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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts.

PRAYER

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

Let us pray.

Eternal God, the giver of gifts, thank You for Your unchanging promises that we can claim each day. Lord, You have promised to supply our needs and to work everything together for our good.

Bless our lawmakers. Help them to seek not what they can get from You but what Your power can enable them to do for You. Remind them that in prayer they do not so much hear a voice as acquire a voice. Show them how to use that acquired voice to speak for the voiceless. May they even use their pain to put them in touch with the pain of others.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 30, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following the remarks of myself and Senator MCCONNELL, the Senate will proceed to executive session to consider the nomination of Alan Estevez to be a Principal Deputy Under Secretary of Defense, working with Senator Hagel. The time until 10:30 a.m. will be equally divided. At 10:30, there will be a cloture vote on the nomination. If cloture is invoked, we expect to confirm this nomination later today and continue with cloture votes on additional nominations.

We always complain about what we don't get done, but I think everyone in the Senate should recognize that as a result of our having changed the rules in the Senate, we are able to move through some of these things much more quickly. We have reduced the time from 30 hours after cloture has been invoked to 8 hours, and that has helped us move through these issues. So everybody complains about our never changing things around here, but we have, and it has helped us.

NOMINATIONS

Mr. REID. Mr. President, the Senate has the privilege of considering the nominations of many exceptionally talented individuals for a variety of jobs. This week the Senate has already approved three qualified and dedicated nominees—including Richard Griffin, to serve among the people's watchdogs against labor abuses, and Tom Wheeler, to lead the body that oversees the Nation's telecommunications industries. This week we will consider five other fine public servants for a variety of crucial roles in the executive branch. So when one nominee's personal story and professional dedication stands out in this distinguished crowd, it is remarkable. And it is remarkable when we talk about a woman by the name of Patricia Millett.

Ms. Millett has been chosen by the President to be a nominee to serve on the DC Circuit Court of Appeals. She graduated at the top of her class from the University of Illinois and then attended Harvard Law School. She clerked for the Ninth Circuit Court of Appeals and served as an appellate attorney in the Justice Department's civil division. She then served as assistant to the Solicitor General under Democratic President Bill Clinton as well as Republican President George W. Bush. Ms. Millett then was chosen to lead the Supreme Court practice at the prestigious law firm of Akin Gump, and has argued more than 32 cases before the U.S. Supreme Court. This is a stunning number that rarely anyone ever reaches. I am sure there are others who have reached this number, but the two who come to my mind are the Chief Justice of the Supreme Court who argued many cases, and a long-time friend, the late Rex Lee, who was Solicitor General for President Reagan. Prior to, during his tenure as Solicitor General, and after he argued many cases before the Supreme Court. But 32 arguments before the Supreme Court is a stunningly high number.

Patricia Millett's professional credentials are matched by her personal integrity and determination. She is a military spouse, mother of two children, who argued a case before the Supreme Court while her husband, who

serves in the Navy, was deployed in Afghanistan. Ms. Millett has been a literacy tutor for more than two decades, and volunteers at her church's homeless shelter. She has the support of law enforcement officials, legal professionals, and military organizations from across the political spectrum. Her colleagues have called her fair-minded, principled, and exceptionally gifted, with unwavering integrity. So it is truly a shame that some Republicans would filibuster this exceedingly qualified nominee for unrelated political reasons.

Patricia Millett is nominated to what many call the second most important court in the land—the DC Circuit. This court reviews the complicated decisions and rulemakings of Federal agencies, and since September 11, 2001, has handled some of the most important terrorism and detention cases in the history of our country.

This is what former DC Chief Judge Patricia Wald said about the court's caseload:

> The D.C. Circuit hears the most complex, time-consuming, labyrinthine disputes over regulations with the greatest impact on ordinary Americans' lives: clean air and water regulations, nuclear plant safety, healthcare reform issues, insider trading and more. These cases can require thousands of hours of preparation by the judges, often consuming days of argument, involving hundreds of parties and interveners, and necessitating dozens of briefs and thousands of pages of record—all of which culminates in lengthy, technically intricate legal opinions. . . . The nature of the D.C. Circuit's caseload is what sets it apart from other courts.

Unfortunately, today the court is functioning far below its full complement of judges. The number of judges was chosen legislatively a long time ago. Today, only 8 of the 11 seats on the DC Circuit are full. The three remaining vacancies are due in part to Republican obstruction of qualified nominees such as Caitlin Halligan, an extremely qualified woman. Twice she was defeated.

Republicans claim that filling these three remaining vacancies on the DC Circuit would amount to court packing. This is ridiculous. We are not changing any law. We are filling vacancies. Circuit court nominees, including nominees for the DC Circuit, have waited seven times longer for confirmation under President Obama than they did under the last President Bush. So it is no mystery why we have a judiciary crisis in America. Making nominations to vacant judgeships is not court packing. It is the President's job.

I repeat, filling vacant judgeships is the President's job. It has nothing to do with court packing.

Senate Republicans were happy to confirm judges to the DC Circuit when President Reagan and President George W. Bush were in office, but now that a Democrat serves in the White House, they want to eliminate the remaining three DC Circuit seats, although the court's workload has actually grown since President Bush was in office.

Republicans are using convenient but flawed political arguments to hamstring our Nation's court and deny highly qualified nominees such as Ms. Millett a fair up-or-down vote. But she deserves better. She deserves a return to the days when all Senators—including Republicans—took their duty to advise and consent seriously.

I am cautiously optimistic that enough Republicans understand their responsibilities and will allow us to move forward on this very important nomination. She deserves a return to the days when qualified nominees were guaranteed a full and fair confirmation process to avoid the political games. It is basically fairness.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

OBAMACARE

Mr. MCCONNELL. Mr. President, each of us was sent here to serve and protect our constituents. That is why Republicans voted unanimously against ObamaCare in 2009, because we believed it was our job to stand for middle-class families we were sent here to represent, because we—and not just us, but countless health care professionals, policy experts, and citizens across the country—saw this train wreck coming literally years ago, knew the pain it would cause, and warned against it.

I wish the President and Washington Democrats had listened back then. I really do. I wish we had been wrong about ObamaCare too, because the failings of this law are about so much more than a Web site. They are about real people.

Yes, the healthcare.gov fiasco can seem almost comical at times—like a surreal parody of government bungling. But as the President says, this is about so much more than a Web site. He is right about that. The pain this law is causing is not digital—it is real.

Workers first began to feel the pain when employers started cutting hours, and then benefits, and some jobs altogether. Spouses felt it when they lost their health coverage they had had through their husband's or wife's job. College graduates felt it when they could only find part-time work, if they could find anything at all in the Obama economy. And this was before basically anyone had even heard of this ObamaCare Web site.

Now that the health care law is actually coming online, many Americans are finding they will be seeing premium increases or that they will be getting hit with higher copays and deductibles or that they can no longer see the doctors who use the hospitals of their choice. In fact, I have been hearing from constituents in western Kentucky that a number of the hospitals and health care providers they have relied upon will no longer be available in their network—and, in many cases, they will be responsible for 100 percent of the costs associated with services performed at those facilities they used to use.

Let me repeat. One hundred percent of the costs. How is that an improvement? How is that reform?

Many in the middle class are also learning that the health plans they were promised they could keep are being taken away from them anyway. They feel absolutely betrayed. They feel hurt. And they feel vulnerable. When these folks are offered ''comparable'' plans at all, they are often completely unaffordable. And if they poke around on the exchanges—assuming they could even log on—many are finding that ObamaCare coverage is going to cost them way too much, not offer them what they want, or both.

Here is a note I recently received from a constituent in Caldwell County:

> According to . . . our health insurance provider, we can elect to stay on our current plan for this year with less coverage or switch to the 'Affordable' Care Plan that provides a little more coverage but at a cost increase that is almost double. We currently pay $653 per month and it would increase to over $1100 . . . after talking to the insurance company today, it seems . . . I was lied to by the President and Congress when we were told that the 'Affordable' Care Act would not require us to switch from our current insurance provider. My husband and I work hard, pay a lot in taxes and ask for little from our government. Is it asking too much for government to stay out of my health insurance?

Her family is not alone. A CNN report this morning estimates that roughly one-half of the 600,000 people in Kentucky's private insurance market will have their current insurance plans discontinued by the end of the year.

This is not right and it is certainly not fair. It is even more unfair when you consider that the administration chose to exempt businesses from this law for a year but did not think the middle class deserved the same treatment.

Republicans do. We think the middle class actually deserves a permanent exemption from this law. But as long as partisans in Washington continue to jealously defend ObamaCare, we will do at least whatever we can to fight for greater fairness for the middle class.

I hope more Democrats will join us to make that happen because a Web site can be fixed but the pain this law is causing—higher premiums, canceled coverage—that is what is really important, and that is what Democrats need to work with us to address by starting over, completely over, with true bipartisan health care reform.

I yield the floor.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF ALAN F. ESTEVEZ TO BE A PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE

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

The assistant legislative clerk read the nomination of Alan F. Estevez, of the District of Columbia, to be a Principal Deputy Under Secretary of Defense.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 will be equally divided and controlled in the usual form prior to a vote on the motion to invoke cloture on the nomination.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Vermont.

MILLETT NOMINATION

Mr. LEAHY. Mr. President, today we are debating whether the Senate is going to be allowed to vote on the confirmation of Patricia Millett. She is nominated to fill the vacancy that our current Chief Justice John Roberts previously occupied on the U.S. Court of Appeals for the DC Circuit.

If she is confirmed, as of course she should be, she will be only the sixth woman to serve on the DC Circuit in its more than 120-year history. She is an extraordinary nominee. She has impeccable credentials for this important appellate court.

I, like so many others across this country, hope that her confirmation is not going to suffer from the partisanship and gridlock that consumed Congress earlier this month.

Ms. Millett was born in Dexter, ME and now calls Virginia home, but growing up she lived in Kansas, Virginia, Ohio, and Illinois. She earned her undergraduate degree, summa cum laude, from the University of Illinois at Urbana-Champaign and her law degree, magna cum laude, from Harvard Law School. She served as a law clerk for Judge Thomas Tang on the U.S. Court of Appeals for the Ninth Circuit in Phoenix, AZ.

Patricia Millett has had a brilliant legal career. She has argued 32 cases before the Supreme Court. Until recently, she held the record for the most Supreme Court arguments by a woman attorney before the court. She has argued dozens of cases in the Federal courts of appeal. She has briefed numerous cases in the Supreme Court and also appellate courts across the Nation.

Ms. Millett has extensive experience on issues that come before the D.C. Circuit. She served for 15 years in the U.S. Department of Justice in both Democratic and Republican administrations. She worked for 4 years on the appellate staff of the civil division. She argued cases in Federal and State appellate courts, including the successful constitutional defense of the Religious Freedom Restoration Act, and the inclusion of ''In God We Trust'' on Federal currency.

She spent over a decade in the Solicitor General's office. Her stellar reputation led a bipartisan group of seven former Solicitors General to praise her as ''unfailingly fairminded.''

In 2004, Republican Attorney General John Ashcroft awarded Ms. Millett the Attorney General's Distinguished Service Award for representing the interest of the United States before the Supreme Court.

Since 2007, she has led the Supreme Court practice in the Washington, DC, office of Akin Gump. Her work in private practice spans commercial litigation, administrative law, constitutional matters, statutory construction, and even criminal appeals. She has represented Army reservists and business interests, including the Chamber of Commerce as well as civil rights plaintiffs.

Ms. Millett is a nominee with unquestionable integrity and character. She has committed herself to pro bono work. She has done this throughout her career. She has also engaged in some very significant community service. She helps the neediest among us, volunteering through her church to prepare meals for the homeless and serving regularly as an overnight monitor at a local shelter. Twenty years after serving as a law clerk in Arizona, Patricia Millet will return next summer with her family for a mission trip with the White Mountain Apache tribe in Fort Apache, AZ.

It is interesting that in a press conference I held yesterday when we had spouses of people in the military, we talked about another aspect of her career. Her husband is now a retired Navy reservist, but as a military spouse when he was called up, Ms. Millett has a personal understanding of the sacrifice we ask of our servicemembers and their families.

At the very height of her legal career, her husband was called on to deploy as part of Operation Iraqi Freedom. Of course he left, as those who are called to serve do, but she was left at home with two young children. And what did she do? She did what spouses all over this country do. She filled the role of both parents at home while her husband served in the Navy overseas.

In fact, just the other day the Senate passed a bipartisan resolution to honor families like Ms. Millett's family. We commemorate October 26 as the Day of the Deployed.

Not only is she committed to her own military family, she has helped to secure employment protections for members of our National Guard and Reserve through her pro bono legal work.

I know the distinguished Presiding Officer is concerned about the Guard and Reserve in his State of Massachusetts as I am in my State of Vermont. Ms. Millet also knows the strains that they face. In a case decided by the Supreme Court in 2011, Ms. Millett represented an Army reservist who was fired, in part, because some of his coworkers who stayed at home didn't like his military absences. She stood up for every Guard member and every reservist in Vermont or Massachusetts or any other State in this country. The successful arguments Ms. Millett helped craft have made it easier for all members of our Reserve and National Guard to protect their right under the Uniformed Services Employment and Reemployment Rights Act.

Through her legal work, she has earned broad bipartisan support. This includes the support of Peter Keisler, Carter Phillips, Kenneth Starr, Ted Olson, Paul Clement, and a bipartisan group of 110 appellate practitioners, as well as 37 Deputy Solicitors General and assistants to the Solicitor General from both Republican and Democratic administrations.

She is supported by both the national president of the National Fraternal Order of Police, Chuck Canterbury; the Deputy Commissioner of the New York Police Department, Douglas Maynard; the President of the National Bar Association, John Page; and Andrea Carlise, the current President of the National Conference of Women's Bar Associations. Ms. Millet has the support of the military community including Major General Clark H. McNair, Jr., U.S. Army, Retired; Michael Hall, Command Sergeant Major, U.S. Army, Retired; Blue Star Families; and the Gallant Few.

