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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 12, 2013, at 2 p.m.

## Senate

THURSDAY, NOVEMBER 7, 2013

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

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

Let us pray.

O God, our refuge and strength, give us reverence for Your greatness. Guide our Senators around the pitfalls of their work, enabling them to have hearts sustained by Your peace. May they surrender their will to You as they trust You to direct their path. Lord, give them the wisdom to receive Your approval with the understanding that You chastise those whom You love for their good. Empower them to find freedom in being as true to duty as the needle to the pole. Make their lives productive for the glory of Your Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### DRUG QUALITY AND SECURITY ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 236.

The PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to the bill (H.R. 3204) to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

### RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I thank the majority leader for giving me an opportunity to speak first this morning due to a commitment I have away from the Capitol.

### TRIBUTE TO BILLY GRAHAM

Mr. MCCONNELL. Mr. President, I want to start out this morning by saying a few words about a man who has earned the respect and admiration of countless Americans for his energy, courage, and faithfulness to a calling that he first received about 75 years ago on a late-night walk around the Temple Terrace Golf Course in Tampa. The son of a North Carolina dairy farmer, Billy Graham turns 95 today. And I just want to join all the others across the country and around world in thanking this good and humble servant for his decades of ministry and tireless preaching of the Gospel that he loves.

In a career that spans generations, Billy Graham has walked the halls of power and counseled presidents and kings. But he has never forgotten his mission in life. And while he may not be able to preach at the giant rallies that made him a household name, he is still finding new ways to share his faith with a world in need of healing, hope, and purpose. Tonight, at the age

of 95, Billy Graham will preach what's been called his final message to America.

Growing up, Billy Graham wanted to be a baseball player. Thankfully, God had different plans. And ever since that night in Tampa, he's put his extraordinary natural talents and generosity of spirit at the service of others.

Billy Graham's first crusade took place in the Civic Auditorium in Grand Rapids, MI, in September 1947. In the decades to come, more than 400 crusades would follow in more than 185 countries and territories on six continents. At one memorable crusade in South Korea, more than one million people showed up to hear the powerful preaching and the hopeful message of the Reverend Billy Graham.

Billy Graham may be the only preacher with a star on the Hollywood Walk of Fame. But he never let that celebrity get to his head. I am sure he would say that his beloved Ruth helped keep him focused. And it is a credit to both of them that all five of the Graham children are carrying on the family legacy today.

As Billy Graham has receded from public life in recent years, we have missed the steady, reassuring presence that he lent to moments such as the Oklahoma City bombing and 9/11. But we have been consoled to know that he is still there on his mountain retreat in Montreat, NC. Billy Graham once said that "God has given us two hands, one to receive with and the other to give with." So today, I join countless others in sending our own message of thanks to a man who has been called "America's pastor," and to say how grateful

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



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we are for the life and witness of the Reverend Billy Graham.

#### OBAMACARE

Mr. President, on an entirely different matter, yesterday Secretary Sebelius came back to Capitol Hill to testify about ObamaCare. We did not learn much from her testimony, but some of the Q-and-A was actually pretty revealing. She admitted that the number of folks who have enrolled in ObamaCare is "very low."

When pressed on the administration's promise that ObamaCare would drive down premiums, here is what she said about premium rates on the individual market: "I didn't say they are going down."

When asked if convicted felons could become ObamaCare navigators and acquire Americans' sensitive information, here is what she said: "It's possible."

These revelations are really concerning. Americans were counting on the President's claim that their families' premiums would go down, not up, under a new health regime. Americans who have lost their insurance and find themselves forced into the exchanges—the last thing they need is to worry about some felon stealing their identity.

To many Americans the administration still seems more interested in deflecting blame than taking responsibility for the real harm this law is causing. Yesterday's hearing did little to dispel that notion.

By now we have heard our friends on the left blame just about everyone and everything for the disaster they forced on our country—everyone and everything, of course, except themselves. They have tried to blame the same contractors they hired. They blame the Republicans. They blame the tea party. I am sure they have even tried to pin this on George W. Bush. Of course, the administration has repeatedly tried to blame insurance companies for lost plans too. But here is what the Washington Post Fact Checker had to say about that:

The administration's effort to pin the blame on insurance companies is a classic case of misdirection.

That is the Washington Post—"a classic case of misdirection." They got three Pinocchios for that whopper.

Unfortunately, that does not seem to have deterred our friends on the other side from indulging in the blame game. Within just the past week we have seen the White House lash out at the words of a cancer survivor and try to point a finger of blame at Texans. A few days ago—get this one—one of the President's political allies attacked the very kind of folks who are now losing their health coverage under ObamaCare. "Free riders," he called them. "Free riders." You know the folks he is talking about. These are not folks who have done anything wrong. They are not free loaders or free riders or anything else; they are our neighbors, our constituents, and they are not looking

for handouts from the government. In fact, these are folks who went out and spent their own hard-earned money—not taxpayer money—to purchase the kind of health protection that best suits their families. For this, the President's allies attacked them? Many just want the government to leave them alone. Many just want to be able to keep the plans they like instead of only the plans the President likes. They want to keep the plans they like, not the ones the President in effect picks for them.

Here is what a small business owner in North Carolina said after his premiums shot up 400 percent: "I just wish I could have my insurance back." That is what he said. "I just wish I could have my insurance back."

I just read this morning about a constituent who lost his insurance and is finding that policies on the exchange will be more than double his premium and increase his annual deductible. That is partly because as a 31-year-old single male he will now be required to buy a policy with features he doesn't need, such as pediatric dental care and maternity care. "It doesn't make a whole lot of sense to me," he said.

Another constituent from Caldwell County had this to say after learning of changes to her plan: "My husband and I work hard, pay a lot in taxes and ask for little from our government. Is it asking too much for the government to stay out of my health insurance?"

No, it is not asking too much. It is simply taking the President at his word for the promise he made over and over, the promise that so many Democrats here in Washington made to their constituents but that we now know is simply not true.

I understand the White House is in a tight spot. They did a poor job preparing the country for this law, they wasted time making promises that simply could not pan out, and they chose to ignore the warnings from my party and experts across the country that these kinds of things would, indeed, happen. This is the result, and people are getting hurt. Premiums are rising, taxes are going up for millions in the middle class, folks are losing access to hospitals and doctors they like.

At this point, more Americans have lost health coverage than have gained it. As I mentioned yesterday, more than 50 times as many Kentuckians have lost private health coverage as have signed up for private plans on the State exchange. That is 280,000 folks we are talking about in my State, 280,000 Kentuckians who have lost their insurance. In Louisiana we are talking about 80,000 folks; in Kentucky, 280,000; up in Minnesota, 140,000 people; and close to half a million people in Georgia have lost their insurance.

It is way past time for our Democratic friends to end the blame game. Instead, they need to start acknowledging the consequences of their law and actually do something about the mess they created. If they are ready to

do so, Republicans are willing to help. Let's work together to undo the harm of ObamaCare and start over with real, bipartisan, cost-saving reforms, reforms that will actually allow Americans to keep the health plans they like. That is the kind of reform Americans really want. If Democrats are ready to work with us, we can give them just that.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. BOOKER). The majority leader is recognized.

#### SCHEDULE

Mr. REID. Mr. President, following my remarks the Senate will resume consideration of S. 815, which is the Employment Non-Discrimination Act. At 11:45 there will be two rollcall votes, first on the Toomey amendment and then a cloture vote on the bill. If cloture is invoked, there will be a third rollcall vote on passage of the Employment Non-Discrimination Act.

#### TRIBUTE TO BILLY GRAHAM

Mr. REID. Mr. President, I am happy to join with my friend in happy birthday wishes for Billy Graham. I have not had the good fortune to meet this man, but I have read his book. I read a biography of him. He is such a personality I thought that was something I should do, and I did.

I remember a lot of things about the book. The one thing I do remember is this: He is so scrupulous in making sure there is never any question about his integrity, his moral integrity. We have had a lot of problems with people preaching who do not turn out to be so good. But Billy Graham, among other things, would never meet a female in his office without the door being wide open so people could see everything that was going on in that room. That is just an indication of the kind of person he is.

I join with my friend in congratulating Billy Graham in his 95th year.

#### HEALTH CARE

The remarks of my friend, the Republican leader, kind of remind me of a joke that is not very funny, but it is a joke and I think it makes the point. Prison setting—these people run out of material for jokes. They are there together all the time and hear the same joke day after day. So they decided what they would do is they would list the best jokes from 1 to 50, and rather than tell the joke over and over, they would just yell a number and people would laugh.

That is what we have here. Why don't our Republican colleagues just number from 1 through 50 their criticisms of ObamaCare, and rather than coming and giving these speeches, I think we would be much better off if they would just give us a number and we would all—because we have heard these speeches so many times—immediately laugh because basically they are jokes too.

It is too bad that the Republican leader and many of his Republican colleagues want to keep fighting an old

fight. Four years ago we passed the health care reform bill. The President signed it, the Supreme Court upheld it, and it is the law of the land. Of course, we want to make it better, and certainly with what has happened with the rollout of the Web site, we need to do that. But I wish our Republican colleagues would stop trying to scare people out of participating in this program. If they would stop fighting last year's fights and move on and try to do the business of the American people, we would all be better off.

We can look back at the big changes we have made in legislation and we have made some big changes over the years in this body and some of those matters dealt with health care.

I was not here when Medicare passed, but I remember how important it was, because at the time it passed, I was the chairman of the board of trustees—an elected official in Nevada—with the biggest hospital district in Nevada. They had lots of beds and lots of patients. So I remember the impact of Medicare. We also know Medicare did not become popular overnight. There were a lot of criticisms about it.

Although not nearly as big as ObamaCare or Medicare, I was here when we passed—under the leadership of President Bush No. 2—the Medicare drug benefit bill. A number of us didn't like that. We thought it didn't go far enough and that it should have been done differently, but it passed in this body and became the law of the land. It was difficult to get that up and running, but we did not come to the floor and say: Get rid of this bill. We believed, as imperfect as it was, it was the beginning of building support and doing something about health care in America.

I wish my Republican colleagues would do something constructive regarding health care. We have not heard one positive remark about what they would do to change what we have already done. I think we would all be better off if that were, in fact, the case. This legislation is working, and it will work even better when we get the issues regarding the Web site worked out.

There are people in Nevada, there are people in New Jersey, there are people in Indiana, and there are people all over America today who are benefiting as a result of what happened 4 years ago in the Senate and the House of Representatives when the President signed the bill.

I am sure the Presiding Officer, and other people who are listening to this speech, can identify with someone who has or had a preexisting disability. Under the old law, if you were a woman, it was a preexisting disability. You could be charged differently because you were a woman. A child born with diabetes, an adult with diabetes, someone who had been in an automobile accident, someone who was—my friend Tony Coelho, who was one of the leaders when I served in the House with

him, was an epileptic. He had a preexisting disability, and that is an understatement.

We could go on and on. If you are under age 18, it doesn't matter if you have a preexisting disability. At the first of the year, you can be an adult and have a preexisting disability and you can get insurance. In many States we extended the preexisting disability exemption to adults. It is already in effect in a number of States because under the law the States had the authority to do that, and the Federal Government will help them.

The Bush drug benefit was flawed. What did we do with it? We didn't try get rid of it, we improved it. The so-called doughnut hole is being filled and millions of senior citizens, and Americans over the last 4 years, have received millions and millions of dollars in benefits because our drugs are cheaper.

I have talked on this floor before, and I will say it again—in my hometown of Searchlight, NV, there was a young man who was in college and on his parents' insurance. In Nevada you could stay on your parents' insurance until you were 23 years old. Within a matter of weeks of turning 23, he started getting very sick. He had testicular cancer. His parents had no money. One of my friends who is a neurologist did the surgery for free, but he had two other surgeries that were not free.

His parents had no money; one was a retired operating engineer and one worked part-time in a post office there in Searchlight. They struggled, and their son Jeff has been taken care of. Many people don't have the benefit of his parents who sacrificed a great deal for their boy. That is no longer a problem. Children can stay on their parents' insurance for 3 more years, and that would have allowed Jeff, and other men and women just like him, to get out of school.

ObamaCare is a wonderful piece of legislation for America. Let's make it better. Stop carping about this. Get over it. It is the law. It is the legacy of Barack Obama and always will be. Let's make it better and stop the mischievous, unfortunate speeches out here every day about how bad it is. Talk about the good things in this bill and help us work to make it better.

#### EMPLOYMENT NON-DISCRIMINATION ACT

This afternoon the Senate will vote to advance the Employment Non-Discrimination Act. It is legislation that will protect all Americans from workplace discrimination based on sexual orientation or gender identity. The vote on cloture on the bill will take place before lunch and vote on final passage will take place before the caucus adjourns. We will start voting at 1:45 this afternoon.

I do hope and expect a bipartisan vote, a good one, to extend safeguards against workplace harassment and discrimination to every American. The time has come for Congress to pass a Federal law that ensures all citizens,

regardless of where they live, can go to work unafraid of being who they are.

More than 80 percent of the American people think that is already the law. It is not already the law, but that is what they think, so let's just do what the American people think already exists.

I appreciate Chairman HARKIN. He is a devoted person for people who need help. If you ever wondered how C-SPAN has closed captioning, it is because TOM HARKIN led the fight here for many years in the Senate to provide closed captioning. He has a brother who is hearing impaired, and because of that, he was focused on providing closed captioning. We have all kinds of good things for the disabled thanks to TOM HARKIN. The disabilities act, which is so important for our country, is now the law. So I appreciate Chairman HARKIN's work on this legislation. It is a shame for Iowa and the country that he has decided not to run for reelection. What a good man.

JEFF MERKLEY, from Oregon, also worked on this legislation. He has devoted huge amounts of time to this legislation, and I admire and respect him so very much. I respect and appreciate the leadership of these two fine Senators.

I hope Speaker BOEHNER will reconsider his decision not to bring this up for a vote in the House of Representatives. This legislation would pass by a nice margin in the House if the Speaker would allow a vote on it.

I can't understand what is going on in the House of Representatives. Legislation the American people want is held up over there. The farm bill would save this country \$23 billion, and they will not bring it up. The American people want this. There are reforms in the legislation that Senator STABENOW and others have worked so hard to put in place for decades. They are in this bill. The House is holding this up.

Immigration reform. America wants immigration reform. They are going to get it, but it is just too bad that it is being fought every step of the way by my friend, the Speaker. Comprehensive immigration reform is something that is needed in this body; it is needed in the House. We have already passed it. It should be the law of the land. They seem to be so focused on debt reduction. Well, immigration reform saves \$1 trillion of debt.

Marketplace fairness would allow little strip mall operators and small businesses to have the same benefits others have. It is unfair that brick-and-mortar businesses that pay rent cannot be competitive with the businesses on the Internet that pay no sales tax. The House is holding that up, and now they are holding this up. That is just another piece of legislation that people around America support and the House is holding up. I hope the Speaker will reconsider his position.

#### DC CIRCUIT COURT OF APPEALS

I will also file cloture today on the nomination of a highly qualified jurist to serve on the DC Circuit Court of Appeals. The DC Circuit is often called

the second highest court in the land. No one has debated that in any other way. It is so important. It is no wonder why. Here is what former DC Circuit Chief Judge Patricia Wald said of the court's caseload: "The DC Circuit hears the most complex, time-consuming, labyrinthine disputes over regulations with the greatest impact on ordinary Americans' lives."

It is unfortunate that Republicans are filibustering another talented and dedicated public servant nominated to serve on this crucial court.

Georgetown law professor Nina Pillard is the next victim of what the Republicans are doing. She graduated magna cum laude from Yale and attended Harvard Law School. For 5 years she litigated individual and class action racial discrimination cases as an attorney for the NAACP Legal Defense Fund.

She served as Deputy Assistant Attorney General and Assistant Solicitor General. Support for her confirmation is bipartisan. Two top Justice Department officials from the Bush era, Assistant Attorney General Viet Dinh and former FBI Director William Sessions, have supported her nomination.

Professor Pillard is also faculty co-director of the Supreme Court Institute at Georgetown, which helps attorneys to argue cases before the High Court. She brings a wealth of knowledge to the job. She has argued nine cases before the Supreme Court and has written briefs for another 25. Her arguments helped open the Virginia Military Institute to women in 1997 and beat back a constitutional challenge of the Family and Medical Leave Act.

She is qualified and dedicated. It is truly a shame that Republicans would filibuster this nomination for unrelated political reasons. The DC Circuit is currently operating with only 8 of its 11 seats. While Senate Republicans are blocking President Obama's nominees to this vital court, they were happy to confirm judges to the DC Circuit when President Reagan and both President Bushes were in office.

Republicans have already blocked two exceedingly qualified nominees to the DC Circuit, Caitlin Halligan and Patricia Millett. I hope my Republican colleagues will not block another qualified nominee when we vote on cloture on this matter next week. This nominee deserves a fair confirmation process and a simple up-or-down vote.

#### RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business of the day.

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

#### EMPLOYMENT NON-DISCRIMINATION ACT OF 2013

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 815, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 815) to prohibit employment discrimination on the basis of sexual orientation or gender identity.

Pending:

Reid amendment No. 2014 (to the language proposed to be stricken by the committee substitute), to change the enactment date.

Reid amendment No. 2015 (to amendment No. 2014), of a perfecting nature.

Reid motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions with instructions to report back forthwith, Reid Amendment No. 2016, to change the enactment date.

Reid amendment No. 2017 (to the instructions of the motion to recommit) Amendment No. 2016), of a perfecting nature.

Reid amendment No. 2018 (to amendment No. 2017), of a perfecting nature.

Reid (for Toomey/Flake) amendment No. 2013, to strike the appropriate balance between protecting workers and protecting religious freedom.

Collins (for Reid) amendment No. 2020 (to amendment No. 2013), to change the enactment date.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I come to the floor today to discuss the topic of religious freedom. This issue is an important component in the debate on the legislation that we are currently considering, but it's also an issue that defines, I believe, who we are as a Nation as well as the rights granted to us in the Constitution.

To paraphrase what Thomas Jefferson said in 1807, for Americans, he said, 'Among the most inestimable of our blessings' is the blessing 'of liberty to worship our Creator in the way we think most agreeable to His will; a liberty deemed in other countries incompatible with good government and yet proved by our experience to be its best support.'

From Jefferson's time to today, freedom of religion has been a core American principle, a principle our founding fathers put their lives on the line for and a principle that generations of Americans in uniform have defended so that we can all enjoy this cherished freedom. Unfortunately, this principle of religious freedom is under attack across our country today. Though in many cases these attacks may be subtle, make no mistake, we are seeing the free exercise of religion and freedom of speech constrained and restricted.

We have seen it in the administration's rule regarding church-affiliated groups to facilitate insurance coverage that includes contraceptives and abortion-inducing drugs despite their deeply held religious beliefs.

I think about my alma mater, Wheaton College in Illinois, which is a school from which Billy Graham graduated years ago.

I appreciate the Senate's Majority Leader and Minority Leader's reference to his life as he celebrates his 95th birthday. Billy Graham had an important impact on my life and millions of people—not just Americans, but people around the world. I appreciate the recognition that has been given here by our leaders.

I also think about Indiana-based University of Notre Dame. Despite conscious objections and the clearly outlined standards of these colleges and universities—the College's Community Covenant at Wheaton and the values of the University of Notre Dame—they have been told by the government that they are not considered religious institutions and must comply with the Health and Human Services Mandate.

Let me describe a little bit the thread of faith that runs through every aspect of a school like Wheaton College and the values of faith expressed frequently in a number of ways by the University of Notre Dame. If you tune into the Notre Dame football programs on Saturday afternoons, as I do every week, or intend to do, you will see an ad by Father Jenkins, President of Notre Dame, that talks about the component and element of faith that is essential to the beliefs of what the University of Notre Dame is trying to address through its education process.

Whether it is professors or students, administrators or groundskeepers or others that thread of faith and values runs through the university and throughout my alma mater as well. There's such a thing as, it's been described by former president of Wheaton College, as umbrella universities—those [universities] that have a faith component perhaps in a theological school or a religious program. The thought is well, certainly, they can exercise their constitutional rights guaranteed by the First Amendment. But what about the doorkeeper or receptionist at the administration building or the coaches of the teams or the professors? Sure the professor of theology and the professor of religion, but what about the professor of science, professor of economics, or the professor of business, how does that apply? Or what about the groundskeepers or those who serve the meals in the cafeterias to the students? Well, there are those types of institutions, and there is an argument that it is not systemic, it is not the thread that runs through every aspect of the program. And this applies to homeless shelters and faith-based institutions across America. Some are secular related. Some are a mix of secular-religious. And some are systemically faith-based where a thread of faith runs through every aspect of their program or the institution.

So what we're talking about here is a situation where institutions of education, like Wheaton College and the University of Notre Dame, or faith-based institutions reaching out through homeless shelters, food kitchens, any number of programs provided by faith-based institutions or individuals engaged in this that believe that the thread of faith is important to their success and that's why they're there.

These faith-based institutions have been told by the government that they're not considered religious institutions and must comply with the

Health and Human Services Mandate. Last year administration officials said they worked out a compromise on this rule, but the fact is the mandate still exists. These institutions should not have to facilitate insurance coverage for products that are counter to their moral beliefs. In my opinion, to require faith-based institutions to betray the fundamental tenets of their beliefs and accept this violation of their First Amendment rights guaranteed by the Constitution is simply wrong.

I think about the health care professionals who have been required to participate—required by the government—to participate in medical procedures that violate their rights of conscience and their deeply held religious beliefs about the meaning of life and when life begins.

I think about the recent efforts in many States to force churches and religious professionals into performing rituals or ceremonies that run counter to their faith.

So what is at stake here is of extreme significance. Established in our nation's founding days and sustained for over 200 years, this principle is at the very core of our system of government, as Jefferson was trying to say.

We can't pick and choose when to adhere to the Constitution and when to cast it aside for cheap political prerogatives. We must consistently stand for these timeless constitutional granted privileges and rights.

The legislation before us raises very serious concerns regarding religious freedom. The so-called protections from religious liberty in this bill are vaguely defined and do not extend to all organizations that wish to adhere to their moral or religious beliefs in their hiring practices.

For example, the religious beliefs of faith-based childcare providers and small business owners would be disregarded under this legislation. Faith-based daycare providers could be forced to hire individuals with views contrary to the faith and incorporated values of these daycare providers. Do we really want to support policies that discriminate against an employer's religious beliefs and require employers to hire individuals who contradict their very most deeply held religious beliefs?

This bill also would allow employers to be held liable to workplace environment complaints opening the door to the silencing of employees who express their deeply held beliefs. This possibility runs counter to everything America stands for in the realm of free speech.

Now I know there have been some efforts, including amendments offered by my colleagues, Senator TOOMEY from Pennsylvania and Senator PORTMAN from Ohio, to clarify the existing religious protections in this bill. Some Members believe that these amendments go too far. I frankly believe they don't go far enough. However, they are at least a first step, and I will support these two measures not to make a bad

bill better, but to highlight the importance of the freedom of religion principle involved in this legislation.

Let me quote from Jay Sekulow, Chief Counsel for the American Center for Law and Justice. He wrote this:

A steadfast commitment to one's religious scruples was once lauded as a virtue, but in the current public discourse, religious objectors are often chastised as seeking special treatment that would impose their values on others. The apparent unpopularity of the expression of religious values through actions or words brings to mind Justice Oliver Wendell Holmes' observation that: "We should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death and the Supreme Court's more recent reminder that the First Amendment protects expression, be it of the popular variety or not."

The Supreme Court's recent reminder and I quote again, "the First Amendment protects expression, be it of the popular variety or not." It is an important thing for us to remember from a very respected Supreme Court judge.

I oppose discrimination of any kind, and that includes discrimination against individuals or institutions for their faith and values, which often gets lost and has been lost in this discussion. So there's two types of discrimination here we're dealing with and one of those goes to the very fundamental right granted to every American through our Constitution, a cherished value of the freedom of expression and religion. And I believe this bill diminishes that freedom.

So I feel it's vital for this body to stand up for our country's long-standing right to the freedom of religion and speech. For these reasons, I am not able to support this current legislation, and I hope my colleagues would stand with me in protecting our religious freedom and oppose this legislation.

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

The PRESIDING OFFICER. Will the Senator withhold his suggestion for the absence of a quorum.

Mr. COATS. I will, and I apologize for not recognizing my colleague, who is standing in the back row. My eyesight is not as good as it used to be.

Mr. FRANKEN. I can see my colleague from Indiana.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today in strong support of the Employment Non-Discrimination Act.

In many towns, cities, and States across our country, it is still perfectly legal to fire someone simply because they are gay. One can be a hard worker who shows up on time and gets exemplary performance reviews, but if a person's boss discovers that he or she is gay or transgender or suspects it, he can fire a person for being who they are or for whom they love, and there is nothing the person can do about it.

That is a terrible injustice for Americans who happen to be LGBT. It violates the principle that we are all equal

under the law. We all deserve the chance to work hard and to prove ourselves, regardless of our race, color, religion, sex, national origin, disability, age, sexual orientation, or gender identity.

Many Americans do not realize it remains legal to discriminate against LGBT Americans in the workplace. In one recent poll, eight in ten Americans believe it is already illegal under Federal law to fire or refuse to hire someone because of their sexual orientation or gender identity. Doesn't that tell us something about how obviously right ENDA is?

The debate we are having in the Senate today is about whether we should ensure LGBT Americans don't suffer discrimination in the workplace. I have long been a supporter of ENDA, and enacting it into law is something we should have done a long time ago. In fact, 17 years ago, it came within one vote of passing in the Senate.

Making ENDA law will be the next significant step in the fight for equality for LGBT Americans. After decades of struggle, we have achieved a number of huge victories in rapid succession: ending don't ask, don't tell; overturning the Federal ban on same-sex marriage recognition; the achievement of marriage equality in more and more of our States, including my home State of Minnesota.

While we are debating ENDA in the Senate today, equality in the workplace is, in fact, something we achieved in Minnesota over two decades ago. In 1993, the Minnesota State legislature amended our State's human rights act to protect Minnesota's workers from discrimination based on their sexual orientation or gender identity. At the time only a few States prohibited discrimination based on sexual orientation, and Minnesota was the first State to include protections for transgender workers.

We have had this law in effect now for over 20 years in Minnesota, and what has been the result? Well, for LGBT Minnesotans it has meant they do not have to live in fear of being fired or discriminated against in hiring just because of who they are or because of whom they love. That is a big deal.

But if you are not an LGBT Minnesotan, very little has changed. Some people, including House Speaker BOEHNER, are opposing ENDA because they claim it will cause frivolous lawsuits and be bad for business. The Minnesota experience shows these fears are unfounded. There has not been a flood of lawsuits because the rights of LGBT Minnesotans are wisely respected. And with 19 Fortune 500 companies, Minnesota has become an ever better place to work and do business. Minnesota is basically the same as it was before this law was passed, except that it is better because LGBT Minnesotans are free from discrimination at work.

Let me give you one example. Last year, a vice president from General Mills—the Minnesota-based company

that is one of the world's largest food companies and which currently employs 35,000 people and makes Cheerios—spoke at a Senate Health, Education, Labor, and Pensions Committee hearing about General Mills' support for making sure that the same legal protections people have in Minnesota are extended to workers all across the United States.

The General Mills vice president spoke about how the company's policy of inclusion has contributed to its innovation and growth. He said:

Employees who are members of the GLBT community are incredible contributors to our enterprise. Absent their unique perspectives, talents, and gifts, we would be less competitive and successful. Simply said, talent matters. Now more than ever, American business needs to leverage the ingenuity of all sectors for our nation. Discriminatory barriers to top talent just don't make business sense.

And there are many other large employers headquartered in Minnesota—Target, Supervalu, U.S. Bancorp, Xcel Energy, Medtronic, 3M, Cargill, Best Buy, and many others—who have put in place companywide policies against discrimination on the basis of gender identity and sexual orientation wherever their other factories or businesses or stores may be.

Minnesota's small businesses have also reported on the positive effects of Minnesota's human rights law. For instance, Nancy Lyons is the owner of a small 70-person Minneapolis business that develops software. Nancy says the protections and peace of mind her employees get from not living in fear positively impact every aspect of their lives, from their productivity at work to their family lives.

It is long past time that LGBT employees around the country be guaranteed the same rights they have had in Minnesota for 20 years. In Minnesota, our law has given LGBT Minnesotans peace of mind and freedom from discrimination at work and improved the overall climate in our State for those individuals, for families, and for businesses. I look forward to the Senate passing this bill, and I hope the House will take it up and pass it as well.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

OBAMACARE

Mr. VITTER. Mr. President, I come to the Senate floor today to urge my colleagues again to focus on an important issue in the overall ObamaCare debate; and that is how Washington fares under ObamaCare, and does Washington live by the same rules, the same laws it passes on the rest of America?

All across the country, as we see daily in news reports, Americans are struggling with real issues and real challenges created by ObamaCare. We need to fix those issues and those challenges. We need to get it right. But at the same time as that is going on in the real world, Washington—leaders

here—basically get an exemption, a carveout, special treatment, a subsidy. That is particularly egregious and particularly unfair when ordinary Americans suffer under these very real challenges.

That is why I have introduced my No Washington Exemption from ObamaCare bill, and that is why I continue to work hard with many other Members—we have significant co-authors here and in the House—to get that passed.

With regard to Congress, the ObamaCare statute actually got it right. And with regard to Congress, all we are asking for is that we live by the statute, live by the law. That statutory language says clearly that every Member of Congress and all of our congressional official staff go to the exchanges for our health care and be treated just like other Americans going to the exchanges—many of them being forced off plans, employer plans they like, and having to go to the exchanges—no special treatment, no special exemption or carveout or subsidy.

The problem is that after the law passed—I guess it was a classic case of what NANCY PELOSI said: We need to pass the law in order to figure out what is in it—because after ObamaCare passed with that specific statutory language, a lot of folks on Capitol Hill read it, figured out what was in it, and said: Oh, you know what. We can't have this. We can't live with this. And then they furiously started lobbying for a way out, for an end-run around: And sure enough, they got it. The Obama administration issued a special rule for Congress to take all of that financial sting out of the provision.

The rule basically said two things, both of which I think are outrageous and contrary to the statute itself. First of all, it said: I know the law says all official staff go to the exchanges. But we don't know who that is. We don't know who official staff are. So we are going to leave it up to each individual Member of Congress to designate who is official staff who must go to the exchanges for their health care.

