a board, to be known as the ''National Fish Habitat Board'', whose duties are—

(A) to promote, oversee, and coordinate the implementation of this Act and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for fish habitat conservation;

(C) to approve Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 28 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife

agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States;

(J) 1 shall be a representative of the American Fisheries Society;

(K) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(L) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(M) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(N) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(O) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (O) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H), (I), (J), (L), (M), (N), and (O) of subsection (a)(2).

(B) TRIBAL REPRESENTATIVES.—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (K) of subsection (a)(2).

(3) TRANSITIONAL TERMS.—Of the members described in subsection (a)(2)(O) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in subparagraphs (H), (I), (J), (L), (M), (N), and (O) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (K) of subsection (a)(2), the Secretary shall recommend to the Board a list of not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (O) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of ⅔ of all members;

(C) procedures for establishing national goals and priorities for fish habitat conservation for the purposes of this Act;

(D) procedures for designating Partnerships under section 5; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

SEC. 5. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO APPROVE.—The Board may approve and designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) identifies representatives to provide support and technical assistance to the Partnership from a diverse group of public and private partners, which may include Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of fish habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important fish habitats and distinct geographical areas, important fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and fish habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) promotes collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

SEC. 6. FISH HABITAT CONSERVATION PROJECTS.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this Act.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this Act, in order of priority, for the following fiscal year.

(c) CONSIDERATIONS.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating actively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this Act or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases recreational fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(iv) advances the conservation of fish and wildlife species that have been identified by the States as species in greatest need of conservation;

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and

Management Act (16 U.S.C. 1801 et seq.), other relevant Federal law, and State wildlife action plans; and

(vi) promotes strong and healthy fish habitats such that desired biological communities are able to persist and adapt; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this Act unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met;

(C) to identify improvements to existing recreational fishing opportunities and the overall economic benefits for the local community of the fish habitat conservation project; and

(D) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION OF REAL PROPERTY INTERESTS.—

(A) ACQUISITION OF REAL PROPERTY INTERESTS.—

(i) IN GENERAL.—Subject to clause (ii), a State, local government, or other non-Federal entity shall be eligible to receive funds under this Act for the acquisition of real property.

(ii) RESTRICTION.—No fish habitat conservation project that will result in the acquisition by a State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this Act unless the project meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—

(i) IN GENERAL.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, local government, or other non-Federal entity unless—

(I) the Secretary determines that the State, local government, or other non-Federal entity is obligated to undertake the management of the real property being acquired in accordance with the purposes of this Act; and

(II) the owner of the real property authorizes the State, local government, or other non-Federal entity to acquire the real property.

(ii) ADDITIONAL CONDITIONS.—Any real property interest acquired by a State, local government, or other non-Federal entity pursuant to a fish habitat conservation project shall be subject to terms and conditions established by the Secretary providing for the long-term conservation and management of the fish habitat and the fish and wildlife dependent on that habitat.

(iii) PUBLIC ACCESS.—

(I) IN GENERAL.—Any acquisition of fee title to real property by a State, local government, or non-Federal entity pursuant to this Act shall, where applicable and consistent with State laws and regulations, provide public access to that real property for compatible fish and wildlife-dependent recreation.

(II) PUBLIC ACCESS.—Public access to real property described in subclause (I) shall be closed only for purposes of protecting public safety, the property, or habitat.

(iv) STATE AGENCY APPROVAL.—

(I) IN GENERAL.—Any real property interest acquired by a State, local government, or other non-Federal entity under this Act shall be approved by the applicable State agency in the State in which the fish habitat conservation project is carried out.

(II) ADMINISTRATION.—The Board shall not recommend, and the Secretary shall not provide any funding under this Act for, the acquisition of any real property interest described in subclause (I) that has not been approved by the applicable State agency.

(v) VIOLATION.—If the State, local government, or other non-Federal entity violates any term or condition established by the Secretary under clause (ii), the Secretary may require the State, local government, or other non-Federal entity to refund all or part of any payments received under this Act, with interest on the payments as determined appropriate by the Secretary.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this Act unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) PROJECTS ON FEDERAL LAND OR WATER.—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this Act may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), subject to the limitations under subsection (d), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) FUNDING.—If a fish habitat conservation project under paragraph (1) is approved by the Secretary, or the Secretary and the Secretary of Commerce jointly, the Secretary, or the Secretary and the Secretary of Commerce jointly, as applicable, shall use amounts made available to carry out this Act to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the priority of any fish habitat conservation project recommended by the Board under subsection (b) is rejected or reordered by the Secretary, or the Secretary and the Secretary of Commerce jointly, the Secretary, or the Secretary and the Secretary of Commerce jointly, shall, not later than 180 days after the date of receipt of the recommendations, provide to the Board, the appropriate Partnership, and the appropriate congressional committees a written statement of the Secretary, or the Secretary and the Secretary of Commerce jointly, as applicable, detailing the reasons why the Secretary or the Secretary and the Secretary of Commerce jointly rejected or reordered the priority of the fish habitat conservation project.