Based on Ms. Millett's advocacy in private practice, she has the support of former executive vice president at the Chamber of Commerce Litigation Center, Robin Conrad, who declares that Ms. Millett is:

> a non-ideological, non-partisan, 'lawyer's lawyer,' who has proven herself to be a trusted advisor to business with a practical appreciation of the challenges faced by businesses, large and small. She is open-minded, fair, even-tempered and superbly qualified to serve on the District of Columbia Circuit.

In fact, the list is so long, I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

If a President was to be given a textbook about the type of nominee to send to the Senate, or if Senators were given a textbook of the type of person to confirm, this would be the golden standard right here. We should not even be having this debate. She should have been confirmed unanimously weeks ago. She is the kind of nominee we should support because hers is a great American story of dedication, diligence, patriotism, and extraordinary professional ability.

I hope nobody is going to get involved in partisan politics and choose to filibuster her nomination. She deserves to be confirmed.

I understand that some Republicans have newfound concerns about the number of judges on the D.C. Circuit. During the Bush administration, Senate Republicans voted unanimously to fill four vacancies on the D.C. Circuit—giving the court a total of 11 judges in active service. Today there are only eight judges on the court. What has changed? It is not the caseload—that has remained fairly constant over the past 10 years. The only thing that has changed is the party of the President nominating judges to the court.

Incidentally, a Republican President nominated a man named John Roberts to the seat Ms. Millett has now been nominated to. When his nomination came up for a vote on the Senate floor, as I recall, all Democrats and all Republicans supported him for that seat. While Democrats did not agree with him philosophically on all issues, we knew he was highly qualified, and he was confirmed.

I don't think it is any stretch to say she is just as qualified. It is the same seat, but the only difference is it is a Democratic President who has nominated her. The standards should be the same. The same standards that allowed John Roberts to be confirmed to that seat with a Republican President are the same standards that should allow her to be confirmed to the seat with a Democratic President. She should be confirmed.

I want to talk about the caseload. The caseload was 121 pending appeals per active judge when President Bush was in office. The Republican-controlled Senate had no problem in confirming the 11th judge to that court.

Now, when the caseload is 185 pending appeals per active judge instead of 121 with a Democratic President, we are told: Gosh, we have to cut back. We have too many judges. It doesn't pass the giggle test. The fact is that this is what Republicans said. They voted for nominees to fill these 11 seats. Now, when three of those seats are vacant and we are trying to fill one—the same one John Roberts had—some are saying maybe we have too many judges. Back then we had 121 appeals pending per active judge and now we have 185. No matter how we do it, the issue simply comes down to, is this nominee qualified?

I have had the great privilege of serving in this body for almost 40 years. I have voted on thousands of judges nominated by both Republicans and Democrats. I voted to confirm the vast majority of them whether we had a Republican President or a Democratic President. Thinking back through all of those thousands of judges, I have a hard time finding even a handful who were as well qualified as this woman is or where there is as much of a need to have somebody in there.

This is important. This is not only important on the merits—and on the merits it is an easy case—but there should be no delay based on politics. At a time when the American people are looking at the Congress and saying: What are you people doing—first the shutdown and then other things—we should not allow one more example that will bring the scorn of the American people toward this great body by saying no to somebody when every single person, no matter what their politics are and no matter what part of the country they are from, knows how qualified she is.

I was thinking yesterday about when the group representing spouses in the military spoke about what she did to maintain her legal career but first and foremost to take care of her family while her husband was abroad and even then to do such things as help provide food to food kitchens for those less able and less fortunate. When we see a background such as this, we think it is too good to be true, but in this case it is all true. So let's confirm her.

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

LETTERS RECEIVED FOR PATRICIA MILLETT

June 24, 2013—Robin Conrad, Former Executive Vice President, National Chamber Litigation Center, Chamber of Commerce

July 2, 2013—Independent Group of Private Attorneys, Law Professors, and Former Judges

July 2, 2013—Jefferson Keel, President, National Congress of American Indians

July 3, 2013—Barbara Arnwine, President and Executive Director, and Jon Greenbaum, Chief Counsel and Senior Deputy Director, Lawyers' Committee for Civil Rights Under Law

July 3, 2013—Stuart Bowen, Jr.

July 3, 2013—Solicitors General at the Department of Justice, 1989–2009

July 3, 2013—Dan Schweitzer, Supreme Court Counsel, National Association of Attorneys General

July 3, 2013—Lisa Soronen, Executive Director, State and Local Legal Center

July 8, 2013—Jessica Adler, President, Women's Bar Association of the District of Columbia

July 8, 2013—Silvia Burley, Chairperson, California Valley Miwok Tribe

July 8, 2013—Major General Clark H. McNair, Jr., U.S. Army, Retired

July 8, 2013—Leonard Forsman, Chairman, Tribal Council of the Suquamish Tribe

July 8, 2013—Lilly Ledbetter

July 8, 2013—Judge Timothy Lewis, Former Federal Judge of the Third Circuit Court of Appeals

July 8, 2013—Carter Phillips and Peter Keisler, Attorneys

July 8, 2013—Douglass B. Maynard, Deputy Commissioner, NYPD

July 9, 2013—Chuck Canterbury, National President, National Fraternal Order of Police

July 9, 2013—David Diaz, Co-Chair, Endorsements Committee of the Hispanic Bar Association of the District of Columbia

July 9, 2013—37 Assistant, Deputy, and Acting Solicitors General

July 9, 2013—Ofelia L. Calderon, President, Hispanic Bar Association of the Commonwealth of Virginia

July 9, 2013—Nancy Duff Campbell and Marcia D. Greenberger, Co-Presidents, National Women's Law Center

July 9, 2013—Chuck Wexler, Executive Director, Police Executive Research Forum

July 9, 2013—Wade Henderson, President, and Nancy Zirkin, Executive Vice President, The Leadership Conference on Civil and Human Rights

July 10, 2013—John Page, President, National Bar Association

July 11, 2013—John E. Echohawk, Executive Director, Native American Rights Fund

July 17, 2013—Maryse Allen, President, Virginia Women Attorneys Association

July 17, 2013—Gene Rossi, Assistant U.S. Attorney and Chief of the Specials Unit, Eastern District of Virginia

July 17, 2013—Douglas Kendall, President, and Judith Schaeffer, Vice President, Constitutional Accountability Center

July 23, 2013—Mary Grace A. O'Malley, Attorney

July 23, 2013—Catherine M. Reese, Attorney

September 11, 2013—Andrea Carlise, President, National Conference of Women's Bar Associations

September 29, 2013—Matthew Crotty, U.S. Army and National Guard Veteran

September 30, 2013—Karl Monger, Major, Retired U.S. Army Reserves, and Executive Director, GallantFew, Inc.

October 1, 2013—Michael Hall, Retired from the U.S. Army after 31 years of active duty, Command Sergeant Major, Retired U.S. Army

October 4, 2013—Karen Kelly, wife of General John F. Kelly, the Commander of the United States Southern Command

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senate right now is considering the Estevez nomination, and the time is equally divided between both sides.

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

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing rules of the Senate, hereby move to bring to a close debate on the nomination of Alan F. Estevez, of the District of Columbia, to be a Principal Deputy Under Secretary of Defense.

Harry Reid, Carl Levin, Robert Menendez, Charles E. Schumer, Jack Reed, Kirsten E. Gillibrand, Sheldon Whitehouse, Richard Blumenthal, Jeff Merkley, Christopher A. Coons, Debbie Stabenow, Christopher Murphy, Patty Murray, Tom Harkin, John D. Rockefeller IV, Bill Nelson, Benjamin L. Cardin.

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

The question is, Is it the sense of the Senate that debate on the nomination of Alan F. Estevez, of the District of Columbia, to be a Principal Deputy Under Secretary of Defense, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 91, nays 8, as follows:

[Rollcall Vote No. 223 Ex.]

YEAS—91

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

NAYS—8

Cornyn	Paul	Scott
Crapo	Risch	Sessions
Cruz	Rubio	

NOT VOTING—1

Inhofe

The PRESIDING OFFICER. On this vote, the yeas are 91, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Pursuant to the provisions of S. Res. 15 of the 113th Congress, there will now be up to 8 hours of postcloture consideration on the nomination equally divided in the usual form.

The Senator from Alaska.

Mr. BEGICH. Madam President, I ask unanimous consent that at 12 noon today all postcloture time on the Estevez nomination be yielded back and the Senate proceed to a vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

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

Mr. BEGICH. For the information of all Senators, we expect a voice vote on the Estevez confirmation. The next vote in order will be cloture on the Archuleta nomination. Senators should expect a rollcall vote at noon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I know we are in the postcloture time on the Estevez nomination. I wanted to explain why it was necessary for me to put a hold on this nomination this last March. This is a very important position, the second ranking acquisition official at the Department of Defense.

Actually my objection does not have anything to do with Mr. Estevez personally, who I trust will do an admirable job in this very important position. But the reason I put a hold on the nomination was so I could try to get the attention of the Department of Defense to protest the Department's business relations with a notorious Russian arms dealer. For the last few years, the Pentagon has been buying helicopters, Mi-17 helicopters, from Rosoboronexport, a Russian arms dealer, to supply the Afghan military. But this is the arms dealer, of course, who is supplying Bashar al-Assad with the weapons he is using in Syria in that civil war to kill his own innocent civilian population.

The Pentagon itself has confirmed that Bashar al-Assad security forces have used these very same Russian-made weapons to massacre an untold number of civilians. Yet the Department of Defense has stubbornly refused—I do not think arrogant is too strong a word—stubbornly and arrogantly refused to end its relationship with Assad's personal arms supplier.

In fact, since 2011, the Pentagon has given more than $1 billion—$1 billion—to Rosoboronexport in no-bid contracts. It is planning to spend another $345 million on the company's Mi-17 helicopters in 2014.

Let me be clear. By purchasing Mi-17s from Rosoboronexport, our own Department of Defense is effectively subsidizing the mass murder of Syrian civilians, which is, by all accounts, simply outrageous.

To make matters worse, the Mi-17 program is apparently plagued by internal corruption. According to published news reports, there are at least two separate ongoing criminal investigations into the U.S. Army office that manages the procurement and sustainment contracts for the Mi-17s. Last month, I joined 31 of my congressional colleagues in a bipartisan letter to the Attorney General of the United States, urging him to utilize all available resources to support these criminal investigations.

For that matter, I have also joined with 12 of my Senate colleagues in a bipartisan letter to General Dempsey, the Chairman of the Joint Chiefs of Staff at the Pentagon, asking him for assurances that its contracts with Rosoboronexport are not being abused by corrupt Russian officials.

Americans have good reason to be concerned. It is their tax dollars that are being used to buy these helicopters from Russia for the Afghan military.

Russia has a particularly bad track record. They received an abysmal grade of D-minus in Transparency International's latest Government Defence Anti-Corruption Index. In 2011, Russia's chief military prosecutor publicly stated that 20 percent of his country's annual military equipment budget is being stolen by corrupt officials and contractors. One independent watchdog believes that figure could be as high as 40 percent.

In short, there are plenty of legitimate reasons and questions about why American tax dollars are going to Rosoboronexport. On a per-aircraft basis, the U.S. Army is paying Rosoboronexport more than double what the Russian military itself is paying to buy nearly identical helicopters. About 1 year ago, I convinced the Pentagon to conduct a formal audit of the Army's 2011 no-bid contract. Unfortunately, that audit went nowhere due to persistent stonewalling by—you guessed it—Rosoboronexport.

In other words, we still have a lot of questions and the Pentagon and Rosoboronexport still owe us a lot of answers which we don't yet have. One question is what prompted the Department of Defense to buy Russian helicopters in the first place? To my knowledge, there are plenty of American manufacturers of helicopters that would be anxious to compete for this no-bid contract. By relying upon Moscow to supply the Afghan military with essential equipment, we have given the Kremlin significant leverage over U.S. foreign policy. Moreover, equipping the Afghans with Russian helicopters will make it virtually impossible to achieve any real level of interoperability between the U.S. and Afghan helicopter fleets.

The Department of Defense has repeatedly and disingenuously claimed that a 2010 study of Afghanistan's helicopter requirements shows the necessity of buying Mi-17 helicopters from Russia. In fact, the unclassified portion of that study found that the ideal aircraft for the Afghan military was a particular American-made helicopter.

Why are we buying Russian helicopters when there are American manufacturers that can meet that very same requirement? It makes no sense whatsoever, and the Department of Defense has steadfastly refused to cooperate with reasonable inquiries into why in the world they continue to persist along this pathway.

The reality is the Department of Defense has plenty of alternatives to buying Mi-17s from Russia, but for some reason or reasons known only to them, they steadfastly refuse to consider any of these alternatives. The most sensible and cost-effective alternative would involve keeping many of the Mi-

17s the Afghans already have on hand and life-extending them, instead of retiring them early, which is what is happening now. In other words, Mi-17s that the Afghans already have are being retired early rather than being life-extended because of the Pentagon's stubborn insistence on buying new ones to replace these existing helicopters. In fact, a majority of the Mi-17s the Afghan military already has have more than half of their useful lifetime left in terms of flight hours, and they are being retired early so the Pentagon can buy these new helicopters to replace them.

It makes no sense whatsoever, particularly at a time when I know we are all concerned about our defense expenditures and making sure the Defense Department has the resources they need in order to keep America safe and maintain our commitments around the world. Why would the Defense Department be acting so irresponsibly as they are in the purchase of these Mi-17 helicopters?

While I don't have any personal objection to the nomination of Mr. Alan Estevez, I could not support cloture on the nomination.

Along with my friends and colleagues on both sides of the aisle, I am going to do everything I can to shine a bright light on the Pentagon's troubling relationship with a Russian arms dealer, which is also Bashar al-Assad's arms dealer from which he purchases weapons to kill innocent civilians in Syria. What reasonable person wouldn't be troubled by this tangled relationship?

