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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. WALSH, a Senator from the State of Montana.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Dr. Calvin V. French, Pastor Emeritus, Community of Christ Church, in Washington, DC.

The guest Chaplain offered the following prayer:

Shall we pray.

Almighty God, we come as children in our Father's house, asking that we may envision the same spirit of our Founding Fathers—that we are one nation under God. May this oneness of spirit and purpose prevail that our legislation will be seamless.

The challenges we face are difficult, but we turn to You asking for wisdom to interpret rightly the signs of our times. Through our prayer, O God, in our search for understanding, we repeat our solemn oath of office: ''So help me God.''

We remember those who have served in this Chamber and will soon be leaving. Grant to them peace of mind, joyful hearts, and hallowed memories, reminding them that when they were in the service of their fellow beings, they have been doing Your work.

In this Advent season, may we be comforted by the words of Isaiah 9:6, ''The government shall be upon His shoulders, and His name shall be called Wonderful Counselor, the mighty God, the everlasting Father, the Prince of Peace.'' May this counsel guide us as we do our work this day. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 4, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. WALSH, a Senator from the State of Montana, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. WALSH thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. REID. Mr. President, I yield to my friend, the junior Senator from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

WELCOMING THE GUEST CHAPLAIN

Mr. HARKIN. I wish to take a moment to introduce and thank our guest Chaplain today.

Dr. Calvin French is the pastor emeritus for the Community of Christ Church in Washington, DC, where he served that congregation for 30 years before retiring. He has served as a pastor for 60 years of his life, considerably more than, I would note, my 40 years in Congress.

Calvin French, Dr. French, is a native of Iowa. He holds degrees from the University of Iowa, Graceland College, and Drake University in addition to his graduate studies at Harvard and Princeton.

For the past 25 years he has represented the parent church of his denomination in governmental affairs, providing liaison service to the various agencies of the government as well as to Congress.

I personally have known Dr. French for going on almost 50 years now. When we first met in Iowa, his now deceased wife LaVon was a great friend of my wife's. They were lawyers together in Iowa. We were close family friends, and this brings back so many fond memories of our times together in Iowa and later on.

I would note that Dr. French's granddaughter Dr. Kelsey French is here in the gallery today with her husband Vince Bzdek, the news editor for the Washington Post. Their two children are also here today Zola and Xavier who is celebrating his birthday today. Xavey is 13 years old today, so he was able to be here to see his grandfather give the opening prayer of the Senate.

I also note that in 1975, when I first came to the House of Representatives, I invited Dr. French to give the opening prayer in the House. So now, almost 40 years later, I am privileged to have had him here to give the closing prayer before I retire from the Senate.

Dr. French, I would say, is someone I have admired for his commitment not only to his church but the broader commitment he has had to humanity, to all that he has done to infuse—and all around him—a spirit of kindness, generosity, and a spirit of understanding that while we may be different in so many ways, we are all the same in our humanity. He is one of the most wonderful human beings I have had the privilege of knowing and being with in my lifetime.

I say to my good friend, Dr. Calvin French, thank you. Thank you for all your pastoral work. Thank you for your leadership and your guidance through the past 50 years of my life.

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

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I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will proceed to executive session, with the time equally divided and controlled between the two leaders or their designees.

At 10 a.m. the Senate will proceed to five rollcall votes on confirmation of Franklin Orr to be Under Secretary for Science, Department of Energy; Joseph Hezir to be Chief Financial Officer for the Department of Energy; and cloture on the nominations of Gregory N. Stivers to be U.S. district judge for the Western District of Kentucky; Joseph F. Leeson to be U.S. district judge for the Eastern District of Pennsylvania; and Lydia Kay Griggsby to be a judge of the U.S. Court of Federal Claims.

There will be another series of up to six rollcall votes at 1:45 p.m.

COST OF HEALTH CARE

Mr. REID. Mr. President, a brief word. I was struck this morning by looking at the newspapers and listening to the news that:

> Spending on health care in the United States grew in 2013 at the lowest rate since the Federal Government began tracking it in 1960. . . .
>
> It was the fifth straight year of exceptionally small increases in the closely watched indicator. The data defied critics who had said such growth would not continue for long once the recession ended in mid-2009.

Health care spending was up last year but only 3.6 percent. It is very remarkable.

As I indicated:

> The 3.6 percent increase in 2013 is the lowest increase on record in the national health expenditures going back to 1960.

RECOGNITION OF THE MINORITY LEADER

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

TRIBUTE TO MIKE JOHANNS

Mr. MCCONNELL. Mr. President, I wish to pay tribute to a truly outstanding Senator, who will soon retire from this body after more than 30 years of public service.

Of course, I am speaking of Senator MIKE JOHANNS. MIKE has had a remarkable career. He is the only current Member of this body—besides Senator ALEXANDER—who has served as Senator, Governor, and Cabinet Secretary.

Yet for all he has accomplished, MIKE isn't the flashiest Senator. He doesn't hold the most press conferences, he doesn't yell the loudest, and you never have to worry about him knocking you over to get to a TV camera, but in his steady and determined style, MIKE has proven himself a remarkably successful Member of this body.

That was true in his successful battles to defend Nebraska's rural communities against government overreach, it was true when he worked with the late Senator Byrd to sink a national energy tax that threatened his constituents, and it was true when he led the first successful legislative effort to revisit ObamaCare, working with many Democrats to repeal the so-called 1099 provision.

MIKE has never looked for drama. He is always aiming for results. So it didn't take long for people in the Senate to recognize that MIKE was more than just another freshman in the minority. He became the guy you would turn to if you wanted to get an amendment up to 60 votes.

That is truly remarkable for a first-term Senator. It is especially remarkable when we consider that MIKE came to the Senate at a time when Republicans were in the deep minority. But then again, MIKE is a very remarkable guy: county commissioner, city councilman, mayor, Governor, Secretary of Agriculture. You name it, MIKE has done it, and that was before he even set foot in the Senate.

Some think MIKE must have a secret that allows him to assemble bipartisan coalitions on conservative issues, but I don't think it is much of a secret at all. MIKE works across the aisle. He works in good faith, and he works hard. He doesn't care what party you are from and absolutely no one can outwork him.

MIKE makes sure of that by getting up earlier than anyone else. It is a habit he learned growing up on a farm in northern Iowa. He would get up at 5 a.m. every day and then from age 4 he would work. He would shovel muck. He would fill the hog tanks. He would even deliver piglets.

The point is, MIKE developed an appreciation for hard work and responsibility at an early age. Along with his strong Catholic faith, these are the traits that still define him today, but they don't paint the whole picture, because MIKE JOHANNS may be an accomplished man, he may be one of the smartest and most capable public servants you will ever meet, but he is absolute putty in the hands of his wife Stephanie. She is always by his side. She is his best friend, and they complement each other perfectly.

Their idea—listen to this—of a perfect night out is a night in together. They are both Husker fans and, as MIKE put it, ''Steph is almost never in a bad mood.'' He said: ''She jumps out of bed, and she's got a big smile on her face and she thinks this is bound to be the best day of her life.''

It is a personality perfectly suited, as one can imagine, to the campaign trail, which is a good thing because the two of them have logged tens of thousands of miles together campaigning across Nebraska, usually in matching T-shirts, sometimes in a beat-up old Corsica.

They have plenty of stories from the trail, too, but one from MIKE 's run for Governor stands out particularly. This is what happened: The Johanns were driving home after a long day of marching in parades in the hot Sun. They passed a barn on the way, assuming it was a cattle sale. They figured they would drop in and press a few palms. Stephanie parked the car, MIKE opened the door, and dozens of well-dressed Nebraskan eyes fell on them.

The Johanns, in their sweaty T-shirts, hadn't dropped by a cattle sale; they had crashed a wedding. I will give them this, they made the best of it. MIKE ended up dancing with the bride, and of course he went on to win the election as well.

This is the sequel: Months later, at an inaugural ball in Lincoln, two uninvited guests showed up. It was, of course, the bride and her husband.

They had a simple message: ''You crashed our wedding, Governor, and now we're crashing your inaugural.''

So the senior Senator from Arizona may like to brag about his Hollywood cameo with Vince Vaughn, but our colleagues know the truth. Senator MIKE JOHANNS is the original—the original—wedding crasher.

MIKE and Stephanie certainly have traveled a long and interesting road from when they first met while serving on the Lancaster County Board in the 1980s, when MIKE would draft up walking lists on an old typewriter and they would go out and campaign door to door.

A lot has changed. For one thing, MIKE isn't a Democrat anymore. But much is the same too. MIKE still cares deeply about mental health issues. It is what brought him into politics in the first place. It is what he considers his crowning achievement as Governor. He still has loyal fans on staff who remember all of his efforts on the issue.

It is a rare thing, the loyalty MIKE inspires in people. This is the Senator with staffers who have been with him for many years, some since his days in local politics, and here is what they all say about MIKE JOHANNS: Senator JOHANNS is a man who cares—cares about his family, he cares about the people who work for him, and he cares about his constituents. That is why he has given his cell phone out to half of Nebraska.

He has made his mistakes, of course. As mayor of Lincoln, he had to cancel Halloween one year. But that is old news. To many Nebraskans he is still Governor, to others he is simply MIKE. But whatever Nebraskans call MIKE JOHANNS, they respect him, and I know they are going to miss him. And so are we.

At least retirement will give MIKE more time to pursue his hobbies. We hear he is a voracious window washer. He has even been known to pull out the Windex on vacation. Whatever he does, we know this is a retirement that is well earned. He has dealt with bird flu, mad cow disease, the farm bill, deficit

reduction, and just about any other issue you can think of over a long and distinguished career in public service.

We all want to thank Senator JOHANNS for his loyal and dedicated service to the Senate and to the people of Nebraska. We wish MIKE and Stephanie the best as they look forward to their next adventure together.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I want to join in the remarks of the distinguished Republican leader, but add to that that Stephanie is one of the funniest people Landra and I have ever known. She has a great sense of humor. What the Republican leader laid out is perfect, except this woman has a sense of humor that is really quite remarkable.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold his request?

Mr. REID. Yes, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, just a word or two to both leaders. Thank you so much for your kind words. I also want to say thank you for mentioning my wife Stephanie. This has been a remarkable partnership for a lot of years, and I could not have done what I did without her. So thank you to Senator MCCONNELL. Mr. Leader, thank you. It has been an honor to serve in this body. I will have more to say next week in my farewell speech, but I did not want this day to go by without expressing my appreciation. Thank you.

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

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

The bill clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF FRANKLIN M. ORR, JR., TO BE UNDER SECRETARY FOR SCIENCE, DEPARTMENT OF ENERGY

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

The bill clerk read the nomination of Franklin M. Orr, Jr., of California, to be Under Secretary for Science, Department of Energy.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. will be equally divided and controlled between the two leaders or their designees.

The assistant majority leader.

CHICAGO NURSE CARES FOR EBOLA PATIENTS IN LIBERIA

Mr. DURBIN. Mr. President, the holiday rush is underway and millions of Americans are decorating, shopping, and preparing to spend Christmas, Hanukkah, and Kwanzaa with their loved ones. I want to draw attention to one woman from Illinois who is doing something very different.

Janet Teasley is a registered nurse in Chicago. She has volunteered to spend her holiday season in Liberia treating patients with the potentially deadly Ebola virus.

When Janet Teasley first told her family and coworkers of her plan, she says she encountered some resistance. One doctor with whom she works was only half kidding when he said he thought she was crazy. But once he realized she was serious, the doctor told Teasley he admired her. I share that admiration.

The U.S. Agency for International Development estimates that nearly 16,000 people have contracted the Ebola virus. Nearly 6,000 have died. Today, it is estimated that 7,000 people in Liberia, where Janet Teasley is volunteering, have Ebola. She is helping some of the neediest patients in that country that has been the hardest hit by this disease.

Although Ebola has been contained so far here in the United States, the outbreak is still raging in parts of West Africa. Teasley is part of a wave of U.S. health care workers being recruited to help stop the spread of the disease in Liberia, Sierra Leone, Guinea, and now Mali.

Teasley got involved through AmericaCares, which is one of about 150 nonprofits working with our government to recruit workers nationwide.

Teasley has been a nurse for 17 years, working in emergency care and infectious disease units, most recently at Holy Cross Hospital in Chicago—a hospital which I know well in the inner city, which serves some of the poorest families in our town.

Now she will spend 8 weeks in Buchanan, Liberia, training and then treating patients. She explains:

> I came here for a purpose, and I want to see that through. . . . I honestly believe no man is an island; each man's death diminishes me. That's why I became a nurse.

Teasley's daughter Danica Miller wasn't surprised by her mom. She says for leisure, her mom doesn't read novels but pours over books about infectious diseases.

Despite her family's support, Teasley is conscious of the increased risk she faces. In fact, many of those who have fallen ill have been health care workers themselves. Teasley is just sure she is not going to be one of them. She says she is confident in herself and her team and that she will be able to come home safely.

To stop this epidemic, we need many things. First and foremost we need more people like Nurse Teasley. The Federal Government is seeking medical professionals to work in the 23 Ebola treatment units being established in Liberia. While the number of volunteers increased steadily this fall, it did drop off a bit when there was confusion over quarantine policies for returning medical workers. With time and perspective, this confusion seems to be settling. Illinois has brought its quarantine policy in line with that of the Centers for Disease Control. With a scientifically grounded and carefully measured approach, the hope is health care workers with the same passion and courage as Nurse Janet Teasley will volunteer to help those in need.

I met with Tom Frieden, Director of the CDC, a couple of weeks ago. He and members of the international public health community maintain that the way to control the spread of Ebola is to contain the virus at its source.

To prepare for the possibility of Ebola patients here in America and to help with containment overseas, the Obama administration has requested $6.18 billion in emergency funding, including $1.83 billion for the CDC. I support the President.

Janet is a valuable and commendable part of this effort, and I hope people will hear her story and the stories of people like her and support the efforts of the United States in Liberia.

VOTE ON ORR NOMINATION

The ACTING PRESIDENT pro tempore. The question now occurs on the Orr nomination.

The question is, Will the Senate advise and consent to the nomination of Franklin M. Orr, Jr., of California, to be Under Secretary for Science, Department of Energy?

The nomination was confirmed.

NOMINATION OF JOSEPH S. HEZIR TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The bill clerk read the nomination of Joseph S. Hezir, of Virginia, to be Chief Financial Officer, Department of Energy.

The ACTING PRESIDENT pro tempore. There will now be 2 minutes of debate prior to a vote on the nomination.

Mr. HELLER. Mr. President, I am opposed to the nomination of Joseph S. Hezir for the position of Chief Financial Officer, CFO, at the Department of Energy, DOE. The CFO position plays an influential policy role within the DOE, overseeing all financial matters and ensuring the successful implementation of Departmentwide policies. Given that Mr. Hezir, as recently as 2 years ago, lobbied the Obama administration and Congress in favor of Yucca

Mountain, an issue my State vehemently opposes and I have diligently fought to block and defund in Congress, I simply cannot support his nomination.

I have worked closely with our congressional delegation over the past 8 years to fight efforts from outsiders to force nuclear waste on the State of Nevada. That includes defunding DOE efforts to advance the project and diligently questioning all DOE and Nuclear Regulatory Commission, NRC, nominees on their perspective regarding long-term nuclear waste storage. The 2012 Blue Ribbon Commission Report on America's Nuclear Future provides a path forward for safe, responsible nuclear waste storage so our Nation can move beyond Yucca Mountain once and for all. My litmus test for any nominee involved in nuclear waste disposal programs is support of the consent-based approach recommended in that report.

Mr. Hezir's nomination comes before the Senate today without one hearing in the Energy and Natural Resources Committee. It is the unique responsibility we hold as United States Senators to carefully examine nominees for influential positions in the executive branch, like the CFO at the DOE—providing advice and consent. As a member of the Senate Committee on Energy and Natural Resources, that has jurisdiction over this position at the Department of Energy, I take this responsibility seriously and deeply regret that I was not afforded that opportunity given the importance of this position.

Nevadans have the right to be safe in their own backyards. I recognize the need to address the problem of spent nuclear fuel, but Nevada, a State without any nuclear powerplants, should not bear the sole burden of long-term storage of the Nation's nuclear waste. I have strong concerns about the high amount of uncertainty that could create a dangerous situation for the surrounding communities and environment, and I simply do not trust the Federal Government to appropriately manage the proposed Yucca Mountain facility.

Without the opportunity to carefully question Mr. Hezir in the nomination process, I can only assume he will continue his advocacy on behalf of Yucca Mountain within the DOE. For this reason, I oppose Mr. Hezir's nomination to be Chief Financial Officer at the Department of Energy and encourage my colleagues to do the same.

Mr. DURBIN. Mr. President, I yield back the time.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Joseph S. Hezir, of Virginia, to be Chief Financial Officer, Department of Energy?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Texas (Mr. CRUZ).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 3, as follows:

[Rollcall Vote No. 308 Ex.]

YEAS—89

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

NAYS—3

Barrasso	Enzi	Heller

NOT VOTING—8

Coburn	Landrieu	Rockefeller
Cochran	Leahy	Udall (CO)
Cruz	Levin	

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. There will now be 2 minutes of debate equally divided prior to the cloture vote on the Stivers nomination.

Who yields time?

Mr. MCCONNELL. I yield back the time.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Gregory N. Stivers, of Kentucky, to be United States District Judge for the Western District of Kentucky.

Harry Reid, Patrick J. Leahy, Christopher Murphy, Christopher A. Coons, Dianne Feinstein, Richard J. Durbin, Richard Blumenthal, Brian Schatz, Debbie Stabenow, Michael F. Bennet, Jeff Merkley, Patty Murray, Barbara Boxer, Edward J. Markey, Al Franken, Tom Harkin, Sheldon Whitehouse.

The ACTING PRESIDENT pro tempore. 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 Gregory N. Stivers, of Kentucky, to be United States District Judge for the Western District of Kentucky, 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. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Texas (Mr. CRUZ).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 24, as follows:

[Rollcall Vote No. 309 Ex.]

YEAS—69

Alexander	Gillibrand	Murray
Ayotte	Graham	Nelson
Baldwin	Hagan	Paul
Begich	Harkin	Pryor
Bennet	Hatch	Reed
Blumenthal	Heinrich	Reid
Booker	Hirono	Roberts
Boxer	Isakson	Rubio
Brown	Johnson (SD)	Sanders
Burr	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Kirk	Shaheen
Carper	Klobuchar	Shelby
Casey	Levin	Stabenow
Chambliss	Manchin	Tester
Coats	Markey	Toomey
Collins	McCaskill	Udall (NM)
Coons	McConnell	Vitter
Donnelly	Menendez	Walsh
Durbin	Merkley	Warner
Feinstein	Mikulski	Warren
Flake	Murkowski	Whitehouse
Franken	Murphy	Wyden

NAYS—24

Barrasso	Grassley	McCain
Blunt	Heitkamp	Moran
Boozman	Heller	Portman
Corker	Hoeven	Risch
Cornyn	Inhofe	Scott
Crapo	Johanns	Sessions
Enzi	Johnson (WI)	Thune
Fischer	Lee	Wicker

NOT VOTING—7

Coburn	Landrieu	Udall (CO)
Cochran	Leahy	
Cruz	Rockefeller	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 69, the nays are 24.

The motion is agreed to.

CHANGE OF VOTE

Ms. HEITKAMP. Mr. President, on rollcall vote No. 309, I voted ''aye.'' It was my intention to vote ''nay.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

NOMINATION OF GREGORY N. STIVERS TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The bill clerk read the nomination of Gregory N. Stivers, of Kentucky, to be United States District Judge for the Western District of Kentucky.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate equally divided prior to the cloture vote on the Leeson nomination.

Without objection, all time is yielded back.

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

The legislative clerk read as follows:

CLOTURE MOTION

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

Harry Reid, Patrick J. Leahy, Christopher A. Coons, Dianne Feinstein, Richard J. Durbin, Richard Blumenthal, Brian Schatz, Debbie Stabenow, Michael F. Bennet, Robert P. Casey, Jr., Jeff Merkley, Christopher Murphy, Edward J. Markey, Al Franken, Tom Harkin, Sheldon Whitehouse, Angus S. King, Jr.

The ACTING PRESIDENT pro tempore. 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 Joseph F. Leeson, Jr., of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CRUZ), and the Senator from Illinois (Mr. KIRK).

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

The yeas and nays resulted—yeas 66, nays 26, as follows:

[Rollcall Vote No. 310 Ex.]

YEAS—66

Ayotte	Hagan	Nelson
Baldwin	Harkin	Paul
Begich	Hatch	Portman
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Brown	Isakson	Roberts
Cantwell	Kaine	Rubio
Cardin	King	Sanders
Carper	Klobuchar	Schatz
Casey	Levin	Schumer
Chambliss	Manchin	Shaheen
Coats	Markey	Stabenow
Collins	McCain	Tester
Coons	McCaskill	Toomey
Donnelly	McConnell	Udall (NM)
Durbin	Menendez	Vitter
Feinstein	Merkley	Walsh
Flake	Mikulski	Warner
Franken	Murkowski	Warren
Gillibrand	Murphy	Whitehouse
Graham	Murray	Wyden

NAYS—26

Alexander	Enzi	Lee
Barrasso	Fischer	Moran
Blunt	Grassley	Risch
Boozman	Heller	Scott
Boxer	Hoeven	Sessions
Burr	Inhofe	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (SD)	Wicker
Crapo	Johnson (WI)	

NOT VOTING—8

Coburn	Kirk	Rockefeller
Cochran	Landrieu	Udall (CO)
Cruz	Leahy	

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 26.

The motion is agreed to.

NOMINATION OF JOSEPH F. LEESON, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Joseph F. Leeson, Jr., of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

CLOTURE MOTION

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a cloture vote on the Griggsby nomination.

Mr. VITTER. I ask unanimous consent that all time be yielded back.

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

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

The assistant 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 Lydia Kay Griggsby, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Harry Reid, Patrick J. Leahy, Robert Menendez, Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Amy Klobuchar, Kirsten E. Gillibrand, Christopher Murphy, Brian Schatz, Richard J. Durbin, Richard Blumenthal, Tom Harkin, Angus S. King, Jr., Tom Udall, Mazie K. Hirono, Sheldon Whitehouse.

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 Lydia Kay Griggsby, of Maryland, to be a Judge of the United States Court of Federal Claims, 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.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. UDALL), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CRUZ), and the Senator from Illinois (Mr. KIRK).

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

The yeas and nays resulted—yeas 53, nays 36, as follows:

[Rollcall Vote No. 311 Ex.]

YEAS—53

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

NAYS—36

Alexander	Corker	Flake
Barrasso	Cornyn	Graham
Blunt	Crapo	Grassley
Boozman	Enzi	Hatch
Coats	Fischer	Heller

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

NOT VOTING—11

Burr	Cruz	Rockefeller
Chambliss	Kirk	Udall (CO)
Coburn	Landrieu	Udall (NM)
Cochran	Leahy	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 36.

The motion is agreed to.

NOMINATION OF LYDIA KAY GRIGGSBY TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Lydia Kay Griggsby, of Maryland, to be a Judge of the United States Court of Federal Claims.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for debate only until 1:45 p.m., with the time equally divided in the usual form.

The Senator from Pennsylvania.

LEESON NOMINATION

Mr. TOOMEY. Mr. President, I rise this morning to offer my support for a gentleman for whom cloture was just invoked. We are going to have the confirmation vote this afternoon. I am talking about Mr. Joseph Leeson from Pennsylvania. He has been nominated to serve as a U.S. district judge for the Eastern District of Pennsylvania.

I wish to start by thanking Chairman LEAHY and Ranking Member GRASSLEY for facilitating and moving his candidacy through the process, through the committee, and Senator REID and Senator MCCONNELL, our respective leaders, for bringing the nomination to the Senate floor. I appreciate that cooperation.

I should also point out that I am very grateful for the cooperation of my colleague Senator CASEY. Senator CASEY and I have spent a lot of time and energy making sure we fill the vacancies that occur on the Federal bench in Pennsylvania with absolutely the most qualified, terrific Pennsylvanians, and we have been blessed that so many wonderful Pennsylvanians have offered to serve in this role, to make this sacrifice for public service. In the 4 years I have been in the Senate, Senator CASEY and I have confirmed 13 district judges. We placed a judge in the Reading courthouse in Berks County, which had been vacant for 3 years; placed a judge in the Easton courthouse, which had been vacant for 10 years; and when Mr. Leeson is hopefully confirmed this afternoon, that will bring our total to 14.

I look forward to Joseph Leeson's speedy confirmation, and here is why. He is going to be a great Federal judge. Joe Leeson is a graduate from Catholic University, where he got his law degree. I have known Joseph Leeson certainly by his reputation for a very long time. He is a very well-respected attorney in Allentown, PA, and my family and I live just outside Allentown and have for a long time.

Joe Leeson is a partner in Leeson & Leeson. He has very extensive trial experience. He has counseled people in accidents and injury cases. He has represented legislators and mayors. His practice includes litigation, municipal law, nonprofit, and religious law. Across the board he has a very diverse portfolio.

He has also had a long and distinguished commitment to public service. Joe Leeson has served as the Bethlehem city solicitor, as a member of the Bethlehem city council, and on the administrative board of the Pennsylvania Catholic Conference.

If confirmed, he will sit in the Allentown courthouse, and we need a Federal judge in the Allentown courthouse. We have an outstanding judge there now, but we need another because the size of the Lehigh Valley region requires that. It will be terrific to have a second Federal judge in the Allentown courthouse for what I think will be the first time.

Mr. President, I will conclude by saying there is no question in my mind that Mr. Leeson has the experience, the acumen, the temperament, and the integrity to be an outstanding Federal judge. He will be a great addition to the bench, and I urge all my colleagues to support his confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

DIVIDED GOVERNMENT

Mr. CORNYN. Mr. President, I wish to make some very brief remarks about divided government.

Since 1981, there have been more than 25 years in which one party controlled the White House while the other party controlled at least one Chamber of the Congress. By comparison, there have been fewer than 9 years in which one party controlled both the Presidency and all of Congress. So as we can see, divided government has been the norm and unified government—single-party government—the exception.

The truth is I suspect the American people like divided government because they realize it is another layer of checks and balances on what happens up here in Washington, DC, which are very important to making sure we get things done right and give it the kind of deliberation and thoughtful consideration they deserve, particularly if we are talking about legislating for a country of about 320 million people or so.

It also forces us to do something that maybe isn't our first instinct; that is, rather than to insist on our way, it forces us to build consensus, which is actually a good thing when we are talking about the American people.

So what has it given us in the recent past? It has given us a Republican President and a Democratic House that worked together on Social Security reform in 1983 and tax reform in 1986. Several years ago it was another Republican President and a fully Democratic Congress that worked together on landmark disability and environmental laws. In the mid-1990s, it was a Democratic President and a Republican Congress that worked together on welfare reform and balanced the budget.

This is what can happen when we have divided government and the willingness of the President and the Congress to work together to try to solve problems. We can actually do hard things—things that we could never do with a purely one-party government or the other.

Then in 2001 a Republican President and Democratic Senate worked together on education reform—No Child Left Behind. I still remember when former Governor Bush—then-President Bush as the 43rd President—worked together with Teddy Kennedy, the liberal lion of the Senate, on No Child Left Behind. It raised more than a few eyebrows back home in Texas, but that demonstrated what can happen when one side of the aisle and the other side of the aisle try to work together in the best interests of the American people.

Here is the short of it: Divided government does not translate into gridlock. It doesn't have to. It can, but it doesn't have to. We actually have another choice. Each of the four Presidents who came directly before President Obama found it possible to sign major bipartisan legislation despite having serious philosophical differences with Members of the opposing party.

I remember a conversation I had recently with one of my colleagues who was just reelected to the Senate and he is, let's say, from the other end of the political spectrum from me. He made the obvious point: I am not going to change who I am, I am not going to change what I believe in, but I am going to look for ways to legislate in the Senate.

I thought he stated it very well: I am not going to change who I am as a conservative. I am not going to do something which I would view to be unprincipled in order to get an outcome. But I do think that leaves an awful lot of room for us to work together to try to legislate in the center.

My impression is—from the Presiding Officer and others I have talked to and chatted with and seeing their reported comments—there is a big appetite on both sides of the aisle to make this place work again. I think if there is a single message that I heard from November 4, in this last election, it is

that people do not want their government to not function. They may want it to function more or less or in some areas and not the others, but they don't want it to be dysfunctional. Indeed, that makes common sense.

What remains an open question is what path the President is going to choose—whether he is actually going to work with the Republican majorities in the House and the Senate. I was somewhat encouraged the President had a meeting yesterday with the incoming majority leader Senator MCCONNELL. It was reported to me they talked about things they thought they could work on together. But we have sort of been led down this pathway before with happy talk, and then the actions did not follow the rhetoric.

Unfortunately, I think the President started off on a bad foot after this election on November 4 by issuing this Executive action order. I realize it is very controversial and we can be frustrated at times with the slow pace of actually getting things done around here. But I have expressed myself previously, and I will say it again: I think the President made a serious mistake in doing it the way he did.

No. 1, I don't think he has the authority to do it, something he himself said he didn't have 22 times in published comments, but it poisons the well at a time when I think there was a lot of hope that maybe we could turn this place around.

It is not just my view; it is the view of a number of my Democratic colleagues too. For example, after the President's Executive action on immigration, the senior Senator from Louisiana said:

> We are all frustrated with our broken immigration system, but the way forward is not unilateral action by the President.

I agree with that comment.

Her sentiments were also echoed by the junior Senator from Indiana, who believes President Obama should not be making what he called ''significant policy changes'' on his own.

The senior Senator from Missouri said similarly, ''How this is coming about makes me uncomfortable, and I think it probably makes most Missourians uncomfortable.''

The reason they feel uncomfortable is that the President's Executive order represents a direct affront to the constitutional separation of powers. Even if you agree on the substance of what he did, which itself is controversial, how he did it was a direct affront to our Constitution and the separation of powers, and it is unsustainable. It provokes a response from Congress when it feels left out, and, in fact, the President is going to need Congress to work with him to fix our broken immigration system because Congress remains the possessor of the power of the purse.