Well, I think that is flat-out ridiculous. The law, the statute, clearly says all official congressional staff. To create this opportunity for exemption, where each individual Member designates staff as official or not, is silly. That designation, by the way, happened last week, and some Members have actually said: None of my staff is official. I have no official staff for purposes of this section, so none of my staff go to the exchanges. That is outrageous. Other Members said: Well, my personal office staff is official but committee staff, no; leadership staff, no. That is outrageous too.

The second thing this illegal rule did to get around the impact of this provision of ObamaCare is to say: Well, for Members and staff who do go to the exchanges, they get to take with them a huge taxpayer-funded subsidy—a big subsidy no other American at that in-

come level gets. That is not in the ObamaCare statute either, and that is contrary to the ObamaCare statute. In fact, that specific language was considered for inclusion and was not put in—proof that was not the intent of that section of ObamaCare.

I believe that is outrageous as well and defeats the whole purpose of the section, which is to make sure Members of Congress and our staff walk in the same shoes as other Americans, 8 million-plus of whom are being forced off coverage they like and being forced on to that ObamaCare exchange.

That is why I have joined with others to push this No Washington Exemption from ObamaCare language.

As I mentioned, one key element is this election that this illegal rule creates, where every individual Member of Congress determines who on their staff goes to the exchange or does not. As I said, in some cases, Members say: I have no official staff. Nobody has to live by the law, nobody has to live by this mandate, which is particularly outrageous.

To add insult to injury, these individual decisions by every Member of Congress are not public. This is all secretive. This is hidden from the public. Some Members have said what they are doing through the press, but the full information, each individual Member's election in this regard is not public.

So as soon as that loophole was created, I filed another bill, another piece of legislation, that simply says we are going to make all of these decisions public. Everybody has a right to know how each Member of the Senate, how each Member of the House is handling the situation. That is my Show Your Exemptions bill, which I filed about 10 days ago.

I think it should be a no-brainer. I think it should be beyond debate. Whatever you think about the underlying issue, whatever you think about ObamaCare, shouldn't this decision of each individual Member be made public? Shouldn't the public have a right to know? That is why I filed this bill, and that is why I am pushing for a vote on this bill.

Getting a vote on that proposal will be a key priority of mine, particularly when we consider the drug compounding bill in the near future and when we consider the Department of Defense authorization bill. It is going to be my key priority: to get a simple vote on that simple proposal. Again, I believe that should be a no-brainer, that this information—which does involve how taxpayer dollars are being treated, which does involve how congressional offices are handling the situation—that information one way or the other be made public. You do not need to editorialize about it. Everybody can make up their own mind about what they think about the underlying issue, about what they think about ObamaCare, but shouldn't that information be made public?

We need to vote on that proposal, and I urge us to move and agree quickly to



have a vote, either in the context of the drug compounding bill or the Defense authorization bill over the next few weeks. Those are probably going to be the only opportunities for a vote this calendar year. I think it is certainly fair and reasonable to get that vote, have the American people be able to see that information, and that is the only opportunity I am likely to have in the Senate this calendar year.

Again, whatever my colleagues think about the underlying issue, certainly whatever we all think about ObamaCare, I would hope we can all agree—that election, that information, how each individual Member of the Senate, each individual Member of the House, handles the situation should be made public. It certainly involves public policy and taxpayer dollars and how we run Congress. It should be made public.

I urge my colleagues—Republicans and Democrats—to unite around that reasonable, commonsense proposal and get that information out to the public, as it should.

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

Excuse me. I withhold my suggestion of the absence of a quorum, but I do yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### BUDGETARY WASTE

Mr. FLAKE. Mr. President, after weeks of budgetary wrangling and a government shutdown that had the country on edge, last week marked the beginning of the bicameral budget conference. I commend my colleagues who are meeting on the issue and are trying to reconcile the goals of wildly different budget outlines. That is no easy task. I think we all know that. However, we all know that shoveling more IOUs into our \$17 trillion debt is simply unsustainable.

No matter on which side of the aisle we sit, I hope we can all agree that America's present fiscal trajectory is untenable and that our Nation's future depends on turning these economic issues around. There is no secret formula. At a minimum, Congress should abide by the budget control framework which has produced some of the most meaningful discretionary spending reductions in decades. Beyond that, we have to slow the rising costs of entitlement programs in order to achieve significant long-term deficit reduction.

Sadly, some seem fixated on spending beyond the BCA's cap for next year. Some of our colleagues have suggested that the spending discipline we achieved with the sequester should be replaced with revenue increases. Now, we all know that sequestration is a blunt instrument for reducing spending, but this desire to replace it by driving up taxes is based on an incorrect assessment. Washington has a spending problem, not a revenue problem. In 2013 the government spent some \$3.5 trillion. We are on track to spend another \$3.7 trillion in 2014. Before any-

one starts to look at tax hikes, we should realize that we are nowhere near cutting our budget to the bone. In fact, there is a lot of fat left in a lot of agencies. These budgets deserve to get the knife. But do not just take my word for it. The administration, our colleagues in the Congressional Budget Office, the Government Accountability Office, and numerous concerned-taxpayer organizations have also posed examples of wasteful spending that should be eliminated.

If the sequester's bluntness has taught us anything, it is that Congress ought to jump at the chance to make smart, surgical spending cuts. To that end, I intend to take 5 minutes each week for the coming weeks to highlight some of the wasteful spending programs that still, even in times of economic belt-tightening, lurk in our Federal budget.

Today I would like to highlight some of the programs in the U.S. Department of Agriculture. With a budget request of \$146 billion in 2014, the USDA rounds out the top five most expensive Federal agencies. Many programs within the USDA provide valuable services, including meat inspection, crop data collection, and managing the agricultural safety net. But the USDA also has its own agency-level homeland security department, pays for Sunkist to advertise overseas, and underwrites an astonishing number of zero-down-payment suburban home mortgages. That is the USDA.

The most obvious place to realize significant savings in the USDA is with the Federal Crop Insurance Program. Here is a program in which the taxpayers cover the majority of the risk. It pays private insurance agents commissions to sell and administer individual policies. It funds the oversight of the program and, on top of all of that, subsidizes policyholders' premiums. That is a pretty good deal if you can get it.

In 2012 taxpayers spent more than \$7 billion to subsidize this program. In 2010—one of the better recent crop years—when the USDA took in a record \$2.5 billion more than it paid in claims, the Federal Crop Insurance Program still cost taxpayers \$3.7 billion. That is because taxpayers foot the bill for roughly two-thirds of each premium, leaving the policyholder only to cover the remaining third.

Congress could reap significant savings just by reducing the percentage the taxpayers have to spend to subsidize these premiums. In fact, according to CBO, simply rolling back the percentage of taxpayer subsidy in the program to pre-2000 levels would shave more than \$40 billion in spending from the pre-2013 farm bill baseline. To that end, I have introduced the Crop Insurance Subsidy Reduction Act, which would do just that.

There are a number of other places at USDA where Congress can find savings. Surely one of those is USDA's own Office of Homeland Security, created in

the post-9/11 security glut. This department is supposedly responsible for providing oversight and coordination for USDA's preparation and response to matters of homeland security importance. A \$1 million program such as this may be easily lost in the President's \$4 trillion budget, but there is an entire agency in the Federal Government tasked with the same objective and funded with the tens of billions of taxpayer dollars.

Another place to find savings at USDA is in the Market Access Program, which has spent \$1.4 billion since 2006 and looks to collect another \$200 million in taxpayer funds in 2014. This program has spent billions of tax dollars on overseas advertising campaigns that benefit some of the most deep-pocketed corporations around, including McDonalds, Nabisco, Welch's Foods, and Sunkist.

When it comes to questionable budgetary items at USDA, the single-family housing direct and guaranteed loan program takes the cake. This obscure but growing home loan program writes and guarantees mortgages for low- and moderate-income families in rural and suburban areas. These loans are 100 percent financed and require no down payment. While home buyers in big cities are not eligible for these loans, residents of many fast-growing towns and suburbs—some within 30 miles of this very building—are receiving those kinds of subsidies. Do not be fooled into thinking these loans are for rustic farmhouses either. They are specifically designed to finance your standard home, and, inexplicably, the USDA discourages buyers from using them to purchase farms or ranches. This is the USDA discouraging us from using these subsidies to purchase farms and ranches but, rather, regular homes.

Since 2006 the USDA—remember, that is the Department of Agriculture—has spent nearly \$10 billion on single-family housing direct loans. While it did not show up in the budget, home loan guarantees by the USDA have also put taxpayers on the hook for another \$118 billion. The agency has requested another \$320 million to fund single-family housing direct loans in 2014 and plans to issue another \$24 billion in guarantees. To put the figures in perspective, the entire Department of Housing and Urban Development submitted a budget request of \$47 billion.

When we have such egregious examples of waste, why should we demand more of the taxpayers' money?

In the coming weeks I hope my colleagues on the budget conference committee, along with the President and Members of Congress and various fiscal organizations, will consider some of the proposals I am offering to eliminate this wasteful spending. A good start would be sowing the seeds of fiscal restraint at the Department of Agriculture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to have a short colloquy with the distinguished Senator from Arizona and the Senator from Wisconsin.

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

Mr. MERKLEY. Mr. President, I appreciate so much the comments of my colleague from Arizona on the challenges inherent in getting our budget under control. I particularly appreciated over the last few days the conversation we have had about the Employment Non-Discrimination Act.

I would like to say that the Senator from Arizona has brought particular value in expressing concerns about how we make sure businesses have the guidance they will need to implement this act effectively, particularly as this act embraces an area—that is, transgender discrimination—that was not part of the act considered in the House of Representatives.

Mr. FLAKE. Mr. President, I appreciate the work the Senator from Oregon did with my office this week to try to arrive at language we could put into an amendment. We were not able to get that amendment.

When I voted for ENDA in the House in 2007, as the Senator mentioned, it did not contain the provisions with regard to gender identity. Those added provisions have concerned me in terms of potential costs of litigation or compliance. I still have those concerns. I hope that as we work through the process, as this bill moves on to the House, we can find ways to make sure employers can implement these provisions in a way that is reasonable and proper.

I also thank the Senator from Wisconsin for working with my office on these issues as well. I have a better appreciation for what needs to be done and what we can do with this legislation as it moves through the process.

I yield to the Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I would like to express my appreciation and gratitude to the Senator from Arizona for his very thoughtful and careful approach to considering this legislation. I enjoyed working with the Senator during our days in the House of Representatives and remember well the vote the Senator cast back in 2007 after great study and reflection.

I think we find ourselves in the position we are in right now, with an expanded bill that has protections for both sexual orientation and gender identity, because of the leadership of the Senator from Oregon.

To the point of the concerns that have been raised in this colloquy, there has been a really exhaustive amount of research done on those States that have passed similar pieces of legislation at the State level and how they chose to move forward on employment protections on the basis of sexual orientation and gender identity. I have discussed with the Senator from Oregon on numerous occasions the ap-

proach most States have taken and the success these bills have had in helping to keep all of our employment decisions based on work ethic, character, and loyalty, and the subjects on which they should be focused.

I look forward to working on this measure in the future, and I thank both the Senators from Arizona and the Senator from Oregon for their focus on ENDA.

Mr. MERKLEY. Mr. President, I look forward to that conversation as well. The State of Wisconsin was one of the first or maybe the first in the Nation to bring an end to workplace discrimination. Oregon has a fully inclusive bill that has worked very well. We have worked out a great partnership with the businesses of Oregon in making sure there is satisfactory guidance for them. I look forward to bringing that experience into this conversation about the concerns of the Senator from Arizona. I echo the appreciation for the thoughtful dialog we have had over the past few days and look forward to future dialog as we continue to try to make this bill ending discrimination in the workplace work well for businesses across the Nation and certainly for the millions of LGBT Americans who will have the opportunity to break these chains of discrimination and more fully participate in our national economic life.

Mr. FLAKE. I thank both the Senator from Oregon and the Senator from Wisconsin for working with me and look forward, as this process goes on, to making sure the provisions in the legislation work for employers as well as for employees. I appreciate the work and the assistance the Senator has given our office. I thank the Senator.

Mr. MERKLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

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

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

#### WOMEN'S RIGHTS

Mrs. MURRAY. Mr. President, I thank Senator BLUMENTHAL and Senator BOXER, who will be joining me in this conversation in a few minutes.

I think that now more than ever, after we have emerged from this very damaging and completely unnecessary government shutdown, the American people want us to focus on jobs and the economy. That is what every poll says, that is what all of our constituents say, and that is absolutely what is needed at a time when families continue to struggle to make ends meet.

Instead of working with us across the aisle on jobs and economic growth, it seems as if some Republicans are now focused on something else entirely—politics. In fact, in a short while, the senior Senator from South Carolina is going to be introducing a bill that is blatantly political, a bill that not only undermines a woman's access to her doctor but also restricts an array of reproductive health services.

Today we wish to make it abundantly clear; that is, that this extreme, unconstitutional abortion ban is an absolute nonstarter. It is going nowhere in the Senate and those Republicans know it.

I want to think that over the last 40 years, since the historic decision of *Roe v. Wade*, we have moved on from debating this issue. I wish to think that after four decades many of those who want to make women's health care decisions for them have come to grips with the fact that *Roe v. Wade* is settled law. After all, the many signs of progress are all around us.

This year a record 20 women are serving in this body. One year ago yesterday women's power and voice at the ballot box was heard loudly and clearly. In fact, last year when Republican candidates running for office thought that rape was a political talking point, that idea and their candidacies were swiftly rejected, thanks in large part to the voices of women. Only this week we saw women in Virginia resoundingly reject the Republican candidate for Governor and his misguided and outdated agenda for women's health.

Sometimes it is tempting to think that times have indeed changed, that maybe politicians have realized that getting between a woman and her doctor is not their job, that it is possible that rightwing legislators have a newfound respect for women's health care.

The truth is that the drumbeat of politically driven extremist and unconstitutional laws continues to get louder. Apparently some of our colleagues on the other side of the aisle want to make some noise about this so that their adoring audience of rightwing radio hosts, columnists, and activists is satisfied.

In fact, here is an example of how blatantly political this restrictive ban is. One of the actual participants in the press conference to introduce their bill today had this to say to Politico about the strategy behind doing this. She said: "It's a much better thing to be campaigning on rape and incest these days."

That is an insult to women everywhere, and it is most certainly not what the Senator from South Carolina has called "a debate worthy of a great democracy."

This is a debate we have had. A woman's access to her own doctor is settled law. We are not going to let attacks on *Roe v. Wade* such as this one change that.

I wish to remind all of those who are even considering supporting this bill that real women's lives and the most difficult health care decisions they could ever possibly make are at stake.

I wish for us to consider the story that Judy Nicastro from my home State shared so bravely with the *New York Times* last summer. In an op-ed she wrote only days after the House passed a bill that was virtually identical to the one that is being introduced today, Judy talked about being



faced with every pregnant woman's worst nightmare. In describing the news that one of the twins she was carrying was facing a condition where only one lung chamber had formed and that it was only 20 percent complete, Judy captured the anguish that countless women in similar positions have faced. She wrote:

My world stopped. I loved being pregnant with twins and trying to figure out which one was where in my uterus. Sometimes it felt like a party in there with eight limbs moving. The thought of losing one child was unbearable.

She went on to say:

The M.R.I., at Seattle Children's Hospital, confirmed our fears: the organs were pushed up into our boy's chest and not developing properly. We were in the 22nd week.

Under the bill that is being introduced, the decision Judy ultimately made through painful conversations with her family and consultation with her doctors would be illegal.

The decision to make sure, as she put it, "our son was not born only to suffer" would be taken from her and given to politicians.

I am here to provide a simple reality check. We are not going back. We are not going back on settled law. We are not going to take away a woman's ability to make her own decisions about her own health care and her own body. Women are not going back to a time when laws forced them into back alleys and made them subject to primitive and unsanitary care. Senators such as me, Senator BOXER, Senator BLUMENTHAL, and others who join me in opposing this effort are not going to go anywhere.

Advocates and doctors who treat women every day and know that their health care must be protected are not going to go anywhere. Women who continue to believe that their health care decisions are theirs alone are not going anywhere.

By the way, the Constitution is not going anywhere. Therefore, this bill is not going anywhere. This bill, as attacks on Roe v. Wade before it, will eventually be lost to history. But millions of American women will not forget. I welcome our colleagues on the floor to this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. I thank my colleague from the State of Washington for her eloquence and leadership on this issue, as I do my colleague from California. She has been steadfast and strong in support of a woman's right to make choices about reproductive rights. She is absolutely right; we are not going away.

This bill that will be introduced later today from our colleague from South Carolina—as much as we respect him—is a nonstarter because it is nonsensical and unconstitutional. This bill was passed by the House of Representatives earlier this year. We could not have been clearer then, and we should

be very clear now, that it is inappropriate, unwise, and unfair. It remains so today and will be so for as long as we are here.

This bill essentially leaves any woman who needs an abortion for health reasons—and I stress, for health reasons—after 20 weeks of a pregnancy with no options—none. It punishes doctors with up to 5 years in prison for providing a service that the doctor believes, in his or her professional judgment, in his or her medical opinion, is best for her and her family. Those decisions are what the Constitution protects, what Roe v. Wade guarantees, what the right of privacy preserves in the right to be left alone.

Quite simply, this bill is bad for women, and it criminalizes medical professionals who would try to do what is right. I have a long history in law enforcement, and this sort of ban, which would leave women in completely desperate circumstances with no options is shortsighted, misguided, and illegal. We should not be here talking about proposals that would degrade and disgrace the Constitution, but about job measures, economic growth bills, and measures to solve the immense challenges that confront us in dealing with budget issues. I thank the Senator from Washington State for the great work that she is doing on those issues.

We should be debating the issues that concern and confront the American people at this historic challenging time—not a measure that will be struck down by the courts because it is so plainly unconstitutional and so clearly bad policy—not only for women but for men, families, and for all of us.

We have seen bill after bill in recent times stalled by disagreements over health care. We have seen the Federal Government shut down over health care. Now we see another legislative attempt to win, essentially, political points at the expense of risking the health and welfare of women and children in this country. The attack on women's health care must stop.

We are here in the midst of a busy legislative session to restate the fact that this bill is going nowhere. My colleagues and I will not allow this bill to put women's lives at risk, and to put their health care in jeopardy with politically motivated attempts at destroying constitutionally protected rights. That is why we are elected to this body, to take a stand and speak out, to protect the people who are most vulnerable, and to make sure that women who are at risk can be allowed to make personal private decisions about their health and their bodies without obtrusive interference from the government.

These decisions should be made by women, their families, the medical profession, and whomever else they wish to consult, not by politicians.

I yield the floor for my colleague from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. It is very good to see the Presiding Officer in the chair.

Since the Senator has arrived, we have cast some landmark votes for laws that are so critical and for candidates who are so critical. We are about to have a moment in history where we are going to expand opportunities for the LGBT community, expand protection for them so no longer will they face fear in the workplace.

If we have an overwhelming vote—which I hope we will have—it will send a message to Speaker BOEHNER that he should join with us. After all, what is the purpose that we should serve here? It is really making life better for people. It certainly is protecting our people.

This leads me to the reason I am here at the request of Senator MURRAY. It is because we need to speak out against the bill that will shortly be introduced. It is ironic, because as we are about to end discrimination on a whole group of worthy people, this bill attacks another group of people, the majority of this country, women.

We are here to say that the extreme and dangerous 20-week abortion ban is not going anywhere in the Senate—not on our watch. Anyone who knows this knows we mean what we say and say what we mean.

The American people continue in election after election to reject the war on women. They did it in race after race in the 2012 cycle, and they did it in these local and State-wide races only a couple of days ago.

The American people, regardless of party, want us to focus on issues that make a difference in their lives, such as creating jobs, reforming our immigration system, keeping college affordable for students, and rebuilding an infrastructure that is failing us. They don't want to take us back to the last century and open up battles that have long ago been fought in 1973.

I see my friend from Iowa, a real champion of Roe v. Wade, a decision that was made by the Court that was a very tough decision. They really did take a moderate view of balancing all of the interests.

We have a bill being introduced today that has been shopped around by the most extreme elements in our country that would essentially say Roe v. Wade doesn't make any difference, and it opens up a direct assault on women's health, a direct assault on Roe v. Wade, a direct assault on doctors.

It is a radical bill. It is an abortion ban. It offers no health exception, no help for women facing cancer, facing kidney failure, facing blood clots or other tragic complications during a pregnancy, no exception for rape or incest when folks are too scared to report that they were raped or they were a victim of incest. It throws trusted doctors into jail for 5 years simply for providing needed health care to their patients.

I wish to tell you who opposes this: the American Congress of Obstetricians

and Gynecologists. They said that these restrictions are “dangerous to patients’ safety and health.”

I want to speak about Judy Shackelford. Four months into her pregnancy, she developed a pregnancy-induced blood clot in her arm. The only guarantee that she wouldn’t die and leave behind her 5-year-old son was for Judy to end that pregnancy. She and her husband made that very difficult decision.

No Senators were in the room when she made that decision with her husband. No Governor was in the room. No President was in the room. This was a personal decision she made with her husband, her god, and her doctor. That is how it ought to be. If a family decides they are going to save the life of their mom, that should be respected.

Christie Brooks of Virginia, when pregnant with her second child, after her 20-week ultrasound found out that her daughter would be born with a severe structural birth defect and the baby would suffocate at birth. She made the incredibly difficult decision to end that pregnancy. She wouldn’t be allowed to do that under this radical ban.

We need to decide who we stand up and fight for. Is it some ideological rightwing agenda or is it for the people, the families, the loving families that we represent?

What is best for them? That is it.

So we are going to stop this dangerous bill. We are going to stop this dangerous attack on women in its tracks. We are sending a clear message—and I thank Senator MURRAY for organizing us today—that we will protect women and their families across America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. TOOMEY. Mr. President, I rise today to address an amendment I have pending on the ENDA bill which we will vote on soon. This is an amendment I have offered on my own behalf and that of Senators FLAKE and MCCAIN, who have joined me in this effort, and I thank them for that.

It occurs to me that sometimes in our work a tension can arise between important competing American values, and two vitally important American values are, I believe, somewhat in tension in some aspects of this bill. First, one great enduring and important value for all Americans is equality. This bill today clearly makes a strong stand for greater equality.

I believe, and I think most Americans share the view, that every individual is entitled to dignity and respect and fairness, and that individuals

ought to be judged based on their merits, on their character, and on their abilities. A person’s sexual orientation is irrelevant to their ability to be a good doctor or engineer or athlete or a Federal judge. That is why I have supported acknowledging that reality.

I supported 17 years ago, in the writing of the charter of the city government of Allentown, a provision that would ban discrimination on the basis of sexual orientation in the hiring for that city. I supported an end to don’t ask, don’t tell, because I thought it was an inappropriate infringement on the freedom of gay and lesbian persons serving in the military. I believe there are more legal protections that are appropriate to prevent employment discrimination based on sexual orientation. So these are an important set of values.

Another obvious and vitally important American value is freedom, and particularly religious freedom. The First Amendment guarantee of the free exercise of religion means that religious groups, even in the course of secular services, can, for instance, choose to hire employees who agree with their religion, employees who will promote that religion. And of course, the First Amendment applies even when we don’t necessarily agree with the views of that religion or that faith.

What we have tried to do in this legislation and in other context is to strike an appropriate balance between the tension that arises between these sometimes competing values. The sponsors of this bill have made a very thoughtful, credible effort to strike that balance. In fact, the sponsor of this bill and I agree on what at least an important aspect of that important balance ought to look like, and specifically I believe the agreement is that religious institutions, including those engaging in some secular activities, should be exempt from the requirements of this bill if it violates the tenets of their faith.

The goal of my amendment is to simply make sure the bill actually achieves what the drafters intended. The Senator from Oregon, who is the chief sponsor of the bill, has stated correctly, in terms of its intent, that the bill “broadly exempts from its scope houses of worship as well as religiously affiliated organizations.” This exemption, which covers the same religious organizations already exempted from the religious discrimination provisions of title VII of the Civil Rights Act of 1964 should ensure that religious freedom concerns do not hinder the passage of this critical legislation.

Other groups that are advocates for this legislation have similarly observed that the provisions of title VII would ensure the exemption of faith-based institutions. There are examples where circuit courts have ruled, in interpreting title VII of the Civil Rights Act, that affiliated organizations would in fact get this exemption. Examples include a gymnasium run by

the Mormon Church, Christian elementary schools and universities, a Presbyterian-operated retirement home, a Seventh Day Adventist hospital, a Jewish community center, and there are others.

So I acknowledge it is absolutely true it is the case there are Federal courts that have respected the religious freedom of these institutions to be exempted from the religious hiring mandates of the Civil Rights Act and, presumably, that would apply in the case of ENDA because of the way the legislation is crafted.

The problem that concerns me is that there are other cases where other courts have come to a different conclusion, and they have not recognized religious institutions the same way. There is a lack of uniformity across our country, across the different districts that ultimately interpret the application of title VII of the Civil Rights Act.

In fact, over the years, different courts have interpreted the language quite differently, and so we have these two problems, in my view, if we leave the underlying legislation as it is. One is that Americans will live under not two but multiple different standards. The 12 circuits that apply the title VII exemptions have already adopted four different tests for determining whether an institution qualifies for the religious exemption.

The second problem is that employers and workers don’t necessarily have predictability even within a circuit that has its own test, which differs from another circuit. And the reason is the tests themselves are somewhat subjective and somewhat unpredictable. They have multiple factors. For example, the Third Circuit, which includes my State of Pennsylvania, has nine factors; and as the court explained, not all factors will be relevant in all cases, and the weight given each factor may vary from case to case. The result is that in a single case decisionmakers looking at the same set of facts can reach very different conclusions.

In the absence of my amendment, my concern is there will be no uniform, predictable national standard for determining when a religious entity, a religious organization, is exempt from the bill. There are a couple of examples that illustrate my point.

In a case called the *EEOC v. Kamehameha Schools*—that is a Hawaiian word. My pronunciation may not be correct. This is a 1993 decision—there were two schools created by a charitable trust to help orphans and poor children. The trust instructed “the teachers . . . shall forever be persons of the Protestant religion.” The schools shall provide a good education “and also instruction in morals.”

The schools hired only Protestant teachers. They held themselves out as Protestant schools. They required all the students to take religious classes. They offered Bible studies and worship services, and they had a cooperative relationship with one specific Protestant church.

The district court found the schools were religious and, therefore, they were covered and they qualified for the exemption. But the Ninth Circuit Court, considering the exact same set of facts, found the opposite and decided the schools were secular. The Ninth Circuit acknowledged the schools' original principle was providing religious instruction, but they essentially ruled that since some students were not Protestant and since the schools offered courses that were not religious in nature—the schools taught math and they taught social studies—for those reasons they would not qualify for the exemption and the schools were required to hire non-Protestant teachers.

Another example—and I only have two—is a Methodist orphanage founded by the Methodist Church. The board of trustees were Methodist and they had close ties to the Methodist Church. The district court eventually held that many of the orphanage's day-to-day activities of caring for children were simply not necessarily religious, and so the home was not exempt. But initially, the district court had actually found for the Methodist orphanage. It was the Fourth Circuit that reversed it, sent the case back with instructions they reconsider this.

The district court had an interesting comment in this. It stated its opinion by declaring that it remains somewhat confused as to the proper interpretation, but it would do its best. So if a Federal judge can't tell what the test is, how could workers? How could an employer? How could an institution based on faith?

My amendment really is a modest attempt to ensure the bill actually achieves what I believe its authors and sponsors and supporters intend. It would continue to guarantee equality to workers, but it would protect religious groups' rights to the free exercise of their religion. And it would ensure all Americans would live under the same rule, the same formulation, with predictability and certainty. It would clarify that ENDA's religious exemption applies to religious hospitals, schools, charities, and other organizations that are owned by, controlled by, or officially affiliated with a church or religious group covered by ENDA's current exemption.

What this does is simply ensures we get close to striking a good, sensible balance between the equality in the workforce that is the principle motivation for this bill and the religious freedom I feel very strongly about and I think many of my colleagues do as well.

I want to commend everybody who has put in a lot of hard work on a careful and thoughtful effort here, and I hope my fellow Senators will join me in supporting this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that I be permitted

to speak for up to 5 minutes in opposition to the Toomey amendment and that the Senator from Wisconsin also have 2 minutes to speak in opposition.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, over the course of this debate, we have documented the tremendous business community support for this bill, including over 100 major companies. A key reason for that support is that ENDA is closely modeled on title VII of the civil rights law. Employers are familiar with the law, they understand how to comply with the law, and it provides certainty.

The many Fortune 500 companies that have employment nondiscrimination policies in place have modeled their policies on the nondiscrimination requirements of title VII. Unfortunately, by proposing an entirely new definition of businesses that would qualify for an exemption from the Employment Non-Discrimination Act, this amendment calls into question that very certainty. ENDA already exempts the same religious organizations that qualify for an exemption under title VII of the Civil Rights Act.

Under current law, the exemption includes not only houses of worship—churches, synagogues, and mosques—but also religious schools and religiously affiliated hospitals. The exemption in this bill passed the House of Representatives on a broad bipartisan basis, 402 to 25, in 2007.

In determining what organizations should qualify for religious exemption, most courts have also said that where the primary activity of the organization is commerce or profit, despite strongly held religious beliefs by the owners, the organization may not discriminate in hiring. That is what this amendment, I believe, seeks to change. This amendment would allow entities that are "officially affiliated" with a religious society to discriminate on the basis of sexual orientation and gender identity. This is a new term that is undefined in the text of the amendment and could lead to thousands of for-profit businesses being allowed to discriminate.

Some examples that have been suggested could qualify for the exemption could be a private employer whose only "affiliation" with a religious society is receiving a regular newsletter from that society or a private employer who sponsors a fundraiser for a religiously affiliated nonprofit or a private employer who provides goods and services to a religious organization. Again, this amendment would open the floodgates for all kinds of lawsuits. Courts would be inundated trying to figure out what does "officially affiliated" mean because there is no definition to that. The definitions we had before provide that kind of certainty to our business owners.

Our Nation's civil rights laws require those who participate in commercial

activity must adhere to the broad principles of fairness and equal treatment. In potentially allowing secular commercial businesses to discriminate in hiring and other employment practices on the basis of sexual orientation or gender identity, this amendment threatens to gut the fundamental premise of ENDA that all workers should be treated equally and fairly.

So while I urge my colleagues to oppose this amendment, I wish to note that the sponsor of the amendment supported beginning debate of the bill. His amendment is one that goes directly to the substance of the bill that we are debating and not an unrelated issue. So I wish to compliment the author, Senator TOOMEY. This is the way we should operate in the Senate.