SEC. 7. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP PROGRAM.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall establish a program, to be known as the ''National Fish Habitat Conservation Partnership Program'', within the Division of Fish and Aquatic Conservation of the United States Fish and Wildlife Service.

(b) FUNCTIONS.—The National Fish Habitat Conservation Partnership Program shall—

(1) provide funding for the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach;

(2) provide funding to support the detail of State and tribal fish and wildlife staff to the Program;

(3) facilitate the cooperative development and approval of Partnerships;

(4) assist the Secretary and the Board in carrying out this Act;

(5) assist the Secretary in carrying out the requirements of sections 8 and 10;

(6) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(7) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(8) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(9) coordinate technical and scientific reporting as required by section 11;

(10) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this Act in an efficient manner; and

(11) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Program that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Program; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(d) STAFF AND SUPPORT.—

(1) DEPARTMENTS OF INTERIOR AND COMMERCE.—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Program, subject to the availability of funds under section 14.

(2) STATES AND INDIAN TRIBES.—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Program.

(3) DETAILEES AND CONTRACTORS.—The National Fish Habitat Conservation Partnership Program may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) QUALIFICATIONS.—The staff of the National Fish Habitat Conservation Partnership Program shall include members with education and experience relating to the principles of fish, wildlife, and habitat conservation.

(e) REPORTS.—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Program.

SEC. 8. TECHNICAL AND SCIENTIFIC ASSISTANCE.

(a) IN GENERAL.—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) INCLUSIONS.—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment;

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects; and

(7) providing resources to secure State agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

SEC. 9. CONSERVATION OF FISH HABITAT ON FEDERAL LAND.

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency may coordinate with the Assistant Administrator and the Director to promote healthy fish populations and fish habitats.

SEC. 10. COORDINATION WITH STATES AND INDIAN TRIBES.

The Secretary shall provide a notice to, and cooperate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this Act, including notification, by not later than 30 days before the date on which the activity is implemented.

SEC. 11. ACCOUNTABILITY AND REPORTING.

(a) REPORTING.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the progress of—

(A) this Act; and

(B) the National Fish Habitat Action Plan.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of fish habitat that was maintained or improved under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to fish habitats established or improved under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public recreational fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this Act during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 6(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 6(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the Board under section 6(b) that was based on a factor other than the criteria described in section 6(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) STATUS AND TRENDS REPORT.—Not later than December 31, 2015, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of fish habitats in the United States.

(c) REVISIONS.—Not later than December 31, 2015, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

SEC. 12. EFFECT OF ACT.

(a) WATER RIGHTS.—Nothing in this Act—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of this Act regarding water quality or water quantity.

(b) AUTHORITY TO ACQUIRE WATER RIGHTS OR RIGHTS TO PROPERTY.—In carrying out section 6(d)(2), only a State, local government, or other non-Federal entity may acquire, in accordance with applicable State law, water rights or rights to property pursuant to a fish habitat conservation projected funded under this Act.

(c) STATE AUTHORITY.—Nothing in this Act—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(d) EFFECT ON INDIAN TRIBES.—Nothing in this Act abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(e) ADJUDICATION OF WATER RIGHTS.—Nothing in this Act diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(f) DEPARTMENT OF COMMERCE AUTHORITY.—Nothing in this Act affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(g) EFFECT ON OTHER AUTHORITIES.—

(1) PRIVATE PROPERTY PROTECTION.—Nothing in this Act permits the use of funds made available to carry out this Act to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(2) MITIGATION.—Nothing in this Act permits the use of funds made available to carry out this Act for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

(3) CLEAN WATER ACT.—Nothing in this Act affects or alters any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including any definition in that Act.

SEC. 13. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

SEC. 14. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary $7,200,000 for each of fiscal years 2014 through 2018 to provide funds for fish habitat conservation projects approved under section 6(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.

(2) NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP PROGRAM.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for each of fiscal years 2014 through 2018 for the National Fish Habitat Conservation Partnership Program, and to carry out section 11, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) REQUIRED TRANSFERS.—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Program pursuant to the interagency operational plan under section 7(c).

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There are authorized to be appropriated for each of fiscal years 2014 through 2018 to carry out, and provide technical and scientific assistance under, section 8—

(A) $500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) $500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) $500,000 to the Secretary for use by the United States Geological Survey.

(4) PLANNING AND ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2014 through 2018 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 3 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this Act; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this Act.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this Act; and

(B) accept donations of funds, property, and services to carry out the purposes of this Act.

(2) TREATMENT.—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

By Ms. COLLINS:

S. 2081. A bill to amend the Internal Revenue Code of 1986 to require notification of Congress by the Internal Revenue Service Oversight Board regarding any violation of the Constitutional rights of taxpayers; to the Committee on Finance.

TAXPAYER PROTECTION ACT OF 2014

Ms. COLLINS. Mr. President, I rise to introduce the Taxpayer Protection Act of 2014. This bill would require the independent IRS oversight board to better fulfill its obligation to protect the constitutional rights of American taxpayers. The history of the IRS offers abundant examples of the agency trampling on these rights. In the most recent controversy, the IRS subjected applications from conservative groups that were seeking tax-exempt status to heightened scrutiny. Delaying these groups' applications suggests an effort to chill the constitutional right of speech and association by groups that hold conservative views.