Ideally, the Mi-17 program would simply be terminated. At the very least, it should be placed on constant and vigorous congressional oversight, and that would serve the interests of U.S. taxpayers and U.S. national security alike.

For all of these reasons, I could not support a cloture vote on the nomination of Mr. Estevez. I am going to continue to come back to the floor and use other vehicles.

I see the distinguished chairman of the Armed Services Committee on the floor. I know we are going to be taking up the Defense authorization bill later on this year, and I will be reaching out to him and other colleagues on both sides of the aisle to try to bring an end to this troubling relationship with Rosoboronexport and to seek alternative means—hopefully, from American manufacturers—for this requirement for the Afghan military.

I ask unanimous consent to have printed in the RECORD two letters, one dated August 5, 2013, to GEN Martin E. Dempsey, and a letter dated September 16, 2013, addressed to the Attorney General of the United States, Eric Holder.

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

U.S. SENATE,
Washington, DC, August 5, 2013.

General MARTIN E. DEMPSEY,
Chairman of the Joint Chiefs of Staff, Joint Staff Pentagon, Washington, DC.

DEAR GENERAL DEMPSEY: We write to express deep concern over your support for the ongoing Department of Defense (DoD) procurement of helicopters from Rosoboronexport, the Russian Federation's official arms export firm, as well as DoD's seeming blindness to the real risk of both Russian corruption in these deals and overreliance on a potentially hostile power. You are on the record, as recently as your Senate reconfirmation hearing on July 18, saying that we should ''stay the course with the existing program.'' In the interests of national security and proper stewardship of taxpayer dollars, we ask you to reconsider.

In June, DoD awarded Rosoboronexport a $572 million contract for the procurement of 30 more Mi-17 helicopters for the Afghan Special Mission Wing, ignoring the recommendation of the Special Inspector General for Afghan Reconstruction (SIGAR) to halt this procurement. SIGAR, in its June 28 report, cast doubt on the validity of the requirement for the aircraft, providing ample evidence that it is based on unrealistic and outdated projections. We request an explanation of DoD's decision. We also understand that DoD plans to buy approximately 15 more of these aircraft using FY14 funds.

As you know, while Rosoboronexport receives huge payments from DoD, it also continues to serve as a key enabler of atrocities in Syria, transferring weapons and ammunition to prop up the bloodthirsty regime of Bashar al-Assad. DoD has confirmed that Assad's forces have used these very weapons to murder Syrian civilians, and the United Nations estimates that over 100,000 people have been killed. DoD has now awarded well over $1 billion in no-bid contracts to this Russian state-controlled firm, which handles more than 80 percent of Russia's arms exports. What's more, as recently as 2005, Russia reportedly forgave more than $10 billion of Syria's past arms sales debt. As such, DoD has put American taxpayers in the repugnant position of subsidizing the mass murder of Syrian civilians.

While DoD's relationship with this firm is troubling on many levels, the prospect that American taxpayers have been made into unwitting victims of Russian corruption demands special scrutiny. Rosoboronexport is an arm of the Russian Federation and a key component of Russia's defense establishment, in which corruption is rampant. In June, the British nonprofit group Transparency International published its Government Defence Anti-Corruption Index, giving Russia a D-minus rating as one of the worst-ranked exporters. This group found ''evidence of organised crime penetration into defence and security establishments, and little evidence of the government's ability to address this,'' and it concluded that several top Ministry of Defence officials have convictions on their records.

In May 2011, Russia's chief military prosecutor publicly stated that 20 percent of Russia's own military equipment budget is stolen by corrupt officials and contractors each year, citing practices such as ''fake and fictitious invoices'' and ''kickbacks for state contracts.'' The head of Russia's National Anti-Corruption Committee independent watchdog put his estimate at 40 percent. Concerns about corruption in Russia's arms trade also reportedly led Iraq to cancel a $4.2 billion arms deal with Russia last year. We have very serious concerns over where the proceeds of DoD's Mi-17 contracts might be going.

In September 2012, one of us raised concerns about the price per aircraft that DoD was paying to Rosoboronexport and persuaded DoD to direct the Defense Contract Audit Agency (DCAA) to conduct a formal audit of the Army's 2011 no-bid contract with the firm. In May of this year, we learned that, due to a total lack of cooperation by Rosoboronexport and months of stalling tactics, DCAA had to abandon the audit. At the same time, DoD was negotiating the $572 million no-bid contract with this firm, but failed to use that leverage to secure its cooperation with the audit. DoD should complete this audit.

We need your personal assurance that American taxpayers are not being cheated out of their hard-earned dollars by corrupt Russian officials and contractors who may be lining their own pockets. Further, we request a briefing on exactly what due diligence DoD did on this issue prior to awarding these contracts to Rosoboronexport, as well as what continuing safeguards DoD has in place to prevent this.

The strategic vulnerabilities that DoD's Mi-17 program have potentially created are also deeply troubling. DoD argues that its direct relationship with Russia's official arms exporter provides essential benefits, such as recognition of ''Russian Military Airworthiness Authority,'' special tools and test equipment, and engineering ''reach back'' for Mi-17s, which it says includes service bulletins, certification of modifications, root cause corrective actions, lifting of life limits on parts, counterfeit part mitigation, special access to technical info, support for future modifications and fielded aircraft. If DoD's dependence on Russia for Afghanistan's future rotary airlift capacity is as complete as DoD suggests, this raises serious questions: (1) If the Afghan military continues to operate Russian aircraft for decades to come, can it ever be fully independent of Russia? (2) Should Russia decide at some point to withhold support for the Afghan Mi-17 fleet, does DoD have a fallback plan to ensure the Afghan fleet's readiness? (3) Does the overreliance on Russia fostered by this Mi-17 program put the U.S. at risk of Russian coercion or blackmail on other security issues, such as the crisis in Syria, Iran's drive to obtain nuclear weapons, U.S. missile defense, arms control negotiations, or the security of former Soviet republics?

We are concerned by DoD's apparent failure to consider the strategic implications of sourcing mission-critical military equipment from a potentially hostile power such as Russia. DoD's preference for Russian helicopters will also make it highly difficult to achieve robust interoperability between the U.S. and Afghan helicopter fleets, which is in the long-term interests of both nations. These problems are self-inflicted, and this policy is extremely shortsighted.

For these reasons, we ask that DoD cancel all current contracts with Rosoboronexport, as it has previously confirmed it has the right to do at any time, and fully sever its business relationship with this firm.

Sincerely,

John Cornyn, U.S. Senator; Mark Begich, U.S. Senator; Kelly Ayotte, U.S. Senator; Mark Kirk, U.S. Senator; John Boozman, U.S. Senator; Jeff Sessions, U.S. Senator; David Vitter, U.S. Senator; Charles E. Schumer, U.S. Senator; Richard Blumenthal, U.S. Senator; Kirsten E. Gillibrand, U.S. Senator; Christopher Murphy, U.S. Senator; Roger F. Wicker, U.S. Senator; Ron Wyden, U.S. Senator.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 16, 2013.

Hon. ERIC HOLDER,
Attorney General, U.S. Department of Justice, Pennsylvania Avenue, NW., Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: We write with great concern about reported allegations of criminal activity by one or more government officials within the Department of the Army's Non-Standard Rotary Wing Aircraft (NSRWA) Project Management Office, which leads the Department of Defense's troubled Mi–17 helicopter program. These allegations, if substantiated, would represent not just a violation of the law, but also a breach of the public trust.

According to an August 29, 2013, report from Reuters, the Defense Criminal Investigative Service has been conducting a criminal investigation and is examining ''questionable transactions'' by NSRWA, including potentially improper payments to Russian companies involved in Mi–17 overhauls, as well as problematic personal ties between one or more Army officials and these foreign entities.

In addition, the Special Inspector General for Afghanistan Reconstruction has launched a probe into NSRWA's procurement of new Mi–17 helicopters, according to the Reuters report. Since 2011, NSRWA has negotiated and executed more than $1 billion worth of contracts for procurement of these Russian aircraft from Rosoboronexport, Russia's state-controlled arms exporter who simultaneously continues to supply weapons and ammunition to the Syrian government.

The prospect that American taxpayers have been made into unwitting victims of corruption demands special scrutiny. On a per aircraft basis, the Army is paying Rosoboronexport more than double what the Russian military itself is paying right now to buy nearly identical helicopters. These facts, taken together with the news report, raise very serious questions about the Army's entire Mi–17 program, including whether the various contracts for procurement and overhaul were the products of criminal misconduct.

In light of these ongoing concerns, we urge you to utilize all available resources, including the Federal Bureau of Investigation, to support any criminal investigation into these matters. If the allegations are founded, we urge you to ensure the guilty parties are prosecuted to the fullest extent of the law. Thank you for your consideration of this important request.

Sincerely,

John Cornyn, U.S. Senator; Richard Blumenthal, U.S. Senator; John Boozman, U.S. Senator; Mark Kirk, U.S. Senator; Kelly Ayotte, U.S. Senator; Mark Begich, U.S. Senator; Roger F. Wicker, U.S. Senator; Christopher A. Coons, U.S. Senator; David Vitter, U.S. Senator.

Rosa L. DeLauro, Member of Congress; Kay Granger, Member of Congress; James P. Moran, Member of Congress; Frank R. Wolf, Member of Congress; John Garamendi, Member of Congress; Jack Kingston, Member of Congress; Michael H. Michaud, Member of Congress; Betty McCollum, Member of Congress; Jackie Speier, Member of Congress; Janice D. Schakowsky, Member of Congress; Elizabeth H. Esty, Member of Congress; Steve Stivers, Member of Congress; Daniel T. Kildee, Member of Congress; Joe Courtney, Member of Congress; Jim Bridenstine, Member of Congress; James P. McGovern, Member of Congress; Steve Cohen, Member of Congress; Alan S. Lowenthal, Member of Congress; Carol Shea-Porter, Member of Congress; William L. Owens, Member of Congress; Juan Vargas, Member of Congress; Tom Cole, Member of Congress; Ken Calvert, Member of Congress.

Mr. CORNYN. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I very much support the nomination of Alan Estevez to be Principal Deputy Under Secretary of Defense for Acquisition, Technology and Logistics.

Mr. Estevez is a career civil servant who has served under Presidents of both political parties since 1981, when he started work at the Military Traffic Management Command. Over the last 30 years, Mr. Estevez has developed an expertise in military logistics, eventually rising to become the first career Federal official to hold the position of Assistant Secretary of Defense for Logistics and Materiel Readiness, a position in which he provides civilian oversight for more than $190 billion of DOD logistics operations. He previously played a key role in reengineering Department of Defense transportation processes and in helping to address logistics deficiencies identified during Operation Desert Shield.

Mr. Estevez is the recipient of the 2010 Presidential Rank Distinguished Executive Award and the 2006 Presidential Rank Meritorious Executive Award, two Office of the Secretary of Defense medals for Meritorious Civilian Service, and the 2005 Service to America Medal awarded by the Partnership for Public Service.

He is extremely well qualified for this position. I am pleased we have now achieved cloture so his nomination may be voted on at noon.

I don't know of opposition to him and his personal qualifications. I understand the debate over the helicopter issue. He is not the one who ordered nor can he reverse it. That issue is an issue which has been raised by a number of Senators, including the Senator from Texas. Senator BLUMENTHAL has raised it in committee as well.

The letter that went out to the Chairman of the Joint Chiefs has not yet been answered. However, I have spoken to General Dunford about this matter, and I will have more to say about that when this issue is raised either on the Defense authorization bill or on some other matter.

For the time being, let me say simply that helicopter is a requirement which has been set by our generals, not by our Pentagon people, civilians. It is a top priority that the Afghans be supplied that helicopter because it is the one they have flown. The Army of Afghanistan has used that helicopter. So without getting into the merits of this, because this is left for a later time by the Senator from Texas, I am grateful the debate cannot be connected to the Estevez nomination, where it has no relevance, since he didn't accept the requirement nor can he reverse the decision. It will be set for a later time—hopefully, after the Senators receive the answer to the letter they sent to the Chairman of the Joint Chiefs of Staff.

I very strongly support the Estevez nomination and look forward to a confirmation vote, either by voice vote or rollcall vote, as necessary, at noon. I thank the Presiding Officer.

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

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

Mr. BLUMENTHAL. Madam President, I come to the floor today to speak on two separate and distinct matters relating to the military.

REMEMBERING OUR ARMED FORCES

JUSTIN ELDRIDGE

Mr. BLUMENTHAL. Madam President, no one in this body other than I had the privilege to know Justin Eldridge of Waterford, CT. Justin was a true American hero, a patriot—a U.S. marine who served our country in Afghanistan and who scarcely more than 24 hours ago took his own life at his home. My thoughts and prayers are with Justin's wife Joanna and their four children and all of Justin's family and friends, fellow marines, who grieve his loss at this difficult time.

I first came to know Justin when he formed a chapter of the Marine Corps League in southeastern Connecticut. He believed deeply in the Marine Corps and in service to his country, his family, and in the values and traditions and ethos of all of our great U.S. marines and the men and women who wear the uniform.

Yesterday, Justin Eldridge lost his own battle—a long battle with post-traumatic stress that he fought heroically after serving in the Marine Corps for 8½ years before his medical retirement in 2008. Even after he returned home from Afghanistan, Justin had a long fight ahead of him. He returned home with the signature wounds of this war—both traumatic brain injury and post-traumatic stress—and he worked for years to get the specialized treatment he needed. He tried hard to be there for his family. According to his wife Joanna, his four children loved having him around.

He faced another all-too-common problem in this country—health care at the Veterans' Administration and accessing the care he needed. He was admitted to the VA hospital and began a long road of treatment. I cannot express in words how deeply sorry I am that treatment evidently proved unsuccessful—perhaps not the result of the VA or its doctors or its hospital because we are only beginning to learn as a country and society how to confront post-traumatic stress and traumatic brain injury with the specialized diagnosis and care these diseases demand.