The Senator from Maine put it this way. He said:

> The Framers knew what they were doing, and it doesn't say if the president gets frustrated and Congress doesn't act, he gets to do what he thinks is important for the country [on his own].

So this is not a partisan issue in the sense that Republicans and Democrats see the world through entirely different lenses. Plenty of Democrats understand that the President's action has made it significantly harder for us to get off on the right foot in the new year on a number of issues we already agree on by and large.

The junior Senator from North Dakota said the immigration order ''could poison any hope of compromise or bipartisanship in the new Senate before it's even started.'' I agree with the sentiment. I hope she is wrong, and I hope we can prove that wrong by saying we are not going to give up and we are not going to let what the President does determine what we do. We have to do our job and we have to function, and then we are going to have to work with the President hopefully to try to move the country forward in a number of these areas.

I hope we can find a way to stop the President from acting on his own and to recommit ourselves to the rule of law and particularly the Constitution and get about the job of addressing our country's biggest challenges, such as those outlined in the comments from the senior Senator from New York, Mr. SCHUMER, who gave a very noteworthy speech at the National Press Club recently. He mentioned issues we should be focused on, such as the needs of the middle class, stagnant wages, mass underemployment, and widespread pessimism about the future of the American dream. The last thing we need is a protracted constitutional crisis, and that is really an unfortunate distraction from what we ought to be doing together.

If we recognize these challenges and the message that was sent on November 4, we ought to be working together to address them. Because of this crisis, it will be more difficult, but we cannot give up. We need to work together to overhaul our job-training programs and give American workers relief from the burden of government that does not work in their best interests. It will be more difficult for us to pass progrowth tax and regulatory reforms, and it will be more difficult for us to do what we need to do to shore up and sustain Social Security and Medicare before they go bankrupt. We have reached this point because of yet another manufactured crisis—a crisis that was completely and totally unnecessary.

I can only hope the President will decide to reverse his desire to do everything unilaterally and to work on a more sensible course—one where he appreciates the possibilities of divided government. Based on the examples I gave earlier, there certainly is reason for hope that divided government can work and address some of our urgent needs. Unfortunately, given his record, it is hard to be optimistic, but I am an optimist by nature, and hope springs eternal.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Delaware.

Mr. COONS. Madam President, I ask unanimous consent to enter into a colloquy with my colleague, the Senator from New Hampshire.

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

MANUFACTURING SKILLS ACT

Mr. COONS. Madam President, I come to the floor this morning with my colleague from New Hampshire, Senator KELLY AYOTTE, to talk about what we can do together to invest in America's 21st-century manufacturing workforce. As the Presiding Officer well knows, manufacturing is one of the great areas of opportunity for meaningful bipartisan cooperation that will move our country, our economy, and our working families forward.

Although so many issues here these days seem to fall on partisan lines, Senator AYOTTE and I are here today because we have come together on a bipartisan bill called the Manufacturing Skills Act. The bill has one simple goal, which we share: to spur reforms in manufacturing skills training across our country. That is it. Our bill would create a competitive grant program to help local and State governments design and implement manufacturing job-training reforms that fit their own unique local economic needs. Once proposals come in, a Federal interagency partnership would award the five strongest State proposals and the five strongest local government proposals with funding for 3 years to implement their targeted reforms to improve their manufacturing skills training. The funding doesn't all come from the Federal Government, either. Something Senator AYOTTE and I share enthusiasm for is getting leverage for Federal investment. The local and State government must match Federal support one-to-one.

We are focusing on manufacturing specifically because it plays such a vital role in building communities and strengthening our middle class. Last year, in fact, manufacturing contributed more than $2 trillion to our Nation's economy. In many ways manufacturing has long been the foundation of our economy. As we know, manufacturing jobs are high-quality jobs. They pay more in wages and benefits. Manufacturing is highly innovative. It is the area that invests the most in R&D of any private sector component. Over the last 3 years manufacturing has started coming back steadily and rapidly, with more than 700,000 new manufacturing jobs created in our country.

This is all good news, and I am convinced the United States is poised to really compete in the manufacturing economy of this century. But we still face key challenges in the job market for manufacturing. There are manufacturers whom I have visited with up and down my State and whom we have

heard from across the country who are ready to hire but cannot fill open positions. The problem is only expected to get worse. By 2020, by some estimates, there may be more than 875,000 unfilled manufacturing jobs. Yet there remains no focused, targeted Federal workforce development program specifically designed to strengthen manufacturing skills. I think part of the reason is we often have an outdated view of manufacturing. It conjures up outdated images of dirty factories and unsafe working conditions and lower skilled labor. That is not the manufacturing workplace of today at all.

I would be curious to hear the thoughts of my colleague from New Hampshire on how manufacturing has changed and how we can work together to strengthen the skills of manufacturing workers in Delaware, New Hampshire, and across our country.

Ms. AYOTTE. I thank my colleague from Delaware. It has really been an honor to work with him on the Manufacturing Skills Act, and we share the goal to ensure that manufacturing remains vibrant and a vibrant source of jobs in our economy.

Training our workforce to have the right skills to address today's 21st-century manufacturing is quite different from yesteryear. Today as we look at manufacturing, we see the skills our workers need: critical thinking and problem-solving abilities, math and writing skills and the ability to communicate, an understanding of the manufacturing process, and an ability to engage workers in improving that process. This wasn't necessarily the case 20 or 30 years ago, but the United States is poised and has an opportunity to be the leader in advanced manufacturing.

We have a talented workforce, but our workers need the type of training that is going to address this new type of manufacturing that is focused on having the right skills and technology, use of technology and problem-solving skills that we know workers in New Hampshire and Delaware are quite capable of if we give them the tools they need.

A reality of today's world is that although our economy is bigger, we are more interconnected than ever before. Job training needs to be customized to the particular business area—the city, the State, the local economy. There is no ''one size fits all'' model. This is especially true in manufacturing—and I visited many manufacturers in our State—where different companies and places need workers with varying skills.

That is one of the reasons I am so enthusiastic about the Manufacturing Skills Act that Senator COONS and I have introduced together. Rather than prescribe job-training standards or dictate reforms from Washington, our bill allows local officials, business leaders, and workers to come together in local communities to build training plans that fit their needs and help grow jobs in the community because Wilmington and Newark, DE, have very different workforce challenges, perhaps, than some areas of New Hampshire, whether it is Nashua or Concord or Berlin. We need to ensure that local officials, local employers, and the people of our States are using the grants we are able to provide under this legislation to design new training programs for those localities to really allow those workers to be trained for 21st-century manufacturing skills.

By both targeting manufacturing and giving localities the discretion to design the reforms that fit their needs, we have come together on a bill that could help our country meet some of its most critical economic challenges and opportunities.

I know Senator COONS has a strong background in manufacturing and has worked very closely with employers and workers in Delaware to hear from them about what job-training needs they have to ensure Delaware can have that 21st-century workforce. I would love to hear more about some of the challenges he has heard about from employers and workers in Delaware.

Mr. COONS. Madam President, I would like to thank my colleague from New Hampshire. We are both from small States that are not nationally thought of as being leaders in manufacturing, but both New Hampshire and Delaware have deep, rich, broad manufacturing histories. Manufacturing is commonly thought of by America as being associated with Ohio, Wisconsin, Michigan or Indiana, but there are dozens of companies I have visited in Delaware that are small or medium-sized, with 50 or 100 or 150 employees. Many companies are family owned, many working in particular niches of processing or manufacturing. They are profitable, growing, and looking to hire. Having visited New Hampshire as well, it also has a proud and strong history of manufacturing. Given the regional experience and the base of knowledge and expertise of Members of this body, it is my hope that we can come together with other bipartisan cosponsors to strengthen and build this bill going forward.

Before I got into public service, I spent 8 years working for a manufacturing company in Delaware, a materials-based science company that manufactures over 1,000 different products, all off the same chemical platform. One of the things I did in my work area was I visited the dozens of manufacturing facilities that either the company for which I worked directly operated or many of our partner companies that were licensees or distributors or part of our supply chain.

The plant of today, the shop floor of today bears very little resemblance to that of previous generations. They are the location of rich innovation, an amazing amount of collaboration and teamwork where world-class, cutting-edge quality control and continuous innovation are expected, needed from our workforce, and thus investment in wages and in skills is also a critical part of our continuing to be globally competitive, as Senator AYOTTE has explained.

As the skills needed for workers vary depending on the product and market segment in the region, we also need training programs that are flexible and meet the exact needs of the region. I will give two examples. I have visited SPI Pharma in Lewes, DE, which manufactures the key component of Maalox and many other antacids, and BASF in Newport, which manufactures pigments. I hear similar challenges even though they are in different areas of manufacturing. Their specific needs are for process operators who are skilled at working at a factory where large amounts of complex suspensions—liquids—are being mixed, moved around, and fashioned into finished products. They need workers who understand programmable logic control systems and can ensure that continuous improvement in quality control is in place. They know that in order to continue to grow, to export and be globally competitive, they need to stay at the top of their game, which means investing in workers and their skills. They are struggling to find young people to replace those who are aging out of their workforces.

Our community college, Delaware Technical Community College, a national leader, is helping and is actively engaged. But as the equipment and processes of today's manufacturing plants become more advanced and computerized, they will need help in keeping up with changing technologies so the skills they train for today are the actual skills that companies, such as SPI Pharma and BASF in Delaware, need in this century.

The Manufacturing Skills Act could be a real help in Delaware to many of the manufacturers I visited, and it will allow local and State officials partnering with our schools, our Chamber leadership, and our manufacturers to build a system that fits our real needs at the local level.

I think it is exciting—whether someone is from New Hampshire, Wisconsin, Delaware or Indiana—to know we are willing to come together in a strong and bipartisan way to lay a pathway forward for America's manufacturing workforce. It gives me some reason for optimism as we begin to conclude this session of Congress and as we look forward.

I wish to close by specifically thanking Senator AYOTTE for being such a positive, forward-looking partner, not only on this bill but on many other issues we have worked on together in the years we have served so far in this body.

I would love to hear more from my colleague from New Hampshire about the manufacturing challenges New Hampshire faces and how this bill might address them and what our path forward is for this piece of legislation.

Ms. AYOTTE. I thank my colleague from Delaware.

As I look at the new Congress coming in, I view our bill—the Manufacturing Skills Act—as an opportunity where we can all work together to help workers and employers across the country meet the challenges of ensuring that manufacturing continues to thrive and grow in this country. These are good-paying jobs where the workers—who are excellent and want the opportunity but just need the skills—need the type of technology training and understanding of process, such as the lean process, and how we can improve our manufacturing.

The bill Senator COONS and I worked on together will allow the local decisionmakers to put together the best training that will help create good-paying jobs, not only in Delaware, New Hampshire, and Wisconsin but across this country.

I hope we can take up this bill very early on in the next session and get behind it.

In New Hampshire, there are 66,000 jobs that are directly connected and related to manufacturing. As I have traveled to visit manufacturing employers throughout our State, I have been hearing about the same issues that my colleague from Delaware has heard; that is, that they are challenged in actually finding the right workforce for excellent-paying jobs and opportunities, but they need partnerships and help to get that trained workforce in place.

New Hampshire, similar to Delaware, has had some strong partnerships among the private sector and community colleges in my State, and we need to do more of that in the future. I believe our bill will allow those local education institutions to partner with private employers and State and local officials so the training is valuable and will ensure that everyone has a stake in the right workforce going forward.

I wish to thank some of the businesses I have had the privilege of visiting in our State. So many businesses have told me—whether it is Burndy in Littleton or Velcro in Manchester or Codet in Colebrook or Hypertherm in the Upper Valley—that our private sector is focusing on this issue, and our Manufacturing Skills Act can help companies move forward and ensure that our workers have the right skills so we can grow jobs in this country.

I thank Senator COONS for his leadership on this issue and the work he has done every single day in this body to ensure that the people of Delaware have good-paying jobs and the right workforce training. This is a goal I share with the Senator from Delaware.

I wish to also thank him for his leadership on other issues, including the protection of this Nation and many other issues he has become an expert on in this body.

I hope we can all get behind bipartisan solutions, such as that offered by my colleague from Delaware, and I hope many of our colleagues will think about joining us on this Manufacturing Skills Act. As we go into the new Congress, I hope this will be a priority for our leadership so we can bring this bill to the floor for a vote right away.

I thank the Presiding Officer, and I thank my colleague from Delaware for his leadership and work on this important issue. I look forward to continuing to work on this until we get it passed.

Mr. COONS. I yield the floor.

Mr. TESTER. Are we in a quorum call?

The PRESIDING OFFICER. We are not.

POSTAL SERVICE

Mr. TESTER. I wish to address the challenges we have at the Postal Service today.

There is an old saying that when you are in a hole, stop digging. Don't make things worse. Don't shoot yourself in the foot. It is actually quite simple advice that all of us need to follow.

Here in Congress we could apply it to a lot of different issues. Our budget and the immigration system come to mind. But that hole grows faster when two parties are digging. When you have two shovels, the walls become higher, the climb out becomes more difficult, and that is what is happening right now with the Postal Service.

On one side we have the Postmaster General and Postal Service leadership actively cutting services and mail delivery standards. They think they can cut their way to fiscal solvency, and quite frankly in this case they are wrong. The answer is not more cuts. In fact, if it wasn't for the prefunding requirement for retiree health benefits, the Postal Service would have made nearly $1 billion in 2012.

Clearly, the Postal Service doesn't need to keep shutting down facilities and slowing down delivery. What the Postal Service does need is responsible reform legislation, and that is why I am here this afternoon.

All the Postal Service is doing with its shortsighted cuts is weakening trust in the Postal Service. Essentially, Postal Service leadership is cutting the legs out from underneath themselves. They are digging the hole deeper.

But Congress is in the hole with the Postmaster General. There are a lot of folks in Congress who would love to see the Postal Service go out of business, but the Postal Service, whether in urban America or rural America, delivers the goods America needs. It delivers medicine, newspapers, equipment, letters, and even election ballots. It is a critical part of our daily lives. But the Postal Service is preparing to end overnight delivery in all but a few American cities and close 82 mail processing facilities starting in January. These facilities route mail from New York to California, from Seattle to Sarasota, from a grandmother to her grandson.

When these facilities close or consolidate, it costs thousands of jobs, and more importantly it means mail goes to the remaining facilities and it means packages have to travel longer to get to where they are going. When that happens, more folks will not get the mail when they need it. It means more delayed credit card payments. It means more needed medicine sitting in a truck for another day. Come next election it might even mean lost ballots.

The Postal Service has already stopped overnight delivery in large parts of rural America. Even 2-day delivery is now hard to come by. If the Postal Service implements its new plan in January, that will be the case almost nationwide.

Congress has the power to stop these closures, and it would make sense to keep these facilities open while we work to reform the Postal Service in a way that treats its employees and its customers and the general public fairly. But in the Senate, and in the House, too many folks have their shovels out. So far the proposals coming out of this Congress fall far short of what is needed to put the Postal Service on sound financial footing.

We are here today to urge the House of Representatives and this body, the Senate, to include a provision in the government funding bill that will keep the processing facilities open. There is no point in closing mail processing facilities while Congress works on a comprehensive postal reform bill. I know we have trouble passing responsible legislation around here, I get that, but there is painstaking—and I do mean painstaking—work going on around here to pass a Postal Service reform bill.

The bill that passed the Senate Governmental Affairs Committee earlier this year needs work—serious work. It does not preserve strong rural mail standards. It is opposed by folks in rural America, by postal unions, and by mailers. Under the bill—except in the big cities—we can kiss 1-day delivery goodbye. With the cuts it proposes, the bill fundamentally prevents the Postal Service from performing its constitutional duty of keeping this Nation stitched together.

But along with other members of the committee, and some like-minded folks in the House, we are trying to find a way forward. We are trying to reform the Postal Service without putting the burden on rural America. A proposal I am working on will give the Postal Service the flexibility to raise new revenue while reducing the costly mandate to prefund retirement benefits. That requirement is swamping the agency's books.

Other Members of Congress are pushing to allow the Postal Service to continue its crusade against rural America. My effort, on the other hand, is a balanced solution that preserves strong rural mail standards while putting the Postal Service on the path to fiscal solvency.

We have been here long enough to know that there is no magic bullet. Congress is full of too many interests and too many constituencies, but the least we can do is to stop making things worse. There is no reason to keep digging the hole. We have evidence behind our case.

The GAO, in its analysis of past closures of the processing facilities, said the Postal Service is already unable to meet its reduced service standards—already unable to meet the standards that have already been reduced.

The Congressional Budget Office—looking at potential savings from facility closures—didn't take into account the loss of mail volume resulting from reducing the quality of service.

There are simply way, way, way too many unanswered questions about how these closures would affect mail service, and that is why a bipartisan majority of Senators, including myself, have called to stave off the closures of these processing facilities. Over 160 House Members have done the same.

A moratorium on mail processing facilities is the way to go. It will stop the bleeding and stop the digging that Congress and the Postal Service are doing right now. It will send a signal that the American people's representatives will not sit by as opponents work to privatize the Postal Service.

This is the busiest season of the year for the Postal Service. Folks send presents and cards through the mail. We hear from old friends and families whom we have not heard from in a long time. It is a busy and important time but no more critical than any other time of the Postal Service's year. Mail processing facilities don't just get used for mailing Christmas cards and presents, nor do the post offices. Reduced post office hours will affect Americans' lives as well.

Westby, MT, is in the far northeastern corner of Montana. It is along the border with North Dakota. It is a beautiful little town. The Westby Post Office is where Ken Keldsen, a veteran in his ninth decade, goes to pick up his prescription medicine. The mail takes a little longer to get to Westby these days because the processing plant was closed last year, and the post office is open for a few less hours each day.

Ken wrote my office and told me the reduced hours make it harder for him—this veteran in northeastern Montana in his nineties—to get his medication.

Here is what it comes down to: We need a reform bill that keeps the Postal Service financially viable while maintaining strong mail service standards for people such as Ken. It is not an easy proposition. We have been working on it for quite a while now. But the calls and need for reform are stronger than ever. There is no reason to keep digging. There is still time for Congress to stop the mail processing facility closures scheduled to start in January. That will give us more time to pass good legislation that sets the Postal Service straight.

I urge my colleagues in this body to do just that because this country needs a viable Postal Service, one that the American people can trust.

It is more than just holiday cards and packages. It is about making sure payments arrive on time. It is about making sure lease agreements get to the proper people, but it is not just about these things. It is also about having faith as a nation that we as a body—as a Senate, as a House, as a Congress—can make responsible decisions to preserve what is important in this country.

There has been a lot of talk about working together and getting things done since the election. I wish it could have happened before the election, but we are where we are. We have a great opportunity to work together to keep the Postal Service solvent and keep those standards high for not only urban America but for rural America also. We need to do that today. This is an important effort.

With that, I would love to hear from the Senator from Vermont, Mr. SANDERS.

Mr. SANDERS. Madam President, let me begin by thanking Senator TESTER not only for being on the floor today but for working on the issue of making sure that in 50 States in this country—in rural America and in urban America—we continue to have a Postal Service of which the American people are proud. I wish to acknowledge Senator BALDWIN, who is presiding, for her strong work on this issue, as well.

I represent one of the most rural States in America. I don't know if it is more rural than Montana, but it is very rural. Most of our people live in very small towns. The local post office is not just the place to pick up mail or to mail letters. It is a symbol of what the town is about. It is an institution that identifies the town. It is where people come together. It is a very important part of rural America.

We have been battling on this issue now for a number of years. As Senator TESTER will remember, it wasn't so many years ago when the Postmaster General came up with a proposal that would have led to the shutting down of 15,000 mostly rural post offices all over America. To my mind, that was a disastrous proposal. Many of us stood up and fought back and worked something out. While the compromise was not all that I wanted, at least it prevented the shutdown of 15,000 post offices all over this country.

Right now—and I think Senator TESTER made this point—the Postal Service has announced that beginning next month, it will be shutting down up to 82 mail processing plants. Those are the plants that move the mail along into areas all over the country. They also want to abolish overnight delivery standards and first-class mail. In the process, at a time when we need to create decent-paying jobs, this proposal would eliminate up to 15,000 good-paying, middle-class jobs at the Postal Service.

The reason Senator TESTER and I and hopefully others have come to the floor today is to send a very loud and clear message to the Postmaster General, to our colleagues here in the Senate, to our colleagues in the House, and to the President of the United States. The message is that at a time when the middle class is disappearing and the number of Americans living in poverty is almost at an alltime high, do not destroy decent-paying jobs at the Postal Service. At a time when the Postal Service is competing with the instantaneous communication of emails and of high speed Internet, do not slow down mail delivery service, but speed it up. Do not dismantle the Postal Service by shutting down up to a quarter of the mail processing plants that are left in this country.

On August 14, I was delighted to work with Senator TESTER and others on a letter to the Appropriations Committee, urging them to include language in the omnibus appropriations bill or the continuing resolution to prevent the Postal Service from making these devastating cuts and protecting these 15,000 jobs and these 82 processing plants. I am happy to say that a majority of the Members of the Senate—51 of them, including Majority Leader REID, Senator DURBIN, Senator SCHUMER, and six Republicans—Senator HATCH, Senator INHOFE, Senator HOEVEN, Senator BLUNT, Senator THUNE, and Senator COLLINS—all signed on to this letter. They understand—many of them coming from rural areas—that this is not a Republican issue or a Democratic issue; this is an issue to protect mail delivery all over this country and especially in rural areas.

Shortly after we sent our letter, 160 Members of the House signed on to a similar letter calling for a 1-year moratorium to stop these mail processing plants from closing, and 23 Republicans signed that letter as well. So we are seeing bipartisan support in the House and in the Senate saying loudly and clearly: Do not shut down 82 processing plants; do not slow down mail delivery service; do not eliminate 15,000 decent-paying jobs.

I know Senator MIKULSKI, the chair of the Appropriations Committee, wants to see this happen, but to make it happen, she needs Republican support. I very much urge my Republican colleagues to stand up for rural America, stand up for 15,000 jobs. Let's protect these 82 processing plants.

As Senator TESTER has made clear, the beauty of the Postal Service is that it provides universal service 6 days a week to every corner of America—no matter how small or how remote. It supports millions of jobs in virtually every other sector of our economy. It provides decent-paying union jobs to some 500,000 Americans, and, in fact—and I say this as the chairman of the Senate Committee on Veterans' Affairs—it is the largest single employer of veterans. Whether one is a low-income elderly woman living at the end

of a dirt road in Pennsylvania or Vermont or a wealthy CEO on Wall Street, people get their mail 6 days a week.

The American people, by the way, pay for this service at a cost far, far less than anywhere else in the industrialized world. But if Congress doesn't stop the Postmaster General from making these devastating cuts, it will drive more Americans away from the Postal Service and will lead to what we call a death spiral. The quality of service deteriorates, fewer people use the Postal Service, less revenue comes in, and the process continues to deteriorate.

Despite what some in this country have been hearing in the media, and despite what some in the Postal Service have been saying, the Postal Service is not going broke. We hear that every three months—people telling us the Postal Service is going broke. That is not true. The major reason the Postal Service is in bad financial shape today is because of a mandate signed into law by President George W. Bush in December 2006, during a lameduck session of Congress, that forces the Postal Service to prefund 75 years of future retiree health benefits over a 10-year period. This burden is unprecedented in any other government agency or any private sector company in the United States of America. It is a burden that every single year costs the Postal Service $5.5 billion, and that one provision—that one provision—is responsible for all of the financial losses posted by the Postal Service since October 2012—just that one provision.

Over the past 2 years, the Postal Service has made an operating profit of nearly $1 billion. Let me repeat that. Over the past 2 years, the Postal Service has made an operating profit of nearly $1 billion, excluding this prefunding mandate that must be gotten rid of. Further, before this prefunding mandate was signed into law, the Postal Service was also profitable. In fact, from 2003 to 2006, the Postal Service made a combined profit of more than $9 billion. So when we hear that the Postal Service is in financial difficulty, the key reason—the overwhelming reason—is this onerous, unprecedented burden of coming up with $5.5 billion every year to pay for future health retirees.

Given the improved financial condition of the Postal Service, it makes no sense to me to close down mail plants, destroy jobs, and slow mail delivery. Our job right now is to make the Postal Service an agency that functions efficiently in the 21st century. We have to give them the tools to effectively compete. But the way we do that is not by cutting, cutting, and cutting. That is a path toward disaster.

So I hope the Members of the Senate and the Members of the House of Representatives will stand together and prevent these 82 processing plants from shutting down and come up with some legislation which expands the capability of the Postal Service to compete and protects the American people who want high quality Postal Service.

With that, I yield the floor to the Senator from Wisconsin, Ms. BALDWIN.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I am delighted to join the senior Senator from Montana and the Senator from Vermont on this important topic.

The issue of postal processing facility closures greatly impacts my State of Wisconsin, and it greatly impact States across the country, I must say.

Since 2012 the Postal Service has closed or consolidated 141 processing facilities throughout the United States. In June the Postmaster General announced plans to consolidate up to 82 mail processing facilities, and eliminate 15,000 jobs in 2015. Four of these facilities are in the State of Wisconsin: Eau Claire, La Crosse, Madison, and Rothschild in the Wausau region of the State of Wisconsin.

When postal processing facilities close, that impacts service standards, which really boils down to the time it takes for a piece of mail to get from point A to point B. At this moment, I can't tell my constituents, my Wisconsinites, how long these delays will be because the Postal Service has yet to study this impact. These closures are set to begin within a month. So for small businesses who rely on the Postal Service to get their goods to market and for seniors such as the veteran who was described earlier by the senior Senator from Montana who gets his medicine through the mail, there is really no way for them to know at this moment how these closures are going to affect them, and sometimes what is in the mail is a lifeline for them.

In fact, the inspector general found the Postal Service failed to follow its own rules, which require the Postal Service to study the impacts these consolidations will have on their service standards—again, the time it takes for a piece of mail to get from point A to point B. They are also supposed to inform the public of these impacts and, additionally, to allow affected communities to provide input before a final decision is made. However, this simply didn't happen. That is why I was proud to join Senator MCCASKILL in a bipartisan letter to the Postmaster General requesting that the Postal Service delay these proposed closures and consolidations until they have a fair, complete, and transparent process in place.

The Postal Service exists to serve all Americans, and my constituents and the consumers who fund the Postal Service deserve to have their voices heard in this process. They are stakeholders in this process. While there are certainly process and transparency problems with these closures, another issue that concerns me is the fact that these shortsighted cuts are harming the very thing that makes the Postal Service unique. The major strength of the U.S. Postal Service is its significant network which can reach every community in America. Whether one is in an urban city such as Milwaukee, WI, or in a rural town such as Prentice, the Postal Service reaches these Wisconsin communities. But by continually chipping away at the substantial service network, the Postal Service is developing into an urban package delivery system at the expense of rural Americans and rural Wisconsinites.

Proponents of this idea of closures and consolidations say it is counterproductive to delay these closures because they should happen as soon as possible. They say Congress has failed to act and that the Postal Service has been left with no alternative but to close more processing facilities.

I agree on one point; that is, that Congress has, indeed, failed to act. We must. Congress has failed to act. I do not know how many have sort of heard this in relation to bills to try to fix problems. Have you ever seen someone present an idea and they say, look, everybody who is a stakeholder hates this so it must be a good bill?

Well, I kind of disagree with that proposition, that it has to be that way. I can tell you there is another way forward. That path involves working with, not against, Postal Service employees and customers. It relieves the Postal Service of congressionally mandated overpayments. It maintains service standards for all communities. It provides Postal Service customers with certainty on postal rates.

I am going to continue to fight on this issue. I am delighted and proud to be joining my colleagues here today on the floor to raise this immediate issue of postal process facility closures, this pending issue, but also to renew our commitment to the longer range, broader postal reform that gives our constituents, whether rural, suburban, or urban, the confidence and service they deserve.

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

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

''ORION'' SPACECRAFT

Mr. NELSON. Mr. President, I wish to share with the Senate the fact that we are about to do the first flight test of the new NASA human spacecraft, called *Orion*.

As a matter of fact, it was attempted earlier this morning. There was a launch window between 7:05 and 9:44 eastern time. In fact, a combination of some weather concerns plus some questions of valves opening on some of the fuel lines in the rocket and trying to rework those valves ultimately led to the decision to scrub the mission today.

The spacecraft looks like a capsule. If we recall the Apollo capsule that took us to the Moon, it carried three astronauts. It was 12 feet in diameter. *Orion* is 16.5 feet in diameter and is being designed to carry four astronauts. But it is the forerunner to the space systems that will eventually—in 20 years—carry us to the planet Mars.

It will be launched today on an existing workhorse. We have two major workhorses in our stable. The Delta—the Delta IV and this, configured with additional boosters, is called the Delta IV Heavy.

The other workhorse in the stable getting so many of our payloads into space, including our military satellites, is the Atlas V. Both of them are proven workhorses and have been almost flawless. This particular spacecraft, for its first flight test, is going up on a Delta IV Heavy.

As such, what it will do is first to put it into low Earth orbit, and from there it will be projected out 3,600 miles from the Earth and come back as if it were on a mission to the Moon or to an asteroid or coming back from Mars in a trajectory, coming through the Earth's atmosphere, creating quite a few g's and creating—at about 20,000 miles an hour as it is coming back into the Earth's atmosphere—about 4,000 degrees Farenheit on the heat shield.

So the flight test today is to test the structural integrity of the spacecraft as well as to test the viability of the heat shield. That has now been postponed until tomorrow. It was my expectation Senator THUNE would be able to go. As it turns out, he has to go back to South Dakota. I will be there at the Cape, and we will report on the launch later on to the Senate next week.

But it will all be done in 1 day, and it will splash down in the Pacific, somewhere in the region of the State of the Presiding Officer. They are actually going to have television coverage of the splashdown because we have a Predator that will be over the Atlantic. That is why we have to have the weather there, as well as the weather at the Cape, to be exactly right so we can record the splashdown, because this is a flight test.