The details that have emerged are truly alarming. The IRS has admitted that it deliberately targeted conservative groups' applications for tax-exempt status for extra review if they included such words as ''tea party,'' ''patriots,'' or ''9/11'' in their names or they criticized how this country is being run or if their purpose were to address government spending, government debt, taxes, or simply to make America a better place. Incredible.

These inappropriate criteria stayed in place for more than 18 months and resulted in substantial delays in processing the applications of many different groups. In some cases, the applications remained outstanding for more than 2 years.

The IRS also sought to compel some of the targeted groups to divulge their membership list. IRS officials have subsequently admitted there was absolutely no reason for agency personnel to have sought that kind of information.

Such behavior, unfortunately, is not a one-time aberration. A May 2013 ''Time'' magazine article notes that the IRS has been involved in scandals going back at least as far as the Kennedy administration, which used the service to investigate so-called right-wing groups. President Nixon employed a secret IRS operation to investigate and audit political opponents. During the Johnson administration, the IRS targeted antiwar activists.

In the decades since, civil rights groups, political activists from both the conservative and liberals ends of the spectrum, and whistleblowers have been subjected to intimidating and discriminatory scrutiny by the IRS.

In 1997, the Senate Finance Committee held 3 days of hearings instigated by reports of IRS abuses. One type of abuse was the so-called Blue Sky Assessment, which then-committee chairman William Roth characterized as agents making tax assessments that had no basis in fact or law, and were, in some instances, simply levied to hurt the taxpayer. Some witnesses had to have their identities concealed out of fear of retaliation for their testimony. As witness No. 1—an IRS agent—stated, '' . . . abuse of the taxpaying public occurs when the IRS improperly and sometimes illegally uses its vast power in the process of implementing some type of enforcement of the tax laws.''

This agent went on to note it wasn't the IRS Code which abused taxpayers but rather how it was being implemented in an unfair, intimidating, and discriminatory way.

I note these 1997 hearings in particular because they coincided with an effort to reform the IRS, culminating in the IRS Restructuring and Reform Act. The act made a number of changes to the structure of the IRS and the manner in which it administers the tax laws. One such reform was the creation of the IRS Oversight Board.

By law, the Board is charged with ensuring taxpayers are treated properly by the IRS, and the Board is designed to be independent of the agency. Of the required nine members, seven must be Senate-confirmed appointees who have professional experience or expertise in business and tax administration. The IRS Reform Act also requires IRS employees be terminated for violating the constitutional rights of taxpayers.

The current IRS scandal was not, however, brought to light by this IRS Oversight Board. Instead, these abuses came to the public's and our attention through a May 2013 report by the Treasury Inspector General for Tax Administration. Following the release of the inspector general's report, the Oversight Board released a statement saying it would work with the IRS and the IG, among others, to meet its statutory responsibility to protect taxpayers. That is the whole purpose of this Board, and I believe it should do much more than just work with IRS officials and the IG.

So my bill would strengthen its oversight role by requiring reporting to Congress. My bill would ensure the existing laws, which are rooted in the response to prior IRS scandals, work as they should. It would require that the Oversight Board report to Congress each and every year on allegations of abuse, of taxpayers' constitutional rights, on the number of employees who were terminated for such violations, on why employees against whom allegations were raised were not terminated, and on the effectiveness of internal controls, if any, that the IRS has put in place to prevent the unfair targeting of taxpayers.

The IRS's history of abuses demonstrates that Congress must be ever vigilant in protecting taxpayers. The agency's power allows it to pervade the most sensitive aspects of Americans' private lives. Irrespective of whether those singled out are liberal or conservative, Democratic or Republican, Independent or Green Party members, irrespective of their personal views, the targeting of private citizens for exercising their First Amendment rights is way out of bounds. It is illegal behavior and cannot be tolerated.

It has been said the power to tax is the power to destroy. The American people cannot and will not tolerate any abuse of that power.

I urge my colleagues to join me in cosponsoring this bill and let us pass it to help protect the most fundamental rights guaranteed by our Constitution against abuse by government's ability to tax.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 370—SUPPORTING THE TERRITORIAL INTEGRITY OF UKRAINE AND CONDEMNING RUSSIAN MILITARY AGGRESSION IN UKRAINE

Mr. COATS (for himself, Mr. KIRK, Mr. GRAHAM, Mr. MCCAIN, Mr. PORTMAN, Mr. BARRASSO, Mr. CORNYN,

Mr. GRASSLEY, Mr. WICKER, Mr. ROBERTS, and Mr. HOEVEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 370

Whereas, on February 26–27, 2014, armed men in unmarked military uniforms seized key strategic objects in the Autonomous Republic of Crimea (''Crimea'') in Ukraine, including the building of the Crimean Parliament and airports;

Whereas, as of March 4, 2014, the Government of Ukraine confirms that there are approximately 16,000 Russian troops occupying Crimea;