As many know, I have been advocating for rules changes since 1995. One thing I have always adhered to is that it is the right of the minority to be able to offer relevant germane amendments to a bill. The author of this amendment has adhered to that. This is certainly relevant. This is certainly germane. That is why I compliment him for providing us with a way the Senate should work. But the amendment, I believe, is ill-defined. It would open the floodgates for all kinds of new cases. It would disrupt businesses all over America. So for that reason I urge my colleagues to oppose the amendment by the Senator from Pennsylvania.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, the bill before us today, the Employment Non-Discrimination Act, contains a very carefully negotiated bipartisan religious exemption provision. The amendment before us right now significantly expands that provision, and I rise to share why I believe it would be unwise to do so and urge my colleagues to oppose the amendment.

Religious organizations are not touched by this legislation. They can use an individual's sexual orientation or gender identity in their employment decisions if they choose to. ENDA does apply, however, to businesses and entities that are not primarily religious in purpose and character.

Just as with other civil rights legislation and in laws protecting individuals from discrimination on the bases of race, sex, national origin, religion, age, and disability, a capable employee in a nonreligious business should not be fired—or not hired—because of his or her boss's religious beliefs.

The amendment offered by Senator TOOMEY would broaden this exemption to allow an employer to be exempt from ENDA if it is affiliated with a particular religious organization, even if it engages primarily in secular activities. Allowing this type of exemption could be interpreted so broadly that it could negate the bill and its important protections for American workers.

The provision of this bill that this amendment seeks to modify is the product of a long and significant bipartisan negotiation and compromise.

I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. BALDWIN. I am a former Member of the House of Representatives, and I worked very closely with faith groups and civil rights advocates over the months leading up to consideration of ENDA in 2007 to arrive at the religious exemption compromise in the bill we are considering today. In fact, this current language in the bill before us passed the House of Representatives on a broad bipartisan basis of 402 to 25 as a floor amendment during our consideration of ENDA in 2007. It is a bipartisan compromise supported by many religious organizations, including the Presbyterian Church, the United Methodist Church, and the United Synagogue for Conservative Judaism.

Over 40 religious organizations wrote to endorse this bill with a letter that reads:

Any claims that ENDA harms religious liberty are misplaced. ENDA broadly exempts from its scope houses of worship as well as religiously affiliated organizations. This exemption—which covers the same religious organizations already exempted from religious discrimination provisions of title VII of the Civil Rights Act of 1964—should ensure that religious freedom concerns don't hinder the passage of this critical legislation.

I ask my colleagues to oppose this amendment and then join together on a historic day to vote in support of the Employment Non-Discrimination Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Under the previous order, the motion to recommit S. 815, the pending amendments to the underlying bill, and amendment No. 2020 offered by the Senator from Maine (Ms. COLLINS) for the Senator from Nevada (Mr. REID) are withdrawn.

Under the previous order, the question is on agreeing to amendment No. 2013 offered by the Senator from Nevada (Mr. REID) for the Senator from Pennsylvania (Mr. TOOMEY).

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 230 Leg.]

#### YEAS—43

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

#### NAYS—55

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

#### NOT VOTING—2

Casey	Coburn
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of the amendment, the amendment is rejected.

Under the previous order, the committee-reported substitute amendment, as amended, is agreed to.

#### CLOTURE MOTION

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

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 815, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

Harry Reid, Tom Harkin, Jeff Merkley, Patrick J. Leahy, Tom Udall, Mark Begich, Brian Schatz, Al Franken, Barbara Boxer, Richard J. Durbin, Christopher A. Coons, Tammy Baldwin, Debbie Stabenow, Benjamin L. Cardin, Sheldon Whitehouse, Patty Murray, Barbara Mikulski, Kirsten E. Gillibrand

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 S. 815, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

The yeas and nays resulted—yeas 64, nays 34, as follows:

[Rollcall Vote No. 231 Leg.]

#### YEAS—64

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

#### NAYS—34

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

#### NOT VOTING—2

Casey	Coburn
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The PRESIDING OFFICER. On this vote, the yeas are 64, the nays are 34. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, cloture having been invoked on S. 815, the time until 1:45 p.m. will be equally divided between the two leaders or their designees.

The Senator from Ohio.

Mr. BROWN. Madam President, I rise today to discuss the need to protect all Americans from workplace discrimination. The vote that the Presiding Officer from North Dakota just announced was a tremendous victory for civil rights in our country; it was a tremendous victory for all people, gay and straight. It will mean a more productive workplace. It will mean better work conditions. It will mean an expansion of human rights. And what is not to celebrate about that?

I worked on this bill as a cosponsor starting almost 15 years ago—more than 15 years ago—in the House of Representatives, and I am thrilled to have been able to vote for it today, as I know 60-plus of my colleagues were, and I am hopeful the House of Representatives decides to do the same.

Earlier this year people of different genders, ethnicities, and ages gathered outside of the Supreme Court wanting to be there when civil rights history

was made when the Defense of Marriage Act was declared unconstitutional. Clergy, people in collars, parents with children, students, seniors—everyone in between—were there too. The steps of the Supreme Court that morning were filled with people who represented every walk of life in our great country; so, too, must our laws.

Today and every day far too many Americans still go to work fearing they can be fired for who they are and whom they love. This needs to stop now. That is why the Senate needs to pass—later today, I hope—the Employment Non-Discrimination Act and the House needs to bring up ENDA for a vote. ENDA would protect LGBT Americans from workplace discrimination. It is currently legal—this is what I think the public does not always hear and what I think Speaker BOEHNER needs to hear—it is currently legal in 29 States to discriminate based on sexual orientation. Think about that. Twenty-nine States—in this great country, with this Constitution, with this Bill of Rights—29 States allow gay Americans to be fired solely on the basis of their sexual orientation. In 2013 you can still be fired for whom you love in 29 States. It is legal to do that.

We have laws protecting Americans from workplace discrimination based on the color of their skin, as we should; based on their religion, as we should; based on whether they are a man or a woman, as we should; or whether they have a disability, as we should have those laws in place.

We should offer these same protections to LGBT Americans. We currently do not protect or workers, though, from being fired for whom they love. It is morally wrong. We are not living up to the basic moral standards. We teach our children the Golden Rule: that we are to treat others as we would want to be treated. This country was not built on the ideal that only some people deserve equality and justice. We know that no one should be discriminated against simply because of who they are.

Many Fortune 500 companies and small businesses have already taken steps to protect their employees because they know it is right. In a meeting a few months ago, I listened to a Cincinnati-based engineer from Procter & Gamble discuss the importance of ENDA. She said, simply: People should be able to bring all of themselves to work, not needing to hide herself or her family in the workplace. She gets it. Unsurprisingly, so does her employer, Procter & Gamble, an American icon.

Passing ENDA makes good economic sense. In a competitive global economy, it is essential that businesses attract talented, hard-working employees. That is difficult to do when discrimination is allowed. If we want to create jobs and compete on a global level, then we need all workers from all walks of life to be contributing to the economy. Purposefully leaving out a portion of our workforce only puts us behind in that global competition.

We have already made progress in the fight for equality, but we need to continue to move forward. We repealed don't ask, don't tell. This June the Supreme Court held the Defense of Marriage Act—which five of my Senate colleagues voted against in 1996, a few of us in the House voted against—as unconstitutional. As a result, couples are able to legally marry in many States across the country, the newest of which is Illinois. We must continue this progress to create a most just, inclusive Nation. Dr. King once said, “Injustice anywhere is a threat to justice everywhere.” Workers fought for the right to organize, woman for the right to vote, African Americans fought for equal justice, and now LGBT Americans of all backgrounds are fighting for equality. They are entitled to the support of their government, of all of us, in that fight.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I ask unanimous consent that all time, including the time during quorum calls, be equally divided between both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### OBAMACARE

Mr. CORNYN. During the first few years after it became the law, the Affordable Care Act was known to most Americans as mainly a set of promises. Americans were repeatedly told that ObamaCare, once it began to take full effect—that coverage would expand, premiums would go down, and everyone who liked their existing health care coverage could keep it.

When the President and my friends across the aisle described it this way, ObamaCare sounded too good to be true. Unfortunately, the promises really have turned out to be too good to be true. After spending years listening to hollow assurances about what ObamaCare would or would not do, the past 5 years have taught us a lot, maybe only the tip of the iceberg, about the realities of what ObamaCare actually looks like.

We have learned that no fewer than 3.5 million Americans have already received cancellation notices from their insurance coverage because of the new law. We have learned that millions

more will receive those same types of notices in the foreseeable future.

We have learned that the administration and, in fact, the Senate, knew that was going to happen in 2010 because we had a vote on the Congressional Review Act of the regulation which would have expanded the grandfather clause, and it was defeated in a party-line vote with all Republicans voting to expand the grandfathering provision and all our Democratic colleagues voting against.

What we learned, when they launched the ObamaCare Web site—which has been perhaps the most visible image of ObamaCare—was they did it before they could guarantee the information people would put in it would be secure. That includes both your tax information, your Social Security, and your mental health and physical health conditions. We learned yesterday from Secretary Sebelius that the navigators, who are the people who have been hired to help people navigate the Affordable Care Act and get signed up, were hired without performing any kind of background check. To the surprise of a lot of people, Secretary Sebelius answered a very direct question about that. I asked her in the Finance Committee: Is it possible a person could be a navigator and be a convicted felon? She said it is “possible.” Because there is no criminal background check.

In other words, America's top health care officials believe it is possible that convicted felons could be collecting some of our most sensitive personal information—our Social Security numbers, tax information, and sensitive medical data. Yet this administration continues to insist upon refusing a proper vetting system. It is bad enough the Web site is entirely dysfunctional—that will get fixed sooner or later—but the fact is this same Web site could, in the interim, become a magnet for fraud and identity theft.

Many of us who were skeptics about the President's extravagant promises of ObamaCare once implemented have been expressing our concerns for years. But as skeptical as I was about ObamaCare when it passed the Senate on Christmas Eve in 2009, it is even worse than many of us predicted—certainly worse than we imagined.

With millions of Americans getting cancellation notices from their insurance companies, we are finding out their premiums are about to go up and not down. It is important to remember exactly why this is happening. Thanks to the regulations our friends across the aisle continue to support, ObamaCare has allowed Washington bureaucrats to define what constitutes an acceptable health insurance policy in the individual and small group market. In other words, it has allowed Washington bureaucrats to force hard-working American families to pay for health care coverage they do not want and they do not need.

I have heard from my constituents in Texas who are absolutely furious and, in some cases, absolutely desperate

about losing their coverage or being forced to pay higher premiums they simply can't afford in order to buy coverage they do not need.

The underlying conceit of ObamaCare is that individuals and their families can't be trusted to choose the right health insurance coverage for themselves so they must turn those decisions over to the bureaucracy in Washington to do it for them.

Some have heard us talk about a government takeover of the health care system. This is what a government takeover of a health care system looks like—when you lose the choices that should be available to you as an American citizen—to decide what kind of policy you need at a price you can afford—because of this monstrosity of a law. That is a government takeover.

The main objective of ObamaCare, we were told, was to provide coverage for all Americans. Yet the Congressional Budget Office has made it clear ObamaCare fails even in that objective. They estimate about 30 million people will still remain uncovered by the year 2023 when ObamaCare has been fully implemented. Thirty million people. OK, explain to me again, what was the purpose of this exercise? We were going to bring costs down and cover people without insurance, and everyone would be able to keep the insurance they had if they liked it. Yet none of that ends up being true. All of that ends up being false.

As I said yesterday, the cost of ObamaCare far outweighs the benefits. It would have been a lot smarter for us to figure out how to deal with the people who are uninsured and get them insured without raising costs or prejudicing the rights of people who had policies they already liked.

If Congress were to choose at some point to actually dismantle ObamaCare in its entirety, which I think we ought to do, we ought to start over and enact an alternative health care reform bill aimed at solving the problem not creating new ones. These reforms could include revising the Tax Code so that individuals could buy their own health insurance on the same tax terms as if it were employer provided.

We would allow people to actually buy in the health care market nationally and form pools to share risks. That would help bring down the costs. It would increase competition.

We also ought to expand the use of tax-free health savings accounts for people who decide they want to buy a high-deductible catastrophic health insurance policy because it is pretty cheap, and in the meantime they want to set money aside each month in a health savings account. Maybe they will need it for health care and maybe they won't, but they get to do that tax free. And if they don't use it, they can use that as part of their retirement. We ought to expand that.

We ought to make health care price and quality information a lot more transparent. One of the most successful

health care programs I have seen pass the Congress—though we made some mistakes with it and we should have offset the cost—is the prescription drug plan, Medicare Part D. It has actually worked better than any of us thought it would because it is not a government takeover. It created competition between competing prescription drug companies that had to compete based on quality and price. The result has been the price has gone down roughly 30 percent under the projected costs when it was passed.

That is the kind of transparency and choice that is produced from quality information and that leaves the choices to people individually and not to the government.

And yes, we ought to crack down on frivolous medical malpractice lawsuits. We have seen in Texas that reducing the costs of frivolous medical malpractice lawsuits in turn helps to protect against defensive medicine, where doctors make clinical decisions based not on their best medical judgment but based on their aversion to litigation risk.

We ought to use high-risk pools to ensure people with preexisting conditions can get covered. This is one of the biggest misrepresentations I have heard about ObamaCare. Some of our colleagues have said: Well, the only way you can get preexisting conditions covered is to take ObamaCare hook, line, and sinker. That is clearly not true. Virtually all of our States have high-risk programs for people with preexisting conditions. They may need to be better funded—and we ought to look to try to shore them up—but it would be better to fix the problems we know exist rather than creating more problems.

We ought to give the States more flexibility to deal with Medicaid. Medicaid is designed as a safety net program for people who can't afford to buy their own health insurance. I see the Senator from Maine on the floor, and she was very intimately involved in this when she was the insurance commissioner for her State. Medicaid, unfortunately, pays doctors about half of what private health insurance does to reimburse them for their costs, so many doctors have to restrict their practice and their ability to see new Medicaid patients.

In Texas, only about one-third of the doctors will see a new Medicaid patient because they simply can't afford to do so. So we need to have additional freedom to improve Medicaid and to shore it up while providing competition and consumer choice to bring down costs in Medicare.

Mr. President, such reforms would give us a health care system with much lower costs, much better coverage, and much greater access to quality care. Those are the sorts of reforms we should have embraced in 2009 and 2010 but did not. We missed our chance back then, but there is no good reason we have to accept ObamaCare or nothing.

As a matter of fact, we should take this opportunity, as we see the promises of ObamaCare being broken and not living up to the expectations of its strongest proponents, to turn to these other sensible ways to lower costs, increase coverage, and improve access.

As the law's deficiencies become more and more evident, I hope my friends across the aisle will join with us, Republicans and Democrats alike, to replace ObamaCare with something better.

Mr. MCCAIN. Mr. President, today I will cast my vote in support of S. 815, the Employment Non-Discrimination Act. This vote is consistent with my firm belief that workplace discrimination—whether based on religion, gender, race, national origin, or sexual orientation—should not be tolerated in America.

As my colleagues know, this legislation expands Federal employment discrimination protections, provided under the Civil Rights Act, to include sexual orientation. Under this bill, employers with more than 15 employees would be subject to new Federal regulations for hiring, firing, or promoting an individual on the basis of sexual orientation.

Many of my colleagues raised concerns about how the bill's language failed to provide adequate protections for religious businesses, schools, charities, and other institutions. In order to address these concerns, I worked with Senator PORTMAN of Ohio and Senator AYOTTE of New Hampshire to offer an amendment to further protect the constitutional rights and religious freedoms of religious organizations. Our amendment prevents retaliation on religious employers by Federal, State, and local governments based on the fact that these employers are exempt from the non-discrimination requirements of ENDA. I am pleased that this amendment was agreed to without opposition.

I have always believed that workplace discrimination—whether based on religion, gender, race, national origin, or sexual orientation—is inconsistent with the basic values that America holds dear. With the addition of the amendment I cosponsored with Senators PORTMAN and AYOTTE strengthening protections for religious institutions, I am pleased to support this legislation.

Ms. MIKULSKI. Mr. President, today the Senate is voting on the Employment Non-Discrimination Act—a bill that I am proud to cosponsor. Americans believe that hard-working people should be rewarded for their efforts and commended for their skills. Yet all throughout our Nation individuals are being held back at work or even fired—not because they are incompetent but because of their sexual orientation or gender identity.

I firmly believe people should be judged based on their individual skills, competence, and unique talents and nothing else. Sexual orientation does



not affect job performance, so it should not be a consideration, and the vast majority of Americans agree. In fact, an overwhelming 73 percent of Marylanders support the Employment Non-Discrimination Act.

The Employment Non-Discrimination Act would close a significant gap in our civil rights laws. It would ensure that people are judged on the quality of their work, not on sexual orientation or gender identity. Job discrimination on the basis of race, ethnicity, gender, or religion has long been prohibited; however, it is still legal to hire and fire a person based on their sexual orientation. This is an outrageous practice for a country that prides itself on equal rights for all.

Today, when I look back at the civil rights movement of the 1960s, I am shocked by how modest the demands of the African American community actually were. If we can pass this piece of legislation, in the future we will look back and think what a modest, obvious step it was and wonder why it took so long. This bill does not bestow special rights; it simply offers gay, lesbian, bisexual, and transgender Americans the same protection against unfair discrimination in the workplace as other groups—no more, no less.

Currently, 21 States and the District of Columbia have passed laws that prohibit job discrimination on the basis of sexual orientation. In addition, hundreds of companies have implemented nondiscrimination policies that include sexual orientation.

Gay Americans are part of the American mosaic and are entitled to the same rights and freedoms as every other American citizen. Change in civil rights comes slowly, but we are long overdue in making sure they have protection against unfair discrimination in the workplace. My hope is that someday we will look back on this and wonder what took us so long. We all deserve to live in an environment where people are treated fairly and with the dignity they deserve, and today I urge my colleagues to vote for this important bill.

Mr. LEVIN. Mr. President, this Nation began not as merely a plot of land, or as a group of people united by language or ethnicity. It began with an idea: “That all men are created equal.” Our story since Thomas Jefferson wrote those words has been a story of progress toward honoring what has been called “the immortal phrase.”

Today, this Senate can move our Nation one important step forward in honoring the truth of those words by finally passing the Employment Non-Discrimination Act, or ENDA. We can help ensure that no American is deprived of the opportunity to work—the opportunity to succeed—as all of us want to succeed merely because of sexual orientation or gender identity, just as we have acted to protect that opportunity against discrimination based on age, race, color, religion, national origin or disability.

This legislation is carefully crafted to protect the sincere religious beliefs many Americans hold. It embodies a simple but powerful American ideal: On the job, what matters is your work, not your gender or skin color or faith or your sexual orientation any other extraneous matter.

There may have been times in the past when the Congress pushed Americans into new and perhaps uncomfortable territory in the march toward equality. But today, the law lags public opinion in this area. Public opinion polls show that roughly 7 in 10 Americans believe workplace discrimination against gays, lesbians and transgendered individuals should be against the law. In fact, they think it already is—according to one poll, 80 percent of Americans believe such discrimination is already a violation of Federal law. Support for ENDA is not confined to one region of the country—polls show that majorities in every State in the union support it. So, passage of ENDA is not some bold social experiment or engineering process. It is what the American people want and are ready for.

That is as true today as it was in 1996, the last time the Senate held a vote on this measure. Even then, a majority of Americans supported it, and just as it is today, it enjoyed the support of a diverse group of religious and business organizations. Then, as today, American businesses recognized that discrimination on the basis of sexual orientation or gender identity is just bad business.

This is also not a partisan issue. This legislation is on the brink of passage here because members of both parties have shown principled leadership and dedication.

But the ultimate reason I have supported this legislation for decades now is not related to public opinion polls or endorsement letters from churches and corporations, though those are heartening and welcome. Simply, it is wrong to deny employment to anyone who can do the job, just because of their sexual orientation. “All men are created equal” means giving every American the opportunity to earn what their talents and dedication allow, to provide for themselves and their families. Denying anyone that right is at odds with the ideals on which this country was founded and on which it depends to this day.

I strongly support this legislation. I urge my Senate colleagues to support it, and upon Senate passage, I urge the leaders of the House of Representatives to recognize just how far behind the American people they have fallen on this issue, and bring the Employee Non-Discrimination Act to the House floor for a vote.

Mr. LEAHY. Mr. President, the Senate has a historic opportunity today to take discrimination out of the workplace by casting a vote for the Employment Non-Discrimination Act. Today's vote has been 20 years in the making,

and it is long overdue for Congress to extend these protections to all American workers. Years from now we will look back on this remedy as another substantial milestone on our Nation's everlasting quest to achieve a more perfect union—a quest to realize more completely the motto engraved in Vermont marble above the Supreme Court building that declares: “Equal Justice Under Law.”

We now have protections for workers from discrimination on the basis of race, sex, religion, national origin and disability, as we should. Yet there are no Federal protections from discrimination on the basis of sexual orientation or gender identity. In 29 States, it is still legal for an employer to fire employees based on their sexual orientation, and in 33 States employees can be fired based on their gender identity. Maintaining the status quo would keep in place a system that supports a second class of workers in a majority of States. This runs counter to our founding values. It is time to remedy that.

As the son of Vermont printers, I learned at an early age the primary importance of the First Amendment. The First Amendment in our Bill of Rights is the foundation of our democracy and our way of life. It is one of the most defining principles of our national character. It helps preserve all of our other rights. By guaranteeing a free press and the free exercise of religion, it ensures an informed electorate and the freedom to worship God and to practice our religion as we choose—or to practice no religion at all.

Religious freedom does not end with the vital protections afforded by the First Amendment. The bill before us contains important protections for religious organizations by ensuring that they can continue to make significant faith-based employment decisions. The carefully crafted religious exemption in this legislation is consistent with the freedoms guaranteed by the Constitution.

All Americans deserve civil rights protections under our Constitution, which, in addition to the First Amendment, also ensures due process and equal protection. In previous legislative debates like the one before us today, Congress has protected and bolstered these rights by passing legislation to fill gaps in our Federal laws. This includes passing legislation to protect the practice of religion without discrimination, to prevent pay discrimination based on sex, and to serve openly in the military. By passing the remedy before us today, we will take another significant step forward in taking discrimination out of our laws and ensuring the equal treatment of lesbian, gay, bisexual, and transgender Americans.

I thank Chairman HARKIN and Senators MERKLEY and COLLINS for their leadership on this significant, overdue, and bipartisan antidiscrimination remedy. I also am mindful and appreciative of the leading role that Senator Jim

Jeffords of my State of Vermont took in advancing this remedy during his time in this body. And I thank Majority Leader REID for making this a priority for the Senate. I know that my late friend Senator Kennedy is smiling down on this chamber today as we advance his efforts to end employment discrimination. Today we can honor his legacy with this historic vote.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, we are about to make history in this Chamber by passing the Employment Non-Discrimination Act, more commonly known as ENDA. We will establish the principle that the right to work free from discrimination is a fundamental right of each and every American regardless of age, race, gender, religion, disability, national origin, and now, finally, sexual orientation.

It has taken a long time to get to this day. More than 10 years ago I was proud to join a life-long champion of civil rights, the late Senator Ted Kennedy, as a cosponsor of ENDA. That was back in 2002. Over the years our country has rightly taken a stand against workplace discrimination in a wide variety of forms. It is past time we close this gap for our LGBT employees. The time to pass this bill has come.

I thank Senators MERKLEY and KIRK for taking up the cause and for moving this bill forward. Senator KIRK, along with Senators HATCH and MURKOWSKI, led Republican support for this bill during its consideration by the HELP Committee.

I also acknowledge the work of the chairman of the committee TOM HARKIN in bringing this bill to the floor.

Other Senators who helped to improve this bill include Senators PORTMAN, AYOTTE, HELLER, HATCH, and MCCAIN, in their effort to draft strong antiretaliation language. Their amendment, which was adopted unanimously, improves this bill by strengthening the protections for religious institutions that are legitimately exempted under ENDA.

I thank each of those Senators and others, such as Senator FLAKE, for their willingness to work with the sponsors and cosponsors of this legislation. Senator TOOMEY also has worked hard.

Mr. President, all Americans deserve a fair opportunity to pursue the American Dream. ENDA is simply about the fundamental right to work and to be judged according to one's abilities, qualifications, and job performance. Much of corporate America has already voluntarily embraced LGBT protections because they know that doing so helps them attract and retain the best and the brightest employees.

Nearly two dozen States have versions of ENDA. In fact, in my home State of Maine, it has been the law for nearly a decade. Simply put, ENDA is about fairness and workplace equality. Today, I am confident the Senate will

affirm that principle and will say to everyone in this country the workplace is simply no place for discrimination.

Mr. HARKIN. Mr. President, today the Senate is sending a clear message that all Americans are entitled to earn a living free from discrimination and to be judged in the workplace based on qualifications, ability, and integrity.

The Employment Non-Discrimination Act is simple and clear. It states that private businesses, public employers, and labor unions cannot make employment decisions—hiring, firing, promotion, or compensation—because of a person's actual or perceived sexual orientation or gender identity. The bill is modeled on title VII of the Civil Rights Act, a law that has been in place for almost 50 years. It is a law that is well understood by employers and is strongly supported by employers.

More than 50 years ago, with the Civil Rights Act, we took the first steps to eliminate discrimination at work. Since that time we have ensured that the employers may not discriminate on the basis of race, sex, national origin, religion, or age. In 1990 with passage of the Americans with Disabilities Act we ensured that Americans were not discriminated against on the basis of a disability. Today, for the first time, the Senate goes on record prohibiting discrimination at work on the basis of sexual orientation and gender identity.

Yesterday I entered into a colloquy with Senator LEAHY, the distinguished chairman of the Judiciary Committee with regard to Senate amendment No. 2012. I would like to further clarify my response to Senator LEAHY. As Senator LEAHY clearly set forth in his question to me, this amendment simply says that you cannot retaliate against an organization solely because it qualifies for the exemption under section 6(a) of ENDA. The amendment is not intended to undermine in any way current or future Federal, State, or local civil rights protections—States and localities can still enforce their own non-discrimination laws for violations within their jurisdiction, regardless of whether an entity is exempt under the national ENDA legislation.

We have had a very collaborative process on this bill, and I would like to take this opportunity to thank all of those who have made that possible first, to the sponsors of the bill, Senator MERKLEY, Senator KIRK, Senator BALDWIN, and Senator COLLINS, all of whom have put in many hours behind the scenes working to build support for this bill and make passage today a reality. Thank-yous also go to their staff: Jeremiah Bauman, Cade Clurman, Amber Shipley, John Kane, Katie Brown, and Betsy McDonnell.

On my HELP Committee staff I would like to thank Beth Stein, Lauren McFerran, Chris Williamson, and Pam Smith. I would also like to thank the HELP Committee minority staff who also worked to get this bill through a very collaborative process: Kyle

Fortson, Kai Hirabayashi, and David Cleary. A special thank-you goes to Dan Goldberg, who recently left my HELP Committee staff but did a tremendous job on this bill up through the committee markup. I commend all of the staff for helping to make final passage of this bill a reality.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent for 5 minutes to speak to this bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I thank my colleague who preceded me who has summarized the bipartisan collaboration to bring this bill to this point that we will be voting on in just a few minutes. No one has done more than she to advance this conversation over many years. I thank the Senator from Maine for those incredible efforts on behalf of ending discrimination and advancing liberty and opportunity.

Today the Senate will vote to break the chains of discrimination that hold back millions of LGBT Americans from the full promise of liberty—liberty, that freedom to participate fully in our society, in the public square to the voting booth, to the school, to the workplace; liberty, that quality deeply rooted in our national journey and embedded in our Declaration of Independence “ . . . that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness;” liberty, the declared mission of our Nation in the preamble to the Constitution: We, the people, in order to form a more perfect union and secure the blessings of liberty to ourselves and our posterity, do ordain and establish a Constitution of the United States of America.

But the march to liberty has been long, with numerous battles along the way: the fight to end slavery that President Lincoln figured so prominently in, the fight to end racial discrimination, the fight to end gender discrimination, the fight to end discrimination against our seniors, and the fight that continues today with this bill to end discrimination based on sexual orientation and gender identity.

Discrimination diminishes the potential of the individual and it diminishes the potential of our Nation. Senator Ted Kennedy said this succinctly when he helped introduce in 2009 a predecessor of the bill we will be voting on today. Senator Ted Kennedy said: “The promise of America will never be fulfilled as long as justice is denied to even one among us.” He spoke these words just 20 days before he passed away. It is appropriate to quote Ted Kennedy because he led the fight for this bill since its first introduction in 1994. I think he would be tremendously pleased with the bipartisan vote of affirmation against discrimination which we will soon be taking.

Along the course of the two decades many have helped on this bill, whose footsteps no longer echo in these Halls, and to all of those champions of liberty who have participated in this process I say thank you.

There are many champions of liberty still in this body who have been fighting toward this moment, and I wish to make sure I acknowledge them: Senator HARKIN, who championed many elements, including ending discrimination against those with disabilities and who steered this bill through his committee; Senator HARRY REID and the leadership team who worked together to enable this moment in the calendar to have this debate and to advocate this bill; Senator TAMMY BALDWIN, who brought in energy from the House and the powerful voice of her personal experience to bear on this debate; Senator COLLINS, who just spoke, who has done so much for so long to make this happen, and in the first 2 years of 2009 and 2010 was the lead cosponsor. She passed the baton to Senator KIRK, who has carried that baton forward in the most admirable way. Senators MURKOWSKI and HATCH joined to help this bill come out of committee and helped create the momentum; Senators PORTMAN, AYOTTE, HELLER, TOOMEY, and HATCH engaged to help make sure the religious exemption which we developed with the right hand is not taken away with the left hand, to reinforce the integrity of the title VII religious exemption; Senator FLAKE, who brought forward ideas on how to make sure the guidance would be there to help businesses understand how to implement this act.

There are a lot of coalition groups that have done a tremendous amount of work. Well done. Every conversation such as this takes advocates inside the Chamber and advocates outside the Chamber but a particular acknowledgment of the Human Rights Campaign.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MERKLEY. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MERKLEY. There are two staff members on my team who have labored on this whom I wish to personally acknowledge: Scott Rosenthal, who carried this organizational responsibility for a number of years, and my legislative director Jeremiah Bowman, who provided over these last few months this critical organizing stage.

I look forward to this vote for liberty, this vote for freedom, this vote for opportunity, and this vote for a fairer and just America.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the question is,

Shall the bill (S. 815), as amended, pass?