We are developing a new spacecraft to take humans to missions far beyond low Earth orbit. A lot of people think the human space program was shut down after the space shuttle. No, we are just going into the new design of new spacecraft that can take us on a mission out of Earth's orbit as we explore the Earth's heavens. I will give a report to the Senate next week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

LAND CONSERVATION

Mr. MURPHY. Madam President, this is a picture of Wike Brothers' Farm in Sharon, CT. Sharon is located in the very northwest portion in the great State of Connecticut. It has been an active farm held by the same family, the Wike brothers, for about 150 years. It is about 144 acres. It is a pasture now for free-range chickens, pigs, and cattle.

The farm's roadside store, which is used by people from Connecticut, Massachusetts, and New York—given that it sits right at the crux of those three States—sells beef, pork, sausages, eggs, apple-smoked bacon, and maple syrup, to name a few.

We are able to know, confidently, that this piece of iconic farm land that is producing for the neighboring farms and States is going to be able to continue as a farm because of something that Congress did.

Congress passed, enacted in 2006, a land conservation incentive in our Tax Code that gives a small tax incentive to farmers who decide to put a conservation easement on their land to make sure it doesn't fall into the hands of developers. Further, we provide a slightly smaller discount, a slightly smaller tax incentive to private nonfarm, nonagricultural landowners who want either to donate their lands or who want also to put a conservation easement on their land to make sure that it doesn't get developed.

This has been of enormous benefit in the State of Connecticut. We have preserved 11,000 acres of land in Connecticut just since this tax incentive went on the books. That is a 45-percent increase over the previous period of time before we put that tax incentive on the books.

It is a wonderful bipartisan policy because we are able, by discounting people's taxes, to keep land as open space without it, frankly, going into the hands of public land owners, which is often met with resistance from a lot of Members from our Western States.

Land stays in the hands of the private landowner or, in this case, in the hands of the Wike brothers, who have been farming it for a century and a half. But we know, because of that conservation easement, it will be maintained as open space.

As bipartisan as that idea is, the entire genesis of land conservation is a bipartisan idea, and maybe even to an extent it is a partisan or Republican idea. It was Teddy Roosevelt who quadrupled the acreage in our national forests, invented the National Wildlife Refuge System, and proclaimed 18 national monuments. He said in 1910: ''Conservation is a great moral issue, for it involves the patriotic duty of insuring the safety and continuance of the nation.''

It was Richard Nixon who created the EPA and signed into law the Clean Water Act. In 1970 he said: ''Clean air, clean water, open spaces—these should once again be the birthright of every American.''

While there aren't a lot of Democrats coming to the floor and quoting Ronald Reagan, he had some very impressive things to say about this country's commitment and his movement's commitment to conservation, as well.

Ronald Reagan said:

> What is a conservative after all but one who conserves, one who is committed to protecting and holding close the things by which we live. . . . And we want to protect and conserve the land on which we live—our countryside, our rivers and mountains, our plains and meadows and forests. This is our patrimony. This is what we leave to our children. And our great moral responsibility is to leave it to them either as we found it or better than we found it.

I am on the floor to speak in favor of the continuance of the land conservation tax incentive program that we hope will be in whatever tax extension deal gets passed by the Congress, as many proponents of the provision in that tax extension package would like.

It would be better if this were permanent. It is very difficult to do long-term planning for owners and operators of big farms such as the Wike Brothers' Farm if they don't know the tax incentive is going to be there for them. It is very difficult to do this retroactively, but it is important, nonetheless, to get this extended because this isn't the only property in our State that has been affected.

The Towner Hill Farm in Sherman, CT, is an 80-acre property that would not have been protected if it weren't for the Federal tax deduction which was available to the owner in 2008. He offered it to the town of Sherman at less than the value that he might have gotten at a private land sale because he knew he was going to be able to get this tax incentive. Now it is home to one of the most popular hiking areas in all of that area in Sherman, CT.

The Vanishing Geese Farm in Durham, CT, the center of the State, has a 42-acre farm that has been in the Scott family since the 1970s. They desperately wanted to continue farming, but the ability to have a conservation easement purchased from them put money in their pockets that allowed them to continue to farm but also gave them piece of mind, knowing that this piece of land that they love is going to be able to stay as open space.

Mr. Scott said, in his own colloquial way: ''Having worked the land, cut my firewood from it, raised sheep on it, and hayed it, I have developed a lot of affection for it.''

In regard to the donation of the easement on his family's property, he said:

> I told my kids that my chest was puffed out a little more and when I walked out in the snow, it was nice to know that this land will never be developed. I feel that I've kind of kept faith with the land and with the critters on it.

This is a very important tax incentive that, as I said, has resulted in tens of thousands of acres being preserved in the State of Connecticut. It is maybe the most important legacy that we leave—to recognize that part of the true greatness of this country is the land upon which we live, the open spaces that define what it is to be an American.

I mean, the Industrial Revolution powered us to global greatness but

we—maybe better than any other nation in the world—have found this miraculous way to marry together development and conservation, to decide that there are going to be places that we are going to develop for their natural resources or for their industrial capacity. But then there are going to be these magical places, like this beautiful farm in northwestern Connecticut, where agriculture is happening and which to many of us defines the character of the place in which we live—practical reasons why we should conserve a place such as the Wike Brothers' Farm to continue agriculture. But I would also argue there are spiritual reasons as well—reasons having to do with what it is to be a citizen and inhabitant of this great Nation.

Republicans and Democrats, over the course of our congressional history, have come together to protect open spaces. Since 2006 Republicans and Democrats have come together to protect this important tax incentive; 221 House Members have cosponsored the legislation and 27 Senators.

I will leave with this statement. It is a bipartisan legacy for me as well.

I ran a spirited race for the U.S. Congress in 2006, beating a 24-year incumbent, Republican Nancy Johnson. There were places where I departed from her legacy and there were places where I inherited it. Nancy Johnson was one of the authors, one of the creators, of this important conservation tax incentive. So in my corner of the world there is a legacy of standing up for it, which is why I come to the floor today.

I thank the body for the time, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

IMMIGRATION

Mr. SESSIONS. 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. SESSIONS. Madam President, it has already started. There is being readied today a building in Crystal City, VA, to house the announced 1,000 workers who will be hired to process the unlawful Executive amnesty the President has said he intends to execute.

The President is already moving forward. He is rushing to impose his immigration views before the Congress can contain it or restrain it; before the American people fully understand what is happening; and to make it so it can't be stopped.

The President's Executive orders violate the laws of Congress—the laws that Congress has passed—in order to implement laws he wishes Congress had passed but which Congress has refused to pass. It refused in 2006, 2007, 2010, 2013, and 2014.

The American people, through their congressional representatives, have considered these kinds of proposals, they evaluated them, the American people expressed their views on them, and Congress said no. The people have been clear on this issue. For decades they have pleaded, demanded, really, that this Congress create an immigration system that is lawful; that we end the lawlessness, that it be principled, that it serve the national interest, and that it serves their interest and not the special interests. But Congress and political leaders have refused to do so.

It is unfortunate to a degree I don't think I have seen on any other issue. Perhaps no other issue defines the gap between the elites in this country and middle Americans who go to work every day, who support our country, pay our taxes, and fight our wars. Our people want our laws that are on the books now enforced. If new laws are needed, they want us to pass new laws to end this lawlessness. But this President rejects the will of the people. His policies nullify the laws we have. His policies, shockingly, direct Federal agents to ignore their oaths and not enforce the laws, which creates the lawlessness that stains our legal system in our country today and is causing so much angst out there. People are not opposed to immigration. People are frustrated that their government refuses to create a lawful system that will work and serve them.

What I want to say to my colleagues is that the President has gone even farther than that. He has gone farther than just saying: I am not going to enforce the laws, which he, as a President, the Chief Executive Officer, is required to do. He is required to execute the laws of the United States faithfully, which he is absolutely failing to do. But he is moving forward with his immigration agenda, rejected by Congress and the American people, and he is moving forward in a lot of different ways.

This was an issue in the campaign. The people heard about it just a few weeks ago and they cast their ballots. There are nine new Senators elected to this Senate, and not one of them said they supported President Obama's scheme. Not one of them. They steadfastly opposed it. So in this lameduck Congress, the attempt is being made to move this new lawless agenda forward out of fear that it might not be so popularly received next year.

Is Congress hopeless, helpless, ineffectual? Is it not able to stop this? Absolutely not. Congress has the power to control what the President does. It has the power to control what he spends money on. The President, the executive branch, cannot spend one dime that has not been approved by the U.S. Congress. He can't spend more on roads, highways, schools, defense, education, or health care that Congress has not appropriated and not approved. So Congress has a responsibility and a duty here. Congress should fund no program, should allow no Presidential expenditure to be spent on programs it deems are unworthy. It absolutely has a responsibility to ensure this President spends no money to execute policies that are plainly in violation of existing law.

This Congress has a constitutional duty, no matter what Members may feel about the substance of the issue. I have opinions on that. I oppose the President's substantive position. But as a matter of law, separation of powers, and constitutional duty, this Congress should stop the expenditure of Federal funds for projects that Congress has rejected and are not worthy of funding. Congress has deliberated these issues. This is not something it has not considered before. It has rejected this policy.

The special interests have spent, according to one independent group, $1.5 billion to try to ram through Congress an immigration plan the American people reject and that Congress has refused to pass. The President hasn't given up, and these special interests haven't given up, despite the election and despite the wishes of the American people. They want their policies and they are going to ram them through this Congress, if they possibly can, no matter what the people think. That is a threat to representative democracy. It is a threat to the laws of this country. And the Congress needs to say no.

Let us be specific now. People may think: Well, you may not expend money if you don't prosecute somebody. So how are we going to complain about that, Senator SESSIONS? Well, let us look at this. This is from the U.S. Citizenship and Immigration Service, which is charged with processing the applications of people who wish to enter the country lawfully. Broadcast on Monday, December 1—just this week—at 11:52. Subject: Today's email news.

> USCIS is taking steps to open a new operational center in Crystal City, a neighborhood in Arlington, Virginia, to accommodate about 1,000 full-time, permanent Federal and contract employees in a variety of positions and grade levels. The initial workload will include cases filed as a result of the executive actions on immigration announced on November 20, 2014. Many job opportunities at the operational center will be announced in the coming days and please continue to monitor USAJOBS if you are interested.

This is just days from now.

Now let's put this little chart up. This briefly continues on what they published. This is right off their email.

> Current vacancies include: Special Assistant GS–12.

Boy, a lot of people in the country would like to be a GS–12.

> Arlington, Virginia, today. Special Assistant GS–15, Arlington, Virginia. Today. Chief of Staff GS–15, Arlington, Virginia. Today.

It goes on, today, today, today, today. They are rushing this through. They are determined to get this done before the American people can find

out what is happening, to raise their voice, to communicate with their Members of Congress and the Senate and stop it. This is not good for this country.

You may say: Well, JEFF, surely the President hasn't overreached in these matters. But Congress has stated you cannot enter the country unlawfully. That is a fundamental principle of our immigration law that has been on the books for many years. If you enter unlawfully, you are not entitled to work in America. And if you enter unlawfully and attempt to work and someone hires you and knows that you are illegally here, the employer is subject to criminal penalties and other penalties. That is the basic law. It has been on the books for years. The President is just wiping that off the books, colleagues.

Are we going to accept this? Are we going to allow the President to just wipe out duly passed laws to create an entirely new system of immigration that Congress refused to establish? Our laws are on the books today. He has no power to reduce and erase those laws.

How serious is this? Last night former Speaker of the House Newt Gingrich—Ph.D. in history, a student of American government, author of quite a number of books—made some dramatic statements about the meaning of this Presidential action, and we should hear it, colleagues. This is the former Speaker of the House, a student of American history and government. This is what he says about what is happening today. We cannot be oblivious to this, because what happens today will set trends and policies for tomorrow. He said:

> Obama funding new staff and offices without congressional approval is step toward kingship or dictatorship. He must be stopped now.

How much clearer can it be than that? He goes on to say, in another tweet here:

> Congress should only approve very short spending bill to set up fight in January on Obama unconstitutional power grab. No long term CR.

Here is the third one from last night:

> Our entire constitutional structure is at stake. The new Obama power grab is the greatest threat to freedom since King George Third.

Those are quotes from Newt Gingrich. I am telling you, this is not a little bitty matter, and we have to fully understand the nature of what is happening here. Congress refused to pass what the President is enacting right now by Executive order and he has no power to do it. He should not be doing it. He may well be stopped by lawsuits in years to come, but Congress has the power to stop it now. We don't have to allow money to be spent in Arlington, Crystal City, VA, to hire 1,000 people to process these applications.

Now, how are things going in our immigration system today? I wish I could report better circumstances than we have. The situation was grave even before this action. On May 20, last year, National Citizenship and Immigration Services Council president, representing thousands of USCIS workers, issued a statement.

Colleagues, we need to know what has happened. It is unbelievable.

This is a person directly engaged with the people who do the work every day, the law officers who go out there and try to adjudicate these immigration cases.

> USCIS adjudications officers are pressured to rubber stamp applications instead of conducting diligent case review and investigation. The culture at USCIS encourages all applications to be approved, discouraging proper investigation into red flags and discouraging the denial of any applications. USCIS has been turned into an ''approval machine.''

This is an absolute abdication of the responsibility the Congress and the American people have given to the President as the Chief Executive Officer and given all the way down to the lowest USCIS officer. They are not to be a rubberstamp machine. They are not to be an approval machine. They are to serve the interests of the American people. They are to evaluate applications and do so carefully and fairly and consistently. They are to investigate red flags.

What is he talking about when he says red flags? He is talking about threats, criminals, terrorists.

Even Secretary Johnson, Secretary of Homeland Security, testifying a few days ago, acknowledged that of these 4 million or 5 million people who are going to be applying for legal status in America through the President's program, there is no way their applications are going to be evaluated. If they say they came to the country in 1999, nobody is going to check on that. They are not going to see if they graduated from some school or had some job somewhere and investigate it. They are simply going to act on the paperwork they have been given. And in many cases—in the bill that President Obama supported earlier last year—there would not be any face-to-face meetings. They wouldn't even go into an office and actually see the person. It would all be submitted by email and documents, which is highly risky, as the experts told us. They need to see the person because they may not be the person they say they are. They could just submit paperwork, get citizenship status, and nobody would have any idea whether they are worthy of being in the United States.

The situation is graver than a lot of people think. It is our duty to legitimately represent the people in our country who believe this system is supposed to work. They sent us here. We say we have an immigration law in America. Well, good. And then we end up here. It is not so good. It is not working at all.

What are we supposed to do? We are sorry, constituents. We are sorry you voted for us. I know we told you we wanted to do stuff to make this system better and we are going to end all this, but we will worry about that tomorrow—and we are going to do something.

For 40 years Congress and Presidents have been promising to fix this system. The problem is, the special interests have won every time. The special interests have blocked the kind of reforms that create a system that we know will serve our national interests, will be fair to immigrants who apply, and help the American people live better lives.

To make a couple of more points. October 28 of this year, Mr. Kenneth Palinkas, the president of the association of 12,000 officers—issued this statement:

> We are still the world's rubber stamp for entry into the United States—regardless of the ramifications of the constant violations to the Immigration and Nationality Act. Whether it's the failure to uphold the public charge law, the abuse of our asylum procedures, the admission of Islamist radicals, or visas for health risks, the taxpayers are being fleeced and public safety is being endangered on a daily basis.

That is what Mr. Palinkas said. Has anybody ever called him to testify and to lay out these dangers? Certainly not the U.S. Senate. President Obama has his secret meetings with businesses and activist groups—people with their big money and their contributions. He met with them all summer. Did he meet with Mr. Palinkas? No. Did he meet with the head of the ICE officers association? No. Mr. Palinkas pleaded and asked to be admitted so he could lay out the problems they face on a daily basis, and it was rejected.

Mr. Palinkas goes on to say:

> I write today to warn the general public that this situation is about to get exponentially worse—and more dangerous. America dodged a bullet when the Senate immigration package S. 744 was blocked by the House. That legislation would have been a financial security catastrophe. But news reports have leaked information to the public of a USCIS management contract bid for a ''surge'' printing of 34 million green cards and employment authorization documents to be provided to foreign nationals, a bid that predicts the Administration's promised executive amnesty.

Think about what this officer is telling us. It is true. He goes on to say:

> That is why this statement is intended for the public: If you care about your immigration security and your neighborhood security, you must act now to ensure that Congress stops this unilateral amnesty. Let your voice be heard and spread the word to your neighbors. We who serve in our nation's immigration agencies are pleading for your help—don't let this happen. Express your concern to your Senators and Congressmen before it is too late.

That was October 28 of this year. He also issued this statement on May 20 of last year:

> USCIS officers who identify illegal aliens that, in accordance with law should be placed into immigration removal proceedings before a federal judge, are prevented from exercising their authority and responsibility to issue Notices to Appear.

It goes on to say:

> The attitude of USCIS management—These are the political appointees, appointed

by the President to execute his views of immigration.

The attitude of USCIS management is not that the Agency serves the American public or the laws of the United States, or public safety and national security, but instead that the agency serves illegal aliens and the attorneys which represent them.

What a statement. Who is the government supposed to represent? We represent the people of the United States who are lawfully here.

While we believe in treating all people with respect, we are concerned that this agency tasked with such a vital security mission is too greatly influenced by special interest groups.

Boy, that is the truth. We had in one day Microsoft—a great company—demanding that more workers be allowed to come into the country so that they can work, in the same week they announced laying off 18,000.

In September of this year, Mr. Palinkas issued this statement:

Many millions come legally to the U.S. through our wide open immigration policy every year—whether as temporary visitors, lifetime immigrants, refugees, asylum-seekers, foreign students, or recipients of our ''visa waiver program'' which allows people to come and go freely. Yet our government cannot effectively track these foreign visitors and immigrants. And those who defraud authorities will face no consequences at all in most cases. Our caseworkers cannot even do in-person interviews for people seeking citizenship, they cannot enforce restrictions on welfare use, and they even lack the basic office space to properly function. Applications for entry are rubber-stamped, the result of grading agents by speed rather than discretion. We've become a clearinghouse for the world.

Now that is the truth and anybody who knows what is going on in our system knows it. The President's action will beget even more lawlessness in the future. It is a statement to the world: No matter what the law says, you come to America, you get to stay. You will not be deported.

This is a recipe for disaster. It cannot work. What we need in this country, and can achieve if Congress and the President will act, is to create a lawful system and enforce the law. We need to make it a system that we can be proud of and that is fairly applied. We need a system that ends the ability of people to defraud our country and come in unlawfully, and to serve the interest of working Americans.

That is what it is all about: Are we serving their interest, or are we listening to special interests—political groups and activist groups, politicians who think they gain political advantage, and certain businesses who want more, cheaper labor? Don't we represent the vast majority of the people? Isn't there a national interest—an interest of the American people? Somebody needs to defend that interest. It has been lost in this process.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session.

NOMINATION OF GREGORY N. STIVERS TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY—Continued

The PRESIDING OFFICER. Is there further debate on the nomination?

Hearing none, the question is, Will the Senate advise and consent to the nomination of Gregory N. Stivers, of Kentucky, to be United States District Judge for the Western District of Kentucky?

The nomination was confirmed.

NOMINATION OF JOSEPH F. LEESON, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA—Continued

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the vote on the Leeson nomination.

Mr. CASEY. I ask unanimous consent all time be yielded back.

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

The question is, Will the Senate advise and consent to the nomination of Joseph F. Leeson, Jr., of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania?

Mr. CASEY. 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 Louisiana (Ms. LANDRIEU), the Senator from Massachusetts (Mr. MARKEY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CRUZ), and the Senator from Kansas (Mr. MORAN).

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

The result was announced—yeas 76, nays 16, as follows:

[Rollcall Vote No. 312 Ex.]

YEAS—76

Alexander	Burr	Cornyn
Ayotte	Cardin	Crapo
Baldwin	Carper	Donnelly
Barrasso	Casey	Durbin
Bennet	Chambliss	Enzi
Blumenthal	Coats	Feinstein
Blunt	Collins	Fischer
Boozman	Coons	Flake
Brown	Corker	Franken
Graham	Leahy	Roberts
Grassley	Lee	Rubio
Hagan	Levin	Schumer
Harkin	Manchin	Scott
Hatch	McCain	Sessions
Heitkamp	McCaskill	Shaheen
Heller	McConnell	Shelby
Hirono	Merkley	Tester
Hoeven	Murkowski	Thune
Inhofe	Murphy	Toomey
Isakson	Nelson	Vitter
Johanns	Paul	Walsh
Johnson (WI)	Portman	Warner
Kaine	Pryor	Whitehouse
King	Reed	Wicker
Kirk	Reid	
Klobuchar	Risch	

NAYS—16

Begich	Johnson (SD)	Stabenow
Booker	Menendez	Udall (NM)
Boxer	Mikulski	Warren
Cantwell	Murray	Wyden
Gillibrand	Sanders	
Heinrich	Schatz	

NOT VOTING—8

Coburn	Landrieu	Rockefeller
Cochran	Markey	Udall (CO)
Cruz	Moran	

The nomination was confirmed.

VOTE EXPLANATION

Mr. MARKEY. Mr. President, I was absent from the rollcall vote on the nomination of Joseph F. Leeson, Jr. to be United States District Judge for the Eastern District of Pennsylvania. Had I been present, I would have opposed his nomination.

NOMINATION OF LYDIA KAY GRIGGSBY TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS—Continued

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Griggsby nomination.

Who yields time?

The Senator from Vermont.

Mr. LEAHY. Madam President, today we will vote to confirm Lydia Griggsby to serve on the Court of Federal Claims.

I thank the Majority Leader for filing cloture on her nomination. She should have been confirmed several months ago but Republicans refused to consent to a vote on her nomination for no good reason.

Lydia was nominated on April 10 of this year. She had a hearing on June 4 and was reported out of committee by a unanimous voice vote on June 12. She is completely noncontroversial and exceptionally well qualified to serve on this court.

It should not have taken 6 days, let alone 6 months, for the Senate to approve her nomination. Despite this unnecessary delay, I am pleased that we finally ended the filibuster and will confirm her today.

Lydia has served on my Judiciary Committee staff since 2006 and currently serves as my chief counsel for Privacy and Information Policy. In this position, she has worked across the aisle on important legislation to

promote accountability and transparency. Before coming to the Judiciary Committee she served on the Senate Ethics Committee.

I recommended Lydia to the President for this position because I know her intellect and good judgment will make her a fine judge. Before Lydia came to work in the Senate, she served in the Justice Department and tried several matters before the Court of Federal Claims. When she is confirmed, it will most certainly be the court's gain and the Judiciary Committee's loss.

I will miss her wise counsel and I wish her all the best.

Madam President, I yield back all time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Lydia Kay Griggsby, of Maryland, to be a Judge of the United States Court of Federal Claims?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's actions.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the motion to invoke cloture on the Baran nomination.

The Senator from California.

Mrs. BOXER. Madam President, I know we have a lot to talk about. This will be very quick.

I want to point out that is an opening at the Nuclear Regulatory Commission, which is such an important agency because they work on the safety of powerplants, many of which are aging. We voted for Mr. Baran for a short-term seat. He had extensive hearings, 88 questions asked in writing. I feel very strongly that he is very suited for this position. He worked for the Energy and Commerce Committee in the House and worked in a very bipartisan fashion.

In any case, I think this is a very important position and a very qualified individual, and I urge an ''aye'' vote.

The PRESIDING OFFICER. Is there further debate?

If not, all time is yielded back.

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 Jeffery Martin Baran, of Virginia, to be a Member of the Nuclear Regulatory Commission.

Harry Reid, Patrick J. Leahy, Patty Murray, Tom Udall, Brian Schatz, Charles E. Schumer, Barbara Boxer, Benjamin L. Cardin, Richard Blumenthal, Jeff Merkley, Al Franken, Robert P. Casey, Jr., Martin Heinrich, Elizabeth Warren, Richard J. Durbin, Christopher Murphy, Bernard Sanders.

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 Jeffery Martin Baran, of Virginia, to be a Member of the Nuclear Regulatory Commission, 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.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CRUZ), and the Senator from Kansas (Mr. MORAN).

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

The yeas and nays resulted—yeas 53, nays 40, as follows:

[Rollcall Vote No. 313 Ex.]

YEAS—53

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

NAYS—40

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

NOT VOTING—7

Coburn	Landrieu	Udall (CO)
Cochran	Moran	
Cruz	Rockefeller	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 40.

The motion is agreed to.

NOMINATION OF JEFFERY MARTIN BARAN TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Jeffery Martin Baran, of Virginia, to be a Member of the Nuclear Regulatory Commission.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the motion to invoke cloture on the McFerran nomination.

Mr. ALEXANDER. Madam President, I ask unanimous consent all time be yielded back.

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

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

The assistant 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 Lauren McGarity McFerran, of the District of Columbia, to be a Member of the National Labor Relations Board.

Harry Reid, Tom Harkin, Patrick J. Leahy, Patty Murray, Tom Udall, Brian Schatz, Charles E. Schumer, Barbara Boxer, Benjamin L. Cardin, Richard Blumenthal, Jeff Merkley, Al Franken, Robert P. Casey, Jr., Martin Heinrich, Elizabeth Warren, Richard J. Durbin, Christopher Murphy.

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 Lauren McGarity McFerran, of the District of Columbia, to be a Member of the National Labor Relations Board, 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. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CRUZ), and the Senator from Kansas (Mr. MORAN).

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

The yeas and nays resulted—yeas 51, nays 42, as follows:

[Rollcall Vote No. 314 Ex.]

YEAS—51

Baldwin	Cardin	Gillibrand
Begich	Carper	Hagan
Bennet	Casey	Harkin
Blumenthal	Coons	Heinrich
Booker	Donnelly	Heitkamp
Boxer	Durbin	Hirono
Brown	Feinstein	Johnson (SD)
Cantwell	Franken	Kaine

King	Murphy	Shaheen
Klobuchar	Murray	Stabenow
Leahy	Nelson	Tester
Levin	Pryor	Udall (NM)
Markey	Reed	Walsh
McCaskill	Reid	Warner
Menendez	Sanders	Warren
Merkley	Schatz	Whitehouse
Mikulski	Schumer	Wyden

NAYS—42

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

NOT VOTING—7

Coburn	Landrieu	Udall (CO)
Cochran	Moran	
Cruz	Rockefeller	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 42.

The motion is agreed to.

NOMINATION OF LAUREN MCGARITY MCFERRAN TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Lauren McGarity McFerran, of the District of Columbia, to be a Member of the National Labor Relations Board.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the vote on the motion to invoke cloture on the Williams nomination.

Mr. REID. I yield back all time.

The PRESIDING OFFICER. Without objection, all time has been yielded back.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Ellen Dudley Williams, of Maryland, to be Director of the Advanced Research Projects Agency—Energy, Department of Energy.

Harry Reid, Christopher Murphy, Elizabeth Warren, Kirsten E. Gillibrand, Ron Wyden, Tom Harkin, Angus S. King, Jr., Richard Blumenthal, Charles E. Schumer, Mazie K. Hirono, Amy Klobuchar, Barbara Boxer, Tammy Baldwin, Bernard Sanders, Sheldon Whitehouse, Jeff Merkley.

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 Ellen Dudley Williams, of Maryland, to be Director of the Advanced Research Projects Agency—Energy, Department of Energy, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. MURPHY), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CRUZ), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Kansas (Mr. MORAN).

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

The yeas and nays resulted—yeas 57, nays 34, as follows:

[Rollcall Vote No. 315 Ex.]

YEAS—57

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

NAYS—34

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

NOT VOTING—9

Barrasso	Cruz	Moran
Coburn	Inhofe	Murphy
Cochran	Landrieu	Udall (CO)

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 34.

The motion is agreed to.

NOMINATION OF ELLEN DUDLEY WILLIAMS TO BE DIRECTOR OF THE ADVANCED RESEARCH PROJECTS AGENCY-ENERGY, DEPARTMENT OF ENERGY

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Ellen Dudley Williams, of Maryland, to be Director of the Advanced Research Projects Agency-Energy, Department of Energy.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent to give my remarks while seated at my desk.

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

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

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

Mr. ROCKEFELLER. For hours and hours.

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

FAREWELL TO THE SENATE

Mr. ROCKEFELLER. Madam President, I come today with a spirit of reflection and optimism about our future. I am also compelled towards an honest assessment of where we are as a body—of the promise of what we can achieve when we don't shy away from compromise and what we can't achieve when we refuse to compromise.

I also have very much on my mind that the job of public service is very hard work, and it is an extremely noble and honorable calling. Here in the U.S. Senate we have the unique ability and responsibility to do very big things: ignite innovation in our schools and industries, grow and protect a healthy country, foster global change borne from policies that lead the globe. At the same time, we have the opportunity to touch individual lives with case management. One on one, with casework, we often reach people in their darkest hour.

I love the Senate. I love the Senate. I love the intensity of the work, the gravity of the issues, and I love fighting for West Virginians here. I learned to love this fight, as many of you know, as a 27-year-old VISTA worker in the tiny coal community of Emmons, WV. It was a place that set my moral compass and gave me direction, where everything in my real life actually began. It is where I learned how little I knew about the problems people faced there and in other places in the country, how little I knew, and what a humbling experience that was for me.

My time there was transformative. It explains every policy I have pursued and every vote I have cast. It was where my beliefs were bolted down and where my passions met my principles. Emmons was where I came to understand that out of our everyday struggles we can enlarge ourselves. We can grow greater. Truly making a difference couldn't be an afterthought. It never could. Rather, it requires a singular focus and relentless effort. It would be hard, but the work mattered. That is the deal here.

Important undertakings can't be halfhearted. You have to commit your whole self—almost like pushing a heavy rock uphill. With both of your hands you push, because if you let up for a split second with either hand, you and the rock go tumbling backwards into the abyss. There is always so much at stake.

Even today in West Virginia too many are struggling. They are fighting to survive. I called them hardworking

when I really should say hard-surviving, but they are hardworking and trying to survive. They are wary of the future. They are scared of their possibilities. Sometimes they are afraid of themselves, which is partly a tradition which says that change is bad, that strangers are bad. I was bad for quite a long time. But that is the way people are. They don't really want to change. So change comes slowly. We just simply fight twice as hard, and nothing stops us.