Whereas, on February 28, 2014, President Barack Obama stated that the United States is ''deeply concerned by reports of military movements taken by the Russian Federation inside of Ukraine'' and that it ''would be a clear violation of Russia's commitment to respect the independence and sovereignty and borders of Ukraine, and of international law'';

Whereas President Obama pledged that ''the United States will stand with the international community in affirming that there will be costs for any military intervention in Ukraine'';

Whereas the armed forces of the Russian Federation have violated Ukrainian sovereignty, violated international law, threatened the stability of Ukraine and the European continent, and compelled the North Atlantic Treaty Organization (NATO) to meet in emergency session to consider threats to Poland and other NATO members states; and

Whereas President Obama has announced his intention to work with Congress to respond forcefully to the outrageous and dangerous misbehavior of the Government of the Russian Federation: Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns the Russian Federation's military incursion into Crimea, in clear violation of Ukraine's territorial integrity and in contravention of international law;

(2) calls on the Government of the Russian Federation to immediately withdraw all unauthorized military personnel from Crimea;

(3) pledges to work urgently and in bipartisan fashion with the President to identify a comprehensive package of economic sanctions and other measures to compel President Vladimir Putin to remove his armed forces from Ukrainian territory and return that territory to full Ukrainian sovereign control;

(4) calls upon the President to seek to reschedule a meeting of the G–8 nations, to take place as soon as practicable, where the participating nations should consider a United States proposal to formally expel the Russian Federation;

(5) urges the United States to propose to NATO that the Alliance immediately suspend operation of the Russia-NATO Council and expel the Russian Federation's military and diplomatic representation in NATO;

(6) urges the United States to work with other members of the Organization for Security and Cooperation in Europe (OSCE) to deploy monitors in Ukraine to help confirm that the security of the Russian-speaking population is not threatened;

(7) urges the President to consider downgrading United States diplomatic representation with the Russian Federation, including refraining from sending a new United States ambassador to Moscow and closing United States consulates general in Yekaterinburg and Vladivostok and requiring the Government of the Russian Federation to make reciprocal steps to close consulates in the United States;

(8) calls on the President to utilize all tools, including the Sergei Magnitsky Rule of Law Accountability Act of 2012 (title IV of Public Law 112–208; 126 Stat. 1502), to expand the Act's list of sanctioned individuals to impose sanctions on all officials of the Ministry of Defense of the Russian Federation in the chain of command responsible for the invasion of Crimea, leadership of the Duma responsible for condoning the invasion, and Crimean officials complicit in its execution;

(9) urges the President to consider additional sanctions, such as suspension of eligibility of Russian citizens for temporary or seasonal United States work visas;

(10) urges the leadership of FIFA to reconsider its decision to place World Cup 2018 matches in Russia and instead award those games to a more worthy alternative country.

SENATE RESOLUTION 371—HONORING THE LEGACY OF JAN KARSKI BY DESIGNATING APRIL 24, 2014, AS ''JAN KARSKI DAY''

Mr. MENENDEZ (for himself, Mr. KIRK, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 371

Whereas Jan Karski was born on April 24, 1914, in Lodz, Poland;

Whereas Jan Karski managed to escape the Soviet massacre in the Katyn forest in 1940, in which almost 22,000 Polish citizens lost their lives;

Whereas Jan Karski became a key emissary in the Polish underground resistance, the Home Army, against Nazi occupation;

Whereas Jan Karski risked his own life after escaping a prisoner of war camp, having endured Gestapo torture, to continue to act as an emissary for the Polish Underground, in order to provide critical intelligence to the Allied war effort and alert Allied governments about the Holocaust and the dire situation on the ground in German-occupied Poland;

Whereas Jan Karski traveled to allied capitals and provided critical eyewitness testimony about the horrors of Hitler's ''Final Solution'' and the extermination of Jews and others in Nazi-occupied Poland to British Foreign Minister Anthony Eden and United States President Franklin Roosevelt;

Whereas Jan Karski, after living through the atrocities of World War II, went on to earn a Ph.D. from Georgetown University in 1952;

Whereas Jan Karski became a United States citizen and taught generations of students of foreign policy at Georgetown University for 40 years, dedicating the rest of his life to strengthening the idea of tolerance and respect for different religions and cultures and ensuring that the full extent of the Nazi atrocities are never forgotten; and

Whereas Jan Karski was awarded the Presidential Medal of Freedom posthumously on May 29, 2012, one of the highest civilian honors in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 24, 2014, as ''Jan Karski Day'';

(2) recognizes the life and legacy of Dr. Jan Karski, and expresses its gratitude for his efforts alerting the free world about the atrocities committed by Nazi and totalitarian forces in occupied Poland during World War II; and

(3) applauds the awarding of the Presidential Medal of Freedom to Jan Karski for his efforts during World War II and reaffirms the importance of the United States-Poland bilateral relationship.