Mr. MERKLEY. 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 Pennsylvania (Mr. CASEY) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Oklahoma (Mr. COBURN), and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 64, nays 32, as follows:

[Rollcall Vote No. 232 Leg.]

#### YEAS—64

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

#### NAYS—32

Alexander	Enzi	Moran
Blunt	Fischer	Paul
Boozman	Graham	Risch
Burr	Grassley	Roberts
Chambliss	Hoeven	Rubio
Coats	Inhofe	Scott
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (WI)	Vitter
Crapo	Lee	Wicker
Cruz	McConnell	

#### NOT VOTING—4

Barrasso	Coburn
Casey	Sessions

The bill (S. 815), as amended, was passed, as follows:

#### S. 815

*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 "Employment Non-Discrimination Act of 2013".

#### SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to address the history and persistent, widespread pattern of discrimination on the bases of sexual orientation and gender identity by private sector employers and local, State, and Federal Government employers;

(2) to provide an explicit, comprehensive Federal prohibition against employment discrimination on the bases of sexual orientation and gender identity, including meaningful and effective remedies for any such discrimination;

(3) to invoke congressional powers, including the powers to enforce the 14th Amendment to the Constitution, and to regulate interstate commerce pursuant to section 8 of article I of the Constitution, in order to prohibit employment discrimination on the bases of sexual orientation and gender identity; and

(4) to reinforce the Nation's commitment to fairness and equal opportunity in the workplace consistent with the fundamental right of religious freedom.

#### SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) COMMISSION.—The term "Commission" means the Equal Employment Opportunity Commission.

(2) COVERED ENTITY.—The term "covered entity" means an employer, employment agency, labor organization, or joint labor-management committee.

(3) DEMONSTRATES.—The term "demonstrates" means meets the burdens of production and persuasion.

(4) EMPLOYEE.—

(A) IN GENERAL.—The term "employee" means—

(i) an employee as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(ii) a State employee to which section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)) applies;

(iii) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) or section 411(c) of title 3, United States Code; or

(iv) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(a)) applies.

(B) EXCEPTION.—The provisions of this Act that apply to an employee or individual shall not apply to a volunteer who receives no compensation.

(5) EMPLOYER.—The term "employer" means—

(A) a person engaged in an industry affecting commerce (as defined in section 701(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(h)) who has 15 or more employees (as defined in subparagraphs (A)(i) and (B) of paragraph (4) for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but does not include a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986;

(B) an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 applies;

(C) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 or section 411(c) of title 3, United States Code; or

(D) an entity to which section 717(a) of the Civil Rights Act of 1964 applies.

(6) EMPLOYMENT AGENCY.—The term "employment agency" has the meaning given the term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)).

(7) GENDER IDENTITY.—The term "gender identity" means the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

(8) LABOR ORGANIZATION.—The term "labor organization" has the meaning given the term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

(9) PERSON.—The term "person" has the meaning given the term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).

(10) **SEXUAL ORIENTATION.**—The term “sexual orientation” means homosexuality, heterosexuality, or bisexuality.

(11) **STATE.**—The term “State” has the meaning given the term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(i)).

(b) **APPLICATION OF DEFINITIONS.**—For purposes of this section, a reference in section 701 of the Civil Rights Act of 1964—

(1) to an employee or an employer shall be considered to refer to an employee (as defined in subsection (a)(4)) or an employer (as defined in subsection (a)(5)), respectively, except as provided in paragraph (2) of this subsection; and

(2) to an employer in subsection (f) of that section shall be considered to refer to an employer (as defined in subsection (a)(5)(A)).

#### **SEC. 4. EMPLOYMENT DISCRIMINATION PROHIBITED.**

(a) **EMPLOYER PRACTICES.**—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because of such individual's actual or perceived sexual orientation or gender identity; or

(2) to limit, segregate, or classify the employees or applicants for employment of the employer in any way that would deprive or tend to deprive any individual of employment or otherwise adversely affect the status of the individual as an employee, because of such individual's actual or perceived sexual orientation or gender identity.

(b) **EMPLOYMENT AGENCY PRACTICES.**—It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of the actual or perceived sexual orientation or gender identity of the individual or to classify or refer for employment any individual on the basis of the actual or perceived sexual orientation or gender identity of the individual.

(c) **LABOR ORGANIZATION PRACTICES.**—It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of the actual or perceived sexual orientation or gender identity of the individual;

(2) to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment, or would limit such employment or otherwise adversely affect the status of the individual as an employee or as an applicant for employment because of such individual's actual or perceived sexual orientation or gender identity; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) **TRAINING PROGRAMS.**—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of the actual or perceived sexual orientation or gender identity of the individual in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) **ASSOCIATION.**—An unlawful employment practice described in any of subsections (a) through (d) shall be considered to include an action described in that subsection, taken

against an individual based on the actual or perceived sexual orientation or gender identity of a person with whom the individual associates or has associated.

(f) **NO PREFERENTIAL TREATMENT OR QUOTAS.**—Nothing in this Act shall be construed or interpreted to require or permit—

(1) any covered entity to grant preferential treatment to any individual or to any group because of the actual or perceived sexual orientation or gender identity of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any actual or perceived sexual orientation or gender identity employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such actual or perceived sexual orientation or gender identity in any community, State, section, or other area, or in the available work force in any community, State, section, or other area; or

(2) the adoption or implementation by a covered entity of a quota on the basis of actual or perceived sexual orientation or gender identity.

(g) **NO DISPARATE IMPACT CLAIMS.**—Only disparate treatment claims may be brought under this Act.

(h) **STANDARDS OF PROOF.**—Except as otherwise provided, an unlawful employment practice is established when the complaining party demonstrates that sexual orientation or gender identity was a motivating factor for any employment practice, even though other factors also motivated the practice.

#### **SEC. 5. RETALIATION PROHIBITED.**

It shall be an unlawful employment practice for a covered entity to discriminate against an individual because such individual—

(1) opposed any practice made an unlawful employment practice by this Act; or

(2) made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

#### **SEC. 6. EXEMPTION FOR RELIGIOUS ORGANIZATIONS.**

(a) **IN GENERAL.**—This Act shall not apply to a corporation, association, educational institution or institution of learning, or society that is exempt from the religious discrimination provisions of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) pursuant to section 702(a) or 703(e)(2) of such Act (42 U.S.C. 2000e-1(a), 2000e-2(e)(2)) (referred to in this section as a “religious employer”).

(b) **PROHIBITION ON CERTAIN GOVERNMENT ACTIONS.**—A religious employer's exemption under this section shall not result in any action by a Federal agency, or any State or local agency that receives Federal funding or financial assistance, to penalize or withhold licenses, permits, certifications, accreditation, contracts, grants, guarantees, tax-exempt status, or any benefits or exemptions from that employer, or to prohibit the employer's participation in programs or activities sponsored by that Federal, State, or local agency. Nothing in this subsection shall be construed to invalidate any other Federal, State, or local law (including a regulation) that otherwise applies to a religious employer exempt under this section.

#### **SEC. 7. NONAPPLICATION TO MEMBERS OF THE ARMED FORCES; VETERANS' PREFERENCES.**

(a) **ARMED FORCES.**—

(1) **EMPLOYMENT.**—In this Act, the term “employment” does not apply to the rela-

tionship between the United States and members of the Armed Forces.

(2) **ARMED FORCES.**—In paragraph (1) the term “Armed Forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) **VETERANS' PREFERENCES.**—This title does not repeal or modify any Federal, State, territorial, or local law creating a special right or preference concerning employment for a veteran.

#### **SEC. 8. CONSTRUCTION.**

(a) **DRESS OR GROOMING STANDARDS.**—Nothing in this Act shall prohibit an employer from requiring an employee, during the employee's hours at work, to adhere to reasonable dress or grooming standards not prohibited by other provisions of Federal, State, or local law, provided that the employer permits any employee who has undergone gender transition prior to the time of employment, and any employee who has notified the employer that the employee has undergone or is undergoing gender transition after the time of employment, to adhere to the same dress or grooming standards as apply for the gender to which the employee has transitioned or is transitioning.

(b) **ADDITIONAL FACILITIES NOT REQUIRED.**—Nothing in this Act shall be construed to require the construction of new or additional facilities.

#### **SEC. 9. COLLECTION OF STATISTICS PROHIBITED.**

The Commission and the Secretary of Labor shall neither compel the collection of nor require the production of statistics on actual or perceived sexual orientation or gender identity from covered entities pursuant to this Act.

#### **SEC. 10. ENFORCEMENT.**

(a) **ENFORCEMENT POWERS.**—With respect to the administration and enforcement of this Act in the case of a claim alleged by an individual for a violation of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c),

in the case of a claim alleged by such individual for a violation of such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1));

(4) the Attorney General shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c);

in the case of a claim alleged by such individual for a violation of such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)), respectively;

(5) the President, the Commission, and the Merit Systems Protection Board shall have

the same powers as the President, the Commission, and the Board, respectively, have to administer and enforce chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title; and

(6) a court of the United States shall have the same jurisdiction and powers as the court has to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e-16b(a)(1));

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)); and

(D) chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title.

(b) PROCEDURES AND REMEDIES.—Except as provided in section 4(g), the procedures and remedies applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures and remedies applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(2) the procedures and remedies applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)) in the case of a claim alleged by such individual for a violation of such section;

(3) the procedures and remedies applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in the case of a claim alleged by such individual for a violation of such section; and

(4) the procedures and remedies applicable for a violation of section 411 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of such section.

(c) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleged by a covered employee (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) for a violation of this Act, title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleged by such a covered employee for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(d) NO DOUBLE RECOVERY.—An individual who files claims alleging that a practice is an unlawful employment practice under this Act and an unlawful employment practice because of sex under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall not be permitted to recover damages for such practice under both of—

(1) this Act; and

(2) section 1977A of the Revised Statutes (42 U.S.C. 1981a) and title VII of the Civil Rights Act of 1964.

(e) MOTIVATING FACTOR DECISIONS.—On a claim in which an individual proved a violation under section 4(h) and a respondent demonstrates that the respondent would have taken the same action in the absence of the impermissible motivating factor, the court—

(1) may grant declaratory relief, injunctive relief (except as provided in paragraph (2)), and attorney's fees and costs demonstrated to be directly attributable only to the pursuit of a claim under section 4(h); and

(2) shall not award damages or issue an order requiring any admission, reinstatement, hiring, promotion, or payment.

#### SEC. 11. STATE AND FEDERAL IMMUNITY.

(a) ABBROGATION OF STATE IMMUNITY.—A State shall not be immune under the 11th Amendment to the Constitution from a suit brought in a Federal court of competent jurisdiction for a violation of this Act.

(b) WAIVER OF STATE IMMUNITY.—

(1) IN GENERAL.—

(A) WAIVER.—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by an employee or applicant for employment of that program or activity under this Act for a remedy authorized under subsection (d).

(B) DEFINITION.—In this paragraph, the term "program or activity" has the meaning given the term in section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).

(2) EFFECTIVE DATE.—With respect to a particular program or activity, paragraph (1) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(c) REMEDIES AGAINST STATE OFFICIALS.—An official of a State may be sued in the official capacity of the official by any employee or applicant for employment who has complied with the applicable procedures of section 10, for equitable relief that is authorized under this Act. In such a suit the court may award to the prevailing party those costs authorized by section 722 of the Revised Statutes (42 U.S.C. 1988).

(d) REMEDIES AGAINST THE UNITED STATES AND THE STATES.—Notwithstanding any other provision of this Act, in an action or administrative proceeding against the United States or a State for a violation of this Act, remedies (including remedies at law and in equity, and interest) are available for the violation to the same extent as the remedies are available for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) by a private entity, except that—

(1) punitive damages are not available; and

(2) compensatory damages are available to the extent specified in section 1977A(b) of the Revised Statutes (42 U.S.C. 1981a(b)).

#### SEC. 12. ATTORNEYS' FEES.

(a) DEFINITION.—For purposes of this section, the term "decisionmaker" means an entity described in section 10(a) (other than paragraph (4) of such section), acting in the discretion of the entity.

(b) AUTHORITY.—Notwithstanding any other provision of this Act, in an action or administrative proceeding for a violation of this Act, a decisionmaker may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee (including expert fees) as part of the costs, to the same extent as is permitted under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c), the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.), or chapter 5 of title 3, United States Code, whichever applies to the prevailing party in that action or proceeding. The Commission and the United States shall be liable for the costs to the same extent as a private person.

#### SEC. 13. POSTING NOTICES.

A covered entity who is required to post a notice described in section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-10) may be required to post an amended notice, includ-

ing a description of the applicable provisions of this Act, in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964. Nothing in this Act shall be construed to require a separate notice to be posted.

#### SEC. 14. REGULATIONS.

(a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), the Commission shall have authority to issue regulations to carry out this Act.

(b) LIBRARIAN OF CONGRESS.—The Librarian of Congress shall have authority to issue regulations to carry out this Act with respect to employees and applicants for employment of the Library of Congress.

(c) BOARD.—The Board referred to in section 10(a)(3) shall have authority to issue regulations to carry out this Act, in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), with respect to covered employees, as defined in section 101 of such Act (2 U.S.C. 1301).

(d) PRESIDENT.—The President shall have authority to issue regulations to carry out this Act with respect to covered employees, as defined in section 411(c) of title 3, United States Code, and applicants for employment as such employees.

#### SEC. 15. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or regulation or any law or regulation of a State or political subdivision of a State.

#### SEC. 16. SEVERABILITY.

If any provision of this Act, or the application of the provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of the provision to any other person or circumstances shall not be affected by the invalidity.

#### SEC. 17. EFFECTIVE DATE.

This Act shall take effect on the date that is 6 months after the date of enactment of this Act and shall not apply to conduct occurring before the effective date.

• Mr. CASEY. Mr. President, I was with my wife today, who was recovering from surgery, but had I been present I would have proudly cast my vote in favor of the Employment Non-Discrimination Act (ENDA). As a cosponsor of ENDA, I am grateful for today's bipartisan Senate vote, and I was pleased to vote for cloture earlier this week.

Despite the progress our Nation has made in ensuring equality for all, more than one in five lesbian, gay, bisexual or transgender employees have experienced workplace discrimination. That is completely unacceptable and Congress is long overdue in extending workplace protections to the LGBT community. Workers should be judged on the quality of the job they do, not who they are. I applaud today's vote and hope that the House of Representatives will quickly follow the Senate and work in a bipartisan way to send this legislation to the President for signing. •

#### DRUG QUALITY AND SECURITY ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Indiana.

## VETERANS DAY

Mr. DONNELLY. Mr. President, on Veterans Day we come together to honor the brave men and women who have given so much to defend our country and protect our freedoms. I think of so many veterans, including my dad, who served in the U.S. Navy. I want to take this opportunity to say thank you to our country's veterans, and the nearly 500,000 veterans in the State of Indiana, for your service to the Nation.

Veterans Day is also a chance to reaffirm our country's commitment to caring for veterans and their families. While it is important to say thank you to veterans, it is even more important to express our gratitude through action for all generations of veterans.

There are several ongoing efforts in my office that I would like to share with everyone. I have been a proud supporter of the Veterans History Project through the Library of Congress, and it has done an outstanding job in leading this effort. We have so much to learn from our veterans, and it is vital that we record their stories and experiences for future generations. I urge veterans of any conflict to contact our office if you would like to share your story. We stand ready to give Hoosiers information on this important project, and please contact us at any time if you would like to participate.

Additionally, there are Hoosier veterans of Vietnam and other wars who still have not received, or have lost over the years, their honors or their medals that they earned for heroism. Now is the time to resolve these cases.

I am so deeply honored this Veterans Day to be handing to four Hoosier veterans—Mr. Michael Hodgson, Mr. Canard Terhune, Mr. Jim Horn, and Mr. Julian Quarnstrom—the many medals and ribbons they were awarded for their service and bravery but still have not received.

I also believe it is important to honor veterans from all conflicts, which is why earlier this year I introduced a bill that would authorize the construction of a National Desert Storm and Desert Shield Memorial at no cost to the government. The men and women who fought in the first gulf war, especially those who gave the ultimate sacrifice, deserve to have their service memorialized.

Now we have a new generation of veterans. They have returned home from Iraq and Afghanistan, and many of them are still coping with readjusting to civilian life. They have experienced health challenges, including traumatic brain injuries and post-traumatic stress disorder. These incredible challenges have resulted from their service and their dedication to our country. Our veterans have earned the best care we can provide, and this includes access to timely and quality medical care. It is both our challenge and our priority to ensure a smooth transition and to effectively treat any health conditions linked to their service efforts.

In particular, I am dedicated to addressing the problem of military and

veteran suicide. If you are in need of or know of a servicemember or veteran who has challenges and who is in need, please know that seeking help is a sign of strength, not a sign of weakness, and from that strength there is always help that is available.

I am also committed to addressing the backlog in benefits claims, one of the significant challenges facing the Veterans' Administration. Wait times for benefits claims are at an unacceptably high level.

In the VA regional office in Indianapolis, Hoosiers play a critical role in processing claims to eliminate the backlog. I thank them for their public service, their hard work, and urge them to continue to do whatever they can to reduce that wait time so benefits may be received more promptly.

While I know the Secretary of Veterans Affairs, General Shinseki, is fully committed to solving this problem, more must be done. I stand ready to work together with my colleagues to provide the VA the tools it needs to accomplish this goal, reduce the wait times, and take even better care of our veterans.

In addition to ensuring care and benefits for our veterans, I believe economic opportunity is equally important. When I ask servicemembers what we can do for them, they always have the same answer: We just want to make sure there is a good job to come home to and a good job that can help take care of our families when we do.

A quality education and gainful employment give our veterans the chance to fulfill the American dream, and it helps fulfill our responsibility in supporting our veterans. That is where all of us come in. As one of Indiana's U.S. Senators, I am always looking for ways to improve the transition from military to civilian life. Let's make sure our trade schools and universities welcome our veterans with open arms.

To our business owners, thank you for all of the veterans you have hired, and I urge you to hire even more. Veterans have many skills that can translate to a variety of positions, they have a strong commitment to quality and service, and you can always rely on our veterans.

Hoosiers in every community, please welcome back our brave men and women—whether it is in your neighborhood, whether it is at the local restaurant, whether it is at your child's school, or whether it is at church on Sunday.

On Veterans Day, and every day, let us honor America's veterans by cherishing the freedoms they have defended. Our country is grateful for all you have done for all of us. You have given us our safety, our freedom, and our liberty. Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

## MANUFACTURING JOBS

Mr. PRYOR. Mr. President, I rise today to talk about an important ini-

tiative that is not only important to my State of Arkansas but important to our entire Nation, and that is manufacturing. This country is an economic powerhouse, and we are certainly a manufacturing powerhouse. There is an important initiative that is being put together here in the Senate called the Manufacturing Jobs for America campaign. I think so far we have maybe 21 colleagues, maybe 22, or maybe even more who are in support of this effort. I encourage others to look at it.

We see a lot of manufactured crises here in Washington. It may be the farm bill or the government shutdown or the near debt default. Those are all just kind of manufactured by the Congress. But I am glad to see we have 21 or 22 or 23 colleagues here who are ready to turn off the "my way or the highway" politics and turn down the rhetoric and really focus on what our No. 1 priority should be, which is jobs and the economy, because if we didn't learn anything else from the shutdown and some of those high-wire act politics of the last few weeks, hopefully we learned that if we want to get anything done in Washington, we need to work together. That is the bottom line. That is what this package of bills and this initiative are intending to do. If we really want to create jobs and if we really want to make a difference for the U.S. economy, we have to reach across the aisle.

There are many bright spots in the Congress. Listen, we know we have been through the ringer. We know how difficult this recession was. It was the hardest economic downturn in my lifetime and most of our lifetimes, the hardest economic downturn we have ever seen since we have been alive, but we are coming out of it.

There are many bright spots in the economy. Yes, we get good economic news pretty much every day, and we also get some mixed economic news pretty much every day. So it is not happening as fast as we would like it to, and it is not happening in every sector of the economy and in every section of the country as we would like it to, but it is happening.

One of those bright spots is manufacturing. Last year manufacturing contributed \$1.87 trillion to our economy—\$1.87 trillion in manufacturing. That is how much of a difference it made in our economy. There are 17.2 million U.S. jobs; that is, jobs in this country, and 1 in 6 private sector jobs is tied to manufacturing. It also provides a very strong return on the investment we make. So if we invest \$1 in manufacturing, it adds \$1.48 back into the economy.

America is a powerhouse when it comes to manufacturing, and we need to keep it that way. Everybody knows—look at all the studies—the United States is the world's largest manufacturing economy. In fact, if we just took manufacturing and put everything else on the side, the United States would still be the 10th largest economy in the world just based on our



manufacturing. We are a powerhouse, but we can do more, we can do much more, and we should.

We need to fight hard to make sure that “Made in America” remains the gold standard. We want it to be the thing everybody wants to see in every market. “Made in America” means something. It also means something here because the investment is here, the workers are here, and the productivity is here. It is good for GDP, et cetera. We want to make sure manufacturing remains what it has always been. That is why today I offer my public support for this Manufacturing Jobs for America campaign, and it is why I have supported a lot of provisions in the past. Most of them have been bipartisan efforts where we have reached across the aisle to try to work with my Republican colleagues on all kinds of issues, including the America COMPETES Act and the America COMPETES reauthorization efforts. I am totally for them. I think they are good initiatives.

One of them we have talked about is the national strategic plan for advanced manufacturing. Advanced manufacturing is a little different from traditional manufacturing. We need to make sure that we are strategic and focused and that we know what we are talking about, as with angel investors. A lot of times people think investment just happens. A lot of times it does, but sometimes, if we can give that little nudge to angel investors, they can invest and make a huge difference in those companies and they can touch millions of people’s lives. We have seen that in our State of Arkansas, and that resulted in some real success stories.

Then, if we can bring it back down to a really small scale, one of the initiatives I have supported over the years is the small business startup savings account. People can take a certain amount of money from a paycheck, put it in a savings account tax-free—kind of like an IRA or a fund like that—put it in that savings account and use it to start a business or somehow grow the business. They never get taxed on it. They can cash it in at some point and use it to start a business. That is good for savings, it is good for the economy, and it is good to get these small businesses started. Everybody knows as well as I do that when someone walks into a lender, a bank, and they have, say, \$10,000, \$20,000, or \$30,000 saved, that gives them a big advantage when they need a loan for the rest of the money. So that is a win-win across the board.

Again, I support working on this commonsense package of bills that really accomplishes four goals: First, strengthening our manufacturing sector; second, leveling the playing field for American companies; third, helping startups get access to capital; and fourth, enhancing innovation, competitiveness, and trade opportunities for businesses here at home. Various Senators in the Chamber have different

ideas on how we accomplish them, but I think we can all agree on those goals. If we work together, we really can make a great difference for our Nation.

One of the reasons why coming out of this sluggish economy has been a little more slow than we would have liked is because we don’t have as many manufacturing jobs as we used to. Although the number is on the rebound and it is growing, we all know we have lost a lot of manufacturing jobs in the last couple of decades. But we are back. It is because of energy. It is because of the trained workforce. It is because of our efficiencies, et cetera. We are back. We need to push this advantage and keep it growing. Our country has the workforce, we have the infrastructure, and we have the manufacturing base and the work ethic here; we just need to give our businesses that little extra boost to manufacture jobs for America.

With that, 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.

The PRESIDING OFFICER. The Senator from Montana.

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

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

#### SPORTSMEN’S ACT

Mr. TESTER. Mr. President, I rise today in support of protecting our Nation’s outdoor traditions, including opening access to our public lands, preserving some of the greatest places to hunt and fish and recreate, and encouraging economic development and job creation in our great outdoors.

Last fall I called upon Congress to pass my bipartisan Sportsmen’s Act. As the chairman of the Congressional Sportsmen’s Caucus, I made it my goal to do something significant, something historic for this country’s hunters and anglers. We came very close to passing my bill twice, but politics got in the way both times. A commonsense and widely supported measure failed to get across the finish line because some folks around here put self-interests before the interests of their constituents. I am optimistic that this time will be different and that we can work together to get this bill across the finish line.

Senator HAGAN is leading the charge on behalf of our sports men and women, and I know she is ready to work with all of our colleagues to find a path forward. My friend from North Carolina is the new chairman of the sportsmen’s caucus. Hailing from a State with a rich hunting tradition, she knows the importance of protecting America’s outdoor heritage. Representing a State that stretches from the Atlantic Ocean to the Appalachian Mountains, she knows it is critical to preserve our wide range of treasured lands.

Senator HAGAN’s legislation combines more than 15 bills that will in-

crease access for recreational hunting and fishing, that support land and species conservation, and that protect our hunting and fishing rights. Most importantly, they take ideas from both sides of the political aisle, ideas with support from all corners of the conservation and outdoors community.

When I was the chairman of the Congressional Sportsmen’s Caucus, sports men and women would constantly tell me about the importance of access to our public lands. Right now there are 34 million acres of public land that sports men and women cannot access. That is why this bill requires that 1.5 percent of the annual funding from the Land and Water Conservation Fund be set aside to increase public land access, ensuring sports men and women access to some of the best places to hunt and fish in the country.

Senator HAGAN’s bill will reauthorize the North American Wetlands Conservation Act. This voluntary initiative provides matching grants to landowners who set aside critical habitat for migratory birds, such as ducks. Over the past 20 years volunteers across America have completed more than 2,000 conservation projects and protected more than 26 million acres of habitat under this successful initiative. The North American Wetlands Conservation Act is a smart investment in both our lands and our wildlife, and it needs to be reauthorized.

Senator HAGAN’s bill and mine are not identical, but most of the provisions are the same, and the bill is a product of the same spirit of cooperation that drove my bill.

Now, just as happened last year, some folks around Washington will ask why this legislation is important. After all, we need to be working together to create jobs and put this country on solid financial footing. But outdoor recreation is a job creator and an economic driver throughout this country, and Montana is no exception. In my State, one in three Montanans hunts big game and more than 50 percent fish. Nationwide, outdoor recreation contributed nearly \$650 billion in direct spending to the economy in 2012. Hunting and fishing is not just recreation; it is a critical part of our economy. In Montana, hunting and fishing brings in more than \$1 billion a year to our economy—nearly as much as our State’s cattle industry.

Strengthening our economy, creating jobs, preserving our outdoor traditions and our treasured places—these all sound like no-doubt-about-it ideas, but last year the Sportsman’s Act ran into trouble right here in this Senate. Opposition to my bill didn’t come from concerns about measures in the bill itself; instead, it was blocked by Members of Congress taking out frustrations with how other votes went that day. My bill was simply caught in the crossfire. Sports men and women across the country who have been waiting for a bill such as this for a generation

watched in disbelief as my bill fell victim to politics. They won't stand for it again.

This is a bill with widespread support that preserves our outdoor economy and secures our outdoor heritage for our kids and our grandkids. There is nothing controversial about it.

Thanks to the leadership of Senator HAGAN, my colleagues have another chance to get it right. When Senator HAGAN's sportsmen's bill comes to the floor, whether here or in committee, I urge my colleagues to support it. Approve it as a vote for bipartisanship. Approve it as a vote for common sense over political victory. Approve it as a vote for America's 90 million sports men and women. Approve it as a vote to create jobs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### POST ACT

Mr. DURBIN. Madam President, yesterday Senator HARKIN of Iowa, the Chairman of the Senate HELP Committee, joined me in reintroducing a bill called Protecting Our Students and Taxpayers or the POST Act. I am pleased that supporting our efforts are the Education Trust, U.S. PIRG, the National Association of College Admissions Counseling, the Military Officers Association of America, and the Young Invincibles.

Since 1992, Congress has required for-profit schools to derive a portion of their revenue from non-Federal sources. Most people would be surprised to learn how these for-profit schools are really totally upside down. Many depend almost exclusively on Federal money. They are private schools, very profitable, and yet often most of their money comes from the Federal Government.

If you took this segment of our economy, for-profit schools, and made it a Federal agency, it would be the ninth largest Federal agency. That is how much money we put into for-profit schools. Who are these schools? Well, young people, particularly high school age or college age, they know them by name. They are the ones that come bombarding you on the Internet with solicitations to please come join our for-profit school. You cannot get on a CTA bus in Chicago, or on the subway in New York without being inundated with all of these schools trying to sign up young people.

There are three numbers which everyone should understand when they take a look at the for-profit school industry. These three numbers tell you what you need to know: 12 percent of

high school graduates go to for-profit colleges—12.

For-profit colleges and universities receive 25 percent of all the Federal aid to higher education, 12 percent of the students—25 percent of the Federal aid to higher education: student loans, Pell Grants.

The third number is the most important. Forty-seven. So 47 percent of the student loan defaults in America are students from for-profit schools. They are a small segment of the population, 12 percent; 25 percent of the Federal aid to higher education and 47 percent of the defaults. They have cooked quite a deal with Congress and with our Federal Government.

Since 1992 we have said to these schools—the law has said: You have to derive a portion of your revenues not from the Federal Government. It is not a portion from the Federal Government, but a portion not from the Federal Government. This was meant to keep for-profit schools in a situation where they would not rely completely on Federal dollars to survive.

Originally, these schools had to come up with—listen to this—15 percent of their revenue from non-Federal sources—15 percent. In 1998, it was reduced to 10 percent. What it means is when the school signs up a student, they only have to come up with 10 percent of the actual cost, in most circumstances, from sources outside of the Federal Government.

These schools are channeling Federal dollars by the millions through these students into their own coffers. Nine out of every \$10 that these schools take in can come from the U.S. Treasury and taxpayers. Much of the for-profit college industry takes in most of its money directly from the Federal Government.

In fiscal year 2012, we sent \$32 billion to for-profit schools. We spent more on for-profit schools than we did on the National Institutes of Health, NASA, the Coast Guard, Customs and Border Patrol, the EPA, or the FBI. We spend more on for-profits than we do keeping planes in the sky, protecting our borders, tracking down criminals, responding to disasters, researching cures for cancer, protecting the Nation's food supply, making sure our air and water are safe, or exploring the outer reaches of the universe.

In 2009 and 2010, for-profits took in 25 percent of the Department of Education Title IV funds, enrolling only 12 percent of the students. They have quite an arrangement going on here. The largest is University of Phoenix, the Apollo Group. You have heard about the University of Phoenix; you cannot escape them. They advertise all the time.

In 2011, the Apollo Group, which owns the University of Phoenix, counted 86 percent of its revenue from Federal sources, Title IV funds, more than \$5 billion to this one for-profit school. As long as they are educating students, why should we be concerned?