There is vast dignity and vast honor in helping people. You cannot let go of it. I believe genuinely in the ability of government to do good, to serve, and to right injustices. This is why the Senate must be a place in which we embrace commitment to be deliberative, passionate, and unrelenting. But it must be a place in which we are driven only by the duty and trust bestowed upon us by the people who put us here. This is where everything else should be put aside—boxed out, as it were.

Yes, politics led us here. But this is where we shed the campaign—or should—and embrace our opportunities to lead, to listen, to dig in, to bridge differences, to govern, and to truly make a difference. At our core we must be drawn to the hard, all-consuming policy work that lives in briefings, hearing rooms, and roundtables back in our States. Yet our North Star must always be the real needs of the people we serve.

So policy to me starts with listening. It is seeing the faces of our constituents—not just thinking of a policy in terms of a policy, but a policy in terms of the people whom it would affect. You see your constituents, you hear them out, and you understand their needs and their problems. You get to know them very well, especially in a small State such as West Virginia. Listening to constituents and colleagues here alike is absolutely necessary. Good policy is born out of compromise. Compromise is not easy, but it can happen. If we truly listen to each other, it very well could.

We separate our campaign selves from our public service selves. The cruelty of perpetual campaigns destroys our ability to fulfill our oath of office. It is hard to build a working relationship in this institution without an honest and open approach with our colleagues—Republican or Democratic. But we must build that relationship because together we can do so much, and without it, we can do—as we have seen—nothing.

Listening and compromise were key to the work of the National Commission on Children in the 1990s. I was the chair of that Commission, which included a bipartisan group of government officials and appointed experts in various fields from all backgrounds. There were many of us—32—and we went all over the country for 2 years.

I can tell you that reaching consensus was tough, but we listened, we debated, and we came to trust. Even the most liberal and conservative among us knew that each of us had the best interests of our party. That was not in dispute.

While meeting in Williamsburg, VA, which was where we had been meeting at the time, I had to leave suddenly for an important Senate vote on Iraq. I handed over the gavel to our most conservative Republican Member, someone in whom I had trust. That shocked people, but it helped on the consensus.

In the end we were proud to vote 32 to 0 in support of the legislation that we put forward and our policy statement as a whole, and it included both policies. It included the creation of a new Republican child tax credit for the first time and a major expansion of the earned-income tax credit, which has lifted millions of American families out of poverty.

It worked because we listened to one another, respected one another, and we wanted to come to an agreement. It was clear, it was obvious, and there it was—32 to 0. Unbelievable, but it happened.

Is that possible these days? My answer is yes, and I believe that we can see that spirit again as we address the future of the bipartisan Children's Health Insurance Program—CHIP, the way it is known. It currently provides health care to 8.3 million children and pregnant women nationwide, and 40,000 of those are in West Virginia. CHIP is so important to me because it offers health care which is tailored to children; to wit, it has both mental and dental health care tailored to children. It is, in fact, better coverage than the Affordable Care Act provides children.

From those early days at Vista, I have seen the devastating toll that lack of medical care can extract from a child's well-being and their health, their self-esteem—particularly their self-esteem—and even their will to succeed.

Many of you also know the names and faces of children who have gone without access to proper health care, and those are the ones we fight for. That is why CHIP has always been a bipartisan effort, driven by the needs of real kids and their families. Senators Grassley and Hatch were instrumental in its creation over a period of a couple years and long arguments, and they continue to be strong advocates.

The bipartisanship program has opened doors for millions who desperately needed to get into a doctor's office and had never been able to do so and now are able to do so.

But a warning—every door that CHIP opened will be closed unless we can agree to carry CHIP funding past mid-2015, and I don't know what the prospects for that are. All I know is that if they aren't done properly, those doors close; those kids had access to doctors, but they don't anymore. That is unconscionable to me. We have to look at the faces of those children in our own States and think about that. It is those individual faces that I remember.

Remembering for whom we work is paramount. When any corporate CEO comes to my office, I show them a prized birthday gift to my four children—our four children—my wife is here—a picture of a hardworking coal miner whose face is honest but hurting and very proud. That picture means so much to me because it embodies the spirit of those whom I am here to serve, and silently reminds us of why we must work towards a common ground—why this is not about Democrats and Republicans, but it is about the people whom we are here to serve, bringing different viewpoints to what that means.

Senator MIKE ENZI and I are not on the same side of every vote—to put it mildly—but we are very, very good friends—a friendship that was made years ago when I was serving on the President's HOPE mission and he was the mayor of Gillette, WY, going slightly crazy trying to build houses for all the people moving in there through coal. He also had sideburns. I say that oftentimes—off the record.

On a gray day in January 2006, West Virginia was frozen in disbelief when we learned that 12 trapped miners were killed in Sago Mine—a mine in the north central part of the State.

In the days that followed, as we struggled to make sense of what had happened, Senator ENZI and Senator ISAKSON joined Senator Kennedy, Senator MANCHIN, and myself in West Virginia. The first two did not real merely visit—they came to understand. They came to learn. They came to share in the grief and to offer their support to the community, and you could tell that in their faces.

Together, out of tragedy—and because they were members of the Health, Education, Labor, and Pensions Committee—we forged a compromise on mine safety legislation that brought about, frankly, the strongest safety improvements in a generation. It was huge for us. Only 16 States mine coal, but we are one of them.

To this day, Senator ISAKSON carries a picture of one of the Sago miners. It is not in the wallet that he is carrying today, but it is in the other wallet back in Atlanta. I don't care where it is, that picture is in his wallet every single day. We knew that, as public officials, compromising and really leading, men govern—which is why we were there.

Answering the needs of our country is our responsibility, and we do the best when we work shoulder to shoulder. It was working shoulder to shoulder when we set our country on a path to future innovation.

A few years ago, America's domination in our innovation—our inventions and creative problem-solving—was eroding, and we all knew it. We needed to act. We needed to reinvigorate our leadership in those areas and to keep our jobs and our future more secure.

We answered that call with a bipartisan compromise that delivered the

America COMPETES Reauthorization Act. I will never forget that. This legislation made historic investments in basic research, science, technology, engineering, and math education.

Senator Kay Bailey Hutchison, who preceded JOHN THUNE on the commerce committee, Senator ALEXANDER, and I sought unanimous consent to get the bill passed—because we thought we worked out the details pretty well—and do it prior to the recess. Therefore, we had to do it by unanimous consent. But there were five objections holding the bill still.

Instead of retreating to party corners and pointing fingers, we compromised right on that center aisle—right there next to Senator COLLINS. We wound it up and down, we added a little money and we took a little bit of money off. Mostly we took several billion dollars off. We removed a couple of programs that weren't absolutely necessary to satisfy Kay Bailey or LAMAR ALEXANDER. And we had ourselves a $44 billion bill over 5 years on which we agreed. We didn't have to have a vote. Senator Hutchison and Senator ALEXANDER tenaciously worked to clear the holds. It was absolutely beautiful. It was just beautiful—a $44 billion program to reinvigorate our Nation, cerebrally and productively. Together we passed a bill to revive our country's flagging global performance ranking and catapult us to success. Reaching moments like those requires persistence. It demands collaboration. It demands trust and compromise, and it is so worth it.

I am driven by the process of creating policy. I love doing that. It is grinding, it is intense, it can be frustrating and sometimes heartbreaking—often heartbreaking. But when we accomplish something that is meaningful to the people who have entrusted us to represent them, there is no greater reward.

We have to know who and what we must fight for in our work and in our own personal views. We have to know and understand those who will benefit and those who will lose. And we have to be ready for it to take a long time—much longer than we thought—sometimes 5 years, sometimes 10 years. That makes no difference. You keep at it. You don't let go of it, because if you keep at it, somewhere along some combination of Senators is going to say, yeah, that is OK. And then we get ourselves a bill.

Also we keep in our souls the faces of the people we try to help, the people in my case who were all too often left behind. The Senate must face serious social and policy issues from health care to cyber security, caring for veterans coming home, building up our infrastructure, making our economy work for everyone. These are our core responsibilities. I am proud that we have made some measure of progress. While we seem right now to be at an impasse, I know the Senate will rise to the position of addressing our issues and at some point in some way it will happen. As a governing body, we must not allow recent failures to take root, to mean too much to us. We must not be focused on episodic ''gotcha'' issues rather than working to address broader, more systemic problem solving. No one else is going to step in to do this if we don't.

The truth was on full display a few weeks ago when the Senate failed to move forward on National Security Administration reforms necessary to uphold the mission of protecting our Nation. These are issues on which I have very strong views. I have taken very seriously my 14 years on the Intelligence Committee, as a member and as chairman, because the global threats we face increase daily as the world becomes more connected. We depend on the highly trained professionals at NSA to zero in on those threats. There are only 22 of them that make sort of final decisions. They are highly trained. They have taken the oath of office to protect our Nation.

Now I don't think we have any excuse to outsource our intelligence work to telecommunications firms. I work on the Commerce Committee. I have seen what the telecommunications companies do when they can get away with it—you know, everything from cramming to—just all kinds of not very nice things. It is the job of government to address this issue. The private sector and the free market alone cannot solve those kinds of problems and should not. That is a government responsibility being carried out with great success.

A lot of people say, oh, what if? But the fact is nobody has ever been able to show me somebody whose privacy has been influenced or broken into by the NSA. Good, hard-working people can be destroyed by circumstances beyond their control. It is our job to not let that happen. It is our job to help to give everyone a fair shot. It is much easier to say than to do, but that is our charge.

Too many children come into a world where circumstances preclude the opportunities they should have. We cannot discount the many challenges our society still faces. It is unconscionable in a country like ours that people go without health care or go hungry or have no place to call home.

When shareholders and the free market cannot or will not solve our problems, it is government's responsibility to step in every time. People can decry government all they want, but we are here for a reason. When private companies decide there isn't enough profit to provide Internet to rural areas, then we step in and we expand broadband, allowing the E-Rate to go farther and farther out. It now covers 97 percent of all schools in the country.

Maybe the private sector decides they cannot make enough by insuring the sickest of our children. We must act. That is our core mission. It is who we are as an institution. It is who we must always be.

We have worked to give children a fair shot through the E-Rate Program which introduces the most rural classrooms and the smallest libraries to the world through the Internet, access to a foreign language class or research, but it gives every child a key to unlock their potential. It doesn't mean they will, but it means they can.

We know health care is fundamental to a fair shot as well. We cannot learn or keep a job if we are sick. But providing that care has not always been as profitable as some companies would like. So we make sure millions of Americans could have the dignity of access to health care under the Affordable Care Act.

My friend Sam is one of the faces I will never forget. When he was battling childhood leukemia and hit his lifetime insurance cap—it is a technical term for a savage consequence—his parents' insurance companies walked away from this courageous little fighter. His parents, both schoolteachers, were left with heart-wrenching decisions such as getting divorced—which they considered—so Sam could qualify for Medicaid. Well, in the end it didn't matter; Sam lost his battle with cancer. But today under the Affordable Care Act we have made sure that no insurance companies can abandon someone like Sam when they need help the most. Health care reform will never take away the crushing agony of parents with sick kids. Heartbreaking situations like Sam's drove us to say no more, and we changed the law. Parents deserve to focus every bit of their energy fighting for their kids in every way, not fighting profit-obsessed insurance companies. So we did the right thing. We did the right thing.

Government also did the right thing when I fought for what I thought my life depended on, because it did, to pass the Coal Act of 1992, long forgotten. We had to step in and stop some coal companies from walking away from benefits which they had promised by contract to retired coal miners and their widows—folks who were mostly in their seventies and eighties. Passing the Coal Act was enormously important to our country. It not only prevented in absolute terms a national coal strike in 1993, but it delivered on the promise of lifetime health benefits earned by 200,000 retired coal miners and their widows. They would not have been taken care of if those companies had their way.

Nor can we rely on the private sector alone to take care of our veterans. It is government's duty to provide the health care they earned. We do this through community-based clinics and improved services for PTSD, traumatic brain injury, and family support. It is expensive. Senator ROB PORTMAN and I wanted to pass a bill which would cause the Department of Defense to give all people entering the military mental health screening—not when they came back from Iraq or Afghanistan or somewhere else, but before they

went in, and then on an annual basis do that again to build a database, to make sure we knew that we could take care of them better when they came home.

We rightly asked the government to take on some of society's most fundamental needs. What I found in Emmons was a community of genuinely strong and incredibly hard-working people who were essentially on their own trying to survive. The free market had not made sure that communities such as Emmons had good roads or any schools or any schoolbuses or any clean drinking water or safe jobs. But from my point of view they deserved all of those. They deserved to have their shot. Working together on the needs of places such as Emmons speaks to our core human connection and to an aspiration for the greater good.

That is what drove me into public service. It was not something I could help. I just had to do it, to help people with everything that I have. Every individual in every community such as Emmons deserves to have public officials who will fight the big fight and the personal ones, the casework.

Extending a hand on those personal challenges is incredibly meaningful work. Our constituents face these fights with Herculean courage but not always the resources to solve the problems in front of them. People like the 8-year-old who needed a bone marrow transplant, a procedure that in 1990 was considered experimental. Our office intervened. We helped that boy get that transplant and he still lives today. As a Senator, you take on those fights with the same vigor as any policy or ideological debate and you are equally proud when you win and you are equally hurt when you lose.

When I came to West Virginia 50 years ago, I was searching for a clear purpose for my life's work. I wanted the work to be really hard, and what I got was an opportunity to work really hard along with a real and utterly spiritual sense of mission. This work demands and deserves nothing less than everything that we have to give.

I will miss the Senate. Some days I don't want to leave, but it is time, which brings me to some profoundly important notes of gratitude.

To my colleagues, I say thank you.

I have mentioned some. I could mention so many. You are dedicated, you are brilliant, and you are public servants. I love you for putting up with what you have to, particularly the way elections are these days. I respect you for it so much. Thank you for fighting alongside me. Thank you for challenging me.

To my staff, a Senator is really nothing without his staff or her staff, and there is not a more committed, talented, and deeply passionate staff in the United States Senate. To my staff, you live and you breathe your work everyday. You inspire me with your endless capacity for redressing injustice and fighting for people who need you and come to you in need. You never turned a single West Virginian away. I glory in my gratitude to you.

To my family, who has sacrificed so much, I thank you. I have been selfish in my devotion to my work, and I have been vastly inept in balancing family and work. Public service is not encouraging of balance.

Sharon, you are everything—an extraordinary mother, a remarkable businesswoman, and you are a public servant. You have been a visionary in public broadcasting. Our entire Nation is indebted to your efforts to educate and inform us. The impact you continue to make on public life is truly remarkable. Any achievement I am proud of I share with you eternally.

(Applause, Senators rising)

Our children—John, Valerie, Charles, and Justin—have all been very thoughtful and endlessly supportive in my absences. Our grandchildren bring me so much joy, and I really hope to see a lot more of them.

To West Virginia, thank you for placing your faith in me—I know it was hard at first—and giving me the greatest reward: the chance to fight for meaningful and lasting opportunity for those who were too often forgotten but absolutely deserve the best.

My fellow West Virginians, I am forever inspired by you, and I am forever transformed by you.

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

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

Mr. REID. There will be many remarks at the end of the year from Senators regarding JAY ROCKEFELLER, but at this time 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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

''ZERO DARK THIRTY'' IG REPORTS

Mr. GRASSLEY. Mr. President, I come to the floor today to talk about ''Zero Dark Thirty''—not the movie but a report on the movie. The report was supposed to tell us how the movie's producers obtained top-secret information from the Federal Government, but the report never took us there.

The Department of Defense inspector general stumbled and fell and lost sight of the goal and the need for independence. People were exposed to harm, the taxpayers' money got wasted, and alleged misconduct by top officials was shielded by a policy that may have been abused. Bureaucratic bungling caused confusion, turmoil, and dissent. For certain, the whole thing was a fiasco.

The ''Zero Dark Thirty'' report was driven by the hemorrhage of leaks of highly classified information by senior administration officials after the Osama bin Laden raid. It was requested by the chairman of the House oversight committee, Congressman PETER KING—a very good Congressman, very good on oversight.

He read a column in the New York Times which indicated that Hollywood filmmakers ''received top-level access to the most classified mission in history.'' Congressman KING was concerned that those disclosures could undermine our ability to successfully conduct covert operations in the future, so in August 2011 Congressman KING asked the inspectors general of the Central Intelligence Agency and the Department of Defense to answer five simple questions. My focus during these remarks will be on the Department of Defense IG's investigation.

I became involved, as you might expect, after whistleblowers contacted my office in December 2012 alleging that Acting and Deputy Inspector General Lynne Halbrooks was sitting on Congressman KING's report. They alleged that she—Ms. Halbrooks—was suppressing the report to, No. 1, protect her boss, Secretary of Defense Panetta, and other senior officials from disciplinary action or prosecution, and No. 2, to further her candidacy to be the next inspector general.

Her nomination was vetted while the investigation was in progress. The convergence of those potential conflicts of interest grabbed my attention. They needed scrutiny. The independence of the Office of Inspector General could have been jeopardized. So my staff started digging. They interviewed key witnesses and examined documents provided by whistleblowers and official sources. Here is what we have found:

On December 16, 2011, the Department of Defense Office of Inspector General announced that its investigation would begin immediately and that it was to be coordinated with the CIA inspector general. It would be conducted by the Office of Intelligence and Special Program Assessments headed by a Mr. James Ives. That investigation took a year.

A draft report was submitted for classification review on October 24, 2012. The allegations were substantiated. No. 1, senior officials, including Defense Secretary Leon Panetta, his chief of staff Jeremy Bash, and Under Secretary of Intelligence Michael Vickers, allegedly made unauthorized disclosures of highly classified information on that raid. No. 2, these alleged disclosures may have placed special operations personnel and their families in harm's way.

One month later the draft report containing those allegations was declared unclassified. A coordination package was then developed. It included a publicly releasable version, talking points for reporters, and transmittal memos to the Defense Secretary and Chairman KING.

This package was circulated internally for review and clearance. The

next and final step was submission to Deputy IG Halbrooks as a request for release. Now, by normal standards, the report was ready for issue. However, there was a major foul-up—a real show stopper. The review process was bungled from start to finish.

All references to unauthorized disclosures of highly classified information by senior officials had to be stripped from the report before it could be published. This draconian measure, which gutted the report and made it unfit for publication, was mandated by a longstanding department policy. This long standing department policy was known only to the two leaders of the investigation, Deputies Halbrooks and Ives. It was their responsibility to execute it at the front end of the review.

I want to make one point crystal clear. I don't support the policy of censoring reports. It is a bad policy that needs to be changed. My beef, though, is if that is the policy, then it should have been followed, but it wasn't followed until the last possible moment.

To make matters far worse, both Ives and Halbrooks failed to communicate the policy mandate to those who needed the information to ready the report for publication. Halbrooks and Ives kept the investigative team in the dark—like a bunch of mushrooms. So they had the mistaken notion the uncensored report was final and ready to go. This caused a great deal of turmoil.

Two factors set the stage for the bungled review process. First, the official assigned to lead the project, Mr. Ives, lacked relevant professional experience, and top management failed to actively supervise his day-to-day progress on the report to ensure that he followed established protocols. He needed guidance navigating his way through an unfamiliar process but received no guidance. Plus, his appointment was limited to 4 months on a project that took 2 years.

This was a recipe for disaster.

Second, the problem was compounded by a failure to coordinate with the CIA inspector general before the investigation got rolling. Effective coordination was essential. Congressman KING's request crossed jurisdictional lines between two powerful agencies, the CIA and the Department of Defense.

The CIA's inspector general was ultimately responsible for the alleged misconduct because it occurred while Panetta and his Chief of Staff, Jeremy Bash, were CIA employees. The fact that they had moved to the Pentagon after the investigation started was irrelevant.

This was a no-brainer, but for inexplicable reasons the Department of Defense IG tackled the Panetta-Bash allegations. This was an irresponsible and wasteful action. It took over a year of groping down blind alleys for the reality to finally sink in. By then it was way too late.

The failure of the two agencies to coordinate effectively right up front had disastrous consequence. Just as the report was reaching critical mass in late 2012, the Panetta case had to be referred back to the CIA IG for investigation. Panetta's alleged misconduct was the heart and soul of the report.

It was suddenly gone, leaving the report hollow and empty. How could all this senseless blundering happen unless it was part of a plan to slow-roll or even torpedo the report. The blundering was coupled with unexplained delays.

Between mid-December and early January, Deputy Ives finally completed the mandated substantial review, which gutted the report. However, it did not regain forward motion until after Secretary Panetta retired February 27, 2013.

Halbrooks claims she did not receive or see a draft until March 25, 2013. Aside from a few minor edits, there is no record of significant edits between Mr. Ives' review and publication of the report. The 3-month delay in reaching her desk and subsequent delays until June remain unexplained and unaccounted for.

These facts create the perception that the review process was slowed by Halbrooks and others at her direction to shield Department of Defense officials from scrutiny. She claims her nomination was dead at that point and no longer a potential conflict, but she offers no evidence to back it up.

Moreover, this timeline fits with other relevant information. According to a whistleblower, she stated repeatedly that the report would not be issued until Panetta stepped down—and that is exactly what happened.

Finally, the bungled review process may have triggered whistleblowing. Whistleblowers thought the report was about to be issued in late 2012 when media talking points were circulated. When that didn't happen, they perceived a coverup. They contacted my office and then they leaked the report to the Project on Government Oversight, which is normally referred to around this town as POGO.

The uncensored version of the report appeared on POGO's Web site on June 4, 2013. Ten days later, the IG's office reacted by finally issuing a censured version of the report. If POGO had not acted, the report might never have seen the light of day. It might have been pigeonholed for good.

Immediately after the initial report was issued, Halbrooks launched a hunt for the mole. She wanted to know who leaked the reports to POGO. Extensive interviews were conducted and 33,269 emails were examined, but the leaker was not found.

However, during questioning, Mr. Dan Meyer, the DOD OIG Director of Whistleblowing and Transparency, admitted to giving a copy of the report to Congress. He was one of the many OIG employees who mistakenly believed the uncensored version of the report circulated in late 2012 for final review and clearance was, indeed, final.

He thought it was ready to go out the door. As the Director of Whistleblowing and Transparency, maybe he just thought he was doing his job and being—as every government official ought to be—very transparent because the public's business ought to be public. Around this town, however, that is not always the case.

Mr. Meyer's admission triggered swift and decisive action. He was accused of making false statements, placing his security clearance in jeopardy. This action had the potential of destroying his career. Now, fortunately—and this doesn't happen very often around this town—the new inspector general at the Department of Defense, Jon Rymer, intervened in Mr. Meyer's behalf and blocked those efforts.

The case against Mr. Meyer was very flimsy, though his clearance is still hanging fire. In the end, Mr. Meyer bore the brunt of blame for the POGO leak. The principal targets of the investigation—Panetta, Vickers, and Bash—skated. Mr. Meyer exposed their alleged misconduct, and yet he got hammered. Justice was turned upside down.

What happened during the 22 months between Chairman KING's request and June 2013, when the report was finally issued, is a tangled bureaucratic mess. Despite exhaustive questioning, a satisfactory explanation hasn't been given. What I have presented today is just a brief summary of the facts and analysis laid out in greater detail in a staff report that I released today.

In that report my staff identified potential red flags pertaining to the way the Office of the Inspector General handled the ''Zero Dark Thirty'' report. These were boiled down to nine conclusions that fell into four broad categories: No. 1, impairment of IG independence and lack of commitment to the spirit and intent of the IG act; No. 2, weak leadership; No. 3, mismanagement; and No. 4, waste of time and taxpayers' money.

The staff findings suggest that some corrective action may be justified, including an appropriate measure of accountability. If misconduct and/or mismanagement occurred, then Deputies Lynne Halbrooks and James Ives, both of whom led the ''Zero Dark Thirty'' project, would appear to be chiefly responsible for whatever happened.

It is also recommended that the longstanding department policy—which earlier I told you I disagreed with—of censoring sensitive information from reports not be applied to cases involving alleged misconduct by top officials because agency heads and their senior deputies should be held to a higher standard. They should be subjected to greater public scrutiny. This policy needs review and possible modification.

When all is said and done, the proof is, of course, in the pudding, as they say. What good came from this effort? Its true value is reflected in the end product, the highly sanitized report that was finally issued June 14, 2013, 6 months after it was finished. I believe that it is a second-class piece of work

that is not worth the paper that it is written on.

Even Halbrooks seems to agree that the report's face value is close to zero. This is what she said during an interview with my staff. She said that once Ives removed all the derogatory information on Panetta and Vickers, the report was no longer interesting or important to me—meaning her—and it just dropped off my radar screen—and words to that effect. She was talking about the report issued June 14, 2013.

Halbrooks is correct about the value of the report, but she is dead wrong about her responsibility as IG for the unfinished report. At that point, she appears to have lost sight of her core mission as the inspector general.

The report was about alleged misconduct by her boss, the Secretary of Defense. It was requested by the chairman of the House oversight committee, Mr. KING.

She had a solemn duty to put it back on her radar screen and keep it there—front and center—until it was fixed. Once it was ready and up to standard, she should have presented it proudly and enthusiastically to the Congress and the Secretary of Defense—and done it properly and in restricted format, if necessary.

This project was an unmitigated disaster spawned by a series of top-level missteps and blunders. All the wasted energy and blundering produced nothing better than internal confusion, turmoil, dissent, and more alleged misconduct.

Two years's worth of hard work and money was more or less poured down a rat hole. To make matters far worse, a valued employee was threatened with termination. This person has unique and unparalleled knowledge of whistleblowing and a rock-solid commitment to fair treatment of whistleblowers.

Were it not for Inspector General Rymer, he would be out on the street this very day. Halbrooks' search for the mole was misguided.

The inspector general's office needs strong leadership that has the courage to tell it like it is and to report wrongdoing promptly to agency heads and even Congress with recommendations for corrective action. When the Secretary and the Under Secretary stand accused of misconduct, as in this case, the IG should double down and ensure public accountability. Thus far in this matter there has been none because truth was hidden behind a questionable policy that may have been abused.

There is an excellent case in point from just a few years back. Deputy Secretary of Defense and CIA Director John Deutsch allegedly mishandled highly classified information and got hammered for doing so. He lost his security clearance for 6 years and came very close to prosecution. Unlike this case—the ''Zero Dark Thirty'' leaks—the John Deutsch matter was dealt with effectively and it was aired publicly.

The ''Zero Dark Thirty'' model was wasteful of the taxpayers' money, it was harmful to morale, and harmful to the perceived independence of the IG's office. It should be used as an educational tool to teach Office of Inspector General employees in any department of government how not to conduct investigations of alleged misconduct by senior officials.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

THE EXTENDERS BILL

Mr. ROBERTS. Mr. President, I would like to amplify the remarks made recently by my colleague from Utah Senator HATCH, our distinguished ranking member of the Senate Finance Committee, concerning the year-end tax legislation—what is called the tax extenders bill.

Senator HATCH was entirely correct, it seems to me, when he said that getting this legislation through the Senate had been an ordeal, an unnecessary ordeal not only for the Senate but more particularly for every person in business back home in my State of Kansas and also throughout the country—Utah, Kansas, wherever in the United States. I am talking about farmers, ranchers, small business owners, manufacturers and all of their employees; in other words, the backbone of our economy.

It is a real shame that the longer term extenders deal developed by the chairmen of the tax committees and the leaders in the House and Senate—yes, you heard me right, both chairmen in the House and Senate and both leaders—have agreed that basically this deal that was reached before the Thanksgiving holiday has collapsed.

The deal included a number of very critical items, including a permanent simplification of the research credit that would help businesses plan and invest in job-creating innovation. The package also included a number of provisions for which I had worked very hard, including special depreciation and expensing rules that are very important to agriculture and small business.

The plan also included bipartisan legislation I developed with Senator SCHUMER to modify the research and development tax credit so it could be more easily used by smaller businesses, where the bulk of technological innovation occurs.

The plan also included long-term extension of legislation I have pushed to make sure smaller businesses are able to access the capital they need to grow and hire new employees.

These provisions are not giveaways. They free up capital and cash that can be invested and recycled into economic growth. That is a good thing. We should have done that. These provisions do not fit within the class warfare debate—actually, it is not a debate but rather a diversionary tactic that actually took place, that shouldn't have even been mentioned. A veto should never have even been forthcoming from the White House.

I have heard the complaint the proposal was too business focused. Since business today is mired in a swamp of regulation and guessing games and unpredictability, the focus of a so-called tax-extenders bill should have darn well been focused on business. Not every person in America works for our growing government.

The deal would have also helped individual taxpayers, from teachers taking a deduction for school supplies they purchase with their own money to help for homeowners who have defaulted on a mortgage or faced financial hardship, to deductions for college tuition and expenses. These provisions would keep more money in the pocket of taxpayers, a better place for it.

The package represented months of good-faith work by the tax committees and leadership in both Houses of Congress, something unique that we have not experienced around here for quite a while. Obviously, the deal wasn't perfect by any stretch, but it would have been a great downpayment for true tax reform. Most of all, it would have brought certainty and clarity to tax policy, something we sorely need and which is long overdue.

Let me give an example of what I mean. Earlier this week I visited with farmers in Kansas at the annual Kansas Farm Bureau meeting—about 1,000 farmers attended. One farmer, who shared his views so pretty much everybody around him could hear, told me he had recently purchased new farm equipment—combines and tractors so his family could step up work on their land, expand their operation, and he was upset. Actually, he was not upset, he was mad because, according to him, ''we've been messing around in Washington too much with the extenders bill.'' He was mad because if the equipment expensing rules aren't extended, he is out many thousands of dollars. That is just a portion of what has been spent. But that is money he would have used to buy more equipment or more land—the productive use of capital—and not some trivial amount used for a vacation or something else.

It is not just this farmer. My phone has been ringing off the hook all month with calls from farmers, ranchers, equipment dealers, and other businesses that need to know whether this will get extended, and they, too, are upset—make that mad. They are frustrated, and they need us to get to work to help them run their businesses and their lives.

Yes, even with the recent blowup, we will extend these tax provisions but only for 1 year—a month—and then we will be back at it again next year, and these folks will be in the same position, the same kind of purgatory, wondering whether we will ever come to our senses, wondering whether to buy that new tractor or buy the new production line or to hire new employees.