SENATE RESOLUTION 372—SUPPORTING THE GOALS AND IDEALS OF THE SECONDARY SCHOOL STUDENT ATHLETES' BILL OF RIGHTS

Mr. MENENDEZ submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 372

Whereas over 7,700,000 student athletes participated in secondary school athletics during the 2012 to 2013 academic year;

Whereas it is estimated that in 2012, secondary school student athletes participating in 9 of the most popular high school sports, including football, boys' and girls' soccer, girls' volleyball, boys' and girls' basketball, wrestling, baseball, and softball, suffered over 1,300,000 instances of injury;

Whereas every 3 minutes, a child is treated in an emergency department for a sports-related concussion, accounting for more than 8 percent of all sports-related emergency cases;

Whereas the number of sports-related concussion injuries has doubled in the last 15 years among student athletes aged 8 to 19, despite an overall decrease in the number of students participating in sports;

Whereas sudden cardiac arrest (SCA) is the leading cause of death for youth participating in sports or exercising, with upwards of 80 percent of those suffering from SCA being asymptomatic prior to cardiac arrest;

Whereas instances of heat-related illness have more than doubled since 1997 and affect high school football players at an average rate that is 10 times higher than that of participants in other sports;

Whereas approximately 1,500 children aged 12 to 17 were treated in an emergency department for energy drink-related emergencies in 2011;

Whereas secondary school student athletes with access to certified athletic health care professionals have lower overall injury rates, lower recurrent injury rates, and lower concussion rates than student athletes without access to certified athletic health care professionals;

Whereas in light of the increase in athletic-related injuries to student athletes, schools are encouraged to develop and adopt best practices and standards to prevent and address student athlete injury;

Whereas the Secondary School Student Athletes' Bill of Rights sets forth that secondary school student athletes have the right to—

(1) be coached by individuals who are well-trained in sport-specific safety and to be monitored by athletic health care team members;

(2) quality, regular pre-participation examinations and each athlete has the right to participate under a comprehensive concussion management plan;

(3) participate in sporting activities on safe, clean playing surfaces, in both indoor and outdoor facilities;

(4) utilize equipment and uniforms that are safe, fitted appropriately, and routinely maintained, and to appropriate personnel trained in proper removal of equipment in case of injury;

(5) participate safely in all environmental conditions where play follows approved guidelines and medical policies and procedures, with a hydration plan in place;

(6) a safe playing environment with venue-specific emergency action plans that are coordinated by the athletic health care team

and regularly rehearsed with local emergency personnel;

(7) privacy of health information and proper referral for medical, psychosocial, and nutritional counseling;

(8) participate in a culture that finds ''playing through pain'' unacceptable unless there has been a medical assessment;

(9) immediate, on-site injury assessments with decisions made by qualified sports medicine professionals; and

(10) along with their parents, the latest information about the benefits and potential risks of participation in competitive sports, including access to statistics on fatalities and catastrophic injuries to youth athletes; and

Whereas the Secondary School Student Athletes' Bill of Rights, which sets forth goals and ideals to improve the health, well-being, and athletic experience of secondary school students, can serve as a valuable resource to reduce injury, promote athlete safety, and encourage well-being: Now, therefore, be it

Resolved, That the Senate—

(1) expresses support for the principles and values set forth in the Secondary School Student Athletes' Bill of Rights;

(2) recognizes the importance of proper safety measures, timely medical assessments, and appropriate environmental conditions in ensuring the health and well-being of secondary school student athletes;

(3) recognizes the role that teachers, parents, coaches, and athletic health care team members play in ensuring the safety and well-being of secondary school student athletes;

(4) expresses support for secondary schools that have successfully implemented programs, policies, and practices to emphasize and encourage student athlete safety and well-being; and

(5) encourages secondary schools to continue to take all available and reasonable efforts to ensure student athlete safety.

SENATE RESOLUTION 373—RECOGNIZING THE IMPORTANCE OF BIOSECURITY AND AGRO-DEFENSE IN THE UNITED STATES

Mr. ROBERTS (for himself, Mr. MORAN, Mr. BLUNT, and Mrs. MCCASKILL) submitted the following resolution; which was considered and agreed to:

S. RES. 373

Whereas following the September 11, 2001 terrorist attacks, the United States increased its efforts to combat the threat of global terrorism;

Whereas the September 11th attacks illustrated the vulnerability of the food supply and agriculture economy of the United States;

Whereas in 2002, Congress created the Department of Homeland Security to improve the Government's ability to respond to threats facing the United States;

Whereas the Department of Homeland Security, in partnership with the Department of Agriculture, was quick to recognize the threat posed by agroterrorism;

Whereas on January 30, 2004, President George W. Bush issued a Homeland Security Presidential Directive entitled ''Defense of United States Agriculture and Food'';

Whereas the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism stated in a 2008 report that bioterrorism was a more likely threat to the United States than nuclear terrorism, and higher priority should therefore be given to efforts to combat bioterrorism;

Whereas the threat of a terrorist attack on the United States persists, and continued vigilance is necessary; and

Whereas construction of the National Bio and Agro-Defense Facility began on May 28, 2013: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) as the United States combats terrorism in all forms and around the world, the safety, security, and health of our livestock and agriculture commodities must not be forgotten;

(2) research and investment in biosecurity and agro-defense should be supported by Congress;

(3) providing the resources, both intellectually and materially, for the advancement of vaccines and cures for deadly pathogens and emerging zoonotic diseases is an integral part of homeland defense;

(4) without the tools necessary to protect the people, agriculture economy, and food supply of the United States, this Nation remains vulnerable to attack;

(5) the world depends on the agriculture of the United States;

(6) the world depends on the leadership of the United States in science and technology;

(7) the United States must remain a leader in the fight against bioterrorism; and

(8) biosecurity and a strong agro-defense system are achievable goals for the United States in the global war on terrorism.