Even in grief we should not forget Justin's service to his country and his joy and his pride in that service—and he deserved both joy and pride—as well as his long-fought battle here at home.

I wish to take this occasion to encourage anyone who is suffering from post-traumatic stress, traumatic brain injury, or any other wounds of war to reach out for help. The Veterans Crisis Line is there to help you. Anyone who needs that help can call 1–800–273–TALK. Courage is shown not only on the battlefield but afterward upon return when an individual in need of help seeks it, as Justin did.

Justin's story also reminds us of the heroic caregivers who take care of our Nation's veterans. We owe thanks to the people who dedicate their lives to helping those who have served.

Joanna also deserves our thanks because she was there for Justin, by his side throughout his treatment. She never gave up; she never relented; she never surrendered. She was his full-time caregiver, participating in the VA's caregiver program.

Justin himself continued to give back. I will never forget my conversations with him at that Marine Corps League event and afterward by email and phone.

Joanna is a strong advocate for all veterans, as we should all be. She studied psychology in college and hopes to go to law school. She wants to dedicate her life to being a veterans advocate, and I commend her and all of our military families, all of our military spouses who are there for their loved ones who seek to reach out. We need to keep faith with those veterans. We need to know and discover what will conquer the demons that often threaten to subdue our bravest and most selfless veterans when they come back and to give them the courage and the strength they need to conquer these dreaded diseases that we ourselves have a complicity in creating. We have an obligation and an opportunity to do more and we must keep faith and make sure no veteran is left behind.

My heart and prayers go to Justin's family and, of course, I know I am joined by all the Members of this body not only in grieving but in offering our help and service if there is anything we can do.

Madam President, I would like to speak on a topic that has been discussed by two of my colleagues this morning, the senior Senator from Texas, Senator CORNYN, and the chairman of the Armed Services Committee, Chairman CARL LEVIN. I thank my colleagues for joining me in raising a vital issue that must be addressed by this body and by Alan Estevez—a well-qualified nominee for the position of Principal Deputy Under Secretary of Defense for Acquisition, Technology and Logistics.

I will vote for the confirmation today of Alan Estevez. I believe he is well qualified and has the credentials to perform with distinction in this role. I hope that uppermost on his list of priorities will be the Mi-17 helicopter acquisition that is so misguided and wrongheaded in the way it has been handled by our own Department of Defense.

If one were to stop at Stella's corner restaurant on Main Street in Stratford, CT, for lunch or a cup of coffee and ask the folks there: What do you expect from your government? I think one of the things they would say is they expect the Congress and all of us here to keep our country safe; and that when it comes to buying the equipment for our troops and allies, we should do so, hands down, no doubt about it, by buying American. It should be made in America, manufactured in Connecticut or in the United States. Nothing could be more simple or straightforward. Yet somehow that Main Street common sense is simply ignored across the river at the Department of Defense, the Pentagon, where so many decisions are made.

Since becoming a member of the Armed Services Committee I have become aware the Department of Defense committed almost $1 billion to provide Afghanistan a fleet of Mi-17 helicopters. Let me clarify: Russian helicopters going to Afghanistan with American tax dollars, bought from the Russian export agency that at the same time is selling arms to Bashar Assad to kill his own people in Syria.

Since 2005, the United States has been procuring Mi-17s to build the capacity of the Afghan military and is working toward a total fleet size of approximately 80 helicopters. The Afghan military had approximately 50 Mi-17s as of last year, and this year the Army awarded a $572 million contract to purchase another 30, with approximately 15 more to come, to replace the aging helicopters the Afghan military has already run into the ground and failed to maintain.

The contract to award these helicopters was managed in a way to prevent any American helicopter companies from bidding on the work, even though the analysis of the Department of Defense in 2010 concluded the made-in-America CH–47D Chinook helicopter is the most cost-effective single platform type fleet for the Afghan Air Force over a 20-year life cycle.

I acknowledge I may be partial to helicopters made in Connecticut. The best helicopters in the world are made in Connecticut by the Sikorsky employees who happen to stop at Stella's on Main Street for lunch or a cup of coffee, and I see them there all the time. The H–92 troop transport helicopter or H–60 should also be considered by the Department of Defense for this mission. But at the end of the day, ''made in the USA'' ought to be the ruling principle. Made in the USA—American helicopters for the American military and American allies.

In 2011, the Army contracted with the Russian state-owned arms export firm Rosoboronexport. Yes, the very same Rosoboronexport that arms our enemies in Iran and is a key enabler of Assad's ongoing slaughter of his own civilians in Syria. Women and children in Syria die by the arms provided by Rosoboronexport—purchased by Assad with money financed by Russian banks and purchased from Rosoboronexport. These are well-documented crimes against humanity—war crimes that eventually should be prosecuted.

I am working with my colleague Senator AYOTTE on legislation to strengthen the contracting provisions that prohibit ''contracting with the enemy.'' These contracts are, in effect, supporting enemy purchases. Before us is a glaring example of contracting with the enemy.

We have all heard testimony that preventing mass atrocities in Syria was complicated by their air and naval defense systems that prevent the protection of civilians in Syria and threaten its neighbors in Turkey and Jordan. Where did those systems come from? The answer is Rosoboronexport—the same systems that could shoot down our planes if we pursue additional measures against Syrian war crimes, the same entity that arms Iran, where we currently are seeking solutions against nuclear armament, and where we have said all options should be on the table in terms of our military action. The Department of Defense thinks the best thing for our long-term national security is to pay the Russian arms dealer that threatens global stability and our own freedom of action.

But it gets worse. Without question we have overpaid for these Russian helicopters. A general told me the best way to think about these helicopters is they are ''flying refrigerators'' that we never should have bought in the first place. We paid about $18 million a copy, while Russia sold other nations Mi-17s for $4 million each. What a bargain. Other countries buy each helicopter for $4 million, we pay $8 million.

And it is still worse. The Army acquisition office that handled this contract is now under investigation for ''questionable transactions,'' including potentially improper payments to Russian companies involved in the repair of these helicopters as well as problematic personal ties between the Army officials in this office and those foreign entities.

If I went to Stella's and I told this absolutely remarkable story, I am hoping the folks there would say: No, you must be making this up. This couldn't happen at the U.S. Department of Defense. No way in the United States of America, not with our tax dollars. But in fact it is all true, and I have tried to cite the facts as objectively and dispassionately as possible.

I suspect for anybody at Stella's who might have believed this incredible tale, they would have said: Well, if a tenth of that is true, what are you going to do to stop it? What are you going to do to end this waste of taxpayer money and the insult and outrage to the American taxpayer? Well,

we did something. At my urging, and through the work of my colleagues who have spoken, including Senator CORNYN, Congress, in the Defense Appropriations Act, expressly prohibited the Department of Defense from spending any more taxpayer money on Russian helicopters and doing business with Rosoboronexport.

In fact, I wrote to the Secretary of Defense about this program. I have written numerous letters, and I have met with the Chairman of the Joint Chiefs of Staff. Did that stop these purchases? No. The $½ billion contract recently signed, recently completed, now under way by the U.S. Army for more Russian helicopters, used previously appropriated funds to ignore the will of Congress. Clearly, the spirit and intent of the National Defense Authorization Act was to end these purchases. The U.S. Department of Defense, in effect, has defied the will of Congress.

So here we are today, almost $1 billion out the door and the near certainty these helicopters are going to be used to smuggle drugs—that is right, smuggle drugs in Afghanistan. That purchase has occurred. The contract has been completed. And we can be sure, just as they failed to maintain those helicopters in the past, they will fail again in the future because the Afghan national security forces don't have the people trained to maintain the helicopters. In fact, right now it doesn't have the people trained to fly those helicopters. And in a few years what the American taxpayer will have to show for this folly is rusted scrap heaps at Bagram Air Force Base.

I understand that some in the Pentagon started this program with good intentions. Their thinking may have been that the Afghans already had some of these helicopters in the process of standing up their capability to defend themselves, they ought to have a few more, and then transition to a more capable helicopter. I have heard from our generals that we need these helicopters because the Afghans know how to fly them. But the fact is this program was never designed to be sustainable after we leave Afghanistan. My hope is we will leave Afghanistan sooner rather than later. There is simply no transition in place now or in the foreseeable future to buy American, to train those Afghan pilots how to fly those American helicopters, how to maintain American helicopters.

When the Russians forced us to procure the helicopters from them directly, rather than excess helicopters from countries like the Czech Republic, we should have made a course correction immediately, even if we thought those kinds of helicopters were necessary in the short term. There were options and alternatives that should have been pursued and they were not.

That is why I believe the plan requested by the senior Senator from Texas makes a lot of sense. He has asked the Department of Defense for an alternative plan for meeting the Afghan requirements. We cannot walk away from a problem that we created. We cannot walk away from the need for a transition. But there is a better way to get there. The answer, very simply, is buy American, buy American helicopters.

I expect Mr. Estevez will be confirmed today. But I want to say to him please, as one of your priorities, figure out a way to end these purchases from Rosoboronexport. You owe it to the Members of this body. You owe it to the American people to find a way to buy American and to keep faith with the brave men and women who will use the equipment that you will help purchase with taxpayer dollars. I know you take this responsibility seriously, and I hope that you will bring that seriousness of purpose to these issues because they are important, not just to the military and not just to taxpayers, but most especially to the American men and women who wear the uniform of the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

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

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

OBAMACARE

Mr. COATS. Madam President, I have come to the floor many times over the past several months to outline the problems that we are facing with the rollout of the ObamaCare law, problems that my constituents are facing, as are people all across the country. While it is important to discuss the generic and macro effects of this law—and we see it unrolling before us every day—it is also important to understand what the direct effects are on people at a personal level.

Last week, during our break, I traveled throughout Indiana and talked to a number of people. Many of them came up to me voluntarily to tell me the effects of the confusing, complex, and seemingly intractable aspects of ObamaCare. Let me read for the record just a couple of statements that were made.

An email that I received from Daniel in Elkhart, IN, summarizes the experiences of hundreds of thousands of Hoosiers and millions of Americans are having with the Web site alone. He wrote:

> I have tried for two weeks to apply through the marketplace, only to electronically sign my application and be kicked back to my profile page. This is the most bizarre system I have ever experienced. If a company put a business Web site together like this, they would go out of business.

Anthony in Indianapolis shared similar concerns. He said:

> I have been unable to get through the healthcare.gov Web site. My wife must notify our insurance company by November 15 if she will keep her existing plan . . . I understand there are problems with the Web site. I think we all understand that at this point.
>
> I heard the President say you could sign up in person, on the phone or on paper. But the two navigators I called said that until the Web site works, they cannot help. I called the 1–800 number but the healthcare.gov rep [said his] computer froze up and could not help. I hear about the tech surge, how there will be a few rough spots—Another understatement—

and how they will be fixed. Senator, if you listen to the news the problems with the system are much deeper than the President let on [in his] Tuesday [address]. I need help and I don't think the system will be in operation in time for me to make an informed decision.

These are two statements from only two of the many Hoosiers who described similar problems to me—which is probably why, when asked about the ObamaCare Web site, an experienced online and database programmer told CBS News, ''I would be ashamed and embarrassed if my organization delivered something like that.''

We know this law passed the Senate on Christmas Eve in 2009 without any bipartisan support. One party alone put this law into place. We now know that over $400 million have been spent to create a Web site so Americans who are mandated to enroll in ObamaCare can go and sign up for it. We know that nearly 4 years of notice has been in place to get the Web site up. This rollout, as one Democratic Senator said over the weekend, has been a disaster.

If the administration, after nearly 4 years of effort and over $400 million, can't get the Web site right, how in the world can anybody believe that the Federal Government can manage this monstrous and dysfunctional law that has been imposed on the American people?

Despite the Web site's numerous glitches and many other implementation problems, the administration still insists on fining taxpayers if they do not sign up and purchase ObamaCare under the mandate. What an irony it is. You need to sign up or you are going to get fined. The Web site is so dysfunctional you can't sign up, but you are still going to get fined. That is mind-boggling, head-scratching, and simply unacceptable.

We know that there have been numerous attempts to repeal this law and replace it with something far more acceptable, affordable, and implementable. We now know that the defund effort, that resulted in the shutdown, failed to gain the necessary votes to achieve that goal. But attempting to repeal this law is the responsible thing to do. In September I introduced a bill to delay the roll out of the ObamaCare mandates for a year. As the problems with the health care law pile up, I am going to continue to push for this delay. The delay makes sense because the program is simply too dysfunctional to be implemented.

The bottom line, however, is that I want this delay so the American people have another chance to learn what is in this law, to evaluate as to whether or not they want this to go forward as the health care law of the United States or

whether they think a viable alternative is that we have the responsibility to put forward—and many of us have advocated components of that—whether or not that alternative is the better way to go.

I know it has been said by the President and others that in 2012 the public went to the polls to vote for the Presidential election. Therefore, that vote certified that the American people supported and wanted ObamaCare.

First of all, that was not the primary issue. It was one of the issues that was a determinative factor in the outcome of that election but not nearly ''the'' factor, because most Americans at that point still had not had the opportunity or the experience that they are having now, finding out exactly just how this law works and does not work; finding out all the dysfunction and learning that all of those campaign promises made or promises made when the law was passed have simply been broken. ''You can keep the insurance policy that you have now. No problem. Won't cost a penny more. No problem.''

On and on it goes. ''Keep the doctor that you want.'' Americans are finding out that none of this is true. ''Premiums will not rise.'' Premiums are rising for many Americans. ''This will be easy. Go to a Web site, sign up, punch in, put your name in, you are on board. Everything will be great.''

None of this has worked. Why not delay this process, not just to learn what is here, but to give the American people another opportunity to vote, to walk into the polling booth. A number of Members will have to stand up and either explain why they supported this or why they didn't support it. Americans will have a choice. We will put alternatives in front of them.