The Apollo Group's profit last year was more than \$400 million. In an era of spending cuts and austerity, what are Federal taxpayers doing sending so much money to a private sector company that is so profitable, particularly in a sector of the education economy that accounts for 47 percent of student loan defaults?

Last year a young woman who received a BA in Fine Arts from the International Academy of Design and Technology in Chicago contacted our office. She finished the undergraduate program, and she found that no graduate programs outside of that school would even consider her transcript. They did not recognize a degree from the so-called International Academy of Design and Technology, a for-profit school.

So 4 years later, with a worthless diploma, she was \$58,000 in debt and had no real future in her chosen field. Federal taxpayers gave the International Academy of Design and Technology, 89 percent of its revenue.

It is a flowthrough. The students apply. They then apply for Pell grants if their income is low enough, student loans. The money flows through the student into the for-profit school. The student ends up with the debt and the for-profit school ends up with the money. In this case, the student ends up with a worthless diploma and \$58,000 in debt when it is all over.

Ashford University—I could go on for a while about Ashford in Iowa—is currently being investigated by the California attorney general for its recruitment practices. It receives 87 percent of its revenue from the Federal Government.

For such dependence on Federal taxpayers for their operation, one would think these schools must be generating a great return on investment. We have a deficit. Why should we be sending so much money to these for-profit schools? Some of these schools are good, make no mistake, but many are not, and the taxpayers pay either way. For-profit colleges spend less on student instruction than traditional schools, \$3,500, roughly, for students at the for-profit schools, over \$7,000 at public institutions, and \$15,000 per student at private not-for-profit schools. The students leave school with more debt if they go to for-profit schools. They average at least \$6,000 more debt than the typical student.

For-profit students, as I said, are more likely to default. Almost half of the student loan defaults come from students from these schools.

How are the CEOs at the top for-profit schools doing? They made an average in 2009, the last reported date, of \$7.3 million a year. Think about that, 80 or 90 percent of the money is coming from the Federal taxpayers, encumbering the students with debt, and CEOs of the company are walking away with an average of over \$7 million a year in income.

The bill I have introduced with Senator HARKIN would change this. I want

to do more, but the first step is returning to the 85-15 ratio, saying that for-profit schools cannot take more than 85 percent of their revenues from the Federal Government and taxpayers. It would also hold these schools accountable for breaking the threshold after 1 year of noncompliance, rather than the lenient 3 consecutive years, which is currently the law.

That is only part of the story. The Federal subsidy of these schools, these money-making machines, goes even farther. The dirty little secret of the current Federal 90/10 rule is that it doesn't count GI bill benefits or the Department of Defense Voluntary Education Program. Hundreds of millions of dollars per year would flow to these schools from these programs and they are exempt from the 90 percent-10 percent requirement.

Does anybody dispute the Department of Defense is part of the Federal Government—of course it is. Whether it be planes, bombs, or servicemembers' education it's paid for by U.S. taxpayers. Nobody questions that. When we limit how much of these schools' revenues can come from the Federal Government, why should we ignore the money coming through the Department of Defense? It is Federal money, Federal taxpayer money.

According to the 2009 HELP Committee report on for-profit schools, if all forms of Federal funds were counted, the top 15 publicly traded for-profit companies received, on average, 86 percent of all their revenue from Federal sources. The loophole makes servicemembers and veterans prime targets of for-profit schools. They are all over these servicemembers and veterans to sign them up because they bring in more federal dollars. It has led to well-documented horror stories about aggressive predatory recruiting practices.

I have been on this floor telling these stories many times. I do think they bear repeating. I have told the story of two former military recruiters at a for-profit college in Illinois. They contacted my office to tell me what happened. They were told their job was above all to put "butts in classes"—that they should dig deep into the personal lives of their recruits to find their "pain point."

If a prospective student was out of work, recruiters were encouraged to say things such as: "How do you think your wife is about being married to somebody unemployed?"

Entrance requirements at these schools are very low, maybe nonexistent. It didn't matter how long a student stayed as long as he came in, signed up, got the Federal loan that went to the school, and then he was stuck with the debt. There is no telling how many servicemembers have been lured by these practices and then ripped off.

One of these schools has the name the American Military University. A nephew of mine is serving in the U.S. Army. I sent him an email, and I said

take a close look at this school. It is not part of the military. They sound like it, but they aren't. It is a for-profit school, and very profitable. There is no telling how many servicemembers have been lured into these schools.

There is James Long, who suffered a brain injury when an artillery shell hit his humvee in Iraq. He used military benefits to enroll in Ashford University, one of the more notorious, after he had been heavily recruited by that school. He told Bloomberg News he knows he is enrolled in Ashford, but he can't remember the courses. Remember, he suffered a head injury in Iraq.

Christopher Ford told the LA Times he used his GI bill benefits at a for-profit school to take an online engineering course, only to find out no company would accept his training and he had used his benefits in pursuing this degree. Of his for-profit education, he said:

It was heavily marketed, so I took it. It sounded pretty good, but it turned out to be pretty predatory.

Our bill, Senator HARKIN's bill and my own, would protect servicemembers and their families from being preyed on by ending this loophole and counting these military and veterans' benefits in the new 85-percent limit. This commonsense bill is a modest step forward trying to reclaim some dignity when it comes to Federal aid in education.

We have opened up this amazing loophole, and 25 percent of all the Federal money for higher education is going into these schools, many of which are just plain worthless. If the students were just wasting time, that would be bad enough, but they are wasting opportunities for education and they are digging debt holes they can never get out of.

I received an email this week from a family in Illinois, a mom. She was so proud that her son had graduated from school. It was not a for-profit school, but he graduated, and she was pretty proud of him. She told me he had a problem. He had incurred \$130,000 in student loan debt. She found out that he had signed up for a lot of debt that couldn't be consolidated, couldn't be refinanced, and she was begging me to do something to help her. There was one line in that email I will never forget. She said: Senator, we just can't afford to pay more than \$1,000 a month for his student loans.

She is speaking of \$1,000 a month on a student loan. That is not unusual.

Too many of these young people and their families get sucked into these student loans, many of these worthless for-profit schools. We have cases that have been reported of grandmothers who have had their Social Security checks garnished because they signed on to guarantee their granddaughter's student loans. God bless grandma for wanting to help her granddaughter, but then her granddaughter can't get a job, can't make a loan payment, and they go after the grandmother's Social Security check. That is outrageous. Surely

ly this Congress can come to a bipartisan agreement on how to cure this.

I wish to thank Senator HARKIN for his partnership on this bill. There is more to come. This student loan crisis is a growing one, and it affects some of the hardest working families in America. They were sure they were doing the right things for their kids. Now they find themselves hopelessly in debt, many times with worthless for-profit school diplomas.

We can do better and we should do better to give these young people and their families a chance.

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.

The PRESIDING OFFICER. The Senator from Nebraska.

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

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

#### VETERANS DAY

Mrs. FISCHER. I rise today on behalf of all Nebraskans to say thank you to our Nation's veterans. Our Nation has long been blessed with men and women with integrity who step forward and answer the call to serve. Throughout times of war and times of peace, our country has maintained a military that has been the envy of the world. Each year Veterans Day is a time to thank and to honor the generations of patriots who have risked life and limb to protect our Nation and defend the cause of freedom. These heroes leave their homes—their comfortable lives with loved ones—for months and years at a time to fight wars in foreign lands. From the windy beaches of Normandy, to the snowy mountains of Korea, and the blistering deserts in the Middle East, our veterans have served fearlessly around the globe. Meanwhile, others, including members of the National Guard, have been stationed throughout the United States serving dutifully to protect the homeland.

As a member of the Armed Services Committee, I have the unique privilege of interacting directly with our servicemembers. I have had the opportunity to meet soldiers, including many Nebraskans, working to protect the hard-fought gains in Afghanistan, and I have visited with troops stationed in Germany, Italy, and other allied nations. This past July I had the opportunity of a lifetime, celebrating Independence Day with our troops in Afghanistan. I expressed my gratitude for their work, and I assured them of my support in the Senate for that work.

While I am committed to ensuring our Active-Duty servicemembers have the training and the tools they need to fulfill their missions, I am equally committed to keeping the faith with our Nation's veterans. Each time I speak with one of Nebraska's many

wonderful veterans, I am reminded of the honor and the valor that decorates all of our men and women who have served. Each one has a unique and a very memorable story to tell.

Recently, I was humbled to take part in the inspiring journey of more than 130 Nebraska Korean war veterans to Washington, DC, through the Honor Flight Program. It was a privilege to help welcome them at the Korean War Memorial on the National Mall. All of our veterans deserve our appreciation, but it was especially important for me to acknowledge the heroic efforts of those men and women who fought in what is referred to as America's forgotten war. We are forever grateful to each and every American who has served, and we salute those who have paid the highest price.

Another way to honor our fallen and missing servicemembers is by showing our gratitude to those who are still with us today. As President Lincoln stated, it is our great charge "to care for him who shall have borne the battle and for his widow, and his orphan."

As a Senator, I am dedicated to promoting policies that assist America's veterans when they return home and to help ease the transition back into a normal life. Many need care for their physical injuries as well as their emotional scars.

Despite possessing valuable skills, veterans also have difficulty finding employment after their return. We need to encourage businesses and organizations to utilize the talents of our Nation's veterans and to help them find employment in our local communities. It is not only the values but also the training and the discipline of our military personnel that make America's fighting force second to none.

I am pleased to report to Nebraskans that this year's National Defense Authorization Act, the NDAA, furthers the goal of helping servicemembers better translate the skills they gain in the military to a civilian job. Specifically, it helps ensure that servicemembers understand how their military skills effectively transfer to meet license or certification requirements for civilian careers.

It also requires the DOD to make available as much information as possible on the content of military training to the civilian credentialing agencies. Employers need to appreciate the vast array of skills and knowledge our veterans acquire during their Active-Duty service. My staff and I also stand ready to assist these men and women in navigating Federal agencies to get the assistance they may need.

Many of our States' veterans have contacted my office with a range of important needs that are not being met, promises that have yet to be kept. These requests range from acquiring important service treatment records, to securing benefits for veterans' spouses, and navigating the bureaucratic maze that plagues the Department of Veterans Affairs. We have a

great track record in securing the needed assistance.

This year's NDAA also urges the Secretary of Defense to expedite efforts to integrate electronic health records between DOD and the VA.

When it is fully implemented, this should greatly shorten the time it takes for these servicemembers to have their information transferred to the VA and start receiving the benefits they are due.

We can never fully repay our men and women in uniform for the contributions they have made to our country, for their noble acts of service, but we can continue to do our best to honor their legacy. The peace we enjoy was hard earned. We owe our way of life to their service and their sacrifice. We will never forget and we are forever grateful.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### DC CIRCUIT NOMINATIONS

Ms. KLOBUCHAR. Madam President, I come to the floor because there are three extremely talented, well-qualified women nominees who are ready to get to work on the U.S. Court of Appeals for the DC Circuit. It is time they are confirmed.

I will be joined this afternoon by several of our colleagues: Senators HIRONO, CANTWELL, KAINE, and BLUMENTHAL, because we all know it is time for the Senate to stop the needless blocking of these women. Enough is enough.

I thank Chairman LEAHY for his persistence and the fact that we are not giving up on these three qualified women for the bench.

Our courts need judges in order for the third branch of our government to function. The Senate should not be shutting down another branch of government. Some of my colleagues in the Senate will not even allow an up-or-down vote on these nominees. I don't know if they have even met these nominees, but if they had met them, I don't know how they could come to this floor and not allow an up-or-down vote.

President George W. Bush's candidates to the DC Circuit were confirmed so the DC Circuit could keep running, and our current President's nominees should be considered in the same manner. You can't have justice with an empty courtroom. It is time to stop making excuses. It is time to put judges in their courtrooms, and it is time to get these women on the bench.

One of the very well-qualified nominees is Nina Pillard. Nina Pillard is a talented lawyer and professor. She is the kind of sensible, well-respected person whom we need to fill one of those empty seats in that courtroom. Actually, it is Professor Pillard because she has been a law professor at the Georgetown University Law Center for the last 15 years. She graduated magna cum laude from Yale College in 1983 and earned her J.D. from Harvard Law

School in 1987, again graduating with honors.

In addition to her academic career, Ms. Pillard served in government. From 1998 to 2000, she was the Deputy Assistant Attorney General for the Justice Department's Office of Legal Counsel. Prior to that she served as an assistant to the Solicitor General, a position held by some of our country's most talented lawyers.

It should be no surprise Ms. Pillard is one of the most accomplished Supreme Court advocates in the Nation. She has argued nine cases before our Nation's highest Court and has briefed 25 cases.

Outside the courtroom, she has spent her time teaching and mentoring young lawyers, serving as the faculty director for Georgetown Law School's Supreme Court Institute.

When the current Supreme Court Justice Alito was nominated by President Bush to fill an open seat on the Supreme Court, Ms. Pillard also donated her time to the committee to help review his writings and make a recommendation on his qualifications. Why? She was the chair of the American Bar Association's Reading Committee at Georgetown Law Center, which found Justice Alito "well qualified" to sit on the Supreme Court.

People across the aisle think Ms. Pillard is well qualified too. The head of the Justice Department's Office of Legal Policy under President Bush said that Ms. Pillard is "a patient and unbiased listener . . . a lawyer of great judgment and unquestioned integrity."

The deans of 25 law schools, including the University of New Hampshire, the University of Arizona, and the University of Maine, wrote that Ms. Pillard "has shown an appreciation of nuance and respect for opposing viewpoints, grounded in a profound commitment to fair process and fidelity to the law."

Twenty-five more former Federal prosecutors and law enforcement officials said Ms. Pillard "is unquestionably eminently qualified, and is a sensible and fair-minded lawyer." The nonpartisan American Bar Association's—this is no surprise—committee that reviews every Federal judicial nominee unanimously gave Ms. Pillard its highest possible rating.

Fairminded, unquestionably qualified, unquestioned integrity—these are the qualities the Senate should be looking for in a person we entrust to decide cases in our Federal courts. Next week the Senate should give Ms. Pillard an up-or-down vote.

My hope for progress next week is in contrast to the reality we saw just 1 week ago when the Senate voted to block another eminently qualified woman to an up-or-down vote. As I stated last week on the floor, Patty Millett would also be an excellent person to fill one of the vacancies on the DC court.

My colleagues have discussed the qualifications of Ms. Millett at length. She is a talented lawyer with extensive appellate experience—32 cases in front

of the Supreme Court. I do not understand how anyone in good faith could vote to block an up-or-down vote of someone who has argued 32 cases in front of the U.S. Supreme Court, who has served as an Assistant Solicitor General, and who spent 15 years as an attorney on the appellate staff of the U.S. Department of Justice Civil Division under both Democratic and Republican administrations.

With all this experience, Ms. Millett is also one of the most experienced Supreme Court advocates in the Nation. Just as Ms. Pillard did, Ms. Millett also received the highest possible rating from the nonpartisan American Bar Association committee that reviews every Federal judicial nominee. She has done all of this, as we have all learned, while raising a family, with a spouse serving in the military overseas. She has been raising two children while her husband was serving our country overseas and while donating her time to help kids learn how to read and volunteering for the homeless.

How can anyone not allow a vote on this nominee? This is another woman of unquestioned ability. Instead of confirming Ms. Millett last week, sadly, she was filibustered—another woman filibustered, stopped in her tracks.

I see some of my colleagues have gotten to the floor, and so before I talk about Caitlin Halligan I will give them an opportunity to speak. But Caitlin Halligan is yet another woman stopped in her tracks. This has to end. We have been making so much progress for women in the judicial system and for women in the Senate. We are now 20 of 100 Senators. No one filibustered us. We got an up-or-down vote when we came before the American people, win or lose. That is how it should work for judges. They should get an up-or-down vote—and that is what these women deserve.

With that, I will yield the floor for Senator HIRONO from the State of Hawaii, who is also a member of the Judiciary Committee.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Madam President, I thank my colleague from Minnesota. I rise to speak in support of the nomination of Cornelia “Nina” Pillard to be a circuit judge for the U.S. Court of Appeals for the District of Columbia Circuit.

Less than 2 weeks ago, my colleagues on the other side of the table blocked another nominee to the DC Circuit—Patty Millett. Earlier this year, they also blocked Caitlin Halligan—yet another woman who had been nominated to the DC Circuit. Unfortunately, Ms. Halligan withdrew her nomination after 2 years of obstruction.

Only five women have served as judges on the DC Circuit in its entire 120-year history. The DC Circuit is one of the most important circuits in our Nation, and it is shameful that female perspectives are so underrepresented.

Now the Senate will consider the nomination of Nina Pillard, a truly

outstanding nominee to the Federal bench. Ms. Pillard is currently a law professor at Georgetown University Law Center and is one of the leading appellate attorneys in this country. Professor Pillard has extensive litigation experience at all levels. She has argued nine cases before the Supreme Court and has briefed dozens more, including the historic *United States v. Virginia* case that opened the Virginia Military Institute to women and the *Nevada Department of Human Resources v. Hibbs* case that sustained the Family and Medical Leave Act against constitutional challenge and ensured a primary caregiver could take leave in the case of a family illness regardless of gender and in this case the family caregiver was a male.

Professor Pillard has also had an impressive 15-year tenure teaching constitutional law at Georgetown. The fact that is my alma mater has nothing to do with my support of her.

In addition, she serves as codirector of the Georgetown Supreme Court Institute, where she prepares lawyers for oral argument before the U.S. Supreme Court on a pro bono basis, without regard to which side of the case they represent. In fact, under her leadership, the Supreme Court Institute prepared lawyers on one or both sides of every case heard by the Justices in the 2012 term.

Professor Pillard has also twice served as a top attorney at the U.S. Department of Justice, and in those roles she advised and defended U.S. Government agencies and officials on criminal law enforcement and national security matters—invaluable experience for a judge on the DC Circuit, where such issues are routinely considered.

I have been deeply impressed with her experience and record and have found her to be exceptionally qualified for this important position in the DC Circuit.

In addition to her extensive qualifications, Professor Pillard also has demonstrated a commitment to fair and impartial process throughout her career. As mentioned by my colleague, for example, when Professor Pillard chaired the ABA Reading Committee that reviewed Samuel Alito during his nomination process, her assessment of his legal record led the ABA to apply their highest rating of “well-qualified.” She deserves to be held to the same rigorous, fair standard.

However, following Patty Millett and Caitlin Halligan, Nina Pillard is the third woman in a row to be nominated to the DC Circuit only to face obstruction from my colleagues on the other side of the aisle.

The DC Circuit is one of the most important courts in our Nation, weighing key constitutional issues and other matters of Federal law and regulation. Three of the eleven seats on this court stand vacant. Given the complexity and far-ranging impact of the cases the court hears, it is critical we fill vacancies without delay.

Along with Patty Millett and Nina Pillard, President Obama has nominated Judge Robert Wilkins to fill these important vacancies. Unfortunately, so far, we have seen nothing but more obstruction of these extremely well-qualified nominees. This is an opportunity to put exceptionally talented lawyers on a significant court that has vacancies needing to be filled.

I am disappointed our colleagues recently blocked a vote to confirm Patty Millett, not only a great lawyer but a military spouse who managed a successful career and the care of her children while her husband was deployed overseas. When we talk about supporting our troops, it means supporting their very well-qualified spouses, such as Patty Millett.

I was dismayed and saddened when obstruction caused Caitlin Halligan to give up on her nomination after 2 years.

It would be disgraceful to continue this obstruction of these qualified and impressive women. I urge Senators to reconsider and support these nominations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, we have also been joined by Senator KAINE of Virginia, who knows a little bit about one of these nominees and is also a strong advocate for more women in the legal profession. That is one of the cases we are making; that this is about the DC Circuit, this is about the repeated gridlock we are seeing in Washington that the people of this country have said they have had enough of, but it is also about the fact our colleagues on the other side of the aisle have now blocked not one, not two but three incredibly qualified women.

So we are starting small on a Thursday afternoon—and maybe there are not a lot of people in the gallery—but this is just the beginning. We are not going to let this go.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Madam President, I thank my colleagues, the Senators from Minnesota and Hawaii, for joining me on the floor. This is a matter I feel very strongly about, and I do wish to offer a few words to basically just raise the question of whether there is a double standard for appointment of women to this particular court, the DC Circuit.

Before I tackle that question, I will say one thing knowing that I am speaking to a law professor. I am concerned more broadly about what I consider sort of a pattern of nullification. If there is a law we don't like and we can't get it overturned, there seems to be efforts to defund it or even shut down government—or, in this case, what I would call the decapitation strategy: If you don't like the National Labor Relations Board, just don't appoint people to run the business or the

Bureau of Alcohol, Tobacco, and Firearms or, in this case, the DC Circuit.

The DC Circuit has an allotted number of judicial positions. This isn't something the President chooses. Congress sets it on the advice of the judicial conference. The judicial conference has not suggested the number should be shrunk. There are 11 judges and 3 are currently vacant. The strategy of blocking appointments is sort of a nullification of law, which I think is troubling. But let me get to the question of what I consider to be a double standard that is blocking some wonderful candidates from going onto this court.

My legal practice for 17 years was in the civil rights area. In the civil rights area, there is a legal notion called the pretext. When something bad happens—you don't get an apartment, you don't get a job, you don't get your bank loan or your homeowners insurance policy—and if a reason is asserted for that, but the reason just falls apart, it is completely illogical, it is not borne by the facts, that is called a pretext. I worry in this instance there are a couple of pretexts going on because the instances that have been cited by my colleagues—the filibustering of Caitlin Halligan, the filibustering of Patty Millett, and now the filibustering of Nina Pillard—rely on two pretexts. Why are these candidates—Caitlin Halligan, who practiced before the U.S. Supreme Court, was the Solicitor General for the State of New York and did such a good job, why block her? Why block Patty Millett, who worked in the Solicitor General's Office under both administrations, supported by Solicitor Generals of both administrations? Why block Nina Pillard? Nina Pillard was the appellate attorney before the U.S. Supreme Court to argue for the need to admit women students to the Virginia Military Institute in my State, which they have done and it is working very well. One of Nina Pillard's supporters was the superintendent of VMI who was being sued. The promise of America will never be fulfilled as long as justice is denied to even one among us. Josiah Bunting has come forward and said Nina Pillard would be a great circuit justice.

So what is the reason being asserted to block these three women? The reason asserted is there is not enough of a workload on this court. I think it is clear the asserted lack of workload is a pretext. It is nonexistent. It is a phantom argument which gets brought up whenever we want to but then abandoned whenever we want to. My evidence for that is pretty clear.

There are two circuit courts—the Eighth and the Tenth Circuit—which have lower caseloads per judge than the DC Circuit, but we have been approving nominees for that circuit this year without raising any question about workload. So we will put folks on the Eighth and Tenth Circuits, even though they have a lower workload and no one complains and the other side doesn't raise that. I asked Members:

Why are you raising that here when you weren't raising it on other courts, and they said it is because the DC Circuit is the second highest court in the land. It is a more important court. The phrase used by someone to me: It has more juice. Members on the DC Circuit might be on the Supreme Court. So workload isn't the issue on the other courts. It is just an issue of this court apparently because the court is so important.

Let's now drill down on what has happened just this year. The Presiding Officer and I are freshmen. We came in on January 3, 2013. We came in with the pending nomination of Caitlin Halligan for the court—supremely qualified, bipartisan support in the legal profession for her. She was filibustered, and one of the principle asserted reasons was there is not enough workload on the court. So she couldn't even get an up-or-down vote.

Within 2 months we had another nominee—a superbly qualified nominee whom I introduced before the Judiciary Committee, Sri Srinivasan, and we approved him in the Senate 97 to 0. He is a male. No one raised one question or mentioned the workload on the DC Circuit Court. We had just turned down Caitlin Halligan—because you don't get an up-or-down vote because there is not enough workload—but within 2 months, a 97-to-0 vote we confirmed. I want to make clear, Judge Srinivasan is very qualified to be on this court. But the workload rationale just disappeared.

But it didn't go away because as soon as Patty Millett is nominated—as was indicated, not only a superb appellate attorney who has argued more cases before the Supreme Court than all but a handful of women in the history of this country, who has argued cases before the DC Circuit, where we hope she will sit, and other circuits as well. As soon as Patty Millet was nominated, the workload issue pops back up: The court doesn't have enough workload. Now Nina Pillard is being told she is going to be blocked also because the court doesn't have enough workload.

I assert that this workload issue is a complete pretext. It is not raised about other courts and it is not raised about other nominees. Even this year it hasn't been raised. But it has been raised with respect to three superbly qualified women: Caitlin Halligan, Patty Millett, and Nina Pillard. I have only been here 11 months. I don't know all the previous history. But as I watch, women candidates are being treated differently on this court. This second highest court in the land, this court which has juice from which people may go to the Supreme Court, the women candidates are being treated differently. They are being blocked by concerns about workload which are not being applied in an evenhanded way.

The last thing I will say is another bit of evidence which I think is fair to put on the table in this question of whether there is a double standard for

women. During the Presidency of President Obama, there has also been the nomination of two women to be on the U.S. Supreme Court. These were debates we followed. These two women—Justices Sotomayor and Kagan, enormously qualified, with bipartisan support from bar associations and others. Justice Sotomayor, when her vote was finally held here, more than 75 percent of the Senators in the minority party voted against her confirmation on the Supreme Court. Elena Kagan, when she was up for nomination, 88 percent of the members of the minority party voted against her confirmation to be on the Supreme Court.

We could look at courts that aren't the two highest in the land and see there have been more appointments of women judges—and that is a good thing and I hope there are more still. But when you get to the DC Circuit and the Supreme Court, it seems there is a double standard. It seems this phantom workload issue gets raised when it suits one side and then immediately dropped a couple months later, only to be raised again to block women candidates. I think that is a very serious concern.

Congress set the law that there are 11 judges on this court. The President is trying to comply with the mandate of Congress in putting well-qualified women before this body. We should debate their qualifications. If folks have concerns about those, let's have that debate. But we shouldn't block them from being considered and assert reasons that don't stand the light of day. I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Minnesota.

**Ms. KLOBUCHAR.** Madam President, I thank my colleague from Virginia for his well-thought-out argument and the evidence he put out here for the Presiding Officer, a former law professor who believes in evidence. I think it is important that we look at the facts.

I wish to back up some of the facts to why this workload argument doesn't make sense, even when it is put out clearly for the women nominees and it wasn't put out recently for the male nominees. But here are the facts:

When George W. Bush was President, the Senate confirmed his nominees to fill four empty seats on the DC Circuit. That was not long ago. Under President Obama, there have been four vacancies on the court. There were four under Bush and four under Obama. The difference? All of President Bush's nominees were confirmed by the Senate.

It is important to note that one of President Obama's nominees—as was pointed out by my colleague from Virginia—was confirmed by the Senate. I guess that means one guy is confirmed and then these three seats are still open for which women have been put forward.

Some people apparently think there is a problem with the numbers, but let's look at the actual numbers. These



same people have supported having more judges on another court that actually has fewer pending cases. The reason we use that standard—pending cases—is those are the active cases. They are not the pro forma orders which are issued quickly. These are the actual cases before the court for which they have to make difficult decisions.

The DC Circuit has 8 active judges, 6 partially retired senior judges, and 1,479 pending cases. The Tenth Circuit has 10 active judges, 10 senior judges, and 1,341 pending active cases. So the Tenth Circuit—to which my colleagues have confirmed multiple nominees—has more judges but fewer pending cases per judge.

Why does the Tenth Circuit have more judges with fewer cases per judge than the DC Circuit? I believe the answer is quite simple: Earlier this year, the Senate confirmed two judges to fill the empty seats on the Tenth Circuit, and the Senate should do the same with the DC Circuit by taking these three well-qualified nominees and confirming them.

I see the Senator from Washington has arrived and I know she has a few remarks about this as well. As I pointed out to the Presiding Officer, this is just the beginning. We are going to continue to fight for these three women judges.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I thank the Senator from Minnesota for her leadership on the floor this afternoon. It is great to join her and my other colleagues to talk about the importance of judicial nominees, and in particular today, because today we are talking about the nomination of more female representation on the courts which I think is incredibly important.

I served my first 2 years in the Senate on the Judiciary Committee, and I was struck to find that, I think at that time, I may have been the fourth woman in the whole history of our country to be on the Judiciary Committee. Now I am so proud that my colleague from Minnesota serves on that committee and does an excellent job and that we have other representation as well. But the point we have to ask ourselves is, do we have to get women elected to the Senate to get women on the Judiciary Committee to get women on the courts because our colleagues aren't going to help us do that?

I am rising to support moving these nominations. President Obama has nominated Cornelia Pillard and Patricia Millett. We want to see these vacancies filled. We don't want the same dysfunction which led to a government shutdown to let us move toward the kind of the stopping of putting people on the court. Nominating highly qualified individuals is what the President's job is, and filling seats on the court is not packing the court. It is simply doing the job.

On October 31, 2013, many of my colleagues voted against a motion to end

debate on Patricia Millett to be a judge on the U.S. Court of Appeals for the District of Columbia. She is a very highly qualified attorney who has argued before the Supreme Court 32 times and is recognized both by Democrats and Republicans for her legal acumen. Despite her qualifications, her nomination was being blocked. Had she been confirmed, she would only be the sixth woman to sit on the DC District Court of Appeals. So I am questioning the place we are now on this nomination.

Professor Nina Pillard is another filibustered nominee who has argued historic cases before the Supreme Court, including a case to open the Virginia Military Institute to women for the first time in history and a case defending the family medical leave law. American people want to know why are these qualified female judges being blocked. Just 32 percent of the U.S. Appeals Court judges are women. In my opinion, it is time to move forward with more highly qualified nominees to add diversity to the courts.

I have not heard any of my colleagues question the credentials of these nominees. In fact, Ms. Millett has been called "a brilliant mind, a gift for clear persuasive writing, and a genuine zeal for the rule of law." This is not a quote by a Democratic Senator or a liberal think tank. That quote is from former Special Prosecutor Kenneth Starr in a letter with six other Solicitors General, top lawyers who have served in the George H. Bush and George W. Bush and Clinton administrations, basically saying, "Equally important, she is unfailingly fair minded." That is from Mr. Starr.

So the DC Circuit Court currently has four judges chosen by Democratic Presidents and four by Republicans. There are three vacancies on the court. Republicans are arguing we shouldn't fill these vacancies, that we should just eliminate them. I think my colleague from Minnesota just spoke to this. This is a proposal that is even opposed by Chief Justice John Roberts, who argues that the DC Circuit Court of Appeals is similar to many of the Federal courts and is operating in a state of crisis. He said, "Based on our current caseload methods, the D.C. Circuit Court should continue to have 11 judgeships."