SENATE RESOLUTION 374—DESIGNATING MARCH 3, 2014, AS ''WORLD WILDLIFE DAY''

Mr. COONS (for himself, Mr. UDALL of New Mexico, Mrs. FEINSTEIN, Mr. INHOFE, Mr. WHITEHOUSE, Mr. DURBIN, Mr. MARKEY, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 374

Whereas wildlife has provided numerous economic, environmental, social, and cultural benefits during the course of human history, and wildlife preservation will secure these gifts for future generations;

Whereas each plant and animal species plays an important role in the stability of diverse ecosystems around the world, and the conservation of this biodiversity is critical to maintain the delicate balance of nature and keep complex ecosystems thriving;

Whereas observation of wild plants and animals in their natural habitat provides individuals with a more enriching world view and a greater appreciation of the wonders of the natural environment;

Whereas tens of millions of individuals in the United States strongly support the conservation of wildlife, both domestically and abroad, and wish to ensure the survival of species in the wild, such as rhinoceroses, tigers, elephants, pangolins, turtles, seahorses, sharks, ginseng, mahogany, and cacti;

Whereas the Convention on International Trade in Endangered Species of Wild Fauna and Flora (referred to in this preamble as ''CITES'' and also known as the ''Washington Convention'') was signed in Washington, DC, on March 3, 1973;

Whereas 179 countries, including the United States, are now parties to CITES;

Whereas CITES remains one of the most powerful tools in the world for biodiversity conservation by regulating international trade in wild plants and animals, including products and derivatives of wild plants and animals, ensuring the survival of plants and animals in the wild, and providing long-term benefits for the livelihood of local people and the global environment;

Whereas CITES seeks to ensure that international trade in listed species is sustainable, legal, and traceable;

Whereas the trafficking of wildlife, including timber and fish, comprises the fourth largest global illegal trade, after narcotics, counterfeiting of products and currency, and human trafficking, and has become a major transnational organized crime with an estimated worth of approximately $19,000,000,000 annually;

Whereas increased demand in Asia for high-value illegal wildlife products, particularly elephant ivory and rhinoceros horns, has recently triggered substantial and rapid increases in poaching of these species, particularly in Africa;

Whereas trafficking of wildlife is the primary threat to many wildlife species, including elephants, rhinoceroses, and tigers;

Whereas many different kinds of criminals, including some terrorist entities and rogue security personnel, often in collusion with corrupt government officials, are involved in wildlife poaching and the movement of ivory and rhinoceros horns across Africa;

Whereas wildlife poaching presents significant security and stability challenges for military and police forces in African nations that are often threatened by heavily armed poachers and the criminal and extremist allies of such poachers;

Whereas wildlife poaching negatively impacts local communities that rely on natural resources for economic development, including tourism;

Whereas the lack of sufficient penal and financial deterrents hamper the ability of African governments to reduce poaching and trafficking;

Whereas capacity building, including material, training, legal, and diplomatic support, can significantly impact the trajectory of the illegal wildlife trade;

Whereas wildlife provides a multitude of benefits to all nations, and wildlife crime has wide-ranging economic, environmental, and social impacts;

Whereas the number of elephants killed by poachers in Kenya increased by more than 800 percent from 2007 to 2012, from 47 to 387 elephants killed;

Whereas the number of rhinoceroses killed by poachers in South Africa increased by more than 7000 percent between 2007 and 2013, from 13 to 1004 rhinoceroses killed;

Whereas the number of forest elephants in the Congo Basin in central Africa declined by approximately two-thirds between 2002 and 2012, placing forest elephants on track for extinction within the next decade;

Whereas as few as 3200 tigers remain in the wild throughout all of Asia;

Whereas approximately 100,000,000 sharks are killed annually, often targeted solely for their fins, and unsustainable trade is the primary cause of serious population decline in several shark species, including scalloped hammerhead sharks, great hammerhead sharks, and oceanic whitetip sharks;

Whereas the United States is developing strong measures to address the criminal, financial, security, and environmental aspects of wildlife trafficking;

Whereas Congress has allocated specific resources to combat wildlife trafficking and address the threats posed by poaching and the illegal wildlife trade;

Whereas in December 2013, the United Nations General Assembly proclaimed March 3, the day on which CITES was signed, as World Wildlife Day to celebrate and raise awareness of the wild fauna and flora around the world;

Whereas March 3, 2014, represents the first annual celebration of World Wildlife Day; and