That is the purpose of the delay for a year: No. 1, because it is dysfunctional; No. 2, because Americans deserve a second chance to express their opinions on this bill. This has already been passed by the House of Representatives. My colleague, Representative TODD YOUNG of Indiana sponsored that. It gained bipartisan support, and 22 Democrats, House Democrats, recognized the need to give Americans the same relief from ObamaCare that businesses are receiving. Delay on the employer mandate, which the President has proposed and put into practice, and doing that for the individuals and families who do not fall under the employer category only, is a matter of fairness. That also is something that has to be addressed.

Recently, several Senate Democrats have come out in support of delaying parts or all of the President's health care law as well. I think the opportunity is before us to put the brakes on trying to jam through something that simply is dysfunctional and not working and secondly to give the American people the opportunity to go back to the polls and decide whether or not this is the way they want their health care programs to go forward.

We have had nothing but broken promises. We are learning about how difficult it is for the Government to manage even the first step, let alone the one-sixth of the economy that deals with our health care. This is important for all Americans. I am urging my colleagues to support this effort to give the American people another chance to look at a more viable and more affordable alternative.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent to address the Senate for 5 minutes.

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

Mr. UDALL of Colorado. Madam President, I appreciate the opportunity to say a few words today in support of my fellow Coloradan, Katherine Archuleta, and her nomination to be Director of the Office of Personnel Management. I have known her for years and have tremendous respect for her. She has given much of her life to public service, and her dedication to her community, her State, and her country is a testament to her character. I am very confident that she will be a steady hand at the helm of OPM. I urge all my colleagues to support her confirmation.

Not everyone watching may be familiar with the Office of Personnel Management, but it is an important agency. Let me talk about Colorado in that context. Thousands of Federal employees are in Colorado, including those who are helping to rebuild our State in the wake of September's tragic flooding count on OPM. It is a critical part of the integrity and strength of the entire Federal workforce. It is responsible, among other duties, for employee recruitment and employee retention and for managing Federal benefit and retirement programs.

We all expect Federal agencies and departments to function effectively and efficiently for our constituents. As someone who ran a nonprofit in Colorado for 10 years, I know the importance of maintaining a talented and motivated workforce. Strong workforce management leads directly to better work, better service, and better outcomes, which is why it is so important to have someone leading OPM who is an advocate for Federal employees and also a strong manager with high expectations.

Again, that is why I stand here this morning. I believe Katherine will be this type of leader. She has years of high-level management experience. She is sharp, hard working, and she is dedicated to the goal of making government work as effectively and efficiently as possible.

She has an impressive resume, as I noted at her hearing when I had an opportunity to introduce her. She has local and State-level experience. She served senior roles in two Denver mayoral administrations as well as extensive experience here in Washington serving as the chief of staff to the former U.S. Secretary of Transportation Federico Pena in the 1990s, and more recently to U.S. Secretary of Labor Hilda Solis.

In between her years of public service in Denver and also in Washington, Katherine consulted with charities, nonprofits, cities, regional governments, and businesses to help them pursue community development, workplace diversity, and crisis management strategies.

If you look for a common thread throughout Katherine's career, it is her capacity and talent to work with individuals and organizations, identify priorities, and then, notably, to create the conditions for successful implementation of those priorities. That is what we need at the helm of OPM. It is what Americans expect and demand.

As we look at Katherine's career, she has demonstrated an ability to lead, to motivate, and to work constructively with a diverse range of people and personalities. She is a true westerner. She has personal integrity. She has a strong sense of right and wrong, she has obvious pride in the work she does, and that makes her a topnotch choice to lead our Federal workforce.

For all those reasons, I am honored to speak in support of Katherine Archuleta's nomination, and hopefully we will confirm her quickly. She is eminently qualified for this position, and she deserves an up-or-down vote as soon as possible.

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

The PRESIDING OFFICER (Mr. SCHATZ). All time has expired.

The question is, Will the Senate advise and consent to the nomination of Alan F. Estevez, of the District of Columbia, to be a Principal Deputy Under Secretary of Defense?

The nomination was confirmed.

CLOTURE MOTION

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Katherine Archuleta, of Colorado, to be Director of the Office of Personnel Management.

Harry Reid, Bill Nelson, Barbara A. Mikulski, Patty Murray, Barbara Boxer, Bernard Sanders, Amy Klobuchar, Carl Levin, Thomas R. Carper, Jr., Tim Johnson, Patrick J. Leahy, Max Baucus, Robert Menendez, Richard J. Durbin, John D. Rockefeller IV, Tim Kaine, Mazie K. Hirono.

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

The question is, Is it the sense of the Senate that debate on the nomination of Katherine Archuleta, of Colorado, to be Director of the Office of Personnel Management, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The yeas and nays resulted—yeas 81, nays 18, as follows:

[Rollcall Vote No. 224 Ex.]

YEAS—81

Alexander	Gillibrand	Murphy
Baldwin	Grassley	Murray
Baucus	Hagan	Nelson
Begich	Harkin	Paul
Bennet	Hatch	Portman
Blumenthal	Heinrich	Pryor
Blunt	Heitkamp	Reed
Boxer	Hirono	Reid
Brown	Hoeven	Rockefeller
Cantwell	Isakson	Sanders
Cardin	Johanns	Schatz
Carper	Johnson (SD)	Schumer
Casey	Kaine	Scott
Chambliss	King	Sessions
Chiesa	Kirk	Shaheen
Coats	Klobuchar	Shelby
Cochran	Landrieu	Stabenow
Collins	Leahy	Tester
Coons	Levin	Thune
Corker	Manchin	Toomey
Crapo	Markey	Udall (CO)
Donnelly	McCain	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Fischer	Merkley	Whitehouse
Flake	Mikulski	Wicker
Franken	Murkowski	Wyden

NAYS—18

Ayotte	Cruz	McConnell
Barrasso	Enzi	Moran
Boozman	Graham	Risch
Burr	Heller	Roberts
Coburn	Johnson (WI)	Rubio
Cornyn	Lee	Vitter

NOT VOTING—1

Inhofe

The PRESIDING OFFICER. On this vote, the yeas are 81, the nays are 18. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

NOMINATION OF KATHERINE ARCHULETA TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Katherine Archuleta, of Colorado, to be Director of the Office of Personnel Management.

The PRESIDING OFFICER. Pursuant to the provisions of S. Res. 15 of the 113th Congress, there will now be up to 8 hours of postcloture consideration of the nomination equally divided in the usual form.

The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise to speak on this nomination and to oppose it because of the recent actions of the Office of Personnel Management with regard to the Washington exemption from ObamaCare. I voted just now against cloture on the nomination, and I will vote against the nomination itself later today because of these very serious matters.

OPM, the office to which this nominee is nominated and which she would head, has issued an illegal rule that is very offensive and flies in the face of the ObamaCare statute language itself, and this nominee has pledged to continue to enforce that illegal rule and illegal policy.

Furthermore, OPM has completely stonewalled Members, including myself, my colleague Senator HELLER, and others regarding how they came to that decision and, importantly, whom they talked with, whom they e-mailed with, and whom they met with in coming to the decision to create this illegal Washington exemption.

Let me back up a little bit and explain exactly what we are talking about. Really, this story started several years ago in the ObamaCare debate. During the original debate on the ObamaCare statute, several conservatives, including myself, pushed an amendment that said every Member of Congress and all of our official congressional staff have to use the same fallback plan as is there for all other Americans—originally, it was called the public option, and then it became known as the exchanges—no special rules, no special treatment, no special subsidy. In fact, that is one of the very few battles in that debate we won because that provision was adopted during the consideration of the ObamaCare statute. It was adopted right here in the Senate.

So in the statutory language as it finally passed into law is that section, and that section says very clearly that every Member of Congress and all of our official congressional staff have to go to the ObamaCare exchanges for our health care—the same fallback plan as is there for all other Americans—no special rules or privileges or subsidies or exemptions. We go there. Well, I guess this became an example of what NANCY PELOSI was talking about when she famously said: Well, we have to pass the law in order to figure out what is in it—because the law did pass. It had that specific statutory provision. Then people on Capitol Hill started reading it, and they came to that section and a lot of them said: Oh, you know what. We can't live with this. We can't have this. We can't be pushed to the same fallback plan as all other Americans. We can't stand for this.

From that moment on, a furious lobbying campaign and scheming behind the scenes started to avoid that provision fully going into effect, to avoid the pain of that provision, the pain of ObamaCare that millions of other Americans are facing as we speak. Meetings happened, leadership meetings happened, Member meetings happened, furious scheming behind the scenes, and a lot of lobbying. Ultimately, that lobbying of the Obama administration paid off because in early August of this year, right after Congress got out of town for the August recess, conveniently right after Congress left the scene of the crime, the Obama administration issued a special rule with no basis in the law, in my opinion, no basis in the ObamaCare statute. This special rule was a special exemption for Congress, a carve-out to take all of the financial sting out of that ObamaCare section.

What this special OPM rule is—and, again, OPM, the Office of Personnel Management, was the agency that came up with this illegal rule after this furious lobbying, after President Obama became personally involved, literally personally participated in the discussions leading to this rule. What this illegal rule does is essentially two things. First of all, the rule says: Well, ''official congressional staff''—we do not know who that is. We cannot possibly determine who official congressional staff are, so we are going to leave it up to each individual Member of Congress to figure out who is their official staff.

Well, I would submit that is just ludicrous on its face. Congressional staff is congressional staff. Official staff is anyone who works for us through the institution of Congress versus outside entities and institutions, such as our campaign staff. So leaving it up to each individual Member of Congress is contrary to the statute on its face. It is outrageous on its face. But under this OPM rule, that is exactly what they do. So an individual Member of Congress can say: Well, these 10 people are not official staff. They are on my staff, but for some magical reason they are not official for purposes of this mandate. In fact, under this rule a Member can say: Nobody on my congressional staff is official staff for purposes of this mandate. And we see Members doing that as we speak. We see examples of that being reported in the press as we speak—Members deciding, ''Well, nobody is official staff. I do not have official staff'' because it will mean they will have to go to the ObamaCare exchange and live by the same rules through the same experience as other Americans. That is flatout ridiculous.

But that is not the only thing the OPM rule did. It did a second thing that is perhaps even more outrageous. It said Members of Congress and staff who do go to the exchange—they get to take along with them a huge taxpayer-funded subsidy that no other American at similar income levels has, enjoys, going to the ObamaCare exchanges. This is a huge subsidy worth at least $5,000 for individuals and $10,000 or $11,000 for families. Again, no other American at similar income levels is privy to that sort of subsidy.

Again, I believe this part of the OPM rule is flatout illegal. It is not in the ObamaCare statute. There was discussion of it. There were drafts that allowed that to happen, but the language that was put in the law did not include that subsidy. It was specifically left out. And, in fact, magically transforming what was, under previous law, a Federal employees health benefits plan subsidy, magically transforming

that into some ObamaCare exchange subsidy—that is contrary to law, and that is beyond OPM and the administration's legal authority, but they just did it because they could to bail out Washington, to bail out Congress. Well, this is outrageous and it is illegal.

As soon as I heard of this proposed rule in early August, I joined with many colleagues, House and Senate, and I appreciate all of their leadership. I am joined by many colleagues in the Senate whom I specifically want to acknowledge, who are fighting for this change: Senators ENZI, HELLER, LEE, JOHNSON, INHOFE, CRUZ, and GRAHAM. We are also joined by House Members, led by Representative RON DESANTIS of Florida. All of us quickly got together and said: This is illegal, this is wrong, and we have to stop it.

So we came up with language to do just that, to reverse this illegal OPM rule and to make sure that every Member of Congress and all of our congressional staff go to the ObamaCare exchanges and that we go there just like other Americans go there—no special exemption or special subsidy or special treatment. Our fix also expands that to the President, the Vice President, their White House staff, and all of their political appointees because that is appropriate as well. So our language says to all those folks—Congress and the administration—you have to get your health care the same way other Americans are in the backup plan, in the fallback plan, in the so-called exchanges. You go to the exchanges, and you get no special treatment, no special exemption, no special subsidy.

This is very important for two reasons. First of all, basic fairness. It should be the first rule of American democracy that what Washington passes on America, it lives with itself. Washington should have to eat its own cooking. It is like going to a restaurant and hearing that the chef in the kitchen never eats there. Something is wrong with that restaurant. Something is wrong with that picture. And something is wrong with Washington when Washington exempts itself over and over from eating its own cooking.

The second reason this is important is a very practical one because the sooner we demand that Washington live by exactly the same rules it imposes on America, the sooner Washington will start getting things right on ObamaCare, on taxes, on regulation across the board. So for that very practical reason, we need to make sure the same rules apply to Washington the same way they apply to the rest of America.

Let me come back to OPM because what we are debating is the nominee to head the Office of Personnel Management, OPM, the bureaucracy that came up with this illegal rule. That nominee has pledged to continue to enforce that illegal rule, to continue to defend that illegal rule.

Also, OPM, to date, has been completely unresponsive—''stonewalling'' is the more appropriate term—to all of my and other Members' inquiries about the process they used to come up with this illegal rule. I have written OPM several times. I wrote them immediately after their draft rule was issued. I wrote them very soon after their final rule was issued. I specifically wrote them demanding all emails and other correspondence and other documentation and information they had from Members of Congress, from leadership, from the administration with regard to the work and discussion that went into their rule.

Other colleagues of ours here in the Senate and also in the House have done the same. My distinguished colleague from Nevada DEAN HELLER talked to the then-OPM Director face to face. He asked the OPM Director: Did you speak with, were you lobbied by Members of Congress or the administration about this rule? That Director said: No, absolutely not. It now turns out that apparently is a lie. According to other sources, there absolutely were discussions, communications, emails, and the like between congressional leadership and the administration and OPM. So DEAN HELLER was lied to face to face about this by OPM.