So we need a court that is fully staffed. The primary responsibility of this court is the handling of cases involving Federal regulations on environmental safety, health care reform, and insider trading. We should trust that our judicial branch can nominate and get judges on that court that basically will look at the law and not party affiliation and stop obstructing people whom I believe are qualified to be on the court.

I hope we can move forward. Ms. Millett is the second female nominee opposed by Republicans after the nomination of Georgetown professor Pillard was filibustered. However, she joins a long list of judicial nominees who hap-

pen to be female who have been opposed, not because of their qualifications but because they were nominated by this President. I will submit that list for the RECORD.

I hope this discussion today points out the need of more women on the courts. Maybe we also need more women elected to the Senate so we can make sure we get more women on the courts. But this is, today, about asking my colleagues on the other side of the aisle to not look past this court. Do not try to diminish it by narrowing its focus. Get more people who will support qualified women so we can have the diversity in America that we need represented on our courts, even at the DC district appeals level.

I thank my colleague from Minnesota for arranging for all of us to be here today to share our views.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I think there are two interesting facts that Senator CANTWELL brought up that I didn't know. The first was the percentage of women in the Federal district courts—in the 30-percent range, 32-percent range. The second was Justice Roberts' belief that, in fact, we should have judges to fill these seats. It is interesting that Justice Roberts actually was on the DC Circuit. I remember looking at the numbers. When he was confirmed to serve on the DC Circuit, there were actually fewer pending cases per judge than there are now—even if these vacancies were filled. I keep bringing that up because it is the one and the only argument we keep hearing against these three women we talk about today. Caitlin Halligan was already filibustered, stopped in her tracks despite trying three or four times and never giving up—1 year, the next year, putting in her name, having to go through a nomination process. We just saw Patty Millett, eminently qualified, filibustered, stopped at the door. I have never seen so many tweets about a judicial nominee. They are not always that well known, but in her case she is a hero of military spouses across the country who cannot believe my colleagues across the aisle are denying her that right to serve on our courts.

Now we have a new nominee before us, Cornelia Pillard, someone, as we noted, who has been unanimously suggested for this job by the nonpartisan American Bar Association. She is someone eminently qualified, with nine Supreme Court arguments, and someone who has so much respect from those she mentors, from her colleagues both Democratic and Republican.

I see the Senator from Connecticut is here, another member of the Judiciary Committee.

I yield the floor.

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

Mr. BLUMENTHAL. Mr. President, I thank my colleague, an esteemed lawyer and prosecutor herself, for her service on the Judiciary Committee and

dedication to the quality of our courts and for her bringing us together this afternoon to focus on a topic I think perhaps is not uppermost on the minds of most Americans, not something they worry about when they are bringing their kids to school or fixing dinner at night, but that shapes the quality of our society. It assures the rule of law, and it guarantees the courts of our country look like the people of our country.

We are here because there are too few women as judges on our Federal courts. They have been denied that opportunity, and for so long they were denied the opportunity even to practice law. We are here because this situation is unacceptable. The Senate cannot and should not continue to obstruct the appointment of qualified nominees—in this instance women. Nina Pillard, like Patty Millett, is eminently qualified—indeed, distinguished, a candidate who fits the ideal profile. If you were designing and writing in the abstract the resume of a circuit court judge for the United States of America, it would be Nina Pillard.

One of the tragic results of the obstruction that we see in the appointment of judges nominated by the President is that the Senate is blocking women appointees to this court. The Senate has only confirmed one woman to the DC Court in the last 19 years. During this same time period, five men have been confirmed to the DC Circuit Court of Appeals. In the court's entire history, only five women have been confirmed. These facts speak for themselves.

Thanks to the leadership of President Obama and Chairman LEAHY, the Judiciary Committee has been approving qualified women to take the “men only” sign off the door at the DC Circuit Court of Appeals. But those women have been blocked by a minority of this body.

There ought to be common ground for Senators to have a good reason to block an appointment to the judiciary made by the President of the United States, which is his constitutional responsibility just as it is ours to advise and consent, and not simply, blindly block a woman appointee.

In 2005, the bipartisan gang of 14 came together and they agreed that a Senator should vote against a nominee only in “exceptional circumstances, extraordinary circumstances.” The history of that agreement is pretty well known here even though only a handful of Senators who joined in the agreement are still here. Its spirit and intent ought to guide us. Even if it is not binding in letter, its intent and purpose are as real now as they were then. It was to avoid the kind of nuclear approach—it is called, I suppose, the nuclear option for that reason—because it would be so organically threatening to the civility and collegiality of this body if it is invoked. The approach should be, as a Republican member of that gang of 14 said, that judges should

be denied confirmation only in the event of “a character problem, an ethics problem, some allegation about the qualifications of a person, not an ideological bent.” If Senators agree that only exceptional circumstances justify blocking a nominee, then clearly the three female nominees that have been nominated by the President ought to be confirmed by the Senate. Our Country, and the legal profession specifically, has an unfortunate history when it comes to women.

As I mentioned earlier, for generations women were not even allowed to practice law. Only recently have they been afforded the opportunity to serve on the Federal bench—despite their serving with extraordinary distinction when they were in fact appointed. They are still woefully underrepresented.

When women are denied an equal chance to serve on our courts, we are left with judicial bodies that fail to reflect the American people, fail to reflect their values and backgrounds, their aspirations and dreams, and in fact their talent and insight. An exclusionary Federal judiciary makes a mockery of our Nation's claim to equal justice under law.

The excuse for blocking appointees is that the DC Circuit Court does not need more judges. I find this claim unpersuasive, based on the workload of the court. We can debate, in fact, the numbers, but statistics in this instance fail to reflect the complexity and difficulty of the cases that come before this court. The same Senators who say the caseload fails to justify appointments now gladly voted to approve John Roberts to the ninth seat on the court when the court had just 111 pending appeals per judge. It now has 182 appeals per active judge.

The history here is that the Senate approved appointees nominated by George Bush to fill the 9th, 10th, and 11th seats on the DC Circuit, the three seats that are vacant today. But this issue should not be about partisan politics. It should not be about which President made the appointments. It ought to be about the principle; that is, if the workload is insufficient, the number of seats on the court should be reduced by legislation. The Congress should not refuse to fill vacancies when they exist lawfully and in fact when there is strong evidence that the workload justifies filling those vacancies.

Nina Pillard is a civil rights icon. She is a public servant of extraordinary distinction. Ms. Pillard led the integration of women into the Virginia Military Institute. Her work led the Supreme Court to uphold Congress' ability to pass the Family and Medical Leave Act. Her academic work continues to identify common ground between liberals and conservatives that can allow for the protection of important rights.

Some have said that she is a feminist. The fact is, Professor Pillard believes that a woman's right to choose is protected by the U.S. Constitution.

In other words, she believes in a judicial decision, written by Justice Blackmun—for whom I clerked—which has been upheld repeatedly by the U.S. Supreme Court over four decades. It is embedded in our constitutional law, as fundamental as the right to privacy is fundamental to our Constitution. I think the merits more than justify her confirmation. There is no question that she has the talent and temperament, the intellect and integrity, the experience and the sensitivity to serve as one of our great judges on this court of appeals.

I urge my colleagues to put aside the extraneous and irrelevant considerations that may lead them to oppose confirmation and, very simply, to give their approval to a woman who will be a mentor and a model to so many other women now in law school or beginning their careers or even beginning their judgeships, and who one day will aspire to this kind of position. They will see her example and ours in approving her as an inspiration to them in their careers.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### GUN VIOLENCE

Mr. MURPHY. Mr. President, we have been trying to figure out all day how to fit five numbers on this poster. I have been bringing it down nearly every week since the anti-gun violence bill failed here in the Senate due to a Republican filibuster, and this is the first week this poster comes down to the floor of the Senate with five digits. There have been 10,287 Americans killed by guns since December 14, the day of the Sandy Hook shooting.

What I have been endeavoring to do since the failure of that bill on the floor of the Senate—despite the fact that 80 to 90 percent of Americans supported the bill—is to bring to the floor the voices of victims, because the statistics are numbing at this point. We have had 10,000 people in this country die at the hands of gun violence since December 14, and that apparently has not been enough to move this place, or the House of Representatives, to action.

My hope is that by coming down to this floor every week or so and telling the real stories—the human stories—about the individuals who have lost their lives and the absolutely catastrophic runoff of trauma that happens to a family and a neighborhood and a community when you lose a loved one due to gun violence, maybe that will move this place to do something.

I want to tell three stories this afternoon because it now is kind of routine—you just sort of wonder what day

of the week is it going to be when you turn on CNN or look at your Twitter feed and you see “active shooting in progress,” “school lockdown,” or “people fleeing airport.” It just kind of happens every week now. It has become a kind of commonplace occurrence. It is almost like raindrops in the background of news coverage on a daily basis—this week’s shooting, next week’s shooting.

On October 21, a seventh grader named Jose Reyes, a student at Sparks Middle School, opened fire with a handgun he took from his parents. He killed a teacher, himself, and left two other students wounded at a middle school in Nevada.

The teacher he killed was named Mike Landsberry, and, boy, you don’t get much more American than Mike Landsberry. He was an Alabama native. He graduated from high school in Reno, which is right next door to Sparks, in 1986, and then served in the Marine Corps. He joined the Air National Guard after he got out of the Marine Corps. He rose to the rank of master sergeant and served as a cargo specialist in Kuwait and Afghanistan. He fought for this country. He put his life on the line to defend this Nation. When he came back, as happens with thousands of veterans, he decided to continue his public service and became an incredibly popular math teacher.

His brother said of Mike: He is “the kind of person that if someone needed help he would be there. He loved teaching. He loved the kids. He loved coaching them . . . He was just a good all-around individual.”

Mike is no longer with us because he is now one of the over 10,000 Americans who have died at the hands of a gun—this time in a school shooting on October 21.

Gerardo Hernandez, according to his wife, was always excited to go to work. He was a joyful person who took pride in his duty for the American public. Gerardo was the TSA screener at the Los Angeles International Airport who was gunned down when Paul Ciancia, a troubled 23-year-old, walked into LAX with an assault weapon and a grievance and grudge against the government. He opened fire and killed Gerardo Hernandez, age 39. He was the youngest in a family of four boys who had all emigrated from El Salvador. He was 15 years old when they made the decision to come to the United States to seek a better, safer, more stable life. And now the youngest of four boys is one of 10,287.

Finally, the story of Maria Flores, who, frankly, didn’t make headlines when she died over the summer along with her daughter Elizabeth Gomez. They died in Las Vegas when Manuel Mata, her boyfriend with a history of jealousy and domestic violence, shot and killed Maria. He shot and killed her teenaged daughter and wounded a 4-year-old before turning the gun on himself.

Family members said that Mata had financial troubles, drank often, dis-

played jealousy, and constantly accused his girlfriend of cheating. They said his girlfriend Maria Flores, who died that day, threatened to move out of the residence a couple of weeks earlier, but she was convinced by Mata to stay.

The daughter who was killed was scheduled to graduate 3 days after the murder took place.

I tell these three stories for this reason: First, in the wake of the TSA shooting, a lot of folks from the gun lobby made the argument that the way to fix this problem was to arm TSA agents, just as people made the argument that the way to guarantee another Sandy Hook tragedy from happening is to arm the teachers. Some people actually had the audacity to argue that an even better way was to arm the students too.

It speaks to this sort of new philosophy that has infested this place—the Senate and the House—that I kind of describe as gun control Darwinism, the idea that if everybody has a gun—the good guys and the bad guys—hopefully enough of the good guys will shoot the bad guys. You just throw a whole mess load of guns out there, let them figure it out, and in the end we will take care of the bad guys.

We have some new data that tells us how backwards that philosophy is. Common sense tells you that is not a good idea, but the data now tells you that is not a good idea.

The American Journal of Public Health did the most comprehensive study ever done in this country. They looked at rates of gun ownership and rates of homicide by gun death. They looked at decades of data across every State in the Nation, and then they had the common sense to account for about every factor you could think of: gender, race, poverty, income, education, alcohol use, and crime rates. What they found is pretty stunning and straightforward. The American Journal of Public Health said that for every 1 percent increase in gun ownership in a particular State, locality, or geographic region, there is a firearms homicide rate increase of 1 percent, a 1-to-1 ratio. If gun ownership goes up by 1 percent, increases in gun homicide go up by 1 percent.

Police chiefs in city after city across the country will verify that. As they have taken guns off the street, as they have engaged in gun buyback programs, guess what. Miraculously gun deaths decrease. That is not to say the only thing that matters is the number of guns on the street. Clearly, this young man who walked into Sparks Middle School and the 23-year-old who walked into LAX had enormous issues that were going untreated. We are fooling ourselves if any of us are trying to perpetuate an argument that this is just about gun ownership. This is also about a very broken mental health system that we need to address. But a 1-percent increase in gun ownership leads to a 1-percent increase in gun violence.

The reason I tell Maria’s story is because this is Domestic Violence Awareness Month—or maybe it was October. We have either completed it or we are in that month. Here is a stunning fact: In States that have comprehensive background checks, women are 38 percent less likely to die from domestic violence crimes. Women are 38 percent less likely to die from domestic violence crimes if they are lucky enough to live in a State that says: Before you buy a gun, you have to prove to us you are not a domestic abuser.

Since 1998, 250,000 domestic abusers have been stopped from buying guns because of background check laws. That is just the domestic abusers who were dumb enough to show up at a gun store and try to buy a firearm. That doesn’t count, frankly, the millions of domestic abusers who never walked into the store to buy the gun in the first place because they knew they were going to be denied. Women in the United States are 11 times more likely to be murdered by a gun than women in any other high-income Nation. And we have a solution: background checks. Women are 40 percent less likely to die from domestic violence if they live in a State that does background checks.

I bring just three stories to the floor today in my effort to bring voices to the victims—the stories of Mike, a teacher in Nevada; Gerardo, an immigrant to this country who loved doing his public service as a TSA screener; and Maria Flores, one of thousands of women across this country killed by their spouses or partners in part because of the ease of access to a gun in this country.

So 10,287 people—that number is tough to fit on one board. That is just in 11 months. Frankly, it won’t be that long—just a handful of years from now—before there is absolutely no way to fit this number on this board unless the Senate and the House of Representatives decide that 90 percent of Americans are right and we should make sure criminals can’t access guns. We should ban illegal gun trafficking. We should expand the reach of our mental health system so we can finally say that Congress—the Senate and the House—is going to do something to give voice to these victims.

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

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

The bill clerk proceeded to call the roll.

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

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

#### VETERANS DAY

Mr. THUNE. Mr. President, as we approach Veterans Day on Monday, I want to rise to recognize the selfless service and sacrifice of America’s veterans. As we reflect upon the generations of men and women who have answered the call to serve and defend our

freedoms, we especially remember those who have given what President Lincoln so eloquently called “the last full measure of devotion.”

Just as we owe it to the memory of those who have given their lives for freedom, we also have the solemn obligation to ensure that every servicemember comes home and that we care for those who still bear the wounds of war. Some of these wounds are physically visible, while others are not so apparent.

We have made great strides in caring for our servicemembers, especially in regard to lifesaving procedures on the battlefield and rehabilitative care through the Department of Veterans Affairs, but there is still much we must do to combat the epidemic of mental health issues among veterans. Traumatic brain injury, post-traumatic stress disorder, and the alarmingly high rate of suicide among our servicemembers remain among the most pressing issues our veterans face.

We owe all of our veterans a tremendous debt of gratitude, and we must uphold the foremost duty of providing for their care. This responsibility includes aiding our veterans as they transition to civilian life by finding ways to put their skilled military training to work and through providing timely processing of medical claims. We must rise to the occasion to make sure our past mistakes are not repeated as our troops return from current and future conflicts.

In my home State of South Dakota, it is easy to see the integral role veterans have played in shaping who we are as South Dakotans—a legacy that dates back to before the founding of the State itself. South Dakotans have always punched above their weight when it comes to military service in all the various conflicts in which our country has been involved over the years. The values of service and honor are woven into the fabric of our communities. With each passing day these values are strengthened by the men and women currently serving at Ellsworth Air Force Base and in the South Dakota Air and Army National Guard and VA centers around my State. I doubt there are many South Dakotans who do not have a family member or friend who has worn our Nation's uniform.

I know firsthand the sacrifice made by our Nation's veterans because my own father Harold was a decorated World War II Navy pilot. Like all our veterans, my dad served with pride and dignity, protecting our democracy at home and abroad. One of my favorite memories since I have been in the Senate was the opportunity to accompany my father to the World War II Memorial and show him that great memorial that was erected in honor of his generation's veterans. I was humbled by the quiet reverence they had for their comrades lost in battle and reminded of the ultimate sacrifice made by so many of our countrymen.

We should be grateful for the generations of men and women who have given of themselves on behalf of our great Nation. There can be no mistake that America's veterans have served bravely and honorably, making America the country it is today.

As we celebrate a weekend filled with fanfare and celebrations, with people involved in their weekend activities, I would ask that we all take a moment to remember the service of those who did not make it back to their families and that we rededicate ourselves to caring for those who continue to bear the cost of our freedoms.

May God bless our veterans, and may we continue to honor those who have nobly answered the call to serve. On this Veterans Day, may we all keep the brave members of our military and their families in our thoughts and prayers as they continue to serve our great Nation.

#### VETERANS DAY

Mr. CARDIN. Mr. President, as Veterans Day 2013 approaches next Monday, I ask that in honoring the brave men and women who have served our Nation, we in Congress honor them in ways that are meaningful and help them return to civilian life after they have served. A mere thank-you is little comfort to a veteran who cannot find meaningful employment, who is striving to provide for his or her family, or who is dealing with post-traumatic stress.

President Woodrow Wilson established this holiday—originally known as Armistice Day—on November 11, 1919, when he proclaimed that it would be used to honor the brave Americans who fought and died in World War I. The holiday was officially recognized by the U.S. Congress on June 4, 1946. After the end of World War II, Armistice Day was expanded to honor all veterans of our military services, and the holiday's name was changed to Veterans Day.

We should honor our veterans every day, but I believe that this annual holiday is especially important as it allows us to reflect on the true aspect of the sacrifices that our servicemembers have made. Their sacrifices are often made in stressful, frustrating, and dangerous conditions. Yet these brave men and women do not shy from committing themselves to serving our country. It is because of those who have served selflessly, with honor and dignity, that we can continue celebrating our history and our way of life.

While I am proud of all of our veterans, I am especially proud of the veterans in my State. Maryland has a long and proud military tradition. Maryland is known as the Old Line State. Some people think that comes from the Mason Dixon Line, but it actually dates back to 1776, less than 2 months after the Declaration of Independence, when George Washington's army was nearing annihilation in an indefensible

position at Brooklyn Heights. They were faced with overwhelming odds, and the British Army—the most powerful military force in the world at the time—was closing in around them. But on this historic day 400 Marylanders who made up the Maryland Line stepped up against those overwhelming odds and ran into the breach in defense of our Nation. Today, there is a plaque over the mass graves of those citizen soldiers that reads simply this: “In honor of the Maryland 400, who on this battlefield on August 27, 1776, saved the American Army.”

Every year I make it a priority on Veterans Day to take an opportunity to thank the millions of brave men and women who served our Nation in uniform and honor them for their courage, dedication, and sacrifice. In my first year as a Senator of Maryland I went to Garrison Forest Veterans Cemetery in Owings Mills for a Veterans Day observance, as well as attended a Veterans Day Salute and groundbreaking of a new facility for Baltimore Station, which provides innovative therapeutic residential treatment program supporting veterans who are transitioning through the cycle of poverty, addiction, and homelessness to self-sufficiency.

I have also spent Veterans Day at the Leonardtown Cemetery and Crownsville Veterans Cemetery Remembrance Ceremony, where I placed wreaths honoring those who have paid the ultimate price in serving our country. Two years ago, I had the privilege of joining Maryland Veterans Affairs Secretary Edward Chow, Jr., to observe Veterans Day at Cheltenham Veterans Cemetery. Through our efforts, we were able to announce that the U.S. Department of Veterans Affairs has awarded the cemetery a grant of \$1.7 million to make improvements.

Just last year, I had the opportunity to thank the millions of brave men and women who have served in the U.S. Armed Forces and risk their lives for our Nation when I provided remarks at the Crownsville Veterans Day Ceremony. Additionally, I was invited by the Armed Forces Foundation to speak to students at Manor View Elementary School—located on Fort Meade—as part of their Operation Caring Classroom Program. During my visit, I talked to students about Veterans Day and the importance of honoring the service of men and women in the military, as well as the sacrifices of their families. We far too often forget to thank the families of our veterans for all they have sacrificed. We want our veterans and their families to know we are grateful for their service to our Nation and are here today to honor them as well.

This year I will have a chance to say thank you to veterans across Maryland as I participate in the Vietnam Veterans of America, Chapter 451 Veterans Day Celebration and Baltimore City's Veterans Day Celebration sponsored by

the Baltimore City Veterans Commission. This Veterans Day, I am reminded that Maryland is home to over 470,000 veterans to whom we made solemn promises. I am committed to making sure they receive the services and benefits they earned and the support they were promised. The United States is the strongest Nation in the world, and I am proud to honor Maryland's veterans with my gratitude and respect.

For more than 237 years, Marylanders in every branch of service have been at the forefront of providing distinguished service for our national defense. Let me mention a few examples. Marylanders are justifiably proud of amazing soldiers like PFC Kevin Jaye, an Army hero born and raised in Smithsburg who saw his life change when he stepped on an improvised explosive device, IED, while serving in Afghanistan. Kevin lost his right leg below the knee, but despite the many surgeries and the long recovery process, he is determined to overcome these challenges. Since the wars in Iraq and Afghanistan began, more than 1,500 U.S. troops have become amputees and Kevin is one of them.

We are justifiably proud of naval heroes like Navy Hospital Corpsman Michael Couch, who received a Purple Heart earlier this year as a result of the injuries he sustained while serving in Afghanistan. Michael was traveling in a convoy when his vehicle rolled over an IED which detonated. He was knocked unconscious, and his eardrum was ruptured. After 3 weeks of rehabilitation he rejoined his unit. Michael is now stationed at the Naval Academy, where he is an optometry technician who prescreens the vision of midshipmen before they meet with an optometrist.

We are justifiably proud of marines from Maryland like HM3 Vanzorro Gross, Jr., who was awarded the Purple Heart in May by Naval Health Clinic Patuxent River. Corpsman Gross received the Purple Heart for wounds received in action during a raid while deployed in Afghanistan with the Marines. During the firefight, eight service personnel were injured and two were killed. Corpsman Gross was 30 days into a 6-month deployment at the time of the attack and was sent home with damage to the bones in his foot. He had a 3-inch hole in his foot from the shrapnel damage and has undergone four orthopedic surgeries so far to reconstruct it. Despite these injuries, when visited in Walter Reid National Military Medical Center by a commanding officer, Corpsman Gross' first question was, "When can I go back?"

We are justifiably proud of Air Force Airman Captain Barry F. Crawford, Jr., a member of the Maryland Air National Guard, who was recently awarded the Air Force Cross—second only to the Medal of Honor—and Purple Heart for his extraordinary heroism in military operations against an armed enemy of the United States as special

tactics officer near Lagham Province, Afghanistan. Captain Crawford is credited for taking decisive action to save the lives of three wounded Afghan soldiers and evacuating two Afghan soldiers killed in action. Captain Crawford is only the fifth recipient, since 9/11, to receive the Air Force Cross.

We are justifiably proud of Security Forces airmen stationed at Warfield Air National Guard Base, who were awarded the Bronze Star Medal for meritorious achievement while assigned to the Air Force Office of Special Investigations Tactical Security Element at Bagram Airfield, Afghanistan. MSG John Duly and MSG Olen D. Smith III led a 15-man tactical security element that provided security wherever the Office of Special Investigations detachment needed to go. On a routine mission, an Army platoon came under attack from Taliban fighters, and Sergeants Duly and Smith moved their unit to provide support. For the next 48 hours their unit provided security and overwatch, responded to a vehicle rollover, initiated and received direct fire, coordinated with helicopter and fixed wing assets, and responded to a vehicle hit by an IED.

We are justifiably proud of the A-10 pilots from the 104th Fighter Squadron with the Maryland Air National Guard assigned to Bagram Airfield, Afghanistan, who recently flew as part of a harrowing mission to support ambushed coalition forces fighting during dangerous weather conditions. A dozen pilots protected more than 90 coalition servicemembers during a major battle in the mountains of eastern Afghanistan.

All across the services, our military members and veterans from Maryland are the best in the Department of Defense. But Congress simply has not done enough to provide enough support to our veterans. For example, unemployment is also an issue for the veterans community. Veterans, particularly young veterans from our most recent conflicts, are having trouble getting jobs. In this September's jobs report, the Bureau of Labor reported that while the unemployment rate for non-veterans was 7.2 percent and the unemployment rate for all veterans was at 6.5 percent, the unemployment rate for post-9/11 veterans was at an astonishing 10.1 percent. I find this troubling, as the experience that these veterans acquired during their recent military service should make them invaluable to prospective employers. We must do better in providing employment opportunities for our veterans.

Ultimately, Veterans Day is an opportunity for all of us to thank our veterans for their service and to renew our commitment to serving and honoring them each and every day of the year. A true marker of our Nation's worth is our willingness to serve those who have served us. As we continue to wind down our commitments in Iraq and Afghani-

stan after a decade of war, we need to gear up our commitment to our veterans. Our veterans deserve every possible tool we can provide to help ease their transition to civilian life. I am committed to making sure that our veterans receive the services and benefits they earned and the support they were promised and deserve. The United States is the strongest Nation in the world because of our veterans, and we owe them and their families our gratitude and our respect.

Mr. COCHRAN. Mr. President, Veterans Day 2013 gives us an opportunity to set aside our day-to-day worries and celebrate the men and women who have served in the United States Armed Forces. It is a national day of recognition and gratitude for those who have bravely served and fought to defend the freedoms that make the United States a beacon of liberty to the world.

I am heartened each year by the pride that Mississippians have for our Armed Forces, and their appreciation for the sacrifices made by loved ones on behalf of our Nation. The ceremonies, parades and programs taking place this year will reflect the admiration we share for our veterans. It is gratifying to see the deep respect that the people of my State have for those who have served, from the first Mississippians who took up arms to defend this land to those currently deployed around the world.

Today, the new generation of all-volunteer veterans returning from more than a decade of sustained combat operations reminds us of our sacred obligations to all our veterans and their families. We must dedicate ourselves to meeting those commitments. Doing so will make us a stronger Nation.

I appreciate that on Veterans Day the world will witness an American people united in its appreciation of the men and women who have served and fought for our republic.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### FISCAL YEAR 2014 APPROPRIATIONS

Ms. LANDRIEU. Mr. President, I wish to take this opportunity to associate myself with the remarks of the chairman of the Appropriations Committee, Senator MIKULSKI, earlier this week. She has really been an extraordinary leader for many years in this Congress. She is truly an expert appropriator. We could have no better person trying to bring this body together—Democrats and Republicans—in my mind than Senator MIKULSKI. She is trying to get our appropriations bills through the process—which is so important for the country, not just for our agencies and our departments, as

the Presiding Officer knows, as a Senator from Massachusetts with thousands in his State and millions of private contractors and nonprofit organizations, not the least of which is one my favorites, the Catholic Church, which delivers so many social services to the people of our State and Nation.

It is very hard for anyone to plan anything when the Federal budget is in such disarray. If there is anyone that can figure this out, it is Senator MIKULSKI. So as one of her subcommittee chairs, I want to be here to support her work. I am the chair of the Homeland Security Subcommittee, and I add my voice to how important it is for us over these next few weeks to get a budget resolution done.

Senator MURRAY has passed a budget on this side. After the recklessness of a government shutdown, finally everyone has come to their senses, and we are now in conference with the Budget Committee. We have to get that budget number down so that once we agree on what the top-line spending is, the budget for the country, we can then go about building the 12 bills that actually run the Department of Defense, the Department of Homeland Security, the Department of Education, and the others.

The important reason for Congress to adopt a budget resolution would be for us to provide some stability—not just for the next year but the next 2 years, and not only for stability to our agencies but to our many private sector partners, so that we can give some idea of what the outlook for spending and investing is going to be by the Federal Government. It is very important for our overall economic strength. We cannot afford another government shutdown which puts our economic viability at risk and denies assistance to millions of Americans.

In my State, I was trying to figure out a way to describe the cost of the shutdown—reckless, and it should have been avoided, and it was not. So I asked, what are some of the things that cost about \$92 million in Louisiana? One of the things I found out is that the New Orleans Saints payroll is \$70 million a year. That would be like telling the Saints we are not paying you for one whole year. We would never do that in New Orleans. But when we think about not paying the salaries of the players and then the effect that would have on the whole operation, the whole organization, the city itself, the games, we can see the ripple effect; and that was just the impact to Louisiana. The impact to the Nation was extraordinary. We have to avoid it at all costs.

One of the missions of the Appropriations Committee is to make sure the Federal Government continues to operate on behalf of the people, the taxpayers we serve, and that we invest in their future, in their opportunities to strengthen families and grow businesses. They need a budget that they can count on just like we do. When the Federal Government is not functioning

under normal order and getting our budgets, our appropriations bills, it really does wreak havoc in many communities throughout our country. We need to pass our 12 appropriations bills that set priorities and invest in our future.

If we are not able to get to an agreement on the budget and to set top lines for all of our appropriations bills, we will basically punt to a continuing resolution—CR—which I think Senator DURBIN said is like running your business for 2014 based on your checkbook receipts from 2013. Why would any smart businessperson do that? No one would run a family budget or business operation using last year's stubs from the checkbook. We want to pay for this year coming up. We want to budget for the future.

Anytime we can't pass an appropriations bill and we punt to a continuing resolution, it is like putting the country on autopilot set for last year's weather, not what is coming ahead for next year. It really is a waste of money. It wastes taxpayer money.

So I am hoping that cool heads can prevail and we can get a budget number. It is going to take some additional revenues put on the table, as well as some smart cuts and reductions, balancing between the Murray priorities and the Ryan priorities. Then we can be given our numbers to build the Homeland Security budget. That is what I want to talk about now just briefly.