Whereas in 2014, World Wildlife Day commemorations will ''celebrate the many beautiful and varied forms of wild fauna and flora, raise awareness of the multitude of benefits that wildlife provides to people, and raise awareness of the urgent need to step up the fight against wildlife crime, which has wide-ranging economic, environmental, and social impacts'': Now, therefore, be it

Resolved, That the Senate—

(1) designates March 3, 2014, as ''World Wildlife Day'';

(2) supports the goals and ideals of World Wildlife Day, including—

(A) raising awareness of the benefits that wildlife provides to people and the threats facing wildlife around the world; and

(B) escalating the fight against wildlife crime, including wildlife trafficking;

(3) applauds the domestic and international efforts to escalate the fight against wildlife crime;

(4) commends the efforts of the United States to mobilize the entire Government in a coordinated, efficient, and effective manner for dramatic progress in the fight against wildlife crime;

(5) encourages continued cooperation between the United States, international partners, local communities, nonprofit organizations, private industry, and other partner organizations in an effort to conserve and celebrate wildlife, preserving this precious resource for future generations.

SENATE RESOLUTION 375—CONCERNING THE CRISIS IN THE CENTRAL AFRICAN REPUBLIC AND SUPPORTING UNITED STATES AND INTERNATIONAL EFFORTS TO END THE VIOLENCE, PROTECT CIVILIANS, AND ADDRESS ROOT CAUSES OF THE CONFLICT

Mr. COONS (for himself and Mr. FLAKE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 375

Whereas, for more than 50 years, successive governments in the Central African Republic have struggled to build a durable system of democratic institutions, to effectively secure and control the country's territory and borders, and to ensure a basic level of socio-economic development for the country's people;

Whereas, despite its natural resource wealth, the Central African Republic remains one of the poorest countries in the world and one of the lowest ranking countries in terms of a human development index according to the United Nations Development Program;

Whereas, in January 2013, regional leaders brokered the Libreville Agreements between the government of then-President Francois Bozize and the loosely allied rebel militia known as Séléka, which resulted in the formation of a government of national unity;

Whereas, despite the Libreville Agreements, President Bozize was ousted in March 2013 by the Séléka coalition, and the Séléka leader, Michel Djotodia, declared himself president;

Whereas, in April 2013, regional leaders issued the N'djamena Declaration in an effort to pursue a return to constitutional order based on the Libreville Agreements;

Whereas an influx of foreign fighters, especially from Chad and Sudan, has been a major factor in the increased number of Séléka fighters, from approximately 5,000 in March 2013, to an estimated 20,000 as of December 2013;

Whereas both Séléka forces and armed militia groups known as ''anti-balakas'', which formed initially as a means of protecting communities against Séléka, have been implicated in ethnically-motivated violence and grave and systemic human rights abuses against civilians;

Whereas, over the course of the crisis, Séléka and anti-balaka groups have displayed weak control and command structures, and committed war crimes with impunity;

Whereas, according to UNICEF, thousands of child soldiers are involved in armed groups in the Central African Republic, amid the near-total collapse of the country's primary education system;

Whereas interethnic, intercommunal, and interreligious tensions and violence have risen to alarming levels and led to systematic human rights abuses in the Central African Republic, including targeted killings, rapes, acts of torture, looting, and arbitrary detention;

Whereas the United States Embassy in Bangui closed on December 25, 2012, and the ordered departure of country team staff has temporarily suspended the diplomatic presence and consular services of the United States in the Central African Republic;

Whereas more than 700,000 civilians have been internally displaced; another 230,000 have recently sought refuge in neighboring countries, including the Democratic Republic of the Congo, Chad, Cameroon, and South Sudan; 2,600,000 people, or over half of the population of the Central African Republic, are in need of humanitarian assistance; and 60 percent of households have no available food stocks;

Whereas a failure of the international community to appropriately respond to and address the rapidly deteriorating situation in the Central African Republic could result in further atrocities, mass displacement, and protracted instability with significant repercussions for regional and international security;

Whereas United Nations Security Council Resolution 2127 (2013) called for urgent and increased international assistance to the African Union International Support Mission in the Central African Republic (MISCA) to ensure that the force can fulfill its mandate to restore security and protect civilians, and placed an arms embargo on the Central African Republic;

Whereas United Nations Security Council Resolution 2127 requested the Secretary-General to establish an international commission of inquiry to investigate reports of human rights abuses in the Central African Republic in order to ensure accountability for perpetrators of violence;

Whereas the United Nations Integrated Peacebuilding Office in the Central African Republic has been hindered by a lack of resources and constrained by insecurity;

Whereas, consistent with United Nations Security Council Resolution 2127, the Government of France launched a peacekeeping operation, Operation Sangaris, in the Central African Republic to assist MISCA in fulfilling its mandate;

Whereas, on March 3, 2014, United Nations Secretary-General Ban Ki-moon recommended to the United Nations Security Council a transition to a United Nations peacekeeping mission with a primary mandate to protect civilians; and