I have asked for all of the emails, all of the correspondence, all of the discussions that happened leading up to this rule involving Members of Congress, leadership, and also the President and the Vice President and members of their administration. That request for information has been completely stonewalled.

So, first, OPM caves to intense lobbying from Washington insiders. Second, it caves and issues an illegal rule contrary to the statutory language of ObamaCare. Third, it stonewalls regarding the process and the conversations and the emails that led to that illegal rule.

We cannot stand for that. That is precisely why I am opposing this OPM nomination and why I voted no on cloture and why I will vote no on the nomination. We need answers. We need to reverse this illegal rule. Yes, we need a vote on the Vitter amendment the distinguished majority leader and others have blocked for months now. We need that vote. We need that vote that has been actively blocked by the majority leader for months.

Let's do things right. Let's get that information from OPM. Let's reverse this illegal rule. Let's vote on this important matter.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

THE FARM BILL

Ms. KLOBUCHAR. Madam President, this afternoon the 2013 farm bill conference committee will finally convene for the first time, bringing us one step closer to finishing the farm bill. I know the Presiding Officer, being from Wisconsin, understands how important this is to our country's future, and certainly the farmers, businesses, and families in Minnesota understand how important this bill is. We have waited a long time to go to this conference committee. The Senate has passed two farm bills now that continue the strong policies of the last farm bill but in fact reduce the debt by $24 billion over the farm bill that is currently in place. I am part of the group that negotiated the details of the bill to help finish the process which started over 2 years ago.

Before I go on about the details of the Senate bill, I thank Chairman STABENOW for her incredible leadership and perseverance in getting us to this point that has been so long awaited. Under Chairman STABENOW's leadership, the Senate Agriculture Committee put together a farm bill that strengthens the safety net for our Nation's farmers and ranchers, reforms and streamlines our agriculture, conservation, and nutrition programs while still keeping them strong, and, as I mentioned, reduces $24 billion from the Nation's debt.

Throughout the process we faced unprecedented challenges and delay. We had the lack of a dance partner over in the House, but then of course we had the traditional issues—regional disputes about how certain crops and commodities should be handled, a few partisan issues here and there, but somehow we were able to come together to the point where the Senate bill was supported by 68 Senators, including 18 Republicans. I believe this is a testament to the open process we had, the endless amendments we voted on on the floor, as well as the strong committee that was brought together to work on this bill.

No matter where I go in my State—and I am sure the Presiding Officer has seen this in Wisconsin—I am always reminded of the critical role agriculture plays in our economy. Minnesota is No. 1 in turkeys—something we think of a lot as we head into the Thanksgiving season. We are No. 1 in sweet corn, green peas, and oats, and No. 2 in hogs. I don't think people would think about that with our State, but we have surpassed some other States. But we are No. 2 in hogs and spring wheat, and No. 3 in soybeans, and No. 4 in corn.

But we don't just grow the crops and raise the livestock. We are also home to a number of major agricultural companies which have kept our economy strong, and is one of the reasons our unemployment rate is down to 5.1 percent in Minnesota. These companies include Hormel, Cargill, General Mills, coops such as CHS, and Land o' Lakes. That is why one of the first things I did when I came to the Senate was ask to be on the Agriculture Committee. I am honored to serve on this conference committee and to team up with my friend and House colleague, Representative COLLIN PETERSON, who will be

leading the Democratic side in the House, as well as Congressman Tim Wells who represents the southern part of our State.

The expiration of the current farm bill on September 30 is hurting our agricultural economy and is creating a huge amount of uncertainty for our farmers and for our consumers. Last week I visited with Minnesotans from across the State who want Congress to pass a farm bill. I was in Kiester, MN, where I got to ride in a combine and see the good work of our farmers as they harvested the corn. I have to say that sitting in the combine after the 3 weeks of the shutdown was actually quite rewarding, as I saw firsthand you could actually get results very quickly in a combine, which I hope will happen in Congress as we move ahead.

From farmers in Redwood County to the Red River Valley to volunteers at a food bank in Minneapolis, where we also had a joint event with hunger groups, conservation groups, including Pheasants Forever, which is based in Minnesota, and the Farm Bureau and the Farmers Union, we all came together to say we had to get this done.

I journeyed up to the Moorhead area and joined Senator HOEVEN in Fargo. We like to call it Moorhead-Fargo in Minnesota instead of Fargo-Moorhead—two towns divided by a river but joined by many common interests. We met there with farmers about the importance of sugar beets and about the importance of a strong farm bill for that region of the country.

Through my week I quickly heard—as I am sure the Presiding Officer did in Wisconsin—that the people of this country are sick and tired of gridlock politics, they are sick and tired of people standing in opposite corners of the boxing ring and throwing punches. They are sick and tired of the red-light, green-light game that has been played with policy. It is time to come together and get this done.

I am convinced if there is any silver lining or hope that came out of the chaos of last month, it is that the American people saw firsthand why we need change and why we need to work together. That is why in fact Senator HOEVEN and I came together across the river, to make a very strong statement that we thought we had to get this bill done.

As a member of the conference committee, I know that if we don't pass a new farm bill, farmers will not be able to sign up for crop insurance, something that is so central to this new bill and is part of the $24 billion in debt reduction. They won't be able to sign up for a conservation program at a time when we need more conservation, when we see a decline in our pheasant population, where we have seen the signs that we need to have strong conservation programs. We would also see a skyrocketing of dairy prices as we would be going back to the farm bill that was passed in 1949. As I like to say at home, we don't want to party like it is 1949, and we certainly don't want to farm like it is 1949.

The failure to come together and resolve the differences between the two bills now would likely result in either 1949 prices or some kind of extension. And guess what. Ask the farmers and ranchers about that in South Dakota who just saw a decimation of their cattle because of the sudden cold weather and blizzard they experienced in South Dakota. This current bill that is in place does nothing to provide a safety net for them that used to be in place but isn't in place because of the fact we haven't passed a permanent farm bill.

It does nothing, if we simply extended it, about energy programs or about changes we need to see in the milk program or about reforms or the streamlining of our conservation programs. We simply cannot afford to do that again.

Finally, it does nothing to reduce the debt if we simply extend the current program.

Farmers and ranchers do not want another extension like the one we saw last year that left out the programs I just mentioned, the livestock disaster program, any significant deficit reduction. I believe the Senate bill lays a strong foundation for a conference agreement that can be supported on a bipartisan basis and signed into law by the President. To put it more directly, over the weekend I got a call from Greg Schwarz, who works with the Minnesota corn growers. He was hard at work, bringing in the harvest. He actually was calling me while driving his combine. His words offer some perspective, as they were passed on to me, about where we have been and where we need to go. He said:

> We have been working on this farm bill for over 2 years now, and we just want to get it done. Farmers are working around the clock on this year's harvest, and if you don't hear from us, it is not because we don't care, it's because we have work to do.

Greg is right. Members of the farm bill conference committee have work to do as well. I believe that Washington should strive to be more like the farmers and ranchers that we represent who work and hope they get the job done. They can't leave a bunch of corn or soybeans in the field just because they get sick of it or they don't like their neighbor. They have to finish the job. If it starts getting cold or if it is raining, they have to bring that harvest in before there is a blizzard. That is what they do, and that is what we need to do. We have a time deadline here, an important reason we need to get moving on this bill.

I would like to highlight some areas of the Senate bill that I believe need to be preserved as part of the final agreement as near as possible to the way they are right now. I recognize there will be some compromise, but I think whatever compromise needs to be worked out should be closer to the bipartisan Senate bill that, as we know, had the support of 18 Senate Republicans, including Senators in my part of the country such as Senator GRASSLEY and Senator HOEVEN.

I know that important differences need to be worked out, especially in the areas of nutrition. I think we can do that. But, again, given what we are seeing in terms of the cuts over on the House side, we have to get them much closer to where we are in the Senate bill, which is something that will keep a safety net not just for our farmers, not just for our conservation and our pheasants and our wildlife, but also for the people of this country.

I believe the people who grow our food deserve to know that their livelihoods cannot be swept away in the blink of an eye, either by market failures or by natural disasters. That is why in the Senate farm bill the foundation of the safety net is a strengthened crop insurance program. We made the program work better for underserved commodities and specialty crops.

In recognition of the importance of crop insurance, we extended conservation compliance rules to this program to ensure that all producers benefiting from this safety net play by the same set of rules and keep our water clean and soil productive for future generations.

This agreement has the support of agriculture, environmental wildlife leaders, including the National Farmers Union and the National Corn Growers Association, as well as the Environmental Defense Fund and Ducks Unlimited. That is quite a crew.

In our charge to do more with fewer resources, the Senate bill pulls back on crop insurance subsidies for the wealthiest farmers, while ensuring that everyone can still participate in the program, keeping the risk pool strong. We also eliminated direct payments and further focused commodity title programs on our family farmers by strengthening payment limits on rules that ensure that farmers and not urban millionaires are eligible for farm payments.

We continued the successful sugar program, funded the livestock disaster programs, which I mentioned earlier, and put in place a new safety net for dairy producers to address the wild volatility in that market. No one knows that better than those in the State of Wisconsin, the home of a lot of cheese, the home of a lot of cows and a lot of dairy.

We streamlined conservation programs from 23 to 13. Specifically, I worked with COLLIN PETERSON to ensure that local communities such as those in the Red River Valley have tools they need to address conservation challenges like flooding. The bill funds energy title programs to extend homegrown renewable energy production.

When you look at our reduction in dependence on foreign oil, from 60 to 40 percent in just the last few years—yes, you look at the increased domestic drilling and natural gas; yes, you look at the facts that we finally increased

gas mileage standards that made a big difference in this country, but you also look at biofuels which are now 10 percent of our Nation's fuel supply.

These bills ensure that we are working to support our farmers and workers in the Midwest and not the oil cartels in the Middle East. That is why I strongly support mandatory funding for the energy titles to help provide incentives for homegrown energy production from the next generation of biofuels to blender pumps. This is a vital industry in States such as mine, supporting thousands of jobs and millions of dollars in economic growth. I appreciate the support of my colleague Senator FRANKEN for this important industry. As many of us understand, we want an ''all of the above'' energy approach that includes oil, includes natural gas, but also includes biofuels.

The Senate bill ensures that our energy innovators have the certainty and stability they need to develop the next generation of American energy.

The Senate bill also includes a number of initiatives for beginning farmers and ranchers, including two of my provisions. The first provision I produced with Senator BAUCUS, which would reduce crop insurance costs for beginning farmers by 10 percent. The second provision that I have introduced with Senators JOHANNS, BAUCUS, and HOEVEN would allow beginning producers to use conservation reserve program acres for grazing without a penalty. I believe that both of these provisions will go a long way in building the next generation of farmers who will grow our food supply. Both of these provisions should be included in the final bill.

I believe that if we want to recruit a new generation of farmers and ranchers we must take further action to improve the quality of life in our small towns and our rural areas. That is why I worked with Senators HOEVEN and HEITKAMP, and I led the amendment to provide additional resources for critical priorities in the farm bill, including research—something the Presiding Officer knows something about from the University of Wisconsin—as well as rural development, conservation, and energy.

Our provision funds the new nonprofit foundation, the Foundation for Food and Agricultural Research, to leverage private funding with a Federal match to support agricultural research. It provides additional funds to address the $3.2 billion backlog of water and wastewater projects in rural America. You literally cannot go to a region of any State in rural America without hearing about this backlog of rural wastewater and water projects. This amendment that we passed helps with that.

It also increases funding for a regional approach to conservation to address a variety of challenges, including the flooding that we saw in the Red River Valley. The provision also added an additional $100 million to the energy title to help farmers, ranchers, and rural businesses produce homegrown energy. I was pleased to get the strong support of our committee for that amendment, and I am pleased it is included in the final Senate bill.

In the Senate we also preserve the essential nutrition programs that millions of families and children rely on every day. In recent years, programs such as the Supplemental Nutritional Assistance Program, also known as SNAP, became especially important as hard-working families and seniors were suddenly cashed-strapped but still in need of groceries. One of my predecessors—in fact I have his desk—Vice President Hubert H. Humphrey, was an early champion of the food stamp program now known as SNAP. As one of the founders—Humphrey was one of the founders of the Democratic-Farmer-Labor Party in Minnesota—he understood the importance of a stable government policy for both agricultural producers as well as families struggling to put food on the table.

That is why we have always seen this combination of these programs. It makes sense—food comes from farms. Food is a safety net for the people of this country, as are the farm provisions, which are actually a minority of the provisions in this bill. The farm provisions provide a safety net for those who provide food. What we have done with this bill, of course, is reduce some costs and made it more efficient but still kept a strong safety net.

For more than 40 years we have linked together food and farm policy in 5-year farm bills. Nearly 72 percent of the SNAP participants are families with children, and more than one quarter of participants are in households with seniors or people with disabilities. This is not the time to make the deep cuts, as proposed in the House bill, to programs that provide important nutritional support for working families, low-income seniors, and people with disabilities with fixed incomes.

Yet what we have seen is that those cuts—which we will be discussing—on the House side include 170,000 veterans who would be cut off from food assistance if the House bill were to pass. The Senate bill, on the other hand, makes reforms that were necessary, that bring the debt down by $4 billion, reforms that were necessary. So it is not like there were no reforms to this program in the Senate bill. As I noted, 68 Senators voted for this bipartisan bill, including 18 Republicans.

The cuts proposed by the House are in addition to the $11 billion cuts to the program that will go into place this Friday, when the American Reinvestment and Recovery Act supplemental nutrition payments expire.

This program is already moving in the right direction. As the economy has improved, nutrition assistance has been further focused on families in areas with the greatest need. In fact, the CBO projects that without any changes to the program, the number of people eligible for nutrition assistance and the cost of nutrition programs will continue to fall as the economy improves. In this way, nutrition programs operate a lot like the farm safety net for agricultural producers. Just as agriculture payments spiked during the 2012 drought, which was the worst since the 1950s, the need for nutrition assistance, for example, similarly increased when our economy was struck with the worst recession since the 1930s.