Everyone knows how important it is to keep the homeland security of this country intact. We have done a very fine job. It has been expensive. This budget has gone from zero to its current level of \$42 billion post-9/11, in the last 12 years, but it has been an investment worth making. We have a lot of threats against our country every day from border intrusions, to cyber security threats, to explosions, as the Presiding Officer knows so well, with the Boston Marathon, which frightened and terrorized an entire community and city. So there are lots of challenges. Throwing money at the problem isn't going to fix them all, but not having enough money to invest will ensure vulnerabilities which we cannot allow.

When a homemade explosive device wreaked havoc at the Boston Marathon, we saw how critical it was that law enforcement and first responders had proper training and equipment. That training and equipment is funded through the Homeland Security bill. We have given robust grants over the years. We want to continue to be able to do that. However, if we don't get to a budget, if we don't get to an agreement, grant funding would be reduced to the lowest level since it was formed 10 years ago. I don't think we want to go back to pre-9/11 investments. This is a new world. It is a dangerous world. The threats are evolving, as we saw play out in Boston. We need to be ready for the next attack, and we won't be if we can't get a budget agreement.

Our cyber networks are under constant attack. There are 6 million probes on U.S. networks alone. Among the attackers we know are 140 foreign spy organizations. One example: The Syrian Electronic Army defaced the Marine Corps Web site and hacked into numerous print media Web sites. A recent Annual Report to Congress from the U.S. Secretary of Defense documents that China is using its network exploitation capability to support intelligence collections—of course, that is understandable—but hacking into some of our manufacturing and private sector databases to steal U.S. trade and manufacturing secrets. We know this. It has been put into the record before, but it is worth repeating.

Also this year, in the wake of serious chemical plant incidents in West Texas and Ascension Parish in Louisiana, we are reminded that people live around chemical plants and industrial sites that are very dangerous. Lots is done to keep them safe, but if that perimeter was ever breached by people who had intentions other than to work there and produce legal products, it could be a disaster. That is ongoing. It is a big country. It is an open country. We have partnerships to build in the private sector, and in large measure that is part of what our budget does. Last week, a Transportation Security officer lost his life, and two others were shot in the line of duty at the Los Angeles airport.

So these attacks are real. This budget does what it can with limited resources. We try to be strategic. We try to be as efficient as we can to make sure that we keep our hundreds of airports, land ports, and water ports safe for people to move, for manufacturing and trade, and for our economy to advance. It is a big job. It takes a lot of money to do that, and it takes cooperation. I sure hope in the next couple of weeks we can find it.

We continue to face threats of weapons of mass destruction. Dirty bombs being detonated in one of our cities or ports is an ongoing worry. A radiological attack would incite not just harm but mass panic and shut down transportation systems. We just cannot afford not to have a Department of Homeland Security budget that is looking to the future. As these threats evolve, they are ever changing. People say: I just bought a cell phone. Do I have to buy another one? The technology is changing so fast, it is hard for people to keep up. I just got a laptop last year. I need to buy another one. The technology is changing. In the same sense, threats are evolving. We can't budget for what happened 2 years ago. We need to budget for the future, and if we can't get this budget worked out, if we can't get our appropriations numbers, we will either be in a continuing resolution—which is basically funding what happened in the past, which makes no sense and wastes taxpayer money—or we will be short-changing our constituents.



For 4 years in a row the Department of Homeland Security has had to tighten its belt. Everyone has. We have been willing to do that. We have operated at reduced funding. But the impact of the sequester—which is really a blunt instrument that cuts funding in a not very smart way. They are automatic cuts that were never intended, that were never designed to run the government. They were really designed to motivate us to do a better job of getting to the budget. That seems not to be working. As a result, these automatic cuts that are blunt, that are harsh, and that really are not smart are happening to all of our agencies, defense and nondefense alike. It is time to get rid of that inefficient way of operating and go to a more strategic, forward-leaning planning budget process.

I just want to mention an agency that I am very supportive of, the Coast Guard, not only because we build many of the boats in Louisiana but because so many of our people—and Massachusetts as well—are literally saved every year by the Coast Guard. We have lots of water, lots of lakes, lots of important work going on with offshore oil and gas drilling, and we are intercepting drugs that come into the United States. The Coast Guard is on the front line. They are operating their surface and air assets at 25 percent below planned levels because of sequestration—not smart cuts. It has resulted in a 30-percent reduction of drug seizures—people are not happy to hear this; I am not happy to say it—and an 11-percent reduction in the interdiction of undocumented migrants.

Under a yearlong CR, Customs and Border Protection would not be able to hire any new officers for our air, land, and sea ports of entry. This is bad news for travel and trade. The Presiding Officer knows, as people come into America they ask: Why do we have to wait so long in line? We just came here to do business. We have to get to New York, Chicago, Boston, Louisiana, California, and to other places where people come to do international business.

We can't shift assets from the past to the front line with a sequester. We can only do it with a rational budget that will help cities such as New York, Los Angeles, Houston, Chicago, Dallas, New Orleans and Miami to grow. This is important to business. It is important to the Chamber of Commerce.

So I urge my colleagues, let us work very hard together in a bipartisan way to come to some agreement on our budget, so that we can have direction as appropriators to design bills—whether it is for the Department of Education, the Department of Agriculture, the Department of Homeland Security, the Department of Commerce—to fashion budgets that meet future needs, that are not funding tired past priorities but are funding investing in the real future and real-time needs, present and future, of our citizens and of the great country that we believe in and want to see get stronger.

Under a year-long CR, DHS would not be able to implement safeguards to prevent unauthorized release of classified information. Vulnerabilities in the existing system were highlighted in the Wikileaks releases and the more recent disclosures by Edward Snowden. There was no funding in fiscal year 2013 to stop this type of activity so DHS's classified data will not be adequately protected without fiscal year 2014 funding.

Critical infrastructure protection efforts would be hindered. For example, without the \$34 million above the fiscal year 2013 sequester level, inspections of chemical plants to prevent weaponization by terrorists will be delayed. Funding to better coordinate Federal chemical programs in the wake of the West, Texas facility explosion will not be provided. Increases to prevent catastrophic impacts to critical infrastructure during manmade or natural disasters will be eliminated.

Because of these impacts, it is critical that we conference our fiscal year 2014 Senate bills with our House counterparts so that we can address the weaknesses that continuing to operate at sequestration levels would entail. A conference would also permit a necessary delay to flood insurance rate increases for properties that were formerly grandfathered into affordable rates since the House and Senate Homeland Security bills contain identical language on this issue. This is one small step in a larger effort I have been working on to fix flood insurance so that it is affordable, accessible and self-sustainable. Time and time again, Senators have heard from their constituents about the skyrocketing increases in flood insurance rates. Many homeowners throughout the United States will see their rates rise to unaffordable levels. For example, up to 2.9 million policies nationwide could see their previously grandfathered rates become absolutely unaffordable. One resident in my State of Louisiana could see rates increase from \$633 to over \$20,000 per year. That makes homeownership unachievable for many Americans and traps others in houses that they cannot sell.

We must get our work done. We need to agree on a budget for fiscal year 2014. Then we need to finalize our fiscal year 2014 bills so that our agencies have the appropriate funding for their critical missions—instead of lurching from one funding crisis to the next. This is a hard task but one I believe that is achievable. This is exactly what we were elected to do.

I thank Senator MIKULSKI for her leadership.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 346.

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

The motion was agreed to.

#### NOMINATION OF CORNELIA T.L. PILLARD TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

##### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

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

The assistant legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Cornelia T. L. Pillard, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, John D. Rockefeller IV, Benjamin L. Cardin, Jon Tester, Sheldon Whitehouse, Mark R. Warner, Patty Murray, Mazie Hirono, Angus S. King, Jr., Barbara Boxer, Jeanne Shaheen, Robert Menendez, Bill Nelson, Debbie Stabenow, Richard Blumenthal.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

#### LEGISLATIVE SESSION

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

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

The motion was agreed to.

#### DRUG QUALITY AND SECURITY ACT—MOTION TO PROCEED

Mr. REID. Is the motion to proceed to H.R. 3204 now pending?

The PRESIDING OFFICER. The motion to proceed to H.R. 3204 is pending.

Mr. REID. I have a cloture motion at the desk.

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

The assistant legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII

of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 236, H.R. 3204, an Act to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

Harry Reid, Tom Harkin, Patrick J. Leahy, Tom Udall, Mark Begich, Brian Schatz, Al Franken, Barbara Boxer, Richard J. Durbin, Christopher A. Coons, Debbie Stabenow, Benjamin L. Cardin, Sheldon Whitehouse, Patty Murray, Barbara Mikulski, Kirsten E. Gillibrand, Jeff Merkley.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

#### MORNING BUSINESS

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

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

#### REMEMBERING IVEY LEE ARMSTRONG, SR.

Mr. CARDIN. Mr. President, I rise to pay tribute to a wonderful man, Ivey Lee Armstrong, Sr., who died last month. He was just 62. He worked for nearly 30 years cooking and preparing delicious food in the Senate Carryout. The entire Senate community will miss him dearly.

Many of our constituents may not appreciate that the Senate truly is a community. Our partisan or regional differences of opinion are made public on C-SPAN2, in the newspapers, and on the campaign trail. But here, where we work day in and day out, we are surrounded by thousands of hardworking and dedicated people who mostly toil in anonymity. They are the fabric of the community here. They are the ones who keep the Senate functioning. We have our own staff, and the committees have staff, and leadership has staff, and there are the floor and cloakroom staffs and the Parliamentarian and Senate legislative counsel and the Bill Clerk and the Senate reporters, and so on. But we also have Capitol Police, who protect all of us and the thousands of people who visit the Capitol campus daily. We have plumbers and electricians and carpenters and painters. We have people who man the elevators and the subways and help guide the public through the buildings and up into the Galleries. And we have people who work in the cafeterias, including the Senate Carryout in the basement of this building.

I eat lunch at the Senate Carryout frequently because it is convenient and because the food is excellent. It is really home cooking. And I always enjoyed catching up with "Mr. Ivey," as everyone knew him. But it wasn't just his culinary skills that we will miss. Mr.

Ivey was a fine gentleman. He was unfailingly cheerful and polite and he made everyone feel at home.

Meredith Shiner and Niels Lesniewski wrote a nice article about Mr. Ivey in Roll Call, noting that he was often the first person at work in the morning and the last one to leave when the Senate Carryout finally closed for the night. They also noted that he was an Army and Army National Guard veteran who earned the National Defense Service Medal, a Good Conduct Medal, and M16 Sharpshooter awards. I am proud to say he was a constituent and there will be a memorial service for him tomorrow at From the Heart Church of Ministries in Suitland.

Mr. Ivey wasn't just devoted to his country, to the Senate, and to his job, he was devoted to his family and to his faith. According to the Roll Call article, Mr. Ivey re-enlisted so that he could get the health care coverage needed for a sick daughter. It is a big family—8 siblings, 4 children, 10 grandchildren, and 4 great-grandchildren, among others. I want to send my deepest condolences to his family and friends and coworkers. The Senate community has lost one of its finest and kindest members. We will miss his cooking but, more important, we will miss his good cheer, his demeanor, and his friendship.

#### TAIWAN'S NATIONAL DAY

Mr. HATCH. Mr. President, recently the people of Taiwan celebrated their National Day, marked by celebrations, parades, and fireworks befitting its importance as a national holiday. This occasion offers a timely opportunity to reflect on the state of our bilateral relationship with Taiwan, which has been a cooperative and warm relationship over many decades.

In this rapidly evolving 21st-century global economy and with Taiwan's economic significance having steadily grown, it is important for our two nations to further resolve our bilateral trade issues. While some progress has been made through our trade and investment framework agreement, the continued resolution of outstanding trade issues could help pave the way for even deeper ties, including the possibility of a bilateral investment agreement.

Concurrently, the U.S. Trade Representative recently wrapped up the 19th round of negotiations of the Trans-Pacific Partnership. I welcome Taiwan's interest in the TPP—an interest that we hope will serve as a catalyst for Taiwan to continue making progress toward meeting its existing trade commitments so that it may be in a position to meet the higher level requirements of the TPP.

Taiwan continues to be an important friend and ally of the United States, and we look forward to strengthening those ties.

#### REMEMBERING SERGEANT LAWRENCE ROUKEY

Ms. COLLINS. Mr. President, Sergeant Lawrence A. Roukey, a native of Maine, was honored today for his exceptional service and sacrifice by the Defense Intelligence Agency, DIA, in a ceremony at DIA Headquarters. SGT Roukey was among four servicemembers honored and inducted into the DIA Patriots' Memorial located in the lobby at DIA Headquarters on Joint Base Bolling Anacostia in Washington, DC. The DIA Patriots' Memorial honors DIA employees who died in service to the United States in support of DIA's mission.

As a recipient of the Bronze Star Medal and the Purple Heart, Sergeant Roukey has previously been recognized for emulating the highest values of selflessness, dedication, and courage. Let me illustrate how DIA described Sergeant Roukey's heroism and outstanding contribution on behalf of our country and why the agency is honoring him today. A member of the U.S. Army Reserve, Sergeant Roukey volunteered to serve during Operation Iraqi Freedom as a member of the security detail for the Iraq Survey Group mobile collection team that was conducting a critical field inspection in an anticoalition forces area. Under dangerous conditions, Sergeant Roukey and his squad mate provided protective security for personnel charged with inspecting a suspected weapons of mass destruction facility in Baghdad on April 26, 2004. Both soldiers lost their lives when a massive explosion occurred at the facility being inspected.

Prior to rejoining the military as an Army Reservist in Maine, Sergeant Roukey served in the U.S. Army infantry in South Korea and Egypt. He was a respected teammate in the Reserves and at the Portland Post Office, where he worked as a civilian, and he enjoyed hiking and sharing stories about his family.

It is fitting for the DIA and for all of us to honor Sergeant Roukey so close to Veterans Day, as well as all of the men and women who have sacrificed so much in defense of America and American values, including our military intelligence professionals. Prior to today's ceremony, the memorial at DIA honored 21 individuals for their ultimate sacrifice. Now the memorial honors 25 individuals. Today we commemorate Sergeant Roukey and the other servicemembers honored with him, as well as all of those who have served under the flag of the United States of America.

#### REMEMBERING MASTER SERGEANT MICHAEL LANDSBERRY

Mr. HELLER. Mr. President, today I wish to honor one of Nevada's own veterans, MSgt Michael Landsberry, who died a hero's death in Sparks, NV, on October 21, 2013. After spotting a student with a gun at Sparks Middle

School, Master Sergeant Landsberry moved directly into harm's way to protect his students and others from danger. He was fatally shot. This patriot leaves behind a legacy of self-sacrifice and service to his country and community.

Master Sergeant Landsberry was an Alabama native, a graduate of McQueen High School, a U.S. Marine Corps veteran, a University of Nevada Reno alumnus, and a decorated master sergeant Nevada Guard airman. In 2001, Master Sergeant Landsberry enlisted in the Nevada Air National Guard and subsequently began working for the Washoe County School District. He began his teaching career at Trainer Middle School, where he spent 4 years teaching history, math, and science. In 2006, he started teaching math at Sparks Middle School. Throughout his tenure as a teacher, Master Sergeant Landsberry served as a coach in his community for middle school basketball, cross country, track, and volleyball, as well as high school soccer. He was a passionate teacher, coach, and mentor who touched the lives of his students and those in the community each and every day.

In 2006, Master Sergeant Landsberry deployed to Camp Arifjan, Kuwait, where he performed duties as an airlift validator for the Central Command Deployment and Distribution Center. He deployed again in 2011 to Bagram Airfield in Afghanistan, executing air transportation functions for the 455th Expeditionary Aerial Port Squadron. Throughout his career, Master Sergeant Landsberry was extensively decorated, signifying his strong work ethic and commitment to service.

Today, I also want to recognize and express my gratitude to Master Sergeant Landsberry's family. The sacrifices of our servicemembers and their families are debts that can never fully be repaid. My thoughts and prayers continue to go out to his wife, Sharon, and his two daughters, Alisa and Andrea. This tragedy is one that all of us struggle to understand, but we will continue to remember Master Sergeant Landsberry as a great and honorable man and father. Today, I ask my colleagues to join me in remembering the life of a courageous patriot whose act of heroism cost him his life but saved many more.

#### ADDITIONAL STATEMENTS

##### GREATER NEW BRITAIN CHAMBER OF COMMERCE

• Mr. MURPHY. Mr. President, I rise today to commemorate the 100th anniversary of the Greater New Britain Chamber of Commerce.

Founded in 1913, the Greater New Britain Chamber of Commerce has been the business voice of New Britain, CT, for 100 years. Throughout its existence, the Chamber has tirelessly encouraged the growth and success of the manufac-

turing, medical, and, more recently, high-tech sectors of the local economy. It has provided area businesses with numerous opportunities to market themselves, increase their customer base, network with prospective business partners, cut costs, and share best practices. As New Britain's population growth soared during the first half of the 20th century, the Chamber also actively embraced diversity, helping to ensure that immigrant entrepreneurs had the necessary support and resources to open countless new businesses throughout the city.

New Britain, CT, has had a long and storied industrial history. By 1913, New Britain manufacturers were producing more than 300 kinds of products, and the community had become known as the "The Hardware City." For the past 100 years, the Greater New Britain Chamber of Commerce has helped to build upon that proud industrial legacy. As a result, in reflection of its century-long dedication to the businesses of New Britain and the region, I am proud to honor the 100-year anniversary of the Greater New Britain Chamber of Commerce, its commitment to serving its member companies, and the important role it has played advancing the welfare of the community at large.●

##### WORLD WAR II VETERANS VISIT

• Mr. SESSIONS. Mr. President, today I wish to pay tribute to Honor Flight South Alabama, a truly great branch of a great organization which is dedicated to bringing our World War II veterans to their memorial in Washington, DC.

Honor Flight South Alabama has brought over 1,000 veterans and their companions to the World War II Memorial created in their honor and located in Washington, DC. The World War II Memorial honors the 16 million veterans who served in the Armed Forces of the United States, the more than 400,000 who died, and all who supported the war effort from home.

They are truly a remarkable breed of patriots. They endured and survived the biggest war in the history of the world, and deserve such a great memorial in their honor. This Nation owes a debt of gratitude for the sacrifices of these Americans, who left their families and lives behind to go "fight the good fight."

The veterans I have spoken to are so positive and enjoy the visit so much. It is remarkable. To be recognized this way has meant so much to them. I have taken great pleasure in having the chance to share in the fellowship of these veterans.

As in any great organization, there are many wonderful leaders who should be recognized. I wish to take a moment to appreciate a few of the directors of Honor Flight South Alabama.

Ms. Margaret Coley, the Director of Volunteer Activities and School Support Systems, had the responsibility of the in-flight mail call program and

Welcome Home Ticker Tape parade at Mobile Airport.

COL Pat Downing, the Director of Guardian Training, was charged with the most responsible position on the team, that of presenting an in-depth safety training program to all guardians, thereby allaying any fear on the part of the families in releasing their loved ones for flight day.

Ms. Ann Eubanks, the director of the Medical Support Staff for Springhill Hospital, who was in charge of coordination of comprehensive medical support for our WWII veterans.

Ms. Tina McGrath, the director of Administration, who organized and documented all of the administrative and financial information for the Honor Flight Program.

COL John New, the director of Security, who organized all of the security arrangements between Mobile Regional and Washington Reagan airports and served as the liaison with the National Park Service for all memorials.

CDR Pete Riehm, the director of Operations, who designed, organized, and maintained order for every phase of Honor Flight South Alabama activities.

Finally, Dr. Barry L. Booth, the director of the Veteran-Guardian Program, who coordinated the assignment of all veterans and guardians and assisted in fund-raising activities.

Without these patriotic men and women stepping up to organize this wonderful program, many of the WWII veterans in the region would not have had the opportunity to visit their capital and see the memorial they so richly deserve. I am grateful to all of those who contributed to the Honor Flight programs throughout the country and to those veterans who fought to preserve the freedoms we enjoy today.●

##### TRIBUTE TO JOHN BENJAMIN

• Mr. UDALL of New Mexico. Mr. President, one of the great natural treasures of my State, and of our Nation, is Carlsbad Caverns National Park. Underneath the Guadalupe Mountains, in southeastern New Mexico, lies one of the most spectacular caverns in the world. Will Rogers famously called it "the Grand Canyon with a roof on it."

Since 2004, the park has been well served by Superintendent John Benjamin. I rise today to congratulate John on his retirement after 45 years with the National Park Service.

John's tenure with the Park Service has been a remarkable journey, and he has served with distinction every step of the way. He graduated from Syracuse University with a bachelor's degree in resource management and a master's degree in forestry. He then began his career at NPS in 1968 as a park naturalist at Dinosaur National Monument in Colorado and Utah.

For over four decades, John has been an exemplary public servant at America's greatest wilderness and recreation

areas, including Lake Mead, Glacier National Park, Glen Canyon, the Everglades National Park, and the Grand Canyon. He served as deputy superintendent at Boston National Historical Park and Boston African American National Historic Site, and as superintendent of Lake Meredith National Recreation Area, prior to his time at Carlsbad Caverns.

Throughout his career, John has reflected that he enjoyed every job he had and particularly his role as a mentor to others who would go on to serve the Park Service and the American people with the same dedication that he has demonstrated for so many years.

In his book, *The Quiet Crisis*, my dad wrote the following:

Each generation has its own rendezvous with the land, for despite our fee titles and claims of ownership, we are all brief tenants on this planet. By choice, or by default, we will carve out a land legacy for our heirs. We can misuse the land and diminish the usefulness of resources, or we can create a world in which physical affluence and affluence of the spirit go hand in hand.

Public servants like John Benjamin make sure that our “rendezvous with the land” is a noble one and that our national treasures will be safeguarded for generations to come. John can look back on a career of great accomplishment and service. He exemplifies a legacy of professionalism and commitment that will continue to inspire others. I wish him and his wife, Deborah, much happiness in all their future endeavors.●

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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

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

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1661. A bill to require the Secretary of State to offer rewards of up to \$5,000,000 for information regarding the attacks on the United States diplomatic mission at Benghazi, Libya that began on September 11, 2012.

#### EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-3517. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, the Administration's Annual Report of Payment Recapture Audits; to the Committee on Finance.

EC-3518. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled “Extension of the Expiration Date for State Disability Examiner Authority to Make Fully Favorable Quick Disability Determinations and Compassionate Allowances” (RIN0960-AH59) received in the Office of the President of the Senate on November 4, 2013; to the Committee on Finance.

EC-3519. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Patient Protection and Affordable Care Act; Program Integrity: Exchange, Premium Stabilization Programs, and Market Standards; Amendments to the HHS Notice of Benefit and Payment Parameters for 2014” (RIN0938-AR82; RIN0938-AR74) received in the Office of the President of the Senate on October 29, 2013; to the Committee on Finance.

EC-3520. A communication from the Assistant Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Credit for Production from Advanced Nuclear Facilities” (Notice 2013-68) received in the Office of the President of the Senate on November 4, 2013; to the Committee on Finance.

EC-3521. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Announcement of the Results of the 2012-2013 Phase III Allocation Round of the Qualifying Advanced Coal Project Program” (Announcement 2013-43) received in the Office of the President of the Senate on November 4, 2013; to the Committee on Finance.

EC-3522. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates” (Notice 2013-66) received in the Office of the President of the Senate on November 4, 2013; to the Committee on Finance.

EC-3523. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2014 Cost-of-Living Adjustments to the Internal Revenue Code Tax Tables and Other Items” (Rev. Proc. 2013-35) received in the Office of the President of the Senate on November 4, 2013; to the Committee on Finance.

EC-3524. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Q and A Tax Credits for Sections 25C and 25D” (Notice 2013-70) received in the Office of the President of the Senate on November 4, 2013; to the Committee on Finance.

EC-3525. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “FFI Agreement for Participating FFI and Reporting Model 2 FFI” (Notice 2013-69) received in the Office of the President of the Senate on November 4, 2013; to the Committee on Finance.

EC-3526. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, Department of Homeland Security, received during adjournment of the Senate in the Office of the President of the Senate on November 1, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3527. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, a report relative to its audit and investigative activities; to the Committee on Homeland Security and Governmental Affairs.

EC-3528. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Federal Acquisition Circular 2005-70; Small Entity Compliance Guide” (FAC 2005-70) received in the Office of the President of the Senate on October 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3529. A communication from the President of the United States, transmitting, pursuant to law, the District of Columbia's fiscal year 2014 Budget and Financial Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-3530. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, the Office of Inspector General Semiannual Report for the period of April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3531. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3532. A communication from the Program Manager, Office of the National Coordinator for Health Information Technology, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “2014 Edition Electronic Health Record Certification Criteria: Revision to the Definition of ‘Common Meaningful Use (MU) Data Set’” (RIN0991-AB91) received in the Office of the President of the Senate on November 4, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3533. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Food and Drug Administration Safety and Innovation Act of 2012 (FDASIA); to the Committee on Health, Education, Labor, and Pensions.

EC-3534. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled “Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Loan Program” (RIN1840-AD12) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3535. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits” (29 CFR Part 4022) received in the Office of the President of the Senate on November

6, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3536. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2013 through September 30, 2013, received in the Office of the President of the Senate on November 7, 2013; ordered to lie on the table.

EC-3537. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Boscalid; Pesticide Tolerances" (FRL No. 9401-5) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3538. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "FD and C Green No. 3; Exemption from the Requirement of a Tolerance" (FRL No. 9402-7) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3539. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prothioconazole; Pesticide Tolerances" (FRL No. 9400-4) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3540. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Farm Loan Programs; Clarification and Improvement" (RIN0560-A114) received in the Office of the President of the Senate on August 1, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3541. A communication from the Deputy Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Swap Dealers and Major Swap Participants; Clerical or Ministerial Employees" (RIN3038-AE00) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3542. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2013-0002)) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-3543. A communication from the Director, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Financial Reporting Requirements for Non-Profit Organizations" received in the Office of the President of the Senate on November 6, 2013; to the Committee on Banking, Housing, and Urban Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 822. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes

and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

## 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. CRUZ (for himself, Mr. GRAHAM, and Mr. INHOFE):

S. 1661. A bill to require the Secretary of State to offer rewards of up to \$5,000,000 for information regarding the attacks on the United States diplomatic mission at Benghazi, Libya that began on September 11, 2012; read the first time.

By Mr. MCCONNELL:

S. 1662. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provision of health care services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAUL:

S. 1663. A bill to end the unconstitutional delegation of legislative power which was exclusively vested in the Senate and House of Representatives by article I, section 1 of the Constitution of the United States, and to direct the Comptroller General of the United States to issue a report to Congress detailing the extent of the problem of unconstitutional delegation to the end that such delegations can be phased out, thereby restoring the constitutional principle of separation of powers set forth in the first sections of the Constitution of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PAUL:

S. 1664. A bill to end the practice of including more than one subject in a single bill by requiring that each bill enacted by Congress be limited to only one subject, and for other purposes; to the Committee on Rules and Administration.

By Mr. PAUL:

S. 1665. A bill to preserve the constitutional authority of Congress and ensure accountability and transparency in legislation; to the Committee on Rules and Administration.

By Mr. RUBIO (for himself, Mr. BOOZMAN, Mr. COCHRAN, Mr. INHOFE, Mr. MCCONNELL, Mr. ROBERTS, and Mr. FLAKE):

S. 1666. A bill to amend the Patient Protection and Affordable Care Act to improve the patient navigator program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself, Mr. HELLER, Mr. KIRK, Mr. CORNYN, Mr. BARRASSO, Mr. TOOMEY, and Mr. ENZI):

S. 1667. A bill to amend the Consumer Financial Protection Act of 2010 to provide consumers with a free annual disclosure of information the Bureau of Consumer Financial Protection maintains on them, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENNET:

S. 1668. A bill to require a Comptroller General of the United States report on the

impact of certain mental and physical trauma on the discharge of members of the Armed Forces for misconduct; to the Committee on Armed Services.

By Mr. HEINRICH (for himself and Mr. VITTER):

S. 1669. A bill to provide for proper reimbursement of the Department of Defense for assistance provided to nongovernmental entertainment-oriented media producers; to the Committee on Armed Services.

By Mr. GRAHAM (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. THUNE, Mr. BARRASSO, Mr. BLUNT, Mr. MORAN, Mr. PORTMAN, Mr. SCOTT, Mr. HATCH, Mr. GRASSLEY, Mr. RUBIO, Mr. CRUZ, Mr. ROBERTS, Mr. INHOFE, Mr. VITTER, Mr. HOEVEN, Mr. JOHANNES, Mr. BOOZMAN, Mr. CRAPO, Mr. CHAMBLISS, Mr. MCCAIN, Mr. ENZI, Mr. RISCH, Mr. COATS, Mr. COBURN, Mr. BURR, Mr. JOHNSON of Wisconsin, Mr. COCHRAN, Mr. WICKER, Mr. ISAKSON, Mrs. FISCHER, Mr. SHELBY, Mr. FLAKE, Ms. AYOTTE, Mr. SESSIONS, and Mr. LEE):

S. 1670. A bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes; to the Committee on the Judiciary.

By Mr. MANCHIN (for himself and Mr. KIRK):

S. 1671. A bill to delay the implementation of the individual health coverage mandate under the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. NELSON (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. ENZI):

S. 1672. A bill to amend title XIX of the Social Security Act to empower individuals with disabilities to establish their own supplemental needs trusts; to the Committee on Finance.

By Mr. FRANKEN:

S. 1673. A bill to help States develop and improve the qualifications and training of their early childhood educator workforce; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRANKEN:

S. 1674. A bill to help establish, enhance, and increase access to early childhood parent education and family engagement programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE:

S. 1675. A bill to reduce recidivism and increase public safety, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNET (for himself, Mr. VITTER, Mr. WICKER, Mr. HEINRICH, Mr. SHELBY, and Mr. NELSON):

S. 1676. A bill to exempt certain payments to States from sequestration; to the Committee on the Budget.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BEGICH (for himself and Mr. BENNET):

S. Res. 289. A resolution expressing the sense of the Senate that ambush marketing adversely affects the United States Olympic and Paralympic teams and should be discouraged; to the Committee on Commerce, Science, and Transportation.

## ADDITIONAL COSPONSORS

S. 84

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 84, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 367

At the request of Mr. CARDIN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 367, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 381

At the request of Mr. BROWN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 603

At the request of Mr. BARRASSO, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 603, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 695

At the request of Mr. BOOZMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 695, a bill to amend title 38, United States Code, to extend the authorization of appropriations for the Secretary of Veterans Affairs to pay a monthly assistance allowance to disabled veterans training or competing for the Paralympic Team and the authorization of appropriations for the Secretary of Veterans Affairs to provide assistance to United States Paralympics, Inc., and for other purposes.