Every day when I visit with business owners and taxpayers in Kansas I hear over and over one simple refrain: Senator, we need certainty in the Tax

Code. We need to be able to rely on a stable tax system so we can plan and grow our business. Senator Pat, the Congress needs to do something about these tax extenders.

I couldn't agree more, and I think most of us, if not all of us on the Senate Finance Committee, couldn't agree more. The lack of certainty about these tax provisions is bad for American families. It is bad for business looking to create jobs, and it is bad for our economy. It leaves businesses unable to plan ahead and invest because they are left in the dark about what tax provisions will affect their operations.

So what happened to the deal? Why are we at this point debating another kick of the can down the road? The imperial Presidency has happened. The President has decided that instituting an Executive amnesty was the best course of action before the end of the year.

President Obama's immigration grenade doomed the tax extenders deal. Real negotiations unraveled, a veto threat was issued, and the bipartisan compromises were killed. Because of President Obama's my-way-or-the-highway approach to leadership and to amnesty, Congress is now forced to once again cobble together a 1-year tax policy patch that basically nobody wants. This hurts families, job creators, farmers, ranchers, teachers—everyone who needs to plan ahead to succeed.

So instead of working with Congress to develop an immigration reform compromise, we have the most arrogant attack on the Constitution I have ever seen. Once again the President placed partisan politics above the needs of the middle class—our workers and business owners, our students, our teachers, and indeed our entire economy.

Without this unprecedented illegal Executive order, we would right now be discussing a long-term extension of these vital tax provisions. We could maybe even have voted on it as of this year—as of this week—laying a strong base for comprehensive tax reform. Instead, the President has sacrificed job-producing tax policy for the expedience of Executive action.

As I have said elsewhere, the President has seemingly no interest in a constructive working relationship with Congress. He didn't have any intention of listening to the will of the American people, and he has no respect for the constitutional boundaries of his office. This is beyond troubling, but its spillover into other areas, such as tax policy, does not bode well for the bipartisan development of policy to build the economy we so desperately need and that we were so close to achieving.

But let us be hopeful. Maybe something good will come out of this whole situation. Maybe we will recognize the level of dysfunction illustrated by the Executive order, and I hope it will point us back to regular order. It is critically important that we return to regular order in the Senate, in particular with all of the major fiscal issues we face.

Bringing the extenders package to the Finance Committee was a strong sign that we mean business and that we are ready to move on a bipartisan basis to address the fiscal issues that are facing the country. Sadly, that effort was sabotaged. Without that action, we would be moving toward a more sensible, bipartisan, progrowth extenders bill and perhaps well on our way to tax reform. That we are not is a shame. It didn't have to be this way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

TRIBUTE TO FARGO MAYOR DENNIS WALAKER

Ms. HEITKAMP. Mr. President, I have a couple of things I wish to do before I assume the Chair, and I want to express my great gratitude to my friend from Massachusetts for his willingness to sit tight for a little bit.

I was sitting here thinking about the two men I want to talk about, and I was thinking about how similar they are; how different their backgrounds are but how similar their goals in life and their interests in the people they serve. It is the great irony of our democracy that regardless of where you come from, if you come to serve the public, you come to love the public, and you come to believe in the work you do and believe that every person has to be given an opportunity.

So I first want to offer my great condolences to the family of Mayor Denny Walaker from our great city of Fargo, ND. It is truly with a heavy heart I come to the floor to pay tribute to the mayor of Fargo.

Dennis Walaker—to those of us who knew him well, Denny—passed away Tuesday after a very short but aggressive fight in his battle against cancer. His passing I think shocked most of us and certainly saddened all of us.

Mayor Walaker was a giant in Fargo, not only in stature—he was a big guy—but as a leader and fighter for the city he loved. He dedicated his entire life to public service, first serving in the North Dakota Department of Transportation, later joining the city of Fargo as a civil engineer.

For 40 years, Denny has been a fixture in this growing city, from leading the city's flood fight in 1997 as chief operations manager for the city and later as mayor. One cannot think of Fargo without thinking of Mayor Walaker and seeing in every corner the impact he made, whether it was infrastructure investment improvements to providing a strong foundation for a thriving community and city, to the revitalization of the city's downtown, to his focus on those within the city who are less fortunate.

He led the city through unprecedented growth while always working diligently to make sure the region secured the long-term flood protection that was necessary to sustain that growth. He was always willing to listen and cared deeply for all the people of the city of Fargo. The people of Fargo always came first for him, no matter what.

For many of us, Denny will always be remembered for leading the city's flood-fighting effort, particularly in 1997 and 2009 when the city of Fargo confronted a historic flood. He had keen instincts when it came to understanding and predicting the Red River and wasn't afraid to push back on the so-called experts. His calm, clear, and decisive decisionmaking in 2009 when he made the decision that the city would not evacuate when facing record-setting flood levels but would instead stay and fight together—that image of him building our city and building our community will forever be etched in the memories and the minds of those of us who knew Denny.

However, for all of the discussion about the flood fight, there is so much more Denny did in addition to his role as chief flood-fighter, but much of it was under the radar. It was away from the spotlight.

Just a few weeks ago I was with the mayor in one of his last public appearances. It was an event where we were honored for the work we had both done on affordable housing. At that event he remarked to me and the others who were there how proud he was to receive that award and how proud he was about the work he had done on affordable housing because, he told all of us, he wanted to make sure that Fargo was a city for every citizen, that every citizen in Fargo had an opportunity for a good home. He was passionate in fighting for those less fortunate, and his heart and his personality really were unmatched.

People like Mayor Walaker are the unsung heroes of our democracy. He stepped up to serve when his city needed him, and he was a friend and hero to so many.

A few weeks ago I was in Fargo for the College Game Day. Denny couldn't make it because he was recuperating from surgery at his home. I had a chance to talk to him on the phone, and I was explaining the scene for him in downtown Fargo—the part of Fargo he had revitalized and nurtured back to an incredible, healthy center of activity for that great city. I was telling him how proud he would be to see not only the citizens there enjoying themselves but also the work that had been done by the city workforce and the fact that Fargo was able to move that game day effort on such short notice. I think it really is indicative of the history of Fargo, and that history was part of the history Denny built.

He will always have a place in my heart. He will always have a place in the hearts of so many in Fargo and the surrounding areas and throughout the State of North Dakota.

I love Denny. I am pretty sure he was the only public official in North Dakota who had a picture of Barack Obama on his wall. He had met the

President. He believed in a lot of what the President had said—obviously not on everything, but he believed in public service, and he believed in the challenges and respecting people who stepped up.

We mourn Denny's loss, but we celebrate his life as an incredible example of a leader. He was one of a kind. I offer my sincerest condolences to his wife Mary, his daughters, grandchildren, and his entire family. I also extend my sincerest condolences on the loss of a great mayor, a great public servant, and a great friend to a great city, the city of Fargo.

TRIBUTE TO JAY ROCKEFELLER

Mr. President, I have only known JAY for a couple of years. When I first started, I would go home to North Dakota and people would ask me kind of consistently: So whom do you meet? To whom do you listen? What has been a big surprise? Who are your favorite people?

This may come as a surprise because I didn't come with the idea that I would have an opportunity to work with or spend time with Senator ROCKEFELLER, but I said: The one person who impressed me the most when I first got here was Senator JAY ROCKEFELLER.

For so many of us, he is a giant—not only physically.

They would say: What about him?

One of my finest moments was watching Senator ROCKEFELLER stand and visit with BARBARA MIKULSKI. I am pretty sure she might be the shortest person in the Senate, and I am pretty sure JAY might be the tallest.

I would say: What you don't know about Senator ROCKEFELLER is that not only in intellectual stature but in physical stature he is a giant of a man.

But it is not the intellectual stature of Senator ROCKEFELLER that impressed me. It certainly wasn't his size that impressed me. It was the size of his heart and how much he cared for the people he served in West Virginia.

I had a chance this year to travel to West Virginia and spend time with the folks of his great State. As they were looking at this transition, they would tell me stories about Senator ROCKEFELLER. They would tell me stories about what he meant to them and the things he had gone out of his way to do—things that were beyond maybe even what the expectations of a populous would ever be, but JAY was there for them, and they knew that every day when he woke up, in his heart were the people of West Virginia. I think we heard that today with his floor speech, as he talked about the impact of coming to West Virginia as a young VISTA worker, the impact it had on him that changed his life and created the man we see today.

So I celebrate a Senator with an enormous intellect and an enormous capacity for facts and data and public policy, but that wasn't what made him a great Senator. What made JAY ROCKEFELLER a great Senator was his enormous heart for the people he served.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

ENHANCED TAX INCENTIVE FOR CONSERVATION EASEMENT DONATIONS

Mrs. SHAHEEN. Mr. President, I begin by echoing the wonderful analysis of my colleague Senator HEITKAMP relative to how much we are all going to miss Senator JAY ROCKEFELLER. As she pointed out, he reminded us today why we all are here, and that is to try to make a difference for our constituents and for the people we serve. No one did that better than JAY ROCKEFELLER. He was always a voice for those most in need and never stopped fighting for the people he served. We will certainly miss him.

I come to the floor this afternoon to talk about a provision that I think we need to make sure is included as we continue to negotiate and debate the tax extenders package, a commonsense, bipartisan, bicameral provision that enjoys a lot of support and one that I think should be included in any reform or extension effort; that is, the enhanced tax incentive for conservation easement donations.

Conservation easements are a critical component of modern-day efforts to preserve our outdoor treasures. That is something which means a lot to us in New Hampshire, where we have so many wonderful natural resources and historic resources, and we want to try to preserve them.

One of the things that conservation easements do is provide a flexible, voluntary, nongovernmental, and nonregulatory approach to protecting our Nation's natural places. Conservation easements and tax incentives for their donations allow landowners to exchange development rights in order to protect a property's conservation values. That then allows them to pass on those conservation values to future generations. Easements keep the land in its natural state and ensure that these outdoor treasures aren't subdivided and exploited. Just as important, lands placed in conservation easements can continue to be farmed, grazed, hunted, or used for outdoor recreation and wildlife conservation. Equally important, they remain on the tax rolls, which makes a huge difference to local communities.

In 2006 Congress recognized the importance of promoting conservation easements by enacting the enhanced tax incentive for conservation easement donations. That was done with bipartisan, bicameral support because it is an idea that makes sense.

This tax incentive provided working and middle-class landowners with the ability to donate their land for conservation as opposed to simply selling off the land to the highest bidder, allowing it to be developed and partitioned off. The great thing about this incentive is that it worked. It is directly responsible for the conservation of more than 2 million acres of our Nation's natural outdoor heritage.

Unfortunately, as with so many provisions in the tax extenders bill, this tax incentive lapsed at the end of 2013. As a result, landowners who want to donate their land for conservation but need this enhanced deduction to make it work financially are left in limbo.

Making this incentive permanent will provide much needed certainty to landowners because the decision of whether to donate conservation easements on land—and land is often a family's most valuable asset—requires careful planning and consideration, and it often takes years from the initial conversations with the landowner before conservation easement is executed. Understandably, many landowners will never begin this process without the assurance of a permanent incentive.

In New Hampshire we have seen firsthand how valuable the enhanced conservation easement tax credit is when it comes to making sure we are protecting our special outdoor places for generations to come. For example, take Henry Brooks, Jr., and his sister Linda Brown. They donated two conservation easements on about 200 acres of land in Sullivan, NH, which is down in the western part of our State in what we call the Monadnock Region, not too far from the Vermont border. The land had been in their family since the time of the town's founding—over 200 years. It is open fields with expansive views all the way to Vermont. The fields are pasture and hay lands that are used for Henry's beef cattle. The forests, streams, and wetlands also provide excellent wildlife habitat.

The enhanced conservation easement tax incentive was very persuasive in the decision to move forward and finish the project by the end of 2013. In particular, the ability to take that deduction over the course of 16 years is going to make a significant difference for Henry, who is really of modest means. As his sister Linda said, the enhanced incentive is a win-win situation.

Another example that I think is significant is the Squam Lakes watershed. The Squam watershed is renowned for its conservation ethos, and it is the only watershed that is listed on the National Register of Historic Places. Organizations, such as the Squam Lake Conservation Society, have used conservation easements to protect 25 percent of the watershed, and, thanks to tax deductions, 91 percent of these easements were donated. Think about that—25 percent of the watershed and 91 percent of it has been donated.

Projects like these in New Hampshire are great examples of the need to renew the enhanced conservation easement deduction. Protecting these spaces isn't just good for the environment. Certainly that is the case, but it is also critical to New Hampshire's economy, and I know that is true in other States as well. Our economy depends on tourism, on outdoor

recreation. We have thousands of jobs that are created in those industries that bring millions of dollars into our State, and if we can preserve our landscape and protect our national resources, it makes a huge difference in ensuring that those industries are successful, that tourists want to continue to come and visit.

Right now we have families who are making decisions about what they are going to do about conservation easements, and they are in limbo because Congress has not yet acted on this issue. We haven't determined if we are going to pass that forward. So people don't know whether they are going to have any certainty about taking a tax deduction on a conservation easement. It is time for us to provide some certainty to encourage people to make those contributions to protect these national treasures. It is important not only in New Hampshire, I am sure it is important in North Dakota and across this country.

I urge my colleagues, as we are continuing to look at a tax extenders bill, that we support this legislation that will make smart incentives to help our local economies grow stronger and help the middle class.

Thank you very much. I hope we can make some progress on this next week. I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

TRIBUTE TO SUMMER MERSINGER

Mr. THUNE. Madam President, I rise to recognize the end of an era in my office in Washington, DC, because at the end of the year, Summer Mersinger will be leaving my office. She has been in my office for 15 years. She comes from a small town in Central South Dakota called Onida. The town is about an hour and a half away from where I grew up. Our towns are similar in size with similar backgrounds when it comes to the area in which we were raised and growing up in Onida, SD. Obviously she had a lot of the same experiences I did growing up in a small town. She took those experiences and has used them now for the past 15 years in my office.

Before she got to my office she went to the University of Minnesota and got her degree there in 1999, came to Washington, DC, worked as an intern, and then shortly after that became a full-time employee in my House office at the time. For the past 15 years, through thick and thin, through the ups and downs, the good days and the bad days, Summer has been the rock in our office. She has been the glue that holds things together. I have described her as the center of gravity. I have described her as a mama bear, lots of different things, but people in our office know she is the go-to person. If you want to get something done in our office, you go through Summer.

So when it comes time for her to move on to a different opportunity, obviously, it is a time that we want to recognize and pay tribute to her great service in our office. Usually around here—I think most people know this—it is the Members themselves, the Senators whose names are in the press releases, whose names get to be on the door, but it is the staff who really gets things done in the Senate, and I have been very blessed and fortunate to have people such as Summer Mersinger work in our office. I think of all the people who work in the Senate and the hard jobs they have trying to balance the hours we have to put in, the sacrifices that come with that, the time away from family, always being on call on weekends, always having to put out fires, whatever that might be—well, that is the role Summer has served in our office for a very long time.

Not only is she very skilled at what she does, but she brings so many other attributes to the job. Summer is somebody who has a powerful work ethic. She is somebody who has over the years expressed a calming demeanor in our office, as somebody who always is able to deal with people, all personalities, and somebody who most importantly has absolute integrity. Her wise counsel is something from which I have benefitted enormously over the years. One of the great attributes is she is intensely loyal when I don't deserve it. She has been somebody who has been an ally and I couldn't have a better ally than she.

So as she departs to do something else and moves on with her life, we want to wish her well. I had the opportunity to see a lot of transition and a lot of change in her life over the years from the time she started working for me, particularly when we got to the Senate. She not only worked full time but earned a law degree at the same time. She met a great guy here in Washington, got married, and has four children. At the same time she continued to work full time and handle all the difficult responsibilities that come with working and leading and running a Senate office. There aren't many people who could pull that off, and she has tirelessly dedicated herself to public service, to serving the people of South Dakota, to serving the Senate and serving in our office. There will be a very big void indeed when she leaves.

We are grateful for that outstanding service and the time we had to work with her. I thank her for her outstanding work for the people of South Dakota and for the Senate and for our office, but more importantly for her friendship and her always wise counsel.

We will miss her, but we know that whatever she does, she will be out there making a difference because that is the kind of person she is. So we say farewell to her at the end of the year and wish her and her family well and look forward to seeing her around the neighborhood and maybe even someday back in the small town of Onida, SD.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

SECRETARY OF DEFENSE NOMINEE

Mr. COATS. Madam President, it is widely anticipated that the President intends to nominate Dr. Ashton Carter to be the next Secretary of Defense, perhaps as early as tomorrow, and I welcome that nomination. Should Dr. Carter take over the helm at the Defense Department, it would coincide with an ominous development on a national security issue that he and I have dealt with together in the past, and that issue is the growing danger that Iran will soon be able to develop nuclear weapons and the inability of prolonged negotiations with Iran to prevent them from doing so.

In 2008 Ash Carter and I participated in coauthoring a report by the Bipartisan Policy Center entitled ''Meeting the Challenge: U.S. Policy Toward Iranian Nuclear Development.'' In that report we acknowledged that Iran's nuclear program would pose ''the most significant strategic threat to the United States during the next administration.'' That group, which was co-chaired by former Senator Chuck Robb and myself, included many with long and well-respected credentials on foreign policy matters.

That report also emphasized what was at stake and what the consequences would be if Iran was allowed to achieve nuclear weapons capability. I want to quote from what we said and concluded.

> A nuclear-ready or nuclear-armed Islamic Republic ruled by the clerical regime could threaten the Persian Gulf region and its vast energy resources, spark nuclear proliferation throughout the Middle East, inject additional volatility into global energy markets, embolden extremists in the region and destabilize states such as Saudi Arabia and others in the region, provide nuclear technology to other radical regimes and terrorists . . . and seek to make good on its threats to eradicate Israel.

That is why this threat has been labeled by most in the intelligence community, if not all, as the most significant long-term threat to the United States. This was written in 2008. Now, 6 years later into this current administration, we can see the truth of those judgments. Unfortunately, what we have also seen is that this administration has not dealt effectively with this growing threat.

In our Bipartisan Policy Center report Ash Carter and I called for direct negotiations with Iran, but on the condition that these negotiations were backed by strong economic sanctions and the threat of military force as a last resort if all other efforts failed to achieve the stated goal of preventing Iran from attaining the capability of producing nuclear weapons. We did not come to this conclusion easily. We debated it for months. We debated each

phase of the potential negotiation with Iran through diplomacy, through the imposition of sanctions, through the potential threat of military force, and ultimately the need to use military force if we could not achieve the desired objective. We obviously made that the last resort, and only if all other efforts failed. As I said, it was written in 2008.

Most relevant at this moment was our insistence—and I quote from the report again—''that any U.S.-Iranian talks will not be open-ended, but will be limited to a predetermined time period so that Tehran does not try to 'run out the clock.' ''

Our deepest concern with the failure to move forward with an ever-ratcheting and tightening combination of diplomacy, sanctions, and threat of force was that Iran would run out the clock, and in the meantime, continue to spin the centrifuges and add to those methods which were producing the ability for them to obtain nuclear weapons capability.

Now, more than 6 years later, after prolonged negotiations and yet another extension of talks without achieving the stated goal of ending the regime's quest, it is time to reassess where we currently stand.

President Obama is not only ignoring the clear and present danger of Iranian ambitions, he is abetting those ambitions by surrendering key positions first and then pursuing negotiations that confirm our weakness. For 8 years U.S. policy, backed by six United Nations Security Council resolutions, insisted that Iran abandon its program to enrich uranium because of the mortal danger that it would arm itself with nuclear weapons. That policy was discarded virtually at the start of the negotiations with Iran—a year and a half or so ago—indeed, before the negotiations began.

Although the subjects of uranium enrichment, weapons programs, inspections, and nuclear power are highly complex and the discussions have been lengthy, they all lead now to a very simple question: How much ability will Iran have to enrich uranium and how many centrifuges will it be permitted to operate in reaching its goal?

When the U.N. Security Council passed its first resolution demanding that Iran cease enriching uranium, Iran had 800 centrifuges doing that illegal work. Today, after 2 years of direct negotiations on this specific issue, Iran has 19,000 centrifuges. I will repeat that: After 2 years of direct negotiations, Iran has moved from 800 centrifuges to 19,000 centrifuges. Any negotiated agreement that gives Iran the ability to retain so much uranium capability is completely unacceptable, and the Senate should prevent such failure from being ratified or otherwise accepted by this Congress.

When it comes to negotiation strategy, we should learn from past failures. This is not the first time we have been through something like this. An instructional example comes from our experience with North Korea.

When I first served in the Senate, we were dealing with this very subject. Starting with the so-called ''Agreed Framework'' in 1994, we tried to resolve the North Korean nuclear problem by cycles of negotiations salted with incentives. Does that sound familiar?

At various times we have relieved international economic sanctions pressure in return for promises of improved behavior from the North Koreans. As we pursued inconsistent and diffident strategies, the North Koreans responded with bouts of hostility, cynical manipulation, and threats.

They have repeatedly tested missiles with nuclear capability, revealed a vast new uranium enrichment facility previously undetected by the International Atomic Energy Association and our own services, tested nuclear weapons, intimidated and threatened their neighbors, and continued to build their nuclear weapons arsenal.

I distinctly remember being on this floor and questioning our ability to verify that the Koreans would live up to what they promised to do, and that was to not develop nuclear weapon capability.

Oh, we have this all wired in. We have their promise. We have provided aid to them in the nature of food and in the nature of a number of financial incentives, and we have the verification procedures in place.

We know that none of that worked. We know we were rope-a-doped by the North Koreans, just as we are being rope-a-doped by the Iranians. We have a precedent on which we ought to be basing our decisions in terms of how we go forward.

Maintaining the status quo is not the way to diffuse a critical threat to our national security. This is a view, by the way, that Ash Carter has expressed emphatically and one of the major reasons why I will so strongly urge for his confirmation to be Secretary of Defense.

To the contrary, Secretary Kerry, who energetically leads the current negotiation strategy with Iran, should surely have learned from the fallacies of the North Korea agreed framework example, which was that strategy's predecessor.

When Senator Kerry and I were both in the Senate, he strongly supported the North Korea strategy and was harshly critical of the Bush administration for not doing the same.

In March 2001, then-Senator Kerry said:

> The Clinton administration left a framework on the table which could, if pursued aggressively by the Bush administration, go a long way toward reducing the threat posed by North Korean missiles and missile exports . . . two days ago Secretary of State Colin Powell stated that the Bush administration would ''pick up'' where the Clinton administration left off.

Secretary Kerry went on to say:

> Apparently not. Yesterday, President Bush told . . . President Kim . . . that the administration would not resume missile talks with North Korea any time soon. I believe this was a serious mistake in judgment.

Now, after the clear and massive failure of negotiations with North Korea, Secretary Kerry is pursuing a Groundhog Day strategy for dealing with Iran. We now know for certain that North Korea was simply using negotiations to lead us down that garden path to cynical noncompliance. So why do Secretary Kerry and President Obama continue to believe blindly in hopeful talks rather than hard-edged compulsion?

This unguided blindness leads us to a second problem: The administration has ignored not only the United Nations Security Council, but the U.S. Congress as well. The administration has been clear about its intention to circumvent congressional scrutiny and agreement of any deal because of widespread bipartisan opposition. I believe that is a serious mistake.

Any settlement of issues regarding Iran's nuclear program is of paramount importance to the security of the American people, not to mention the security and stability of the world. Any proposed agreement requires thorough review and deliberation by this Congress. An agreement on an issue of such vast significance requires a bipartisan, bicameral consensus and mutual support and agreement by both the executive and legislative branches of government. Anything less than that should not be acceptable.

This is the most significant national security issue of our age, and it is being mishandled apparently to secure a legacy for the administration. Thus, it is all the more important to assert a vigorous congressional role before we are burdened with a bad agreement that does little to prevent a nuclear Iran.

These negotiations with Iran began by yielding on the central issue. They now continue, while ignoring the proper, essential role of Congress, and it appears they are aimed at achieving a legacy for the Obama administration rather than enhancing national security.

Most serious and dangerous of all is the strategic vacuum in which these Iran negotiations are taking place. Their failure will force us to face that void, and when we do, we must then return to the world that existed before these misguided negotiations began.

We will have to renew and reinforce our efforts to impose crippling sanctions on Iran. We will have to redouble our efforts to bring our allies and friends along with us, preventing the carefully constructed international sanctions regimes from slipping. And now we must find ways to limit the damage being done by an irresponsible Russia, already signing deals with Iran worth billions of dollars.

Unfortunately, and most challenging of all, we must find a way to make the threat of using military force as a last resort credible, but that will not be

easy. Our Nation is militarily, politically, economically, and emotionally exhausted by wars, and now we have been forced to embark on yet another.

Americans are justifiably repulsed by and fixated on the more immediate chaos of televised beheadings. A more abstract future threat of a nuclear Iran is beyond the horizon of most Americans, and the ayatollahs are counting on that. It is one of the many ways that the conflicts in Iraq and Syria are connected to our Iranian dilemma.

Coping with all of that at once is what leadership is all about. Four American Presidents, including our current President, have declared that a nuclear-weapons-capable Iran is unacceptable. I will repeat that: Four American Presidents, including this current President, have declared that a nuclear-weapons-capable Iran is unacceptable.

To give meaning to that repeated commitment and to do whatever is necessary to prevent Iran from getting that dangerous capability is the most urgent matter facing the United States and international security. A robust uranium-enrichment industry in Iran means a capability to produce nuclear weapons within an unacceptably brief amount of time.

The consequences of a nuclear-weapons-capable Iran are not tolerable, not acceptable, and must motivate the most powerful and effective efforts possible to prevent it from happening. That is our challenge. That is the role of the Senate. So we must insist on playing a significant role in the examination of whatever is being done and whatever might be put before us so we can examine it carefully and not repeat the mistakes of the past as we have with the North Koreans.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. LEVIN. Mr. President, on Tuesday evening Senator INHOFE and I announced that we had reached an agreement with the chairman and the ranking member of the House Armed Services Committee on a new national defense authorization bill for fiscal year 2015. The text of the bill and report were published on the Web site of the House Rules Committee that evening, and on Wednesday morning we put out a press release detailing the provisions of the bill.

The bill passed the House earlier this afternoon by a vote of 300 to 119, and we expect to take it up in the Senate next week.

Our bill includes hundreds of important provisions to authorize the activities of the Department of Defense and provide for the well-being of our men in uniform and their families. The bill will enable the military services to continue paying special pays and bonuses which are needed for recruitment and retention of key personnel. It provides continued impact aid to support military families and local school districts. It strengthens survivor benefits for disabled children of servicemembers. It includes provisions addressing the employment of military spouses, job placement for veterans, and military child custody disputes. It addresses military hazing, military suicides, post-traumatic stress disorder, and mental health problems in the military. And it includes 20 provisions to continue to build on the progress we are starting to make in addressing the scourge of sexual assault in the military.

The bill provides continued funding and authorities for ongoing operations in Afghanistan and for our forces conducting operations against the Islamic State in Iraq and Syria, so-called ISIS. As requested by the administration, it authorizes the Department of Defense to train and equip vetted members of the moderate Syrian opposition and to train and equip national and local forces who are actively fighting ISIS in Iraq. It establishes a counterterrorism partnership fund to provide the administration new flexibility in addressing emerging terrorist threats around the world.

In addition, the bill extends the Afghanistan Special Immigrant Visa Program, providing for 4,000 new visas, and addresses a legal glitch that precluded members of the ruling parties in Kurdistan from receiving visas under the Immigration and Nationality Act.

Our bill takes steps to respond to Russian aggression in Ukraine by authorizing $1 billion for a European reassurance initiative to enhance the U.S. military presence in Europe and build partner capacity to respond to security threats of which no less than $75 million would be committed for activities and assistance to support Ukraine, by requiring a review of the U.S. and NATO force posture, readiness, and contingency plans in Europe, and by expressing support for both lethal and nonlethal military assistance to Ukraine.

The bill adds hundreds of millions of dollars in funding to improve the readiness of our Armed Forces across all branches—Active, Guard, and Reserve—to help blunt some of the negative effects of sequestration. It includes provisions addressing the threat of cyber warfare, providing woman-owned small businesses the same sole-source contracting authority that is already available to other categories of small businesses, expanding the No Contracting With the Enemy Act to all government agencies, and requiring governmentwide reform of information technology acquisition. And although we were unable to bring the Senate-reported bill—a bill that was reported by our committee—to the floor for amendment, we established an informal clearing process, pursuant to which we were able to clear 44 Senate amendments—roughly an equal number on each side of the aisle—and to include them in our new bill.

When the bill comes to the floor, I will have a lot more to say about some of the more difficult issues in the bill, such as provisions addressing military compensation reform, Army force structure, and Guantanamo detainees, as well as the so-called lands package that we included in our bill based on a bipartisan, bicameral request of the committees of jurisdiction.

I hope our colleagues will take the opportunity to review our bill. It is obviously a long bill. There are going to be enough days, we believe, to review the bill so our colleagues can have a fair opportunity to see what is in our bill. We are proud of the bill. We think it is a good bill. It would be the 42nd or 43rd straight year we will have passed a military authorization bill, a Defense authorization bill, if we are able to pass the bill next week.

I hope our colleagues will take the opportunity over the next few days to review the bill and hopefully give it the kind of broad support it deserves and that it received today in the House of Representatives.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business and Senators be allowed to speak for up to 10 minutes each.

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

DEATH IN CUSTODY REPORTING ACT

Mr. LEAHY. Mr. President, I have long worked to pass legislation to bring additional transparency and accountability to the government. I do so again today by calling on all Senators to support the Death in Custody Reporting Act, a bill that has moved multiple times through the Senate Judiciary Committee and should pass the Senate without further delay.

This is about an open and fair government. The Death in Custody Reporting Act requires that local and Federal law enforcement officials report deaths that occur while people are held in their custody, including those that occur during arrest. Nothing more. Just yesterday the Wall Street Journal reported that hundreds of police-related deaths are unaccounted for in Federal statistics. I ask that the article, ''Hundreds of Police Killings Are

Uncounted in Federal Stats,'' be made part of the RECORD. The details of the article are unacceptable. The Justice Department should have an opportunity to analyze the data and see what we can learn from it. And the American people deserve the same.