When farmers are blessed with a strong harvest or when workers bring home a paycheck from a new job, we have designed agriculture and nutrition programs to adjust accordingly and be reduced.

I believe that instead of trying to find ways to make people ineligible for nutrition assistance, we need to focus on real solutions that put people back to work. This farm bill is an opportunity to do that, as are a number of these efforts—Innovate America, workforce training—and bringing in other things we should be focused on, bringing the tax reform in, bringing the corporate tax rate down and paid for. But if we continue to engage in the brinkmanship as we did in the last month we will never get to the core issue. I believe our country is on the cusp of economic expansion. I believe we have so many opportunities out there when you look at how we are situated with the increase in manufacturing and exports. We need to do work with the immigration bill to help the economy move forward, instead of what we went through last month.

I think this farm bill is the first chance to show that, out of this chaos, came something positive. It is a 5-year farm bill. It worked in the past. It brings the debt down by $24 billion. It is a bipartisan bill. Let's show the people of America that we mean business about working across the aisle.

I see my colleagues here from Tennessee. I have just about 3 minutes more on a very different topic, and that is the nomination of Patty Millett to the DC Circuit Court.

In the past few weeks, as I mentioned, we have made some efforts to come together and get work done on behalf of the American people. There are many of us who work together in relationships of trust, and I hope that continues with regard to nominations.

Patty Millett would make an excellent addition to the court on the DC Circuit, and I urge my colleagues to vote for cloture and to confirm her without delay.

Patty Millett has extensive Federal appellate and Supreme Court experience. She previously served 15 years as an attorney on the appellate staff of the U.S. Department of Justice, Civil Division, and then as an assistant to the Solicitor General. She has argued 32 cases in the Supreme Court—32—in addition to dozens of cases in other appellate courts across the country. In addition to her work for the Justice Department and in private practice, she has also devoted substantial time

to pro bono work. Ms. Millett clearly has an impressive professional background, but even outside the legal world she volunteers as a literacy tutor and for the homeless in the DC area.

She was given the Attorney General's Distinguished Service Award for representing the interests of the United States before the Supreme Court and the National Association of Attorneys General award for assistance to the States in preparation for their appearances before the Supreme Court. Ms. Millett is the kind of woman we should have on the bench. It should be no surprise that the nonpartisan American Bar Association committee that reviews every Federal judicial nominee unanimously gave her its highest rating, and over 100 leading lawyers and law professors wrote a letter in support of her nomination. This letter included 7 former Solicitors General who served under Democratic and Republican Presidents alike.

Clearly there can be no question she has the experience and ability to sit on the Federal bench. She also has the support of the Fraternal Order of Police, the Police Executive Research Forum, the National Women's Law Center, the Women's Bar Association, and the National Congress of American Indians.

Ms. Millett is well qualified, and we should confirm her now.

One justification—and there is only one that I have heard and I don't think it is a good one, and I am about to debunk it. The only justification I have heard is not about her at all, it is about the DC Circuit. Some of my colleagues think they should remain with three openings on the bench. I don't think this argument squares with the facts. Currently, 3 of the 11 seats on the DC Circuit are empty. According to the Administrative Office of the Courts, senior judges—judges who are partially retired—are now involved in over 40 percent of the cases that are decided on the merits.

Before he was our Supreme Court Justice, John Roberts was confirmed to sit on the DC Circuit. Ten years ago when Chief Justice Roberts was confirmed to sit on that circuit, the average judge on that court had only 125 pending cases. Today, with 3 vacancies on the court, that number is 185 cases. Those are the complex cases that are pending. Even if we fill all the empty slots, the judges on the DC Circuit will still have more pending cases on average than John Roberts did when we confirmed him to sit on the DC Circuit back in 2003.

There are no excuses. We have a finely qualified nominee, with 32 Supreme Court arguments, support of the nonpartisan group that looks at these nominees, someone whose spouse served in the military for 22 years, someone who raised her kids while he was over in Kuwait, and we are going to turn her down? That makes no sense to me at all, and I urge my colleagues to help Patty Millett get into this job to do what she says is the highest honor you can have; that is, public service.

She should be confirmed without delay. The Senate should have confirmed her this week. We heard from the American people—we all heard this when we were home—how they are sick and tired of this kind of delay and partisanship. She is a fine, highly qualified nominee. She should get an up-or-down vote.

I yield the floor.

The PRESIDING OFFICER (Mr. DONNELLY). The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise to speak on behalf of Congressman MEL WATT to serve as director of the Federal Housing Finance Agency.

It has been over 5 years since the FHFA's inception, and it still has never had a confirmed Director. First, Senate Republicans blocked President Obama's original nominee for the post, Joe Smith, who was a technocrat. Today they are trying to block Congressman WATT because they say he is a politician and not a technocrat.

But they forget that Congressman WATT has over 40 years of experience in housing, real estate, and other financial services issues. Before coming to Congress, he practiced business and economic development law and personally walked hundreds of families through real estate closings.

In Congress, he has served on the House Financial Services Committee for the past 21 years. In that capacity, he was one of the first Members to recognize the need for action on predatory lending. With great foresight, he introduced the Prohibit Predatory Lending Act in 2004 and introduced it every Congress until it became the foundation for the qualified mortgage provision of the Wall Street Reform and Consumer Protection Act of 2010. If we had all listened to Congressman WATT before the housing crisis, then thousands of consumers might have avoided being scammed into unsafe mortgages that ultimately led to foreclosure.

Congressman WATT has also shown a commitment to housing finance reform. In 2007, he partnered with Congressman Frank and introduced a bill to reform Freddie and Fannie. This bill eventually led to the Housing and Economic Recovery Act, which established the FHFA.

Industry groups, consumer advocates, and fellow Members of Congress have recognized Congressman WATT's impressive track record and support him for this position.

One of his home State Senators, and the Republican Senator who probably knows him best, has supported his nomination from the beginning. Shortly after Congressman WATT's nomination was announced, Senator BURR stated:

> Having served with Mel, I know of his commitment to sustainable federal housing programs and am confident he will work hard to protect taxpayers from future exposure to Fannie Mae and Freddie Mac. I look forward to working with Representative Watt in his new role to find new ways to facilitate more private sector involvement in the housing and mortgage markets.

Recently, the National Association of Home Builders sent a letter in support of Congressman WATT's nomination, stating:

> During Representative Watt's tenure on the House Financial Services Committee, he has proven to be a thoughtful leader on housing policy. The FHFA needs a permanent director with his leadership capabilities.

The National Association of Realtors has also sent a letter of support praising Congressman WATT by stating:

> The Director of the FHFA must weigh the costs of action and inaction with the benefits of protecting the taxpayer, and ensuring that the housing sector can stabilize and grow. Mr. Watt has the experience and skill necessary to ensure that both are handled in a manner that will benefit our nation.

It is time we finally confirm a Director for the FHFA, to ensure stability and confidence in the housing market. Congressman WATT has the experience, intellect, and temperament to succeed as Director, and there is no legitimate reason why Congressman WATT should not be confirmed. At a minimum, as a sitting Member of Congress, he deserves the courtesy of an up-or-down vote. I urge my colleagues to vote yes on the motion to invoke cloture so we can proceed to an up-or-down vote on Congressman WATT's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the majority leader says it is time to cut off debate and vote on the President's nominees to fill three vacancies on the District of Columbia Court of Appeals. I will not vote to end debate now because I think such a vote would be premature.

Before the Senate has an up-or-down vote on the three judges, there is something else we ought to do first. We should first consider the bipartisan proposal that was made 10 years ago to have the right number of judges on this Federal appellate court. For more than a decade, Senators of both parties have argued that this court has more judges than it needs and that other Federal appellate courts have too few. In 2003, 2005, and 2007, with a Republican President in the White House, Republican Senators SESSIONS and GRASSLEY introduced legislation to reduce the number of seats on the DC Circuit.

In 2006, they were joined by a distinguished group of eight Judiciary Committee Democrats who made the same argument. These included the chairman, Senator LEAHY, Senator SCHUMER, Senator Feingold, Senator Kennedy, Senator FEINSTEIN, Senator DURBIN, Senator Kohl, and Senator BIDEN. When President Bush nominated Peter Keisler to the DC Circuit, the Democrats wrote Senator Specter, the committee chairman, a strong letter.

The letter says:

> We believe that Mr. Keisler should under no circumstances be considered—much less

confirmed—by this Committee before we first address the very need for that judgeship . . . and deal with the genuine judicial emergencies identified by the Judicial Conference.

The Democratic Senators argued, first, the committee should—before turning to the nomination itself—hold a hearing on the necessity of filling the 11th seat on the DC Circuit, to which Mr. Keisler has been nominated. They cited a number of objections by Senators to the need for more judges on that circuit.

They then argued 6 years ago:

[That] since these emphatic objections were raised in 1997, by every relevant benchmark, the caseload for that circuit has dropped further.

Only after we reassess the need to fill this seat and tend to judicial emergencies should we hold a hearing on Mr. Keisler's nomination.

That was the Democratic Senators' position in 2007. These distinguished Democratic Senators were not only forceful in 2006 and 2007, they were persuasive. They worked with President Bush and Congress agreed to reduce the DC Circuit by one seat and add it to the Ninth Circuit, where the caseload was 526 filings per judge—well above the caseload average for all the judicial circuits.

In 2007, Senator FEINSTEIN, a Democrat, and Senator Kyl, a Republican wrote:

It makes sense to take a judgeship from where it is needed the least and transfer it to where it is needed the most.

Mr. Keisler, by the way, was never confirmed. For 2½ years his nomination was held in the Judiciary Committee, from June 2006 until January 2009. The same arguments made in 2006 and 2007 should be persuasive today.

Today, the average caseload for the DC Circuit—even if it were reduced by three judgeships to the eight seats currently occupied—would be less than one-half the national average for circuit courts. The national average is 344 cases filed per judge this year in Federal appellate courts. The DC Circuit average, if it were reduced to the 8 current judges, would be 149 per year. The national average is 344 cases per year. The DC Circuit average—even if it is reduced to 8—would be 149 per year, less than half.

Since 2005, there has been a decrease of 27 percent in the number of written decisions by an active judge on the DC Circuit. Since 2005, the number of appeals filed in the DC Circuit has fallen by 17½ percent.

Before it considers any of the President's nominees for the DC Circuit, the Senate should do in 2013, today, what Republican President Bush and the Democratic Senate did in 2007; first, consider the appropriate number of judges for the DC Circuit, and then, as Senator Kyl and Senator FEINSTEIN wrote, ''take a judgeship from where it is needed least and transfer it to where it is needed most.''

I heard the argument that the cases in the DC Circuit are more complex than in another circuit, and therefore the caseload ought to be lighter. With eight judges, it will be a lot lighter—half the national average for circuit courts. That ought to allow plenty of time to write decisions in complex cases.

Other circuits have complex cases as well. For example, the Second Circuit, including New York, regularly handles many of the most complex cases that come to the Federal courts. Finally, there are a number of senior judges who are active in the DC Circuit—that is true in almost all the circuits, and that is part of the way our system works today. They can carry some of the workload when that becomes necessary.

I think it is striking that even if this court only has eight seats, that the average caseload is less than half of the national average. So why does it need three additional judges? That is the question Democratic Senators asked in 2007, and that is what the Senate and President Bush addressed. That is the question we should be asking today before we fill any more seats for an underworked circuit court.

So I will not vote to end the debate on the President's nominees until the Senate does in 2013 what Democratic Senators suggested and what the Senate did in 2007: Assess the need for judges on the DC Circuit and transfer judges from where they are needed least to where they are needed most. That means that before we act on the President's three nominees, the Judiciary Committee and the full Senate should consider Senator GRASSLEY's legislation that would transfer one judge to each of the overworked Second and Eleventh Circuits and eliminate one judge, leaving the DC Circuit with a caseload that still is less than half the national average for the eight remaining judgeships. Then, if there are still vacancies to be filled in the DC Circuit, the Senate can consider them one by one.

The Senate has treated President Obama very well in considering his nominations. According to the Congressional Research Service, as of August of this year President Obama's Cabinet members were, on average, 54 days—moving from announcement to confirmation at about the same pace as those of President Bush and President Clinton.

As far as President Obama's judicial nominees, President Obama has had 38 article III judges confirmed at this point in his second term, including 9 circuit judges, 25 district judges, and 4 judges to other article III courts. By comparison to those 38, President George Bush had 16 article III judges confirmed, 7 circuit judges, 7 district judges, and 2 judges to other article III courts.

What about a waiting list of judges who are waiting to be confirmed by the Senate? Is there a big backlog? The answer is no. As of today, only two circuit judges have been reported by the committee and await floor action. Remember, the committee is controlled by Democrats and they can report whomever they want. Both of these are for the DC Circuit and are not judicial emergencies. Only seven district court nominations await floor action. None have been waiting long. Three were reported in August, and four were reported in September.

So while there are always a few nominations that provoke controversy and take a while to consider, one of the Senate's most important and best known powers is the constitutional authority to advise and consent on Presidential nominations. That is a part of the checks and balances our Founders set up so we didn't have a king, we didn't have a tyranny. We made it slower. We gave the President the right to nominate, but the Senate has the right to advise and consent. Sometimes that takes a while. Sometimes those nominees are rejected.

I believe and have argued consistently that with rare exceptions, Presidential nominations deserve an up-or-down vote after an appropriate time for consideration. President Obama's nominations have been receiving timely up-or-down votes. But first, as Senators of both political parties have argued for 10 years, we should make certain we have the right number of judges on the court. We don't have money to waste in this country with the debt we have today. We should transfer judges from where they are needed the least to where they are needed the most. That is the sensible thing to do. The President's nominees for the DC Circuit will receive up-or-down votes insofar as I am concerned unless there are exceptional circumstances.