S. 700

At the request of Mr. KAINE, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 700, a bill to ensure that the education and training provided members of the Armed Forces and veterans better assists members and veterans in obtaining civilian certifications and licenses, and for other purposes.

S. 709

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 709, a bill to amend title XVIII of the Social Security Act to increase diagnosis of Alzheimer's disease and related dementias, leading to better care and outcomes for Americans living with Alzheimer's disease and related dementias.

S. 718

At the request of Mr. DURBIN, the name of the Senator from New Hamp-

shire (Mrs. SHAHEEN) was added as a cosponsor of S. 718, a bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes.

S. 822

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 822, a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 825

At the request of Mr. SANDERS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 825, a bill to amend title 38, United States Code, to improve the provision of services for homeless veterans, and for other purposes.

S. 942

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

S. 971

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 971, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1143

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1143, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 1174

At the request of Mr. BLUMENTHAL, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1181

At the request of Mr. ENZI, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1181, a bill to amend the Internal Revenue

Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1320

At the request of Mr. DONNELLY, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1320, a bill to establish a tiered hiring preference for members of the reserve components of the armed forces.

S. 1332

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

S. 1335

At the request of Ms. MURKOWSKI, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1335, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 1456

At the request of Ms. AYOTTE, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1456, a bill to award the Congressional Gold Medal to Shimon Peres.

S. 1525

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1525, a bill to ensure that the personal and private information of Americans enrolling in Exchanges established under the Patient Protection and Affordable Care Act is secured with proper privacy and data security safeguards.

S. 1530

At the request of Ms. LANDRIEU, the names of the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. MARKEY) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 1530, a bill to realign structures and reallocate resources in the Federal Government, in keeping with the core American belief that families are the best protection for children and the bedrock of any society, to bolster United States diplomacy and assistance targeted at ensuring that every child can grow up in a permanent, safe, nurturing, and loving family, and to strengthen intercountry adoption to the United States and around the world and ensure that it becomes a viable and fully developed option for providing families for children in need, and for other purposes.

S. 1589

At the request of Mr. BURR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1589, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to ensure the Department of Veterans Affairs has an



up-to-date policy on reporting of cases of infectious diseases, to require an independent assessment of the Veterans Integrated Service Networks and medical centers of the Department, and for other purposes.

S. 1592

At the request of Mr. RUBIO, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1592, a bill to provide for a delay of the individual mandate under the Patient Protection and Affordable Care Act until the American Health Benefit Exchanges are functioning properly.

S. 1610

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1610, a bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

S. 1642

At the request of Ms. LANDRIEU, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1642, a bill to permit the continuation of certain health plans.

S. 1647

At the request of Mr. ROBERTS, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1647, a bill to amend the Patient Protection and Affordable Care Act to repeal distributions for medicine qualified only if for prescribed drug or insulin.

S. RES. 75

At the request of Mr. KIRK, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Res. 75, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 165

At the request of Mr. DURBIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 165, a resolution calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko in light of the recent European Court of Human Rights ruling.

S. RES. 251

At the request of Mr. SESSIONS, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 251, a resolution expressing the sense of the Senate that the United States Preventive Services Task Force should reevaluate its recommendations against prostate-specific antigen-based screening for prostate cancer for men in all age groups in consultation with appropriate specialists.

S. RES. 284

At the request of Mr. RISCH, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. Res. 284, a resolution calling on the Government of Iran to immediately release Saeed Abedini and all other individuals detained on account of their religious beliefs.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL:

S. 1662. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provision of health care services, and for other purposes; to the Committee on Veterans' Affairs.

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

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

S. 1662

*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 "Veterans Health Care Improvement Act of 2013".

### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Veterans of the Armed Forces have made tremendous sacrifices in the defense of freedom and liberty.

(2) Congress recognizes these great sacrifices and reaffirms America's strong commitment to its veterans.

(3) As part of the on-going congressional effort to recognize the sacrifices made by America's veterans, Congress has dramatically increased funding for the Department of Veterans Affairs for veterans health care in the years since September 11, 2001.

(4) Part of the funding for the Department of Veterans Affairs for veterans health care is allocated toward community-based outpatient clinics (CBOCs).

(5) A number of CBOCs are administered by private contractors.

(6) CBOCs administered by private contractors operate on a capitated basis.

(7) Some current contracts for CBOCs may create an incentive for contractors to enroll as many veterans as possible, without ensuring timely access to high quality health care for such veterans.

(8) The top priorities for CBOCs should be to provide quality health care and patient satisfaction for America's veterans.

(9) The Department of Veterans Affairs currently tracks the quality of patient care through its Computerized Patient Record System. However, fees paid to contractors are not currently adjusted automatically to reflect the quality of care provided to patients.

(10) A pay-for-performance payment model offers a promising approach to health care delivery by aligning the payment of fees to contractors with the achievement of better health outcomes for patients.

(11) The Department of Veterans Affairs should begin to emphasize pay-for-performance in its contracts with CBOCs.

### SEC. 3. PAY-FOR-PERFORMANCE UNDER DEPARTMENT OF VETERANS AFFAIRS CONTRACTS WITH COMMUNITY-BASED OUTPATIENT HEALTH CARE CLINICS.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to introduce pay-for-performance measures into contracts which compensate contractors of the Department of Veterans Affairs for the provision of health care services through community-based outpatient clinics (CBOCs).

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) Measures to ensure that contracts of the Department for the provision of health care services through CBOCs begin to utilize pay-for-performance compensation mechanisms for compensating contractors for the provision of such services through such clinics, including mechanisms as follows:

(A) To provide incentives for clinics that provide high-quality health care.

(B) To provide incentives to better assure patient satisfaction.

(C) To impose penalties (including termination of contract) for clinics that provide substandard care.

(2) Mechanisms to collect and evaluate data on the outcomes of the services generally provided by CBOCs in order to provide for an assessment of the quality of health care provided by such clinics.

(3) Mechanisms to eliminate abuses in the provision of health care services by CBOCs under contracts that continue to utilize capitated-basis compensation mechanisms for compensating contractors.

(4) Mechanisms to ensure that veterans are not denied care or face undue delays in receiving care.

(c) IMPLEMENTATION.—The Secretary shall commence the implementation of the plan on the date that is 60 days after the date of the submittal of the plan. In implementing the plan, the Secretary may initially carry out one or more pilot programs to assess the feasibility and advisability of mechanisms under the plan.

(d) REPORTS.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary shall submit to Congress a report setting forth the recommendations of the Secretary as to the feasibility and advisability of utilizing pay-for-performance compensation mechanisms in the provision of health care services by the Department by means in addition to CBOCs.

By Mr. NELSON (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. ENZI):

S. 1672. A bill to amend title XIX of the Social Security Act to empower individuals with disabilities to establish their own supplemental needs trusts; to the Committee on Finance.

Mr. NELSON. Mr. President, I am pleased to introduce the Special Needs Trust Fairness Act with my friends, Senators GRASSLEY, ROCKEFELLER, and ENZI. Our common-sense bill will correct a fundamental flaw that prevents individuals with disabilities from creating their own trusts. This is a basic right that should have never been overlooked.

November is Long-Term Care Awareness Month, when hopefully many families will discuss and decide how to best plan for their retirement and their future health care needs. Unfortunately,

current law assumes people with disabilities lack the requisite capacity to create such trusts for their long-term care needs, so these individuals must turn to others to create such a trust. This creates an unnecessary and sometimes costly burden on the individual and additional caseloads in our over-worked courts.

I also am pleased to have the support of the American Association of People with Disabilities and Easter Seals as well as the National Academy of Elder Law Attorneys, the Academy of Florida Elder Law Attorneys, the Academy of Special Needs Planners, and the Florida Joint Public Policy Task Force for the Elderly and Disabled.

I urge my colleagues to support me in this legislation so that we can finally correct this flaw.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

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

AMERICAN ASSOCIATION OF  
PEOPLE WITH DISABILITIES,  
Washington, DC, October 31, 2013.

Hon. BILL NELSON,  
U.S. Senate, Senate Hart Office Building,  
Washington, DC.

Hon. CHARLES GRASSLEY,  
U.S. Senate, Senate Hart Office Building,  
Washington, DC.

DEAR SENATOR NELSON AND SENATOR GRASSLEY: I am pleased to support the Special Needs Trust Fairness Act of 2013 (H.R. 2123 in the House) on behalf of the American Association of People with Disabilities (AAPD). I commend your bipartisan effort to empower people with disabilities by introducing this legislation. The Special Needs Trust Fairness Act will allow people with disabilities to set up a special needs trust for themselves.

AAPD is the nation's largest disability rights organization. We promote equal opportunity, economic power, independent living and political participation for people with disabilities. Our members, including people with disabilities and our family, friends, and supporters, represent a powerful force for change.

A special needs trust allows assets to be held in a trust and protects against the risk of complete impoverishment. As you know, due to a glitch in the current law, a capable, competent person with a disability is prohibited from creating her or his own special needs trust. We are in the position of having to ask a parent, grandparent, guardian, or the court to do so for us. This legislation not only eradicates this discrimination against people with disabilities, but also promotes self-sufficiency and independence.

Thank you for your leadership on this important issue. AAPD looks forward to working with you on passage of the Special Needs Trust Fairness Act of 2013. Please feel free to contact Colin Schwartz if you have any questions.

Sincerely,

HENRY CLAYPOOL,  
Executive Vice President.

EASTER SEALS,

OFFICE OF PUBLIC AFFAIRS,  
Washington, DC, October 31, 2013.

Hon. BILL NELSON,  
Chairman, Special Committee on Aging, U.S.  
Senate, Dirksen Senate Office Building,  
Washington, DC.

DEAR CHAIRMAN NELSON: Easter Seals is pleased to support your efforts to introduce the Special Needs Trust Fairness Act of 2013 in the United States Senate. This legislation would empower individuals with disabilities to help plan and save for their future daily living expenses by allowing them to set up a special needs trust for themselves, which is prevented under current law.

Easter Seals is a national nonprofit organization that provides individualized services and supports to help people with disabilities or special needs and their families reach their potential. Through our network of 72 community-based affiliates, including the four that serve the state of Florida, Easter Seals assisted more than 1.4 million individuals and their families last year through community-based services, including medical rehabilitation, employment, child care, adult and senior services, caregiving, and camping and recreation.

Easter Seals understands how important access to quality services and long-term supports are for individuals with disabilities. One tool to help ensure individuals with disabilities have access to these essential services and support beyond what is available through the government is through a special needs trust. Currently, a special needs trust can be created for a person with a disability by family members, a guardian or the court. Unfortunately, current law prevents people with disabilities from creating their own special needs trust for their asset, which can later be used to supplement living expenses and care when government benefits alone are insufficient. This legislation would remove this barrier, giving individuals with disabilities direct access to a current tool that can help them live independently and improve their health and well-being.

Thank you for your leadership on this important issue. Easter Seals looks forward to working with you following your introduction of the Special Needs Trust Fairness Act of 2013 to help ensure the legislation receives consideration and approval during the 113th Congress.

Sincerely,

KATY BEH NEAS,  
Senior Vice President,  
Government Relations.

NATIONAL ACADEMY OF ELDER  
LAW ATTORNEYS, INC.,  
Vienna, VA, November 7, 2013.

Hon. BILL NELSON,  
Senate Hart Office Building,  
Washington, DC.

DEAR SENATOR NELSON: We congratulate you for your leadership in protecting individuals with disabilities from unjust and discriminatory laws and we applaud your introduction of the Special Needs Trust Fairness Act of 2013. As you know, currently under the law, individuals with disabilities who have the requisite mental capacity are prevented from creating their own special needs trusts, which Congress has already authorized. They must have a parent, grandparent, guardian, or the court create their special needs trust even though they have the mental capacity to do it themselves.

As elder law attorneys, NAELA members' clients experience this injustice on a regular basis. Not all individuals have a parent, grandparent or guardian who can create their special needs trusts for them, and many of these individuals are forced to petition a court and pay additional fees to have

a special needs trust. The Special Needs Trust Fairness Act of 2013 will remove the current barriers that prevent an individual with disabilities from creating his or her own special needs trust.

NAELA is a professional association consisting of more than 4,300 attorneys who advocate for the rights of seniors and people with disabilities. Elder law attorneys are specialized and trained in a variety of areas in the law that address an individual's long-term care needs.

NAELA has made your legislation a top priority and stands ready to assist you in securing passage of the Fairness Act and eliminating this unjustified discrimination in the law.

Sincerely,

PETER G. WACHT, CAE,  
Executive Director.  
HOWARD S. KROOKS, CELA,  
CAP,  
President.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 289—EX-PRESSING THE SENSE OF THE SENATE THAT AMBUSH MARKETING ADVERSELY AFFECTS THE UNITED STATES OLYMPIC AND PARALYMPIC TEAMS AND SHOULD BE DISCOURAGED

Mr. BEGICH (for himself and Mr. BENNET) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 289

Whereas the 2014 Olympic and Paralympic Games will occur on February 7 through February 23, 2014, and March 7 through March 16, 2014, respectively, in Sochi, Russia;

Whereas more than 5,500 athletes from 80 nations will compete in 7 Olympic sports and 1,350 Paralympic athletes will compete in 5 sports;

Whereas American athletes have spent countless days, months, and years training to earn a spot on the United States Olympic or Paralympic teams;

Whereas the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.)—

(1) established the United States Olympic Committee as the coordinating body for all Olympic and Paralympic athletic activity in the United States;

(2) gave the United States Olympic Committee the exclusive right in the United States to use the words "Olympic", "Olympiad", "Paralympic", and "Paralympiad", the emblem of the United States Olympic Committee, and the symbols of the International Olympic Committee and the International Paralympic Committee; and

(3) empowered the United States Olympic Committee to authorize sponsors that contribute to the United States Olympic or Paralympic teams to use any trademark, symbol, insignia, or emblem of the International Olympic Committee, International Paralympic Committee, the Pan-American Sports Organization, or the United States Olympic Committee;

Whereas Team USA is significantly funded by 31 sponsors who assure that the United States has the best Olympic teams possible;

Whereas, in recent years, a number of entities in the United States have engaged in ambush marketing as a marketing strategy, affiliating themselves with the Olympic and Paralympic Games without becoming sponsors of Team USA;

Whereas ambush marketing harms the United States Olympic and Paralympic teams, undermines sponsorship activities, and gives ambush marketers an unfair and unethical advantage over entities that officially sponsor and provide funding for the elite athletes of the United States; and

Whereas efforts to prevent ambush marketing have enjoyed limited success as the strategies used by ambush marketers continue to multiply: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) ambush marketing adversely affects the United States Olympic and Paralympic teams and their ability to attract and retain the sponsorships necessary to be successful at the 2014 Olympic and Paralympic Games in Sochi, Russia; and

(2) entities in the United States should cease all ambush marketing efforts related to the United States Olympic and Paralympic teams.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Senate Committee on Energy and Natural Resources. This business meeting will be held on Thursday, November 14, 2013 at 9:30 a.m., in room 366 of the Dirksen Senate Office Building, prior to the already scheduled nominations hearing.

The purpose of the business meeting is to consider pending military land withdrawal bills.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Sam Fowler at (202) 224-7571 or Abigail Campbell at (202) 224-4905.

### COMMITTEE ON INDIAN AFFAIRS

Ms. CANTWELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on November 14, 2013, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to consider the following legislation: S. 1352, A bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes; S. 1448, A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; and S. 434, A bill to authorize and implement the water rights compact among the Blackfeet Tribe of the Blackfeet Indian Reservation and the State of Montana, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

### COMMITTEE ON INDIAN AFFAIRS

Ms. CANTWELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Thursday, November 14, 2013, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct an oversight hearing entitled "Contract Support Costs and Sequestration: Fiscal Crisis in Indian Country."

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

### COMMITTEE ON INDIAN AFFAIRS

Ms. CANTWELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, November 20, 2013, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct an oversight hearing to receive testimony on "Carceri: Bringing Certainty to Trust Land Acquisitions."

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 7, 2013, at 9:30 a.m.

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

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 7, 2013, at 10 a.m., to conduct a hearing entitled "Housing Finance Reform: Essential Elements To Provide Affordable Options for Housing."

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

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HARKIN. 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 November 7, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 7, 2013, at 11 a.m.

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

### SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection,

Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 7, 2013, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Demand Letters and Consumer Protection: Examining Deceptive Practices by Patent Assertion Entities."

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

### SUBCOMMITTEE ON OVERSIGHT, FEDERAL RIGHTS, AND AGENCY ACTION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Oversight, Federal Rights, and Agency Action, be authorized to meet during the session of the Senate, on November 7, 2013, at 1:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Justice Denied: Rules Delayed on Auto Safety and Mental Health."

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

## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Zachary Kachevas and Nicole DuBois, of my staff, be granted the privilege of the floor during the remainder of today's session.

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

## FORTIETH ANNIVERSARY OF U.S. TROOP WITHDRAWAL FROM VIETNAM

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 280.

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

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 280) recognizing the 40th anniversary of the withdrawal of United States combat troops from the Vietnam War and expressing renewed support for United States veterans of that conflict.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 280) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of October 31, 2013, under "Submitted Resolutions.")

# MEASURE READ THE FIRST TIME—S. 1661

Mr. REID. Mr. President, I am told that there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will report the title of the bill for the first time.

The bill clerk read as follows:

A bill (S. 1661) to require the Secretary of State to offer rewards of up to \$5,000,000 for information regarding the attacks on the United States diplomatic mission at Benghazi, Libya that began on September 11, 2012.

Mr. REID. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

## SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that from Thursday, November 7, through Tuesday, November 12, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

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

## ORDERS FOR FRIDAY, NOVEMBER 8, 2013, AND TUESDAY, NOVEMBER 12, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11:45 a.m. on Friday, November 8, 2013, for a pro forma session; that will be all we will do, with no business conducted; and that following the pro forma session, the Senate adjourn until 2 p.m. on Tuesday, November 12, 2013; that following the prayer and the pledge, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate be in a period of morning business until 4:30 with Senators permitted to speak for up to 10 minutes each; that at 4:30 p.m., the Senate proceed to executive session to consider Calendar No. 346, the nomination of Cornelia Pillard to be U.S. Circuit Judge for the District of Columbia, with the time until 5:30 p.m. equally divided and controlled in the usual form prior to a cloture vote on the nomination; further, that if cloture is invoked on the Pillard nomination, upon disposition of the nomination, the Senate resume legislative session and the Senate proceed to vote

on the motion to invoke cloture on the motion to proceed to H.R. 3204, the pharmaceutical bill.

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

## PROGRAM

Mr. REID. There will be up to two rollcall votes on Tuesday, November 12, beginning at 5:30 p.m.

## ADJOURNMENT UNTIL 11:45 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:15 p.m., adjourned until Friday, November 8, 2013, at 11:45 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### CONSUMER PRODUCT SAFETY COMMISSION

JOSEPH P. MOHOROVIĆ, OF ILLINOIS, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2012, VICE NANCY ANN NORD, TERM EXPIRED.

### DEPARTMENT OF THE INTERIOR

JANICE MARION SCHNEIDER, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE WILMA A. LEWIS, RESIGNED.

### DEPARTMENT OF ENERGY

ELLEN DUDLEY WILLIAMS, OF MARYLAND, TO BE DIRECTOR OF THE ADVANCED RESEARCH PROJECTS AGENCY—ENERGY, DEPARTMENT OF ENERGY, VICE ARUN MAJUMDAR, RESIGNED.

### DEPARTMENT OF STATE

COLLEEN BRADLEY BELL, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO HUNGARY.

JOSEPH WILLIAM WESTPHAL, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

### INTERNATIONAL MONETARY FUND

JANET L. YELLEN, OF CALIFORNIA, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS, VICE BEN S. BERNANKE, TERM EXPIRED.

### DEPARTMENT OF ENERGY

MADELYN R. CREEDON, OF INDIANA, TO BE PRINCIPAL DEPUTY ADMINISTRATOR, NATIONAL NUCLEAR SECURITY ADMINISTRATION, VICE NEILE L. MILLER, RESIGNED.

### IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 10, U.S.C., SECTION 531:

#### To be lieutenant colonel

SCOTT A. HABER  
PAUL R. HLADON  
MATTHEW G. KESLER  
YVES P. LEBLANC

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203(A):

#### To be captain

KENNETH J. ANDERSON  
JAMES B. ANDREWS  
JAMES F. BLOW  
ROBERT M. BRADY  
BARON K. BROWN  
LISA M. CAMPBELL  
DANIEL W. CLARK  
BRION J. FITZGERALD  
JOHN M. HARTZELL  
STEVEN J. HILL  
PETER D. KILLMER  
JAMES S. LIVINGOOD  
KYLE E. MAKI  
FRANK V. MCCONNELL

GERALD A. NAUERT  
RAFAEL A. ORTIZ  
CAROL A. POLLIO  
KERSTIN B. RHINEHART  
JAMES P. ROBINSON  
FRANKLIN H. SCHAEFER  
DOUGLAS B. SCHNEIDER  
BENJAMIN L. SMITH  
MATTHEW B. STUCK  
ALAN R. TUBBS  
FREDERICK WASCO  
FOREST A. WILLIS, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271(E):

#### To be captain

WAYNE R. ARGUIN  
PAUL D. ARNETT  
JERRY R. BARNES  
SCOTT A. BEAUREGARD  
DAVID F. BERLINER  
GEORGE L. BOONE  
WILLIAM CARTER  
ANTHONY J. CERAULO  
MICHAEL A. CLYBURN  
MICHAEL R. COCKLIN  
LAURA D. COLLINS  
SEAN M. CROSS  
BRYAN E. DAILEY  
JOSEPH E. DEER  
PAUL E. DITTMAN  
CHARLENE L. DOWNEY  
BRYAN L. DURR  
DAVID M. EHLERS  
THOMAS M. EMERICK  
BRIAN E. FIEDLER  
GREGORY T. FULLER  
GEOFFREY P. GAGNIER  
EDWARD J. GAYNOR  
MICHAEL W. GLANDER  
ERIC S. GLEASON  
MARK D. GORDON  
SHANNAN D. GREENE  
THOMAS A. GRIFFITTS  
DUSTIN E. HAMACHER  
BENJAMIN J. HAWKINS  
JAMES A. HEALY  
CHAD L. JACOBY  
BRENDAN D. KELLY  
THOMAS H. KING  
AMY E. KOVAC  
JOSEPH E. KRAEMER  
MICHAEL C. LONG  
JUAN LOPEZ  
JOHN S. LUCE  
KIRSTEN R. MARTIN  
THOMAS W. MCDEVITT  
MALCOLM R. MCLELLAN  
DARRAN J. MCLENON  
JASON A. MERRIWEATHER  
JAMES B. MILLICAN  
MICHAEL A. MULLEN  
PATRICK J. MURPHY  
KEVIN D. ODITT  
STEVEN F. OSGOOD  
KEITH A. OVERSTREET  
DAVID L. PETTY  
MICHAEL E. PLATT  
DAVID W. RAMASSINI  
WILFORD R. REAMS  
FRANCISCO S. REGO  
JOSHUA D. REYNOLDS  
KEVIN W. RIDDLE  
MICHAEL T. RORSTAD  
ORIN E. RUSH  
MATTHEW A. RYMER  
ROSS L. SARGENT  
HARRY M. SCHMIDT  
JAMES W. SEEMAN  
EDWARD B. SHEPPARD  
WILLIAM G. SMITH  
JOSEPH E. STAIER  
GREGORY STANCLIK  
BION B. STEWART  
LAURA J. THOMPSON  
JOSEPH G. UZMANN  
ALDANTE VINCIGUERRA  
MATTHEW R. WALKER  
THOMAS F. WALSH  
RICHARD J. WESTER  
KEVIN E. WIRTH  
MICHAEL B. ZAMPERINI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271(E):

#### To be commander

STEVEN C. ACOSTA  
MICHAEL N. ADAMS  
JEREMY J. ANDERSON  
BRADFORD E. APITZ  
WALTER J. ARMSTRONG  
WILLIAM L. ARMITT  
MATTHEW J. BAER  
GRETCHEN M. BAILEY  
GREGORY R. BARBLAUX  
PATRICK T. BARRELLI  
KEVIN M. BARRES  
IAN A. BASTEK  
JONATHAN J. BATES  
PAUL R. BEAVIS  
BRENT R. BERGAN  
KRISTI L. BERTSTEIN  
KEVIN C. BERRY

JASON M. BIGGER  
 KATIE R. BLANCHARD  
 AMY L. BLOYD  
 DIANNA L. BO  
 MATTHEW A. BRADEN  
 JOHN B. BRADY  
 MARC T. BRANDT  
 JASON A. BRENNELL  
 CHARLES J. BRIGHT  
 RANDALL E. BROWN  
 JONATHAN A. CARTER  
 ANTHONY B. CAUDLE  
 KIMBERLY B. CHESTEEN  
 MICHAEL A. CILENTI  
 HECTOR L. CINTRON, JR.  
 JEFFREY S. CLARK  
 CHRISTOPHER F. COUTU  
 THOMAS C. DARCY  
 CARMEN S. DEGEORGE  
 FRANCIS J. DEL ROSSO  
 KELLY K. DENNING  
 DAVID M. DUBAY  
 JOHN A. ELY  
 ANTHONY S. ERICKSON  
 BRIAN C. ERICKSON  
 SEAN C. FAHEY  
 JOSHUA W. FANT  
 JAMES T. FLANNERY  
 AURORA I. FLEMING  
 FRANK L. FLOOD  
 AMY E. FLORENTINO  
 KEVIN D. FLOYD  
 JAMES G. FORGY  
 PAUL E. FRANTZ  
 MATTHEW J. FUNDERBURK  
 GLENN J. GALMAN  
 BENJAMIN A. GATES  
 EDWARD P. GERAGHTY  
 BENJAMIN M. GOLIGHTLY  
 MARK A. GRABOSKI  
 TIMOTHY J. GRANT  
 JASON B. GUNNING  
 MATTHEW W. HAMMOND  
 KEITH T. HANLEY  
 SEAN P. HANNIGAN  
 JOANNE N. HANSON  
 KATRINA B. HARPER  
 CHARLES W. HAWKINS  
 EDWARD J. HERNAEZ  
 WESLEY H. HESTER  
 ANGELA R. HOLBROOK  
 TOBY L. HOLDRIDGE  
 BRIAN P. HOPKINS  
 TEDD B. HUTLEY  
 RANDY J. JENKINS  
 STARLING S. JINRIGHT  
 ANDREW S. JOCA  
 ERIC J. JONES  
 SCOTT B. JONES  
 ANDREA K. KATSENESES  
 MICHAEL A. KEANE

IBRAHIM M. KHALIL  
 MICHAEL E. KICKLIGHTER  
 JUSTIN A. KIMURA  
 CASSIE A. KITCHEN  
 DIRK L. KRAUSE  
 MICHAEL S. KRAUSE  
 BRIAN C. KRAUTLER  
 JON M. KREISCHER  
 THOMAS E. KUCHAR  
 MARK I. KUPERMAN  
 TAYLOR Q. LAM  
 TIMOTHY R. LAVIER  
 LYNDY C. LECRONE  
 TIMOTHY J. LIST  
 JOHN H. LOVEJOY  
 LEANNE M. LUSK  
 EVELYN L. LYNN  
 ERICA N. MACK  
 JOSE D. MARTIS  
 BENJAMIN J. MAULE  
 ALAN B. MCCABE  
 LEON MCCLAIN JR  
 TIMOTHY M. MCCLELLAN  
 PAUL S. MCCONNELL  
 AARON R. MEADOWS-HILLS  
 IVAN R. MENESSES  
 ZEITA MERCHANT  
 JOSEPH E. MEUSE  
 JOSHUA P. MILLER  
 STEPHANIE A. MORRISON  
 DAVID B. MURRAY  
 BRYAN C. PAPE  
 ERIC D. PEACE  
 ROBERT M. PEKARI  
 JOSE A. PEREZ  
 DOUGLAS C. PETRUSA  
 KRISTIAN B. PICKRELL  
 ERIC C. POPIEL  
 SCOTT B. POWERS  
 CLINTON J. PRINDLE  
 ARTHUR L. RAY  
 TODD E. RAYBON  
 VICTOR F. RIVERA  
 BRIAN W. ROBINSON  
 MARTHA A. RODRIGUEZ  
 BRUST B. ROETHLER  
 JERREL W. RUSSELL  
 ROBERT G. SALEMBIER  
 MICHAEL R. SARNOWSKI  
 RICHARD M. SCOTT  
 FRED W. SEATON  
 WILLIAM E. SEWARD  
 MICHAEL R. SINCLAIR  
 KEVIN J. SMITH  
 BOWEN C. SPIEVACK  
 BLAKE D. STOCKWELL  
 JENNIFER A. STOCKWELL  
 VERONICA A. STREITMATTER  
 SHAD A. THOMAS  
 PATRICK M. THOMPSON  
 DEREK R. THORSRUD

JEFFREY M. VAJDA  
 DANIEL R. WARREN  
 DONIS W. WATERS  
 DOUGLAS G. WATSON  
 JAMES D. WEAVER  
 EDWARD A. WIELAND  
 ERIN E. WILLIAMS  
 TARIK L. WILLIAMS  
 AMY E. WIRTS  
 CHRISTOPHER G. WOLFE  
 MARC A. ZLOMEK

#### THE JUDICIARY

ROBIN S. ROSENBAUM, OF FLORIDA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE ROSEMARY BARKETT, RESIGNED.

JAMES D. PETERSON, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN, VICE JOHN C. SHABAZ, RETIRED.

NANCY J. ROSENSTENGEL, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS, VICE G. PATRICK MURPHY, RETIRING.

RONNIE L. WHITE, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI, VICE JEAN C. HAMILTON, RETIRED.

#### DEPARTMENT OF JUSTICE

KEVIN W. TECHAU, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE STEPHANIE M. ROSE, RESIGNED.

#### WITHDRAWALS

Executive message transmitted by the President to the Senate on November 7, 2013 withdrawing from further Senate consideration the following nominations:

AIR FORCE NOMINATION OF LT. GEN. SUSAN J. HELMS, TO BE LIEUTENANT GENERAL, WHICH WAS SENT TO THE SENATE ON MARCH 19, 2013.

BEN S. BERNANKE, OF NEW JERSEY, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON APRIL 18, 2013.

THOMAS EDGAR WHEELER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2013, VICE JULIUS GENACHOWSKI, WHICH WAS SENT TO THE SENATE ON MAY 9, 2013.