Whereas the United States Government is providing support for conflict resolution efforts, humanitarian assistance to refugees and internally displaced persons, and assistance to troop contributing countries to MISCA in order to restore security in the Central African Republic, primarily by providing airlift, non-lethal equipment, military logistics, and training, as well as logistical support for France: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the violence, atrocities, abuses, and human rights violations committed by all parties to the conflict in the Central African Republic;

(2) commends the efforts of religious and community leaders in the Central African Republic condemning violence and engaging in conflict prevention and conflict resolution activities;

(3) welcomes the mobilization of international peacekeeping, conflict mitigation, humanitarian, and diplomatic resources, and encourages continued efforts to help address humanitarian needs, bring an end to the violence, and develop sustainable democratic institutions in the Central African Republic;

(4) welcomes the January 2014 decision of the Transitional National Council on the election of Catherine Samba-Panza as the Central African Republic's new transitional president;

(5) commends the African Union and its troop and police contributing countries for their work establishing and supporting MISCA;

(6) recognizes the Economic Community of Central African States (CEEAS) for its leadership in the political transition process;

(7) commends France for its swift intervention under United Nations Security Council Resolution 2127, and for its contributions to stabilization efforts and other forms of assistance;

(8) welcomes the United Nations Security Council support for MISCA and the Department of Peacekeeping Operation's ongoing contingency planning for a possible transition to a United Nations peacekeeping operation;

(9) affirms support for multilateral peacekeeping and policing capacities and recognizes the important contributions these efforts have made in protecting civilians in the Central African Republic and promoting international peace and stability;

(10) calls on the President to work with international partners to develop a short-term strategy to support a full and immediate cessation of armed conflict in the Central African Republic, including attacks targeting civilians and the recruitment of child soldiers;

(11) calls on the President to develop a long-term United States strategy, in support of international and domestic efforts, to establish a durable peace and greater security for the Central African Republic and to enhance regional stability, including—

(A) engagement and coordination with the international community, including the African Union, the Economic Community of Central African States, the United Nations, and other partners;

(B) appropriate assistance to help provide emergency relief and reconciliation for the people of the Central African Republic;

(C) technical, logistical and other forms of assistance, as appropriate, in support of effective disarmament, demobilization, and reintegration of fighters; and

(D) support for appropriate mechanisms to ensure accountability for perpetrators of human rights abuses and violence; and

(12) urges the Secretary of State to consider the expeditious reestablishment of a United States diplomatic presence in the Central African Republic.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. LANDRIEU. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, April 16, 2014, at 1 p.m., at the East-West Center at the University of Hawaii, Manoa Campus, in Honolulu, Hawaii.

The purpose of the hearing is to examine the successes and challenges of meeting sustainability goals in Hawaii and the Pacific, including oversight of existing activities and Federal-Island partnerships in energy, water, land use, marine resources, and other sectors.

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 may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to John_Assini@energy.senate.gov.

For further information, please contact Al Stayman at (202) 224–7865 or John Assini at (202) 224–9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 5, 2014, at 9:30 a.m.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 5, 2014, at 10:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The President's Fiscal Year 2015 Budget.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 5, 2014, at 9:30 a.m.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on March 5, 2014, at 10:30 a.m. in room SR–432 of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 5, 2014, at 10 a.m. in room SD–G50 of the Dirksen Senate Office Building.

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

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on March 5, 2014, in room SD–562 of the Dirksen Senate Office Building at 2:15 p.m. to conduct a hearing entitled ''Income Security and the Elderly: Securing Gains made in the War on Poverty.''

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on March 5, 2014, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Rosie Goscinski, who is a fellow in Senator HIRONO's office, be granted floor privileges for this year.

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

IMPORTANCE OF BIOSECURITY AND AGRO-DEFENSE IN THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 373.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 373) recognizing the importance of biosecurity and agro-defense in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, 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. 373) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

WORLD WILDLIFE DAY

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 374.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 374) designating March 3, 2014, as ''World Wildlife Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. 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. 374) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

MEASURE PLACED ON THE CALENDAR—S. 2077

Mr. REID. I am told that S. 2077 is due for its second reading.

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

The assistant legislative clerk read as follows:

A bill (S. 2077) to provide for the extension of certain unemployment benefits, and for other purposes.

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

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—H.R. 3370

Mr. REID. Mr. President, I understand that H.R. 3370 is at the desk and I ask for its first reading.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3370) to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

Mr. REID. Mr. President, I ask for its second reading, but object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, MARCH 6, 2014

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, March 6, 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 10:30 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 Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate proceed to executive session under the previous order; that upon disposition of the Roth nomination and the resumption of legislative session, the Senate execute the previous order with respect to S. 1752 and S. 1917.

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

PROGRAM

Mr. REID. Mr. President, there will be up to three rollcall votes at 11:20 a.m. tomorrow, and up to four rollcall votes at around 2 p.m. We also hope to consider additional nominations tomorrow, which could require rollcall votes.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:36 p.m., adjourned until Thursday, March 6, 2014, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 05, 2014:

THE JUDICIARY

TIMOTHY L. BROOKS, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS.

PEDRO A. DELGADO HERNANDEZ, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO.

PAMELA L. REEVES, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE.

VINCE GIRDHARI CHHABRIA, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.