This important opportunity for needed transparency comes at a time when many Americans are losing faith in our justice system. We are having an important conversation about the loss of human life in communities across the country. Here we have an opportunity to instill some measure of accountability, and hopefully begin to restore some measure of trust in these communities.

This legislation, sponsored by Congressman BOBBY SCOTT, overwhelmingly passed the House last year in a bipartisan vote. We reported the bill out of the Senate Judiciary Committee in a similarly strong bipartisan vote, with Ranking Member GRASSLEY speaking in strong support of the legislation. Currently, every single Senate Democrat is in support of its passage, but a handful of Senate Republicans are not yet convinced. It is my hope that they soon reconsider, and we can send this legislation to the President for signature without delay. The American people would expect as much.

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

[From the Wall Street Journal, Dec. 3, 2014]

HUNDREDS OF POLICE KILLINGS ARE UNCOUNTED IN FEDERAL STATS

FBI DATA DIFFERS FROM LOCAL COUNTS ON JUSTIFIABLE HOMICIDES

(By Rob Barry and Coulter Jones)

WASHINGTON—When 24-year-old Albert Jermaine Payton wielded a knife in front of the police in this city's southeast corner, officers opened fire and killed him.

Yet according to national statistics intended to track police killings, Mr. Payton's death in August 2012 never happened. It is one of hundreds of homicides by law-enforcement agencies between 2007 and 2012 that aren't included in records kept by the Federal Bureau of Investigation.

A Wall Street Journal analysis of the latest data from 105 of the country's largest police agencies found more than 550 police killings during those years were missing from the national tally or, in a few dozen cases, not attributed to the agency involved. The result: It is nearly impossible to determine how many people are killed by the police each year.

Public demands for transparency on such killings have increased since the August shooting death of 18-year-old Michael Brown by police in Ferguson, Mo. The Ferguson Police Department has reported to the FBI one justifiable homicide by police between 1976 and 2012.

Law-enforcement experts long have lamented the lack of information about killings by police. ''When cops are killed, there is a very careful account and there's a national database,'' said Jeffrey Fagan, a law professor at Columbia University. ''Why not the other side of the ledger?''

Police can use data about killings to improve tactics, particularly when dealing with people who are mentally ill, said Paco Balderrama, a spokesman for the Oklahoma City Police Department. ''It's great to recognize that, because 30 years ago we used to not do that. We used to just show up and handle the situation.''

Three sources of information about deaths caused by police—the FBI numbers, figures from the Centers for Disease Control and data at the Bureau of Justice Statistics—differ from one another widely in any given year or state, according to a 2012 report by David Klinger, a criminologist with the University of Missouri-St. Louis and a onetime police officer.

To analyze the accuracy of the FBI data, the Journal requested internal records on killings by officers from the nation's 110 largest police departments. One-hundred-five of them provided figures.

Those internal figures show at least 1,800 police killings in those 105 departments between 2007 and 2012, about 45% more than the FBI's tally for justifiable homicides in those departments' jurisdictions, which was 1,242, according to the Journal's analysis. Nearly all police killings are deemed by the departments or other authorities to be justifiable.

The full national scope of the underreporting can't be quantified. In the period analyzed by the Journal, 753 police entities reported about 2,400 killings by police. The large majority of the nation's roughly 18,000 law-enforcement agencies didn't report any. ''Does the FBI know every agency in the U.S. that could report but has chosen not to? The answer is no,'' said Alexia Cooper, a statistician with the Bureau of Justice Statistics who studies the FBI's data. ''What we know is that some places have chosen not to report these, for whatever reason.''

FBI spokesman Stephen G. Fischer said the agency uses ''established statistical methodologies and norms'' when reviewing data submitted by agencies. FBI staffers check the information, then ask agencies ''to correct or verify questionable data,'' he said.

The reports to the FBI are part of its uniform crime reporting program. Local law-enforcement agencies aren't required to participate. Some localities turn over crime statistics, but not detailed records describing each homicide, which is the only way particular kinds of killings, including those by police, are tracked by the FBI. The records, which are supposed to document every homicide, are sent from local police agencies to state reporting bodies, which forward the data to the FBI.

The Journal's analysis identified several holes in the FBI data.

Justifiable police homicides from 35 of the 105 large agencies contacted by the Journal didn't appear in the FBI records at all. Some agencies said they didn't view justifiable homicides by law-enforcement officers as events that should be reported. The Fairfax County Police Department in Virginia, for example, said it didn't consider such cases to be an ''actual offense,'' and thus doesn't report them to the FBI.

For 28 of the remaining 70 agencies, the FBI was missing records of police killings in at least one year. Two departments said their officers didn't kill anyone during the period analyzed by the Journal.

About a dozen agencies said their police-homicides tallies didn't match the FBI's because of a quirk in the reporting requirements: Incidents are supposed to be reported by the jurisdiction where the event occurred, even if the officer involved was from elsewhere. For example, the California Highway Patrol said there were 16 instances in which one of its officers killed someone in a city or other local jurisdiction responsible for reporting the death to the FBI. In some instances reviewed by the Journal, an agency believed its officers' justifiable homicides had been reported by other departments, but they hadn't.

Also missing from the FBI data are killings involving federal officers.

Police in Washington, D.C., didn't report to the FBI details about any homicides for an entire decade beginning with 1998—the year the Washington Post found the city had one of the highest rates of officer-involved killings in the country. In 2011, the agency reported five killings by police. In 2012, the year Mr. Payton was killed, there are again no records on homicides from the agency.

D.C. Metropolitan Police Chief Cathy Lanier said she doesn't know why the agency stopped reporting the numbers in 1998. ''I wasn't the chief and had no role in decision making'' back then, said Ms. Lanier, who was a captain at the time. When she took over in 2007, she said, reporting the statistics ''was a nightmare and a very tedious process.''

Ms. Lanier said her agency resumed its reports in 2009. In 2012, the agency turned over the detailed homicide records, she said, but the data had an error in it and was rejected by the FBI. She referred questions about why the department stopped reporting homicides in 1998 to former Chief Charles H. Ramsey, now head of the Philadelphia Police Department. Mr. Ramsey declined to comment.

In recent years, police departments have tried to rely more on statistics to develop better tactics. ''You want to get the data right,'' said Mike McCabe, the undersheriff of the Oakland County Sheriff's Office in Michigan. It is ''really important in terms of how you deploy your resources.''

A total of 100 agencies provided the Journal with numbers of people killed by police each year from 2007 through 2012; five more provided statistics for some years. Several, including the police departments in New York City, Los Angeles, Philadelphia and Austin, Texas, post detailed use-of-force reports online.

Five of the 110 agencies the Journal contacted, including the Michigan State Police, didn't provide internal figures. A spokeswoman for the Michigan State Police said the agency had records of police shootings, but ''not in tally form.''

Big increases in the numbers of officer-involved killings can be a red flag about problems inside a police department, said Mike White, a criminologist at Arizona State University. ''Sometimes that can be tied to poor leadership and problems with accountability,'' he said.

The FBI has almost no records of police shootings from departments in three of the most populous states in the country—Florida, New York and Illinois.

In Florida, available reports from the Florida Department of Law Enforcement don't conform to FBI requirements and haven't been included in the national tally since 1996. A spokeswoman for the state agency said in an email that Florida was ''unable'' to meet the FBI's reporting requirements because its tracking software was outdated.

New York revamped its reporting system in 2002 and 2006, but isn't able to track information about justifiable police homicides, said a spokeswoman for the New York State Division of Criminal Justice Services. She said the agency was ''looking to modify our technology so we can reflect these numbers.''

In 1987, a commission created by then-Governor Mario Cuomo to investigate abuse of force by police found that New York's reports to the FBI were ''inadequate and incomplete,'' and urged reforms to ''hold government accountable for the use of force.'' The spokeswoman for the state criminal-justice agency said it isn't clear what the agency did in response back then.

Illinois only began reporting crime statistics to the FBI in 2010 and hasn't phased in

the detailed homicide reports. ''We cannot begin adding additional pieces because we are newcomers to the federal program,'' said Tern Hickman, director of the Illinois State Police's crime-reporting program. Two agencies in Illinois deliver data to the FBI: Chicago and Rockford.

In Washington, D.C., councilman Tommy Wells held two hearings this fall on police oversight. He said he was surprised that the department hadn't reported details of police killings to the FBI. ''That should not be a challenge,'' he said.

More than two years after the knife-carrying Mr. Payton was shot and killed by D.C. police, his mother, who witnessed the killing, said she is still looking for answers. Helena Payton, 59, said her son had many interactions with local police because of what she said was his mental illness. ''All the cops in the Seventh District knew him, just about,'' she said.

The officers who arrived that Friday afternoon in August, in response to a call from Mr. Payton's girlfriend, had never dealt with her son, she said. According to Ms. Payton, her son walked outside holding a small utility knife. As he approached the officers, they fired dozens of bullets at him, she said. He died soon after.

The U.S. attorney's office is reviewing the incident, as is customary in all police shootings in Washington. A spokesman for the office declined to comment on the status of the case. The Washington police department, citing the continuing investigation, declined to provide the officers' names, a narrative of what happened, or basic information usually included in the reports to the FBI, such as the number of officers involved in the shooting.

The officers involved are back on duty, according to D.C. authorities, but the case isn't closed.

FOIA IMPROVEMENT ACT

Mr. LEAHY. Mr. President, the Freedom of Information Act is one of our Nation's most important laws. James Madison said the people ''must arm themselves with the power knowledge gives.'' For nearly 50 years, FOIA has given Americans a way to access government information ensuring their right to know what their government doing. The FOIA Improvement Act advances this fundamental democratic principle. It is why I urge all Senators to support the FOIA Improvement Act of 2014, without delay.

This legislation builds on what the President laid out in his historic Executive order in 2009 by requiring Federal agencies to adopt a ''Presumption of Openness'' when considering the release of government information under FOIA. Prioritizing the people's interest in what their government is doing, our bill will reduce the overuse of exemptions to withhold information where there is no foreseeable harm. It will make information available for public inspection and frequently requested documents available online. It will provide the Office of Government Information Services, OGIS, with additional independence and authority to carry out its work. I believe this legislation reaffirms the fundamental premise of FOIA, that government information belongs to all Americans.

Supporting these commonsense reforms will help open the government to the 300 million Americans it serves. The bill is supported by more than 70 public interest groups that advocate for government transparency. The Sunshine in Government Initiative, said the Leahy-Cornyn bill ''strengthens government transparency by limiting the ability of agencies to hide decades old documents from the public.'' At the Judiciary Committee's business meeting to consider this legislation, which was reported to the full Senate with unanimous support, Ranking Member GRASSLEY said the FOIA Improvement Act ''opens wide the curtains and provides more sunlight on the Federal government.'' Senator CORNYN, my partner for many years on government transparency, noted our bipartisan efforts ''to open up the government and make it more consumer and customer friendly.'' I thank both Senators for their work on this legislation.

We often talk about the need for government transparency, and many also note how rare it is that Democrats and Republicans can come together on any legislation. We have accomplished both with the FOIA Improvement Act. It was drafted in a bipartisan fashion after a long and thoughtful process of consultation. This week, we can pass this bill in the Senate and send it over to the House, where I am confident that it will pass, and send it to the President to sign before the end of the year. There is no reason to delay this legislation, which has broad support from a range of stakeholders, costs very little to implement and will improve access to government for all Americans. I urge the Senate to pass the FOIA Improvement Act now, without delay.

TRIBUTES TO JOHN D. ROCKEFELLER

Mr. DURBIN. Mr. President, Scripture tells us that to those whom much is given, much is required. My friend, Senator JAY ROCKEFELLER, can rest well knowing that he has passed that biblical test.

JOHN DAVISON ROCKEFELLER, IV, is the eldest son of the eldest son of the eldest son of the founder of Standard Oil—America's first billionaire. Senator ROCKEFELLER grew up amid wealth in Manhattan and Westchester County, NY. He prepped at Exeter and graduated from Harvard. He was destined for a life of comfort and privilege far removed from the struggle of the poor. But this man, this ROCKEFELLER, consciously chose a different path in life. And he has spent 50 years—two-thirds of his life—working to try to make life better for people who too often have precious little.

He has been a Member of this Senate for 30 years. You can see his legacy throughout West Virginia and across America. You can see it in children who have better schools, miners who have safer working conditions and seniors who have retired with greater dignity. You can see his legacy in the 8 million American children who receive health care through CHIP, the Children's Health Insurance Program, which JAY ROCKEFELLER authored.

You can see his formidable legacy in the additional millions of Americans who—because of the Affordable Care Act—now have reliable health insurance, many of them for the first time in their lives. No one—no one—in this Senate has worked longer than he for affordable health care for all Americans.

Unlike some Senators, JAY ROCKEFELLER did not grow up dreaming of being a Senator. As a young man at Harvard, he had planned a career in diplomacy, focusing on Asia. He even took time off from college to live for a while in Japan. But something momentous happened when he graduated from college in 1961. America had just elected a hopeful, young President who made Americans believe, as Senator ROCKEFELLER would later say, ''that America could achieve anything.''

Senator ROCKEFELLER called his father and his Uncle Nelson, then the Governor of New York, to let them know he had switched from Rockefeller Republican to Kennedy Democrat. The family took the news surprisingly well.

Soon after, Senator ROCKEFELLER was asked by Robert Kennedy to help establish the Peace Corps; he worked for 2 years as a chief assistant to Sargent Shriver, the first Peace Corps director.

In 1964 a friend told him that he did not need to travel halfway around the world to help people in need. There were people here in America, in his friend's home State of West Virginia, living on the outskirts of hope. So JAY ROCKEFELLER asked Bobby Kennedy to send him to West Virginia as a volunteer for VISTA, the precursor to Americorps.

He planned to spend a year in West Virginia. He has never left.

At age 27, in the tiny Appalachian coal-mining town of Emmons, WV—population 346—JAY ROCKEFELLER discovered his defining purpose. He saw that people working together and a caring government could transform lives and communities for the better.

In 1966, he was elected to West Virginia's House of Delegates.

In 1968 he was running for West Virginia secretary of state when his last great hero, Bobby Kennedy, was murdered. His Uncle Nelson, Governor of New York, offered repeatedly to appoint his nephew to fill out Senator Kennedy's term in the U.S. Senate—but JAY ROCKEFELLER refused. He told his uncle that if he were going to serve in this Senate, he wanted to earn his seat.

He won that race for secretary of state and went on to serve two terms as West Virginia's Governor.

In 30 years in the U.S. Senate, Senator ROCKEFELLER has been a passionate advocate for his State, for America's children, for seniors, coal

miners and others. He not only earned his seat in this body, he distinguished it with his thoughtful, compassionate, dedicated service.

Five years ago, during a late-night Senate Finance Committee markup of the bill that would become the Affordable Care Act, Senator ROCKEFELLER recalled some of the people from that little mining town of Emmons, WV, who he met 50 years ago. It was close to midnight on a Friday night. His voice broke with emotion as he spoke about the hardships and unfairness that pervaded the lives of many of the people in Emmons. He also spoke about the hope that good government programs, like Medicare and Medicaid, had brought to their lives.

He said that he had kept a journal during his VISTA years in Emmons and written detailed notes in it each night. He said that, in 43 years, he had never been able to bring himself to open that book. It was too painful to look back.

When Senator ROCKEFELLER looks back on his years in the Senate, I hope that he will feel a deserved sense of pride in the great and positive changes he helped make possible during his time here. I wish him, his wonderful and accomplished wife Sharon—the daughter of former Illinois Senator Charles Percy—and their family all the best in their future endeavors.

Ms. COLLINS. Mr. President, In his three decades in the Senate, JAY ROCKEFELLER established a strong reputation as a leader who offered innovative, common-sense solutions. He has served the people of West Virginia and of America with distinction. To me, he has been an admired colleague. He will always be a good friend.

To fully understand Senator ROCKEFELLER's dedication during his 30 years of service in the Senate, it is necessary to go back 50 years, to 1964, when he travelled to West Virginia as a VISTA volunteer. Like Maine, West Virginia is a large rural state with many low-income residents and an aging population. From strengthening our rural hospitals to fighting the scourge of prescription drug abuse, I have been fortunate to work with a leader who sees access to affordable, quality health care not as just a series of issues to address but as his life's work.

One of our greatest achievements together was the inclusion of our language in the 2003 tax bill to provide temporary, targeted fiscal relief to the States—which, at the time, were awash in red ink due to a severe economic downturn driven in large part by the terrorist attacks of Sept. 11, 2001. Senator ROCKEFELLER and I worked with then-Senator Ben Nelson on legislation to provide $20 billion in short-term fiscal relief to States, half of which was used to provide health insurance to low-income citizens through the Medicaid program. In Senator ROCKEFELLER's words, ''No government program more fully embodies our nation's tradition of community and mutual obligation than Medicaid,'' and he has consistently demonstrated national leadership to provide essential health care services to the most vulnerable among us.

As co-chair of the Congressional Task Force on Alzheimer's Disease, I have greatly appreciated Senator ROCKEFELLER's leadership on legislative initiatives to combat Alzheimer's, as well as the contributions the Blanchette Rockefeller Neurosciences Institute makes to our understanding and eventual conquest of this devastating illness.

From VISTA volunteer to governor and senator, Senator ROCKEFELLER has devoted a half-century of intellect, energy, and compassion to others. There is no better way to sum up his contributions than the words the Senator himself chose when he announced his retirement: ''Public service demands and very much deserves nothing less than every single thing that you have to bring to bear.'' That is precisely what Senator JAY ROCKEFELLER has given his State and our country, and I thank him for his commitment, integrity, and friendship.

Mr. ENZI. Mr. President, It is one of the Senate's great traditions that each retiring Senator is given some time on the floor to share with us what they have learned during their service in the Senate and their thoughts about our future as a Nation as the chapter of this great adventure in their life comes to a close. Then, we, their colleagues, take a moment to share with them what we have learned from them from their service in the Senate and what lessons we will take with us in the days and months to come from our work together here in the Capitol.

That is why I greatly appreciate having the opportunity to be here for JAY's final speech on the Senate floor. It is one of those moments that I will long remember, another moment in which JAY has not only been a witness to our Nation's history, but in this case, it's another time when he has written it with his well-chosen words.

This moment is one of those I call an instant replay memory. It means so much to me because I have known JAY ROCKEFELLER for a longer time than I have known any other member of the Senate. In fact, when we first met, serving in Washington, DC, here in the Senate, was the furthest thing from our minds.

When I first had the chance to get to know JAY he was the governor of West Virginia and I was the mayor of Gillette. Coal was a great part of the day-to-day life of my hometown and his home State and together we were serving on the Energy Council. I remember when JAY came to Gillette for a visit. I had the chance to give him a tour of the mines of the Gillette area. As we were traveling around the site JAY said to me, ''You don't mine coal. You just back up the trains and load them up!'' I knew immediately what point he was making about the difference between the mines of Gillette and the mines of West Virginia. While the people of my State were working to keep up coal production by removing the surface coal facing one set of hazards, West Virginia miners were heading deep into the earth to face a different kind of challenge.

Make no mistake, mining is both a difficult and a dangerous occupation for all who have dedicated their lives to working the mines. It is labor intensive and every miner who makes it down the shafts to begin work knows there is always a chance they might not be coming home again.

It was a lesson we were reminded of in 2006 when the mine tragedies occurred at the Alma and Sago mines in West Virginia. Those were difficult days for his State. JAY's leadership came to the front as we went as a delegation to console the families of those miners from the Sago mines who had lost their lives and listened to their concerns. They shared their great loss with us, but as they did there was another message that seemed to come to us from all those with whom we spoke—''Don't let this happen to another family.'' It was clear. Something needed to be done to bring mine safety up to more modern standards. After meeting with the families we returned to Washington committed to get something done to honor the memory of those lost miners and make mining a safer occupation. As I thought about the beginnings of a legislative response to this issue, I remembered JAY's remarks to me that day in Gillette as he pointed out the different mining standards and the need for different approaches to mining safety. It was clear that a safety policy for our Nation's mines would have to address every facet of the industry and bring more modern technologies to accident prevention and rescue efforts.

Soon after we returned from West Virginia the entire delegation joined together to begin the work that needed to be done to minimize the danger and increase our ability to respond whenever a problem or hazard threatened the miners. The result was the Mine Improvement and New Emergency Response (MINER) Act. It was the first major advance in mining safety that had been legislated in 30 years. That law will always be remembered as a part of JAY's legacy of service to the people of West Virginia. It was a change in our mining communities and businesses that will continue to have an impact in the years to come in our ability to protect the lives of miners all over this Nation. It is also a warning—as use of coal plunges, there is less incentive for safety inventors.

That is just one moment in which JAY made a difference in the present and future of our nation. If you look at JAY's impressive legislative record throughout his career you will note that he has been productive and effective in promoting his legislative agenda no matter which party was in control of the Congress. That is because

JAY has always been willing to work with members from both sides of the aisle and all sides of an issue. That is why he has been able to accomplish so very much for West Virginia and the Nation.

As we have heard, JAY has quite a remarkable story to tell. It truly began years ago when a younger—but equally committed—JAY ROCKEFELLER came to work in a small town in West Virginia as a part of the VISTA program. The plan was for him to work with the people of the area for about a year. As the old adage says so well, ''God had other plans.'' That experience changed his life and his goals for the future. It led him to run for office and then progress in opportunity and service to the people of West Virginia as he worked his way to the United States Senate and this moment on the Senate Floor.

So, that is what I have learned from you, JAY. As I mentioned, there are times when we are sure what we want to do with our lives, but ''God has other plans'' which often leads to something better for us and the world around us than what we were planning on. If JAY hadn't made that decision back when he first arrived in West Virginia to do whatever he could to make life better for the people of that State it might never have been accomplished quite the way he has been able to do it. I have always suspected that God gives us all a mission in life, a chance to respond to a higher calling and make that inspired moment the beginning of our life's work. JAY ROCKEFELLER did that and that is the lesson I have learned from him.

Thanks for your service in the Senate, JAY, and for all you have done for West Virginia and our Nation. Thanks, too, for your friendship. Fortunately, you will never be more than a phone call away. Keep in touch. Your comments, suggestions and West Virginia common sense ideas will always be welcome. Diana joins in sending our best wishes to you. We will look forward to seeing you in the days and months to come.

Ms. STABENOW. Mr. President, today we honor the distinguished career of my dear friend and colleague, Senator JAY ROCKEFELLER of West Virginia.

As a young man, with all his talents—and coming from a prominent family—there were many things JAY ROCKEFELLER could have done with his life.

His choice says more about him than any speech in the Senate ever could: He chose to devote himself to serving others.

So he volunteered for the Peace Corps, and then the AmeriCorps VISTA program, which brought him to the small mining town of Emmons, WV.

That is where he discovered the purpose that would define his career—and his life.

From that day forward, he took a personal stake in the issues that affected West Virginians.

That passion became stronger as he climbed the ranks of government, from Secretary of State, to Governor, and finally to U.S. Senator. Through it all, he remained grounded by a sensibility of what was best for the people he met in Emmons—and throughout the Mountain State.

He met West Virginians who could not afford basic health care—and so Senator ROCKEFELLER became a champion for reform that made health care a right, not a privilege.

He met West Virginians who were hurt in mining accidents, or made ill from the air they breathed, and he fought for reforms that improved their safety.

He has always understood that our Nation is best when we have jobs that make the middle class strong, like manufacturing. The coal, steel and chemical industries in West Virginia have all relied on his support.

He believed that government should fight for those who were least able to fight for themselves.

This compelled him to go to work on behalf of children whose families did not qualify for Medicaid—and yet could not afford private insurance. In 1997, he was a leader in creating the Children's Health Insurance Program, known as CHIP, and ever since, those children would not be allowed to slip through the cracks in our health care system.

Senator ROCKEFELLER's impulse to speak up for those who did not have a voice led him to seek improvements for the care of foster children, working to expand incentives for parents to adopt so that foster children could have a permanent home.

On the other end of the spectrum, he was compelled to fight to keep Medicare strong, so that it had the funding it needed to make good on its promise to our Nation's seniors. He was committed to making sure that all safety net programs stayed true to their founding principles, which is why he has resisted efforts to privatize Social Security and promoted programs that increase seniors' access to affordable prescription drugs.

Even as he tackled the tough issues, Senator ROCKEFELLER's charm and sincerity were key to bridging partisan gaps and building consensus necessary to get bills passed.

Senator ROCKEFELLER leaves the Senate, after a distinguished career. Fortunately for us, his legacy of compassionate and conscientious service will endure long into the future.

I know how hard it is for Senator ROCKEFELLER to leave this Chamber. I hope he knows that it is hard for us to watch him go.

I thank Senator ROCKEFELLER, for his tireless service to this country, and for his faithful service to the people of West Virginia.

Mr. MARKEY. Mr. President, Senator ROCKEFELLER's nearly 50 years of public service has left West Virginia and our country a better place. Whether it is promoting health care, education, economic growth, or veterans, Senator ROCKEFELLER has led the way, acting to improve the lives of hard-working Americans.

When it comes to protecting consumers and children, Senator ROCKEFELLER has been a legislative partner and a national leader. I want to especially point out his tireless efforts to increase educational opportunities for children around the country.

The E-Rate has proved essential and exceptional in linking up schools and libraries to the Internet. The E-Rate has democratized access to brighter futures and better technology. The E-Rate is the only technology that has been deployed as fast in poor neighborhoods as it has in rich ones.

Chairman ROCKEFELLER, your legacy will live on for decades to come. Whether in rural areas, or urban ones, affluent, or low-income communities, all corners of our great Nation will continue to feel your impact.

Finally, I want to personally thank you for your friendship throughout my tenure in Congress.

These walls will feel emptier without you next year.

I wish you, your wife Sharon, and the rest of your family many more years of fulfillment in your next endeavors.

INCITEMENT TO VIOLENCE AGAINST ISRAEL MUST BE CHALLENGED

Ms. COLLINS. Mr. President, as we hope for peace in the Middle East, some parties in the region are making peace less likely by inciting violence against Israel. It is imperative to recognize these words and actions for the poisons they are to achieving peace. An excellent November 23, 2014, opinion piece by Jeffrey Robbins in the Boston Herald entitled ''U.S. mute as Abbas incites violence'' articulates why silence is the wrong response to the anti-Israeli rhetoric and ideology that encourage further violence and terror. Jeff is a former delegate from the United States to the United Nations Human Rights Commission, and I believe my colleagues and the American people would benefit from reading the entire piece, which I ask unanimous consent to have printed in the RECORD.

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

[From the Boston Herald, Nov. 23, 2014]

ROBBINS: U.S. MUTE AS ABBAS INCITES VIOLENCE

(By Jeff Robbins)

At a meeting in Jerusalem last December, a State Department official was asked about the unremitting anti-Semitism emanating from Palestinian officials, their continuing celebration of the murderers of Israeli civilians and what the United States was doing about it. It was ''a challenge,'' she said, adding that it was ''our position'' that Palestinian incitement of violence was ''unhelpful'' to peace. Beyond this banality, she had nothing to offer.

This week's massacre of worshippers in a Jerusalem synagogue—following the Palestinian murders of Israelis in recent days by

stabbing them and by running them over—raises yet again the disquieting question: has the Obama administration's fecklessness about confronting Palestinian incitement of terror served to enable it?

In the last few weeks alone, the Palestinian Authority has posted cartoons of an Israeli pulling down his pants and preparing to ''rape'' an Arab woman representing a Muslim holy site. Palestinian President Mahmoud Abbas praised the Palestinian shot while attempting to assassinate an Israeli as a ''martyr'' who was destined for heaven. A new hit song on Palestinian social media calls for listeners to ''destroy, annihilate [and] blow up'' Israelis. Al-Quds University has created the ''Martyr Ibrahim Al-Akhari Tournament'' to honor the man who recently murdered two Israelis and injured 13 others by running them over with his car.

Despite the fact that American taxpayers provide $500 million to the Palestinian Authority annually, the Obama administration has failed to use that leverage to pressure the recipients of American aid to stop its incitement. Though then-U.S. Sen. Hillary Clinton warned back in 2007 of the need to ''stop the propaganda to which Palestinian children are being exposed,'' the administration has declined to demand that the Palestinians cut it out.

It is bad enough that the president has not lifted a finger to pressure the Palestinian Authority to put an end to incitement to murder. Even worse, his administration has conducted itself in a way which, however unintended it may be, has effectively greenlighted anti-Israelism of the most vicious sort—which in turn fuels the kind of violence that has left European Jews fearful for their lives and Israelis reeling.

This has included years of publicly derisive treatment of Israel that has conveyed to Israel's enemies and others that it stands alone, encouraging the conclusion that attacks on Israel—political and physical—have no consequences as far as the United States is concerned.

Earlier this month the chairman of the Joint Chiefs of Staff, Gen. Martin Dempsey, told the Carnegie Council for Ethics in International Affairs that Israel deserved credit for having gone to ''extraordinary lengths to limit collateral damage and civilian casualties'' in trying to defend itself from Hamas rocket attacks from Gaza. Dempsey's praise placed the administration's scornful, damaging criticism of what were obviously unintended deaths of civilians in Gaza during this summer's wholly defensive war in stark relief.

Whether by giving interviews witheringly critical of Israeli Prime Minister Benjamin Netanyahu at particularly sensitive moments or by using obscenities to castigate him, the White House has encouraged the impression that Israel is a fair target for those who wish it ill.

The administration's scornful treatment of Israel has registered deeply with Israel's enemies, who have been encouraged to believe that America's ally is being cut loose. And it has registered with particular force in the Middle East, where the intensity of anti-Semitic incitement has grown steadily.

No serious person can claim that the administration wants an upsurge of terror. But it is hard to deny that it bears a share of responsibility for it.

ADDITIONAL STATEMENTS

RECOGNIZING THE ELIJAH MOMENT CAMPAIGN

• Mr. BLUMENTHAL. Mr. President, we have recently returned from the Thanksgiving holiday, when Americans from all walks of life come together with family and friends to express gratitude for our good fortune and great blessings. The weekend following Thanksgiving was devoted by many to holiday shopping—a good opportunity to support local businesses but also too often a spectacle of commercialization that threatens to obscure the true meaning of the holiday season.

Today, I would like to honor the work of two Connecticut community leaders for their laudable efforts to remind us of the holiday's true meaning. Rabbi Daniel Cohen of Congregation Agudath Sholom in Stamford and Pastor Greg Doll of Noroton Presbyterian Church in Darien have together launched the Elijah Moment Campaign. Named after a figure in Jewish tradition who appears spontaneously to help those in need, this interfaith campaign seeks to encourage simple acts of kindness between friends and strangers alike. Each recipient of an act of generosity goes on to ''pay it forward'' by helping someone else. Even seemingly minor gifts like buying a stranger's cup of coffee, as occurred en masse during a campaign-organized kindness event at a Stamford Starbucks last week, can motivate significant acts of charity and promote a prevailing spirit of benevolence.

I am grateful to Rabbi Cohen and Pastor Doll for coming together to remind us, in their words, that ''an act of generosity as simple as a kind word can transform a fleeting moment into an eternal one.'' The simplest acts of giving highlights the strong connections we all share, even as divisive rhetoric at home and violent acts abroad threaten our solidarity and safety. I honor and admire the spirit of the Elijah Moment Campaign, and I encourage all to do the same.•

RECOGNIZING GLEN HURT

• Mr. BOOZMAN. Mr. President, I wish to honor Glen Hurt, who will retire as the Mansfield city mayor after more than 25 years of public service to the community as a city council member and mayor.

As city mayor, Glen is credited with improving the city's fire and police departments, upgrading Mansfield's waste and sewer systems, bringing a new grocery store to the community and helping build a new city senior center in 2004. Glen's commitment to public service led him to serve on the boards of the Solid Waste District and Area Agency on Aging.

I applaud Glen for his outstanding contributions and achievements as city mayor. We are all grateful for his dedication, leadership, and eagerness to serve honorably during his years of service to the city of Mansfield and the State of Arkansas. My staff and I have enjoyed working with Mayor Hurt on the projects important to Mansfield. I am truly grateful for his years of honorable service and dedication to community and wish him continued success in his future endeavors and many years of good health to enjoy with his granddaughters.•

TRIBUTE TO AL FELDSTEIN

• Mr. CARDIN. Mr. President, I wish to recognize an outstanding public servant of Western Maryland, Al Feldstein, who will be retiring at the end of this year after 42 years of public service. As Appalachian Regional Commission, ARC, State Program Manager for Maryland, Al has played a critical role in the success of countless projects and initiatives aimed at advancing economic progress and improving the lives of the residents of Maryland's three Appalachian counties. His passion for his community is boundless, and his careful stewardship of public resources has consistently set a high standard to which we can—and should—all aspire.

An exemplary leader in public service, Al's positions as grants administrator with Tri-County Council for Western Maryland and ARC State program manager at the Maryland Department of Planning enabled him to realize the importance of investing in Federal, State, private, and local economic development projects. He was committed to creating conditions for economic growth, many of which strengthened parts of the Appalachian region by constructing and improving basic public infrastructure.

Under Al's leadership, several rural counties in Western Maryland have benefited from carefully targeted ARC investments in economic development—including the financing of high-speed telecommunications infrastructure to increase local and regional connectivity and affordability. These accomplishments have leveraged far greater support for workforce development and job creation in a region that continues to battle economic distress, high unemployment rates, and severe educational disparities.

ARC's regional development roles—as advocate, knowledge builder, partner, investor, and catalyst—underlie the commission's strategy to invest in people, basic infrastructures, and job creation and retention. ARC helps create economic opportunities by making its funds available for seed capital, gap funding, and investments in innovative programs. Although the Appalachian region has not fully achieved socioeconomic party with the rest of the Nation, greater involvement in the region—not only through funding but also public service like Al's—will continue to help Appalachia's communities take advantage of emerging economic opportunities and diversification.

Knowing that accomplishing the four goals of ARC's strategic plan requires intense collaboration and civic engagement, Al was steadfast in working to achieve these objectives: to increase job opportunities and per capita income, strengthen the capacity of Appalachia's citizens to compete in the

global economy, improve the region's infrastructure, and build the Appalachian Development Highway System.

In working to make the region more economically competitive, ARC's model of development, based on community support, creates sustainable, lifelong solutions that likewise stress the value of service at all levels. The hundreds of annual projects funded by ARC, all of which address one or more of the strategic plan's goals, further demonstrate the intrinsic significance of public service and its vital role in planning for a better future.

ARC approves funding for more than 400 projects annually throughout the 13-State region, including both highway projects and access road projects. The projects have invested funding and resources in a range of sectors that directly impact economic development in the Appalachian region, including child development, community infrastructure, transportation, arts and culture, career and technical education.

Maryland's projects have included the formation of Allegany County Connect 2 Compete, created to boost educational achievement and attainment, and increasing health-care access through Allegany County Public Health Accreditation. Another federally funded program in Maryland, HRDC Head Start Facility, provides services to low-income families with small children, promoting school readiness, health, and parent involvement in an educational environment. In Frostburg, a project called Frostburg Grows: Grow it Local Greenhouse involves conversion of unused mined land into an innovative five-acre greenhouse and shade house complex, designed to create additional job opportunities, reduce food insecurity, and provide local and healthy food to the residents of Western Maryland.

As Hillary Clinton once remarked, ''Aid chases need; investment chases opportunity.'' Al internalized this message, focusing on the implementation and improvement of reforms to foster, protect, and fully benefit the lives of Marylanders. This dedication to public service helped define and differentiate the various communities he served, and illustrates the many, varied possibilities of public service—not limited to elected office. Serving on scores of local, State, and national committees only cemented Al's involvement in civic life.

While Al championed community involvement and public service, ARC's structure also ensures an active Federal-State-local partnership rooted in cooperation. One of ARC's guiding principles is to support inclusive local decisionmaking, and to cultivate a collaborative problem-solving culture in which community achievements are made possible through collective efforts and investments. ARC's development of new strategic plans relies heavily on obtaining citizen input on high-priority regional issues, promoting homegrown solutions. ARC awards program grants to State and local agencies, governmental entities, local governing boards, and nonprofit organizations: targeting the region's specific needs, and executing plans that reinforce the necessity of teamwork and commitment.

Al, too, recognized the fundamental importance of working together to strengthen the capacity of interdependent elements: individual leaders, organizations, and the community as a whole. Working in tandem, broad-based leadership structures and institutions not only spur change but also encourage the establishment of new business and economic opportunities that can strengthen a community while diversifying its base.

Just as ARC's strategy creates a framework for building on past accomplishments to help move Appalachia forward, so, too, did Al bridge his vision of the rich, fruitful past with his present—capitalizing on existing assets and acknowledging the importance of public service in improving communities. I ask my colleagues to join me today in recognizing the contributions Al made to the State of Maryland and to our Nation.●

CONGRATULATING BOB CASHELL

● Mr. HELLER. Mr. President, I wish to congratulate Mayor Bob Cashell, of Reno, on his retirement. After serving as the mayor of Reno for 12 years, Mayor Cashell presided over his last city council meeting on November 12, 2014. It gives me great pleasure to congratulate him not only as a colleague but also as a friend on his retirement after more than 35 years of hard work and dedication to the Silver State.

A devoted husband and proud father of four, Mayor Cashell stands as a shining example of someone who has dedicated his life to serving his community. Upon graduating from the Stephen F. Austin State University in Nacogdoches, TX, with a bachelor's degree in business, Mayor Cashell moved to Reno to work as a truckdriver and salesman for a small refining company in 1961. Several years after moving to Nevada, Mayor Cashell and his colleagues were able to purchase a small casino-restaurant in 1967, which would later become known as Boomtown Casino and Hotel. His impressive business expertise has allowed him to continue on to manage and own several large properties across Nevada and the United States. Serving as the chairman of the board for his business, Cashell Enterprises, a hotel casino and management company, he quickly became a business leader within the local gaming community. After a long and distinguished career in gaming, Mayor Cashell decided that he also wanted to pursue a new endeavor and give back to his community.

Mayor Cashell's public career began in 1979 when he ran for the University of Nevada System Board of Regents and was subsequently elected chairman by his peers. After his tenure as a respected member of the board, Mayor Cashell was then elected Lieutenant Governor for the State of Nevada in 1982. In his role as Lieutenant Governor, he was instrumental in the founding of the Nevada Commission on Economic Development and the Nevada Commission on Tourism—both of which he served on as chairman. Upon being sworn in as mayor on November 13, 2002, Mayor Cashell worked diligently to ensure the city continues to thrive and to make Reno the renowned place for gaming that it is today. His roles in establishing the Truckee River Whitewater Park, opening the Community Assistance Center for the homeless, helping to extend the Reno Bowler's Convention contract, and founding the YMCA Youth Soccer League are just a few of the accomplishments that exemplify the legacy that Mayor Cashell will leave behind upon his retirement.

His service to the Reno community goes far beyond the many positions he has held in the Silver State over the years. Mayor Cashell also served his country in the U.S. Air Force. I extend my deepest gratitude to Mayor Cashell for his courageous contributions to the United States of America and to freedom-loving nations around the world. His service to his country and his bravery and dedication to his family and community earn him a place among the outstanding men and women who have valiantly defended our Nation. As a member of the Senate Committee on Veterans' Affairs, I recognize that Congress has a responsibility not only to honor these brave individuals who serve America but also to ensure they are cared for when they return home.

I am grateful for his dedication and commitment to the people of Reno and to the State of Nevada. He personifies the highest standards of leadership and community service and should be proud of his long and meaningful career. Today, I ask that all of my colleagues join me in congratulating Mayor Cashell on his retirement, and I offer my deepest appreciation for all that he has done to make Nevada an even better place. I offer my best wishes to Mayor Cashell and his wife Nancy for many successful and fulfilling years to come.●

TRIBUTE TO GENERAL CHARLES H. JACOBY, JR.

● Ms. MURKOWSKI. Mr. President, in a few short weeks a thoughtful and inspirational military leader will retire after serving his country proudly for 36 years. Today I recognize and commend my good friend GEN Charles H. Jacoby, Jr., of the U.S. Army for his exceptional leadership over those 36 years, most recently in his role as commander of the North American Aerospace Defense Command and United States Northern Command. It has been a tremendous pleasure to work closely with General Jacoby. I know many of my

colleagues join me in congratulating him on a job well done and in wishing him well as he begins a well-deserved retirement.

General Jacoby graduated from the United States Military Academy at West Point in 1978 and received his commission into the infantry as a second lieutenant. His command experience include Commander, A Company, 2d Battalion, Airborne, 325th Infantry, 82nd Airborne Division, Fort Bragg, NC, and Operation URGENT FURY, Grenada; commander, 1st Battalion, 504th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC; commander, Joint Task Force-Bravo, United States Southern Command, Honduras and Operation FUERTE APOYO, Strong Support, Hurricane Mitch; commanding general, U.S. Army Alaska and deputy commander, United States Alaskan Command; and commanding general, I Corps, including a combat tour in Iraq serving as the commanding general, Multi-National Corps-Iraq. Prior to his current assignment, he served as the Chairman of the Joint Chiefs of Staff's director, Strategic Plans and Policy (J5) and as senior member, U.S. Delegation to the United Nations Military Staff Committee, the Joint Staff.

It was during General Jacoby's assignments as commanding general, United States Army Alaska, and deputy commander, United States Alaskan Command, that we forged an enduring friendship based on trust and mutual respect. We have worked tough issues over the years, and I have always known him to be a man of his word. He is a great friend of mine and a true friend to Alaska.

General Jacoby has served as the commander of NORAD and USNORTHCOM for the past 3½ years with great distinction. He provided inspired vision, strategic focus and priorities, consistent operational and organizational excellence, and exceptional hands-on leadership not only for the people of his two commands but also in support of the commands' many international, interagency, nongovernmental organization, State, local, and private sector partners. Further, he honed important working relationships between USNORTHCOM and the National Guard, especially in implementation and execution of the dual status commander concept.

Perhaps most importantly, he was recognized earlier this year for his efforts to strengthen military ties between the United States and Mexico by General Salvador Cienfuegos Zepeda, Secretary of the National Defense Forces, and Admiral Vidal Francisco Soberon Sanz, Secretary of the Navy. They honored General Jacoby in a formal military ceremony attended by thousands of the Mexican military as the only U.S. military officer ever to receive the Mexican Military Merit 1st Class Award and the Mexican Naval Award, the highest awards possible for a non-Mexican, for his many contributions in support of the Mexican armed forces.

General Jacoby's unique combination of experience, charismatic leadership, and intelligence served him well as the commander during difficult times overseas and at home with some tough decisions about the future of our country. His long and distinguished record of exceptional service to our country serves as the gold standard for general officers, and we wish him and his family all the best. To this battle-hardened infantry paratrooper, we say a fond ''keep your feet and knees together'' as you jump into the next exciting chapter of your life.●

REMEMBERING SERGEANT FIRST CLASS RICHARD DEMERS

● Mrs. SHAHEEN. Mr. President, I wish to memorialize a New Hampshire son and proud member of the United States Army, SFC Richard Louis Demers. Sergeant Demers was born in Manchester on December 31, 1966 and spent his young life there, graduating from Manchester Memorial High School in 1985. His lengthy career in the Army spanned 22 years, including a tour of duty in Iraq, as well as tours in Germany, Colorado, Texas, Hawaii and most recently Missouri.

Sergeant Demers' choice to dedicate his career to protecting our freedom and security is the essence of American patriotism. It is my hope that during this extremely difficult time, Richard's family and friends will find comfort in knowing that Americans everywhere appreciate deeply his selfless service in defense of our country.

Sergeant Demers is survived by his wife of 28 years, Karen, Gagne, Demers, of Laquey, MO; their two sons, Jonathan Demers and his wife Megan, of Georgia, and Shawn Demers and his wife Nadine, of Washington; five grandchildren; two siblings, Michelle Champagne and her husband Roland, of Allenstown, NH, and David Demers and his wife, Marcia, of Florida; and many nieces and nephews. This patriot will be missed by all.

On behalf of the people of New Hampshire, I ask my colleagues and all Americans to join me in honoring the life and service of this brave American, Richard Demers.●

REMEMBERING SERGEANT FIRST CLASS MARK GULEZIAN

● Mrs. SHAHEEN. Mr. President, it is with great sadness I rise today to honor the life and service of SFC Mark Gerald Gulezian, a New Hampshire native who died on October 10. Mark was born on December 28, 1978 in Manchester, NH and was raised in nearby Londonderry, where he was a graduate of Londonderry High School. He joined the U.S. Army in 1998, and over the course of his career served two tours in Iraq and Afghanistan, in addition to a tour in Korea. Sergeant Gulezian was most recently stationed at Fort Bragg in North Carolina with the Army's distinguished 3rd Special Forces Group, Airborne.

Mark will forever be a member of the special community of Americans who bravely and selflessly vow to defend our country so that the rest of us may continue to live in peace and freedom. It is my hope that during this extremely difficult time, Mark's family and friends will find comfort in knowing that Americans everywhere deeply appreciate his commitment and service to our nation.

Mark is survived by his parents Jerry and Dotty of Londonderry, NH; his wife, Blair Anastasia Gulezian, of Raeford, NC; children Amira Gulezin and Dylan Gulezian, both of Richmond, VA; a stepson, Christopher, of Pennsylvania; his brother, Steven Gulezian of Londonderry and his girlfriend, Sara Hickey; and niece, Ambree Page ''S.J.'' Gulezian; also his two dogs, Whiskey and Lucic. This patriot will be missed by all.

On behalf of the people of New Hampshire, I ask my colleagues and all Americans to join me in honoring the life and service of this brave American, Mark Gulezian.●

MESSAGES FROM THE HOUSE

At 3:31 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2673. An act to enhance the strategic partnership between the United States and Israel.

S. 2917. An act to expand the program of priority review to encourage treatments for tropical diseases.

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

H.R. 5769. An act to authorize appropriations for the Coast Guard for fiscal year 2015, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 120. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the World War II members of the Civil Air Patrol.

The message further announced that the House agreed to the amendment of the Senate to the text of the bill (H.R. 669) to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life, and an amendment to the title.

ENROLLED BILLS SIGNED

At 4:14 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2040. An act to exchange trust and fee land to resolve land disputes created by the

realignment of the Blackfoot River along the boundary of the Fort Hall Indian Reservation, and for other purposes.

H.R. 43. An act to designate the facility of the United States Postal Service located at 14 Red River Avenue North in Cold Spring, Minnesota, as the ''Officer Tommy Decker Memorial Post Office''.

H.R. 451. An act to designate the facility of the United States Postal Service located at 500 North Brevard Avenue in Cocoa Beach, Florida, as the ''Richard K. Salick Post Office''.

H.R. 669. An act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life.

H.R. 1391. An act to designate the facility of the United States Postal Service located at 25 South Oak Street in London, Ohio, as the ''London Fallen Veterans Memorial Post Office''.

H.R. 3085. An act to designate the facility of the United States Postal Service located at 3349 West 111th Street in Chicago, Illinois, as the ''Captain Herbert Johnson Memorial Post Office Building''.

H.R. 3375. An act to designate the community-based outpatient clinic of the Department of Veterans Affairs to be constructed at 3141 Centennial Boulevard, Colorado Springs, Colorado, as the ''PFC Floyd K. Lindstrom Department of Veterans Affairs Clinic''.

H.R. 3682. An act to designate the community based outpatient clinic of the Department of Veterans Affairs located at 1961 Premier Drive in Mankato, Minnesota, as the ''Lyle C. Pearson Community Based Outpatient Clinic''.

H.R. 3957. An act to designate the facility of the United States Postal Service located at 218–10 Merrick Boulevard in Springfield Gardens, New York, as the ''Cynthia Jenkins Post Office Building''.

H.R. 4189. An act to designate the facility of the United States Postal Service located at 4000 Leap Road in Hilliard, Ohio, as the ''Master Sergeant Shawn T. Hannon, Master Sergeant Jeffrey J. Rieck and Veterans Memorial Post Office Building''.

H.R. 4443. An act to designate the facility of the United States Postal Service located at 90 Vermilyea Avenue, in New York, New York, as the ''Corporal Juan Mariel Alcantara Post Office Building''.

H.R. 4919. An act to designate the facility of the United States Postal Service located at 715 Shawan Falls Drive in Dublin, Ohio, as the ''Lance Corporal Wesley G. Davids and Captain Nicholas J. Rozanski Memorial Post Office''.

H.R. 4924. An act to direct the Secretary of the Interior to enter into the Big Sandy River-Planet Ranch Water Rights Settlement Agreement and the Hualapai Tribe Bill Williams River Water Rights Settlement Agreement, to provide for the lease of certain land located within Planet Ranch on the Bill Williams River in the State of Arizona to benefit the Lower Colorado River Multi-Species Conservation Program, and to provide for the settlement of specific water rights claims in the Bill Williams River watershed in the State of Arizona.

H.R. 5069. An act to amend the Migratory Bird Hunting and Conservation Stamp Act to increase in the price of Migratory Bird Hunting and Conservation Stamps to fund the acquisition of conservation easements for migratory birds, and for other purposes.

H.R. 5106. An act to designate the facility of the United States Postal Service located at 100 Admiral Callaghan Lane in Vallejo, California, as the ''Philmore Graham Post Office Building''.

H.R. 5681. An act to provide for the approval of the Amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

MEASURES REFERRED

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

H.R. 5769. An act to authorize appropriations for the Coast Guard for fiscal year 2015, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 2963. A bill to remove a limitation on a prohibition relating to permits for discharges incidental to normal operation of vessels (Rept. No. 113–284).

By Mr. TESTER, from the Special Committee on Aging:

Report to accompany S. 919, a bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes (Rept. No. 113–285).

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

H. Con. Res. 107. A concurrent resolution denouncing the use of civilians as human shields by Hamas and other terrorist organizations in violation of international humanitarian law.

By Mr. MENENDEZ, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 578. A resolution supporting the role of the United States in ensuring children in the world's poorest countries have access to vaccines and immunization through Gavi, the Vaccine Alliance.

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 586. A resolution calling on the Government of Burma to develop a non-discriminatory and comprehensive solution that addresses Rakhine State's needs for peace, security, harmony, and development under equitable and just application of the rule of law, and for other purposes.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2140. A bill to improve the transition between experimental permits and commercial licenses for commercial reusable launch vehicles.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. MENENDEZ for the Committee on Foreign Relations.

*Jess Lippincott Baily, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Macedonia.

Nominee: Jess L. Baily.

Post: Macedonia

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions amount, date, and donee:

1. Self: None.

2. Spouse: $250, 6/5/07, Barak Obama.

3. Children and Spouses: Noah Baily None.

4. Parents: Oliver L. Baily: $500, 6/29/12, Josh Mandel; $200, 3/25/12, Josh Mandel; $250, 5/18/12, Romney for Pres.; $1000, 8/15/12, Romney for Pres.; $1000, 10/12/12, Nat'l Rep. Senate Campaign Com.; $400, 7/25/08, John McCain 08; $1000, 10/3/08, McCain-Palin Victory Ohio; $400, 4/1/08, Nat'l Rep. Congressional Committee.

Joan P. Baily: $1000, 8/14/12, Romney Victory Inc; $1000, 8/14/12, Romney for President; $1000, 10/3/08, McCain-Palin Victory Ohio; $500, 5/18/08, John McCain 2008.

5. Grandparents: Deceased for more than 10 years.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Mary Baily Wieler: $2500, 10/9/12, Romney Victory Inc; $2500, 10/9/12, Romney for President; $500, 7/23/12, Romney for President.

Scott A Wieler: $2500, 4/6/12, Romney for President.

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*Robert Francis Cekuta, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

Nominee: Robert Francis Cekuta.

Post: Republic of Azerbaijan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Anne Cekuta: about $50, 2012, Barack Obama.

3. Children and Spouses: Margaret Cekuta: about $50, 2012, Barack Obama; Matthew Cekuta: none; Stephen Cekuta: none.

4. Parents: Dorothy Woodard, none; Francis A. Cekuta—deceased.

5. Grandparents: John Francis Moorehead—deceased; Alma Dohm Moorehead—deceased; Louis Cekuta—deceased; Agnes Moorehead—deceased.

6. Brothers and Spouses: David M. Cekuta, about $100, 2012, Dan Forest; about $100, 2012, Josh Mandel; about $400, 2012, Mitt Romney; about $100, 2012, Scott Walker; about $100, 2010, Sharon Angle; about $100, 2010, Carly Fiorina; Gail Cekuta, none.

7. Sisters and Spouses: Nancee Cekuta, none.

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*Margaret Ann Uyehara, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Montenegro.

Nominee: Margaret A. Uyehara.

Post: (proposed—Montenegro).

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Michael M. Uyehara, none.

3. Children and Spouses: Andrew Jameson Uyehara, none; Leilani Keiko Uyehara, none; Ryan Shizuo Uyehara, none; Christopher Mitsuo Uyehara, none; Malia Michiko Uyehara, none.
4. Parents: Peggy L. Yohner (deceased), none; Kenneth E. Yohner (deceased), none.
5. Grandparents: George Chester Bush (deceased), none; Roberta Bush (deceased), none; Frank Yohner (deceased), none; Ethel Yohner (deceased), none.
6. Brothers and Spouses: n/a.
7. Sisters and Spouses: Heidi Mangus (sister), none; Ronald Mangus (brother-in-law), none.

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*Richard M. Mills, Jr., of Texas, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.
Nominee: Richard M. Mills, Jr.
Post: Ambassador to Armenia.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions amount, date, and donee:
1. Self: none.
2. Spouse: Leigh G. Carter: none.
3. Children and Spouses: N/A.
4. Parents: Richard M. Mills, none; Joanne Lloyd Mills, none.
5. Grandparents: William Lloyd—deceased (1969); Margaret Lloyd—deceased (1989); Bertha Cazes—deceased (1978); (my grandparents divorced in the 1940s and I have no information on my paternal grandfather).
6. Brothers and Spouses: Randolph Lloyd Mills, none; Sharon Mills (spouse), none.
7. Sisters and Spouses: Malise Anne Fletcher, none; Keith Fletcher (divorced 2006), unknown.

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*Peter Michael McKinley, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.
Nominee: Peter Michael McKinley.
Post: Embassy Kabul (current).
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions amount, date, and donee:
1. Self: none.
2. Spouse: Fatima McKinley: none.
3. Children and Spouses: Peter McKinley, none; Claire McKinley, none; Sarah McKinley, none.
4. Parents: Peter McKinley (father)—my father, who will be 88 this year, remembers giving about $20 a year to the Republican National Committee and $20 a year to the Connecticut Republicans. He remembers doing so each of the past four years (back to 2010). He does not keep past records. He did give $15 to the National Republican Congressional Committee on March 28 2014; Enriqueta McKinley (mother)—deceased 2001.
5. Grandparents: Lindsay and Marjorie McKinley—deceased before 1990; Francisco and Vicenta Liano—deceased before 1960.
6. Brothers and Spouses: Brian McKinley, none; Rocio McKinley (spouse), none.
7. Sisters and Spouses: Margaret McKinley, $25, 2011, Democratic CCC; $45, 2013, Democratic CCC; Hyde Clark (spouse), none.

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*Richard Rahul Verma, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of India.
Nominee: Richard Rahul Verma.
Post: U.S. Ambassador to India.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date, and donee:
1. Self: $1000, March 12, 2012, Mark Critz for Congress; $500, Sept 21, 2012, Obama for America; $3000, 2011, Steptoe & Johnson PAC; $1700, 2012, Steptoe & Johnson PAC.
2. Spouse: Melineh Verma: no contributions.
3. Children and Spouses: Zoe Verma, Dylan Verma, Lucy Verma (all minor children, no spouses)—no contributions.
4. Parents: KD Verma, $500, March 12, 2012, Mark Critz for Congress; Savitri Verma (deceased), no contributions.
5. Grandparents: deceased in the 1970s, no contributions.
6. Brothers and Spouses: Rajiv and Indu Verma, no contributions.
7. Sisters and Spouses: Amita Verma, $250, March 12, 2012, Mark Critz for Congress; $35, October 21, 2012, Obama for America; $35, November 3, 2012, Obama for America; Bill and Rita Orren, no contributions; Roma Murthy, no contributions; Bala Murthy (spouse of Roma Murthy), $500, March 12, 2012, Mark Crtiz for Congress.

Foreign Service nomination of Sharon Lee Cromer.
Foreign Service nominations beginning with Michael A. Lally and ending with John E. Simmons, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2014.
Foreign Service nominations beginning with Andrew J. Billard and ending with Brenda Vanhorn, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2014.
Isobel Coleman, of New York, to be Representative of the United States of America to the United Nations for U. N. Management and Reform, with the rank of Ambassador.
*Isobel Coleman, of New York, as an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.
*Carol Leslie Hamilton, of California, to be an Alternate Representative of the United States of America to the Sixty-ninth Session of the General Assembly of the United Nations.
*Leon Aron, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2016.
Foreign Service nomination of James D. Lindley.

*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 Mr. HEINRICH:

S. 2973. A bill to establish a grant program to allow National Laboratories to provide vouchers to small business concerns to improve commercialization of technologies developed at National Laboratories and the technology-driven economic impact of commercialization in the regions in which National Laboratories are located, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BLUMENTHAL:

S. 2974. A bill to provide for a review of, and repeal of, the antitrust exemptions for professional sports; to the Committee on the Judiciary.

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

S. 2975. A bill to amend title XVIII of the Social Security Act to require State licensure and bid surety bonds for entities submitting bids under the Medicare durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) competitive acquisition program, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. KLOBUCHAR):

S. 2976. A bill to amend the Commodity Exchange Act and the Securities Exchange Act of 1934 to specify how clearing requirements apply to certain affiliate transactions, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENNET (for himself and Mr. HATCH):

S. 2977. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of patient records and certain decision support software; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR:

S. 2978. A bill to direct the Secretary of Veterans Affairs to designate at least one city in the United States each year as an American World War II City, and for other purposes; to the Committee on Armed Services.

By Mr. WALSH (for himself and Mr. TESTER):

S. 2979. A bill to extend eligibility for hospital care, medical services, and nursing home and domiciliary care for certain veterans who served in a theater of combat operations; to the Committee on Veterans' Affairs.

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

S. 2980. A bill to amend title XVIII of the Social Security Act to modify payment under the Medicare program for outpatient department procedures that utilize drugs as supplies, and for other purposes; to the Committee on Finance.

By Mr. WYDEN:

S. 2981. A bill to prohibit Federal agencies from mandating the deployment of vulnerabilities in data security technologies; to the Committee on Commerce, Science, and Transportation.

By Mr. TOOMEY:

S. 2982. A bill to provide for the issuance of a forever stamp to honor the sacrifices of the brave men and women of the Armed Forces who are still prisoner, missing, or unaccounted for, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WICKER:

S. 2983. A bill to allow for a contract for operation of Melville Hall of United States Merchant Marine Academy after gift by United States Merchant Marine Academy Alumni Association and Foundation, Inc., for renovation of such hall and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAMBLISS:

S. 2984. A bill to modify the definition of cotton futures contracts in the United

States Cotton Futures Act; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 2985. A bill to designate a segment of Interstate Route 35 in the State of Minnesota as the ''James L. Oberstar Memorial Highway''; to the Committee on Environment and Public Works.

By Mr. SCHATZ:

S. 2986. A bill to require the Secretary of the Interior to assemble a team of technical, policy, and financial experts to address the energy needs of the insular areas of the United States and the Freely Associated States through the development of energy action plans aimed at promoting access to affordable, reliable energy, including increasing use of indigenous clean-energy resources, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. MIKULSKI (for herself and Mr. KIRK):

S. Res. 594. A resolution celebrating the centennial year of the birth of Jan Karski and honoring his extraordinary and courageous life; considered and agreed to.

ADDITIONAL COSPONSORS

S. 313

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. PORTMAN) 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. 1463

At the request of Mrs. BOXER, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1463, a bill to amend the Lacey Act Amendments of 1981 to prohibit importation, exportation, transportation, sale, receipt, acquisition, and purchase in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce, of any live animal of any prohibited wildlife species.

S. 1739

At the request of Mr. HOEVEN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1739, a bill to modify the efficiency standards for grid-enabled water heaters.

S. 2348

At the request of Mr. BROWN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2348, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 2523

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2523, a bill to designate the facility of the United States Postal Service located at 14 3rd Avenue, NW., in Chisholm, Minnesota, as the ''James L. Oberstar Memorial Post Office Building''.

S. 2609

At the request of Mr. ENZI, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2609, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 2723

At the request of Mr. FRANKEN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2723, a bill to amend the Internal Revenue Code of 1986 to qualify homeless youth and veterans who are full-time students for purposes of the low income housing tax credit.

S. 2789

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2789, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 2816

At the request of Mr. BOOKER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2816, a bill to amend the Internal Revenue Code of 1986 to eliminate the specific exemption for professional football leagues and to provide a special rule for other professional sports leagues, and to provide an additional authorization of appropriations for the Family Violence Prevention and Services Act.

S. 2909

At the request of Mr. CASEY, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2909, a bill to authorize a comprehensive strategic approach for United States foreign assistance to developing countries to end extreme global poverty and hunger, achieve food and nutrition security, promote endurable, long-term, agricultural-led economic growth, improve nutritional outcomes, especially for women and children, build resilient, adaptive, local capacity of vulnerable populations, and for other related purposes.

S. 2953

At the request of Mr. RUBIO, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 2953, a bill to prohibit an alien who is a national of a country with a widespread Ebola virus outbreak from obtaining a visa and for other purposes.

S. 2963

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2963, a bill to remove a limitation on a prohibition relating to permits for discharges incidental to normal operation of vessels.

S. RES. 578

At the request of Mr. MENENDEZ, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. Res. 578, a resolution supporting the role of the United States in ensuring children in the world's poorest countries have access to vaccines and immunization through Gavi, the Vaccine Alliance.

AMENDMENT NO. 3588

At the request of Mr. TESTER, the names of the Senator from Ohio (Mr. BROWN), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of amendment No. 3588 intended to be proposed to S. 2410, an original bill to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Ms. KLOBUCHAR):

S. 2976. A bill to amend the Commodity Exchange Act and the Securities Exchange Act of 1934 to specify how clearing requirements apply to certain affiliate transactions, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. COLLINS. Mr. President, today Senator KLOBUCHAR and I are introducing legislation to clarify that commercial companies that execute swaps to manage their business risk through ''centralized treasury units'' are entitled to the end-user clearing exemption provided by Congress as part of the Dodd-Frank Act.

The Dodd-Frank Act requires financial entities to clear and trade their derivatives contracts on regulated exchanges. The point of this reform is to cut down on the systemic risk posed by financial speculators who invest in volatile derivatives contracts. It was not intended to restrict the ability of non-financial ''end-users'' to hedge commercial risks that are part of their normal business operations. For that reason, the Dodd-Frank Act provided end-users with an exemption from the act's clearing requirements.

Many non-financial end-users use subsidiaries called ''centralized treasury units'' to manage their derivatives contracts. These centralized treasury units allow corporations to consolidate their hedging expertise in one subsidiary. Unfortunately, because these subsidiaries are not technically ''end-users'' themselves, the end-user exemption provided by Dodd-Frank does not

apply to them, even though they execute derivatives for other end-users within the corporate family, and are considered a best-practice among corporate treasurers.

Our legislation fixes the end-user exemption to clarify that it applies to swaps between a centralized treasury unit and an external counterparty, so long as the swap hedges the risks of a commercial affiliate. The language of our bill is substantially the same as that of H.R. 5471, offered by Representatives MOORE, STIVERS, GIBSON, and FUDGE, that passed the House by voice vote yesterday.

I urge my colleagues to support the common sense clarification proposed in this bipartisan legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 594—CELEBRATING THE CENTENNIAL YEAR OF THE BIRTH OF JAN KARSKI AND HONORING HIS EXTRAORDINARY AND COURAGEOUS LIFE

Ms. MIKULSKI (for herself and Mr. KIRK) submitted the following resolution; which was considered and agreed to:

S. RES. 594

Whereas Jan Karski was born on April 24, 1914, as Jan Kozielewski, in Lodz, Poland;

Whereas Jan Karski served in the Polish diplomatic service, enlisted in the military, and was serving in the Polish army when German soldiers invaded Poland in 1939;

Whereas Jan Karski was captured by the Red Army when the Soviet Union invaded Poland;

Whereas in 1940, Jan Karski escaped the horrific Katyn Massacre, in which an estimated 22,000 Poles, including 8,000 Polish military officers, were brutally slain by Soviet soldiers;

Whereas Jan Karski escaped to Warsaw and joined the Polish underground resistance movement, where he served as a courier delivering messages to the Polish government-in-exile detailing the horrific brutality of the Nazis in Warsaw;

Whereas Jan Karski risked his life on several occasions, including when he infiltrated the Warsaw ghetto and the Izbica transit camp, and provided some of the first eyewitness accounts of the Holocaust to the Polish government-in-exile, the British government, and the United States Government;

Whereas in July of 1943, Jan Karski traveled to the United States to meet with President Roosevelt to describe the horrors of the Nazi genocide he had witnessed;

Whereas Jan Karski remained dedicated throughout his life to raising global awareness of the atrocities of the Holocaust;

Whereas after World War II, Jan Karski moved to the United States and enrolled in Georgetown University, earning a Ph.D. in 1952 and teaching at the university's Edmund A. Walsh School of Foreign Service for 35 years until his retirement in 1984;

Whereas Jan Karski became a citizen of the United States in 1954;

Whereas Jan Karski was posthumously awarded the Presidential Medal of Freedom in 2012 for his courageous efforts in uncovering the atrocities of the Holocaust and his commitment to sharing what he witnessed with the world;

Whereas the Parliament of the Republic of Poland has designated 2014 as ''The Year of Jan Karski''; and

Whereas on April 1, 2014, to mark Jan Karski's 100th birthday, the Senate unanimously passed a resolution honoring his bravery and dedication in telling the world of the atrocities that took place in Poland during the Holocaust: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates 2014 as the centennial year of the birth of Jan Karski; and

(2) honors the life and legacy of Jan Karski.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3973. Mr. REID (for Mr. MENENDEZ) proposed an amendment to the bill S. 1683, to provide for the transfer of naval vessels to certain foreign recipients, and for other purposes.

TEXT OF AMENDMENTS

SA 3973. Mr. REID (for Mr. MENENDEZ) proposed an amendment to the bill S. 1683, to provide for the transfer of naval vessels to certain foreign recipients, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives.

TITLE I—TRANSFER OF EXCESS UNITED STATES NAVAL VESSELS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Naval Vessel Transfer Act of 2013''.

SEC. 102. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT TO MEXICO.—The President is authorized to transfer to the Government of Mexico the OLIVER HAZARD PERRY class guided missile frigates USS CURTS (FFG–38) and USS MCCLUSKY (FFG–41) on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) TRANSFER BY SALE TO THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE UNITED STATES.—The President is authorized to transfer the OLIVER HAZARD PERRY class guided missile frigates USS TAYLOR (FFG–50), USS GARY (FFG–51), USS CARR (FFG–52), and USS ELROD (FFG–55) to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))) on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) ALTERNATIVE TRANSFER AUTHORITY.—Notwithstanding the authority provided in subsections (a) and (b) and to transfer specific vessels to specific countries, the President is authorized to transfer any vessel named in this title to any country named in this section, subject to the same conditions that would apply for such country under this section, such that the total number of vessels transferred to such country does not exceed the total number of vessels authorized for transfer to such country by this section.

(d) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(e) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(f) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States.

(g) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

TITLE II—ADDITIONAL PROVISIONS

SEC. 201. ENHANCED CONGRESSIONAL OVERSIGHT OF ARMS SALES, INCLUDING TO THE MIDDLE EAST.

Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following new subsection:

''(i) PRIOR NOTIFICATION OF SHIPMENT OF ARMS.—At least 30 days prior to a shipment of defense articles subject to the requirements of subsection (b) at the joint request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall provide notification of such pending shipment, in unclassified form, with a classified annex as necessary, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.''.

SEC. 202. INCREASE IN ANNUAL LIMITATION ON TRANSFER OF EXCESS DEFENSE ARTICLES.

Section 516(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)(1)) is amended by striking ''$425,000,000'' and inserting ''$500,000,000''.

SEC. 203. INTEGRATED AIR AND MISSILE DEFENSE PROGRAMS AT TRAINING LOCATIONS IN SOUTHWEST ASIA.

Section 544(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c(c)) is amended by adding at the end the following new paragraph:

''(4) The President shall report to the appropriate congressional committees (as defined in section 656(e)) annually on the activities undertaken in the programs authorized under this subsection.''.

SEC. 204. LICENSING OF CERTAIN COMMERCE-CONTROLLED ITEMS.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following new subsection:

''(k) LICENSING OF CERTAIN COMMERCE-CONTROLLED ITEMS.—

''(1) IN GENERAL.—A license or other approval from the Department of State granted in accordance with this section may also authorize the export of items subject to the Export Administration Regulations if such items are to be used in or with defense articles controlled on the United States Munitions List.

''(2) OTHER REQUIREMENTS.—The following requirements shall apply with respect to a license or other approval to authorize the export of items subject to the Export Administration Regulations under paragraph (1):

''(A) Separate approval from the Department of Commerce shall not be required for such items if such items are approved for export under a Department of State license or other approval.

''(B) Such items subject to the Export Administration Regulations that are exported pursuant to a Department of State license or other approval would remain under the jurisdiction of the Department of Commerce with respect to any subsequent transactions.

''(C) The inclusion of the term 'subject to the EAR' or any similar term on a Department of State license or approval shall not affect the jurisdiction with respect to such items.

''(3) DEFINITION.—In this subsection, the term 'Export Administration Regulations' means—

''(A) the Export Administration Regulations as maintained and amended under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

''(B) any successor regulations.''.

SEC. 205. AMENDMENTS RELATING TO REMOVAL OF MAJOR DEFENSE EQUIPMENT FROM UNITED STATES MUNITIONS LIST.

(a) REQUIREMENTS FOR REMOVAL OF MAJOR DEFENSE EQUIPMENT FROM UNITED STATES MUNITIONS LIST.—Section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) is amended by adding at the end the following:

''(5)(A) Except as provided in subparagraph (B), the President shall take such actions as may be necessary to require that, at the time of export or reexport of any major defense equipment listed on the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations, the major defense equipment will not be subsequently modified so as to transform such major defense equipment into a defense article.

''(B) The President may authorize the transformation of any major defense equipment described in subparagraph (A) into a defense article if the President—

''(i) determines that such transformation is appropriate and in the national interests of the United States; and

''(ii) provides notice of such transformation to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate consistent with the notification requirements of section 36(b)(5)(A) of this Act.

''(C) In this paragraph, the term 'defense article' means an item designated by the President pursuant to subsection (a)(1).''.

(b) NOTIFICATION AND REPORTING REQUIREMENTS FOR MAJOR DEFENSE EQUIPMENT REMOVED FROM UNITED STATES MUNITIONS LIST.—Section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)), as amended by this section, is further amended by adding at the end the following:

''(6) The President shall ensure that any major defense equipment that is listed on the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations, shall continue to be subject to the notification and reporting requirements of the following provisions of law:

''(A) Section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)).

''(B) Section 655 of the Foreign Assistance Act of 1961 (22 U.S.C. 2415).

''(C) Section 3(d)(3)(A) of this Act.

''(D) Section 25 of this Act.

''(E) Section 36(b), (c), and (d) of this Act.''.

SEC. 206. AMENDMENT TO DEFINITION OF "SECURITY ASSISTANCE" UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

Section 502B(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)) is amended—

(1) in paragraph (1), by striking ''and'' at the end; and

(2) by amending paragraph (2)(C) to read as follows:

''(C) any license in effect with respect to the export to or for the armed forces, police, intelligence, or other internal security forces of a foreign country of—

''(i) defense articles or defense services under section 38 of the Armed Export Control Act (22 U.S.C. 2778); or

''(ii) items listed under the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations;''.

SEC. 207. AMENDMENTS TO DEFINITIONS OF "DEFENSE ARTICLE" AND "DEFENSE SERVICE" UNDER THE ARMS EXPORT CONTROL ACT.

Section 47 of the Arms Export Control Act (22 U.S.C. 2794) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (3), by striking ''includes'' and inserting ''means, with respect to a sale or transfer by the United States under the authority of this Act or any other foreign assistance or sales program of the United States''; and

(2) in paragraph (4), by striking ''includes'' and inserting ''means, with respect to a sale or transfer by the United States under the authority of this Act or any other foreign assistance or sales program of the United States,''.

SEC. 208. TECHNICAL AMENDMENTS.

(a) IN GENERAL.—The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(a), 3(d)(1), 3(d)(3)(A), 3(e), 5(c), 6, 21(g), 36(a), 36(b)(1), 36(b)(5)(C), 36(c)(1), 36(f), 38(f)(1), 40(f)(1), 40(g)(2)(B), 101(b), and 102(a)(2), by striking ''the Speaker of the House of Representatives and'' each place it appears and inserting ''the Speaker of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and'';

(2) in section 21(i)(1) by inserting after ''the Speaker of the House of Representatives'' the following '', the Committees on Foreign Affairs and Armed Services of the House of Representatives,'';

(3) in sections 25(e), 38(f)(2), 38(j)(3), and 38(j)(4)(B), by striking ''International Relations'' each place it appears and inserting ''Foreign Affairs'';

(4) in sections 27(f) and 62(a), by inserting after ''the Speaker of the House of Representatives,'' each place it appears the following: ''the Committee on Foreign Affairs of the House of Representatives,''; and

(5) in section 73(e)(2), by striking ''the Committee on National Security and the Committee on International Relations of the House of Representatives'' and inserting ''the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives''.

(b) OTHER TECHNICAL AMENDMENTS.—

(1) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act (22 U.S.C. 2751 et seq.), as amended by subsection (a), is further amended—

(A) in section 38—

(i) in subsection (b)(1), by redesignating the second subparagraph (B) (as added by section 1255(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 101 Stat. 1431)) as subparagraph (C);

(ii) in subsection (g)(1)(A)—

(I) in clause (xi), by striking ''; or'' and inserting '', or''; and

(II) in clause (xii)—

(aa) by striking ''section'' and inserting ''sections''; and

(bb) by striking ''(18 U.S.C. 175b)'' and inserting ''(18 U.S.C. 175c)''; and

(iii) in subsection (j)(2), in the matter preceding subparagraph (A), by inserting ''in'' after ''to''; and

(B) in section 47(2), in the matter preceding subparagraph (A), by striking ''sec. 21(a),,'' and inserting ''section 21(a),''.

(2) FOREIGN ASSISTANCE ACT OF 1961.—Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended—

(A) in subsection (b), by striking ''Wherever applicable, a description'' and inserting ''Wherever applicable, such report shall include a description''; and

(B) in subsection (d)(2)(B), by striking ''credits'' and inserting ''credits)''.

SEC. 209. APPLICATION OF CERTAIN PROVISIONS OF EXPORT ADMINISTRATION ACT OF 1979.

(a) PROTECTION OF INFORMATION.—Section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)) has been in effect from August 20, 2001, and continues in effect on and after the date of the enactment of this Act, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and notwithstanding section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419). Section 12(c)(1) of the Export Administration Act of 1979 is a statute covered by section 552(b)(3) of title 5, United States Code.

(b) TERMINATION DATE.—Subsection (a) terminates at the end of the 4-year period beginning on the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on December 4, 2014, at 10:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 4, 2014, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 4, 2014, at 10:15 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The FANS Act: Are Sports Blackouts and Antitrust Exemptions Harming Fans, Consumers, and the Games Themselves?'' The witness list is not yet available.

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

COMMITTEE ON VETERANS AFFAIRS

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the

Senate on December 4, 2014, at 10 a.m. in room SR–418 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on December 4, 2014, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Ms. BALDWIN. Mr. President, I ask unanimous consent that Theresa Harrison, a fellow in the office of Senator SCHUMER, be granted floor privileges for the remainder of the 113th Congress.

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

WORLD WAR I AMERICAN VETERANS CENTENNIAL COMMEMORATIVE COIN ACT

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of H.R. 2366.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2366) to require the Secretary of the Treasury to mint coins in commemoration of the Centennial of World War I.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, and any statements related to this bill be printed in the RECORD.

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

The bill (H.R. 2366) was ordered to a third reading, was read the third time, and passed.

HONOR FLIGHT ACT

Mr. REID. I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 4812 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4812) to amend title 49, United States Code, to require the Administrator of the Transportation Security Administration to establish a process for providing expedited and dignified passenger screening services for veterans traveling to visit war memorials built and dedicated to honor their service, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 4812) was ordered to a third reading, was read the third time, and passed.

ESTABLISHING THE LAW SCHOOL CLINIC CERTIFICATION PROGRAM OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 5108 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5108) to establish the Law School Clinic Certification Program of the United States Patent and Trademark Office, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, today, the Senate has acted to ensure that law school students can gain valuable experience providing legal assistance to inventors before the United States Patent and Trademark Office—USPTO. This legislation is a clear win-win: students will gain tangible, hands-on experience in a vital area of the law, and inventors and small businesses will receive valuable legal assistance with their patent and trademark applications. By promoting innovation and helping creators turn their inventions into reality, the American public benefits from the results.

The USPTO plays a key role in driving the engine of our economy. Close to 600,000 patent applications and 450,000 trademark class applications are filed with the Office each year. I am proud that Vermont routinely ranks among the most innovative States that have the highest patents per capita each year. By serving America's innovators, the USPTO helps Vermonters and citizens across the country build their businesses and bring their inventions to the global marketplace.

Three years ago, Congress came together to pass the Leahy-Smith America Invents Act of 2011, the greatest transformation to our patent system in over 60 years. We worked for 6 years to pass this legislation to bring our patent system into the 21st Century. It helped simplify the process for patent approval, reduced backlogs at the USPTO, harmonized the U.S. patent system with the rest of the world, and improved patent quality.

Importantly, the Leahy-Smith America Invents Act also contained key provisions to help inventors when they appear before the USPTO; something this law school clinic legislation builds on today. Because of the America Invents Act, the USPTO now has four satellite offices around the country to make the Office more accessible to inventors and businesses. The USPTO's pro bono program is expanding nationwide to provide resources to individuals who appear before the Office without counsel. The Patent Ombudsman for Small Businesses provides patent filing support and services.

The Law School Clinic Certification Program established by this legislation expands the USPTO's strong efforts to support inventors and small businesses, while training our next generation of lawyers in how this important agency operates. After 6 years of a successful pilot program run by the USPTO, it is time to pass this legislation and make the program permanent. Representative HAKEEM JEFFRIES should be congratulated for his work on this bill in the House. I thank my fellow Senators for joining me in support of this sensible program and continuing our work to support innovators in our home States and across the Nation.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be considered made and laid upon the table, and there be no intervening action or debate.

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

The bill (H.R. 5108) was ordered to a third reading, was read the third time, and passed.

PROVIDING FOR LIMITATIONS ON THE FEES CHARGED TO PASSENGERS OF AIR CARRIERS

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 5462, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5462) to amend title 49, United States Code, to provide for limitations on the fees charged to passengers of air carriers.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I further ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 5462) was ordered to a third reading, was read the third time, and passed.

NO SOCIAL SECURITY FOR NAZIS ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to the consideration of H.R. 5739, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5739) to amend the Social Security Act to provide for the termination of social security benefits for individuals who participated in Nazi persecution, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 5739) was ordered to a third reading, was read the third time, and passed.

NAVAL VESSEL TRANSFER ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 247, S. 1683.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1683) to provide for the transfer of naval vessels to certain foreign recipients, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I further ask unanimous consent that the Menendez amendment, which is at the desk, be agreed to; and the bill, as amended, be read a third time and passed with no intervening action or debate.

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

The amendment (No. 3973) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 1683), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NEW MEXICO NATIVE AMERICAN WATER SETTLEMENTS TECHNICAL CORRECTIONS ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 536, S. 1447.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1447) to make technical corrections to certain Native American water rights settlements in the State of New Mexico, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italics.)

S. 1447

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''New Mexico **[**Native American Water Settlements Technical Corrections Act''.**]**

[SEC. 2. TAOS PUEBLO INDIAN WATER RIGHTS.

[(a) TAOS PUEBLO WATER DEVELOPMENT FUND.—Section 505(f)(1) of the Taos Pueblo Indian Water Rights Settlement Act (Public Law 111–291; 124 Stat. 3125) is amended by inserting '', including reconstruction, replacement, rehabilitation, or repair,'' after ''construction''.

[(b) AUTHORIZATIONS, RATIFICATIONS, CONFIRMATIONS, AND CONDITIONS PRECEDENT.—Section 509(c) of the Taos Pueblo Indian Water Rights Settlement Act (Public Law 111–291; 124 Stat. 3128) is amended—

[(1) in paragraph (1)(A), strike '', for the period of fiscal years 2011 through 2016,''; and

[(2) in paragraph (2)(A)(i), strike ''for the period of fiscal years 2011 through 2016''.

[SEC. 3. AAMODT LITIGATION SETTLEMENT.

[(a) AAMODT SETTLEMENT PUEBLOS' FUND.—Section 615(c)(7) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3146) is amended—

[(1) in subparagraph (A)(i), by striking ''section 617(c)(1)'' and inserting ''section 617(c)(1)(A)''; and

[(2) in subparagraph (B), by striking ''section 617(c)(1)'' and inserting ''section 617(c)(1)(B)''.

[(b) FUNDING.—Section 617 of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3146) is amended—

[(1) in subsection (a)(1)(A), by striking ''for the period of fiscal years 2011 through 2016,''; and

[(2) in subsection (c)(1)(A), by striking ''for the period of fiscal years 2011 through 2015''.

[SEC. 4. NAVAJO WATER SETTLEMENT.]

Navajo Water Settlement Technical Corrections Act''.

SEC. 2. NAVAJO WATER SETTLEMENT.

(a) DEFINITIONS.—Section 10302 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407 note; Public Law 111–11) is amended—

(1) in paragraph (2), by striking ''Arrellano'' and inserting ''Arellano''; and

(2) in paragraph (27), by striking ''75–185'' and inserting ''75–184''.

(b) DELIVERY AND USE OF NAVAJO-GALLUP WATER SUPPLY PROJECT WATER.—Section 10603(c)(2)(A) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1385) is amended—

(1) in clause (i), by striking ''Article III(c)'' and inserting ''Articles III(c)''; and

(2) in clause (ii)(II), by striking ''Article III(c)'' and inserting ''Articles III(c)''.

(c) PROJECT CONTRACTS.—Section 10604(f)(1) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1391) is amended by inserting ''Project'' before ''water''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10609 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1395) is amended—

(1) in paragraphs (1) and (2) of subsection (b), by striking ''construction or rehabilitation'' each place it appears and inserting ''planning, design, construction, rehabilitation,'';

(2) in subsection (e)(1), by striking ''2 percent'' and inserting ''4 percent''; and

(3) in subsection (f)(1), by striking ''4 percent'' and inserting ''2 percent''.

(e) AGREEMENT.—Section 10701(e) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1400) is amended in paragraphs (2)(A), (2)(B), and (3)(A) by striking ''and Contract'' each place it appears.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to; the bill, as amended, be read a third time and passed; the committee amendment to the title be agreed to; and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The committee-reported amendment was agreed to.

The bill (S. 1447), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1447

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''New Mexico Navajo Water Settlement Technical Corrections Act''.

SEC. 2. NAVAJO WATER SETTLEMENT.

(a) DEFINITIONS.—Section 10302 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407 note; Public Law 111–11) is amended—

(1) in paragraph (2), by striking ''Arrellano'' and inserting ''Arellano''; and

(2) in paragraph (27), by striking ''75–185'' and inserting ''75–184''.

(b) DELIVERY AND USE OF NAVAJO-GALLUP WATER SUPPLY PROJECT WATER.—Section 10603(c)(2)(A) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1385) is amended—

(1) in clause (i), by striking ''Article III(c)'' and inserting ''Articles III(c)''; and

(2) in clause (ii)(II), by striking ''Article III(c)'' and inserting ''Articles III(c)''.

(c) PROJECT CONTRACTS.—Section 10604(f)(1) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1391) is amended by inserting ''Project'' before ''water''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10609 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1395) is amended—

(1) in paragraphs (1) and (2) of subsection (b), by striking ''construction or rehabilitation'' each place it appears and inserting ''planning, design, construction, rehabilitation,'';

(2) in subsection (e)(1), by striking ''2 percent'' and inserting ''4 percent''; and

(3) in subsection (f)(1), by striking ''4 percent'' and inserting ''2 percent''.

(e) AGREEMENT.—Section 10701(e) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1400) is amended in paragraphs (2)(A), (2)(B), and (3)(A) by striking ''and Contract'' each place it appears.

The committee amendment to the title was agreed to, as follows:

Amend the title so as to read: ''A bill to make technical corrections to the Navajo water rights settlement in the State of New Mexico, and for other purposes.''.

PROVIDING FOR THE REAPPOINTMENT OF DAVID M. RUBENSTEIN AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. REID. I ask unanimous consent that the Rules Committee be discharged from further consideration of S.J. Res. 45 and the Senate proceed to its consideration.

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

The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 45) providing for the reappointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. I ask unanimous consent that the joint resolution be read a third time and passed and the motion to reconsider be laid upon the table with no intervening action or debate.

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

The joint resolution (S.J. Res. 45) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 45

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of David M. Rubenstein of Maryland on May 7, 2015, is filled by the reappointment of the incumbent. The reappointment is for a term of 6 years, beginning on May 8, 2015.

CONFERRING HONORARY CITIZENSHIP ON BERNARDO DE GALVEZ Y MADRID, VISCOUNT OF GALVESTON AND COUNT OF GALVEZ

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 105.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 105) conferring honorary citizenship on Bernardo de Galvez y Madrid, Viscount of Galveston and Count of Galvez.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. I ask unanimous consent that the joint resolution be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The joint resolution (H.J. Res. 105) was ordered to a third reading, was read the third time, and passed.

AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 120.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 120) authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the World War II members of the Civil Air Patrol.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 120) was agreed to.

NATIONAL FALLS PREVENTION AWARENESS DAY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 569 and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 569) designating September 23, 2014, as ''National Falls Prevention Awareness Day'' to raise awareness and encourage the prevention of falls among older adults.

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 considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 569) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 18, 2014, under ''Submitted Resolutions.'')

CELEBRATING THE CENTENNIAL YEAR OF THE BIRTH OF JAN KARSKI

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 594.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 594) celebrating the centennial year of the birth of Jan Karski and honoring his extraordinary and courageous life.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MIKULSKI. Mr. President, today, I join with my colleague, Mr. KIRK, in introducing a resolution honoring the heroic life of Jan Karski.

Jan Karski was born in Lodz, Poland, on April 24, 1914. He began his life of service in the Polish diplomatic service before he enlisted in the military, serving in the Polish army when German soldiers invaded Poland in 1939. He was subsequently captured and sent to a prisoner camp.

In 1940, Jan Karski fled to Warsaw and joined the Polish underground resistance movement, where he served as a courier delivering messages detailing the horrific brutality of the Nazis to the Polish government-in-exile. Mr. Karski played a key role in providing some of the first eye witness accounts of the Holocaust to governments of other nations. In July of 1943, Mr. Karski came to the U.S. and met with President Roosevelt to describe the horrors of the Nazi genocide he had witnessed. He became a U.S. citizen in 1954.

Throughout his life, Jan Karski remained committed to providing global awareness of the atrocities committed during the Holocaust. After World War II, Mr. Karski became a student at Georgetown University, where he earned a Ph.D. in 1952. He went on to teach, calling on his own experiences, at Georgetown's Edmund A. Walsh School of Foreign Service for 35 years until he retired in 1984.

Jan Karski has been honored on multiple occasions for his courageous efforts to open the world's eyes to the atrocities of the Holocaust. In 2012, President Barack Obama posthumously awarded him the Presidential Medal of Freedom, and more recently, the Parliament of the Republic of Poland designated 2014 as ''The Year of Jan Karski.''

One hundred years after his birth, I ask my colleagues to join me in honoring the courageous life and lasting legacy of Mr. Karski, a truly honorable Polish American, by celebrating the centennial year of Jan Karski's birth.

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 considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 594) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 95–277, as amended by the appropriate provisions of Public Law 102–246, and in consultation with the Republican leader, the reappointment of the following individual to serve as a member of the Library of Congress Trust Fund Board for a five-year term: Tom Girardi of California.

The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 106–398, as amended by Public Law 108–7, and in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the reappointment of the following individual to serve as a member of the United States-China Economic Security Review Commission: Katherine Tobin of Virginia for a term beginning January 1, 2015 and expiring December 31, 2016.

ORDERS FOR MONDAY, DECEMBER 8, 2014

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, December 8, 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 proceed to a period of morning business for debate only until 5:30 p.m., as provided for under the previous order.

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

PROGRAM

Mr. REID. Mr. President, we have been able, with the cooperation of the Republicans and everyone in this body, to work as if we were in tonight, tomorrow, Saturday, and Sunday. We would have used all that time that is allowed under the rules and we will end at the same place we are going to wind up on Monday.

But I alert everyone that next week could be a long, long week, spilling into the next week. We have certain imperative things we have to do. Everyone knows we have to do a spending bill. Everyone knows we have to do a defense bill. Everyone knows we are trying to do some tax extenders. We hope we can do that, but we will see, and there are other things we need to do. So everyone should be prepared. Next week isn't going to be as easy as this weekend is.

For the information of all Senators, there will be three rollcall votes at 5:30 p.m. on Monday, December 8, 2014, on confirmation of the Baran, McFerran, and Williams nominations.

ADJOURNMENT UNTIL MONDAY, DECEMBER 8, 2014, AT 2 P.M.

Mr. REID. 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 7:24 p.m., adjourned until Monday, December 8, 2014, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 4, 2014:

DEPARTMENT OF ENERGY

FRANKLIN M. ORR, JR., OF CALIFORNIA, TO BE UNDER SECRETARY FOR SCIENCE, DEPARTMENT OF ENERGY.

JOSEPH S. HEZIR, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY.

THE JUDICIARY

LYDIA KAY GRIGGSBY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

GREGORY N. STIVERS, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY.

JOSEPH F. LEESON, JR., OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.