I ask unanimous consent to have printed in the RECORD the letter of July 27, 2006, from eight Democratic Senators to Chairman Arlen Specter suggesting that the hearing on Mr. Keisler be postponed until the Senate had considered the number of judges on the DC Circuit. I ask unanimous consent to have printed in the RECORD as well ''Additional Views of Senators Feinstein and Kyl'' which were written at that time.

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

U.S. SENATE,
Washington, DC, July 27, 2006.

Hon. ARLEN SPECTER,
Chairman, Committee on Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN SPECTER: We write to request that you postpone next week's proposed confirmation hearing for Peter Keisler, only recently nominated to the D.C. Circuit Court of Appeals. For the reasons set forth below, we believe that Mr. Keisler should under no circumstances be considered—much less confirmed—by this Committee before we first address the very need for that judgeship, receive and review necessary information about the nominee, and deal with the genuine judicial emergencies identified by the Judicial Conference.

First, the Committee should, before turning to the nomination itself, hold a hearing

on the necessity of filling the 11th seat on the D.C. Circuit, to which Mr. Keisler has been nominated. There has long been concern—much of it expressed by Republican Members—that the D.C. Circuit's workload does not warrant more than 10 active judges. As you may recall, in years past, a number of Senators, including several who still sit on this Committee, have vehemently opposed the filling of the 11th and 12th seats on that court:

Senator Sessions: ''[The eleventh] judgeship, more than any other judgeship in America, is not needed.'' (1997)

Senator Grassley: ''I can confidently conclude that the D.C. Circuit does not need 12 judges or even 11 judges.'' (1997)

Senator Kyl: ''If . . . another vacancy occurs, thereby opening up the 11th seat again, I plan to vote against filling the seat—and, of course, the 12th seat—unless there is a significant increase in the caseload or some other extraordinary circumstance.'' (1997)

More recently, at a hearing on the D.C. Circuit, Senator Sessions, citing the Chief Judge of the D.C. Circuit, reaffirmed his view that there was no need to fill the 11th seat: ''I thought ten was too many . . . I will oppose going above ten unless the caseload is up.'' (2002)

In addition, these and other Senators expressed great reluctance to spend the estimated $1 million per year in taxpayer funds to finance a judgeship that could not be justified based on the workload. Indeed, Senator SESSIONS even suggested that filling the 11th seat would be ''an unjust burden on the taxpayers of America.''

Since these emphatic objections were raised in 1997, by every relevant benchmark, the caseload for that circuit has only dropped further. According to the Administrative Office of the United States Courts, the Circuit's caseload, as measured by written decisions per active judge, has declined 17 percent since 1997; as measured by number of appeals resolved on the merits per active judge, it declined by 21 percent; and as measured by total number of appeals filed, it declined by 10 percent. Accordingly, before we rush to consider Mr. Keisler's nomination, we should look closely—as we did in 2002—at whether there is even a need for this seat to be filled and at what expense to the taxpayer.

Second, given how quickly the Keisler hearing was scheduled (he was nominated only 28 days ago), the American Bar Association has not yet even completed its evaluation of this nominee. We should not be scheduling hearings for nominees before the Committee has received their ABA ratings. Moreover, in connection with the most recent judicial nominees who, like Mr. Keisler, served in past administrations, Senators appropriately sought and received publicly available documents relevant to their government service. Everyone, we believe, benefited from the review of that material, which assisted Senators in fulfilling their responsibilities of advice and consent. Similarly, the Committee should have the benefit of publicly available information relevant to Mr. Keisler's tenure in the Reagan Administration, some of which may take some time to procure from, among other places, the Reagan Library. As Senator Frist said in an interview on Tuesday, ''[Tlhe DC Circuit . . . after the Supreme Court is the next court in terms of hierarchy, in terms of responsibility, interpretation, and in terms of prioritization.'' We should therefore perform our due diligence before awarding a lifetime appointment to this uniquely important court.

Finally, given the questionable need to fill the 11th seat, we believe that Mr. Keisler should not jump ahead of those who have been nominated for vacant seats identified as judicial emergencies by the non-partisan Judicial Conference. Indeed, every other Circuit Court nominee awaiting a hearing in the Committee, save one, has been selected for a vacancy that has been deemed a ''judicial emergency.'' We should turn to those nominees first; emergency vacancies should clearly take priority over a possibly superfluous one.

Given the singular importance of the D.C. Circuit, we should not proceed hastily and without full information. Only after we reassess the need to fill this seat, perform reasonable due diligence on the nominee, and tend to actual judicial emergencies, should we hold a hearing on Mr. Keisler's nomination.

We thank you for your consideration of this unanimous request of Democratic Senators.

Sincerely,

PATRICK LEAHY.
CHUCK SCHUMER.
NITA FEINGOLD.
DIANNE FEINSTEIN.
HERB KOHL.
TED KENNEDY.
DICK DURBIN.
JOE BIDEN.

THE COURT SECURITY ACT OF 2007

MARCH 29, 2007—ORDERED TO BE PRINTED

Mr. LEAHY, Chairman of the Committee on the Judiciary, submits the following report together with additional views

VI. ADDITIONAL VIEWS

ADDITIONAL VIEWS OF SENATORS FEINSTEIN AND KYL

Section 506 of this bill transfers a judgeship from the U.S. Court of Appeals for the District of Columbia Circuit to the U.S. Court of Appeals for the Ninth Circuit. Once this provision is enacted into law, the Ninth Circuit will have 29 judgeships and the D.C. Circuit will have 11.

Section 506 will help to ease the backlog of pending cases in the Ninth Circuit, where more judgeships are sorely needed. At the same time, it will eliminate a judgeship on the D.C. Circuit that many Senators—including both Democrats and Republicans on this committee—have indicated that they believe to be unnecessary.

The numbers tell a striking story. According to the Administrative Office of the United States Courts, 107 appeals per judge were filed in the D.C. Circuit in 2006. By contrast, in the Ninth Circuit, the filings were nearly five times higher—a total of 523 filings per judge in 2006. Filings per judge in the Ninth Circuit are also substantially higher than the national average of 399 filings per judge. The D.C. Circuit's rate of filings, by contrast, falls far below the national average.

The merits of transferring a judgeship from the D.C. Circuit to the Ninth Circuit are also brought into relief by considering the total number of appeals left pending in each circuit at the end of the 2006 reporting cycle. In the Ninth Circuit, 1,853 appeals were pending at the end of this period. This was the highest total for any circuit in the nation. By contrast, in the D.C. Circuit, only 387 appeals were pending at the end of the 2006 period. This was the lowest total for any circuit in the nation.

The backlog of cases in the Ninth Circuit is not merely a problem for lawyers and judges. It injures ordinary people who have to wait longer to have their cases resolved. Plaintiffs who have been injured, criminal defendants seeking review of their convictions, and victims waiting for justice—for all of these people, justice delayed is justice denied.

It just makes sense to take a judgeship from where it is needed least, and to transfer it to where it is needed most.

California is hit hardest by the inadequate number of judgeships on the Ninth Circuit. In 2005, 10,000 federal appeals—70% of the circuit's total docket—were filed in California. On February 14, during his testimony before this Committee, even U.S. Supreme Court Justice Anthony Kennedy commented on the overloaded docket of the Central District of California. Yet of the Ninth Circuit's 28 judgeships, only 14 are assigned to California.

California needs more judges. Transferring a judgeship from the D.C. Circuit to the Ninth Circuit in California would be a first step toward correcting this deficiency.

The D.C. Circuit, by contrast, has seen its caseload decline in recent years. In fact, filings in that circuit dropped by 7.1% in 2006 alone. Removal of the 12th judgeship would only modestly increase filings per judge in that circuit to 115—a figure still well below half the national average for U.S. courts of appeals. And in any event, the burden on that court of removing a seat is largely hypothetical. The 12th seat on the D.C. Circuit was created in 1984 and has remained vacant for most of the intervening years, including all of the last decade. On the other hand, adding one seat to the Ninth Circuit would reduce filings per judge on that court to 503—still a heavy burden on the justice system of the Western States.

Section 506 is a reasonable step toward the solution of a pressing problem in the administration of United States courts. We are pleased to see it made part of this bill.

DIANNE FEINSTEIN.
JON KYL.

NATIONAL DAY OF REMEMBRANCE

Mr. ALEXANDER. Mr. President, I come to the floor today to give thanks and show respect to World War II and Cold War heroes who served in our Nation's nuclear weapons programs on this fifth National Day of Remembrance. They weren't serving in the heat of battle but in the laboratory, handling materials on a daily basis that ranged from benign to toxic and highly radioactive. These materials posed risks that many scientists did not understand at the time.

Today in Oak Ridge, TN, the American Museum of Science and Energy, and Cold War Patriots are gathering to celebrate former workers and view a quilt that honors nuclear workers for their contribution to America's safety. This one-of-a-kind remembrance quilt has 1,250 commemorative handwritten quilt squares that form an American flag that measures 17 feet by 11 feet.

I want to specifically remember Bill Wilcox for his service to our country and passion for preserving Oak Ridge history. Bill passed this September. Bill was a former manager of the K–25 operations, a Manhattan Project veteran, and the official historian for the city of Oak Ridge.

In 1943, Bill was hired by Tennessee Eastman on a ''Secret, secret, secret!'' project in an unknown location. When he started at Eastman he was told:

As chemists you'll have to know that you'll be working [on] this project with a substance called uranium. That is the last time that you will hear that word or you will speak it until after the war. And if you are

ever heard speaking the word you will be subject to discharge from our employment immediately, and very likely prosecuted by the United States government, and may end up in jail. Is that clear?

In Oak Ridge ground was broken for the Y–12 plant in February of 1943, and by the end of the summer they started installing complex physics machines, called calutrons. About 1,000 calutrons were installed at Y–12.

How were these calutrons operated? Tennessee Eastman said that the calutrons couldn't be run as an experiment but should be run like an industrial plant. Rather than manuals, there should be a simple red line on meter A. The operator would turn knob A until the needle is on the red line on meter A.

However, General Leslie Groves, head of the Manhattan Project, along with physicists disagreed. So they took five calutrons and ran them for a week with the best physicists and then another week with girls right out of high school that kept the needle on the red line of the meters. ''After a week the girls had won hands down in terms of productivity.''

These women were called the ''calutron girls.'' One calutron girl first learned of the war effort in Oak Ridge when she was at a café in Sweetwater, TN. She was working in a hardware store at the time. The store had a big window where people from the surrounding counties put photos of their sons who went away to war. She had the job of straightening up the photos when the heat from the window caused the cardboard frames to buckle. With great dignity, the families would take down the pictures of their fallen soldiers.

Wanting to help the war effort, she went to Oak Ridge, where there was ''mud everywhere, and green Army trucks, and vehicles, and soldiers, and that was just inside the gate.'' As a calutron girl, she wore a blue uniform. The chemical workers wore white. She said:

> You weren't allowed to go in the other room . . . you'd stick out like a sore thumb, a blue something in a white-uniformed place . . . But they let us go over—towards the end . . . they told us to take all the bobby pins out of your hair before you go out there because it would yank your bobby pins out.

She remembers:

> You couldn't talk. You couldn't say anything to anybody about where you worked, what building, when you left the plant. In fact, there were huge banners up all over the plant: 'When you leave here what you see here stays here.' And you weren't allowed to tell even . . . somebody [that] worked on the same thing you did.

There were signs everywhere: ''Keep your mouth shut!'' ''Loose lips sink ships!'' ''See no evil; hear no evil; speak no evil'' with posted fines of $10,000 and warnings of jail time.

One of the things that was curious about Oak Ridge was that these rail cars came in every week, but nobody ever saw any product going out. The reason was that the product went out in a standard-sized briefcase every week chained to the wrist of a military officer, in plainclothes. He would get on the train and go to Chicago to exchange the briefcase.

During 1945, a different process at the K–25 building was surprisingly successful and cost less than 10 percent of the cost of the Y–12 process. The K–25 building was a mile-long U-shape—once the world's largest buildings under one roof. The operators had to use bicycles just to get around their building.

The successful K–25 process ran full blast for another 20 years, while the Y–12 plant received a new mission.

These efforts along with others by our nuclear weapons workers across the country won World War II and the cold war. At the peak of the Cold War, nearly 600,000 workers across the country were involved in the research and production of nuclear weapons.

Today, many former nuclear weapons workers are retired. Many of them are sick. Some are dying. The government is helping these sick nuclear workers through the Energy Employees Occupational Illness Compensation Program created by Congress in 2001.

This program provides compensation to those who were exposed to radiation and toxic materials while building our nuclear weapons, especially those that were instrumental in our winning the cold war. This program receives claims from all 50 States nearly 100,000 individual workers.

This program is especially important to Tennessee. Tennessee has the highest number of claims than any other State—over 14,000 workers. Tennesseans, mostly former workers at Oak Ridge National Laboratory, Y–12 and K–25, have received over $1.7 billion in compensation and paid medical bills, according to the Department of Labor.

Today, the nuclear workers across the country continue this heroic legacy to advance nuclear power, nuclear medicine and other technology that continues to make our lives better and keep our country safe.

So I am privileged to work with Senator MARK UDALL in honoring these patriots who worked countless hours with little-understood hazardous materials to build our country's nuclear deterrent.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I ask unanimous consent to enter into a colloquy with my colleagues from Delaware and Ohio for up to 30 minutes.

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

MANUFACTURING IN AMERICA

Mr. BLUNT. Mr. President, this is one of those all-too-rare occasions anymore where we all agree, and it is about making things. We will be talking for the next few minutes about what happens in our country and what needs to happen so we can not just make things again—because we still make lots of things, and we make them very well—but what we need to do to be able to make more things. What do we need to do to be sure we are at the competitive front of the line as we work to make things.

All of us are working on things together. Senator BROWN and I have been working on advanced manufacturing—something that he has spoken about and we have spoken about together and that he has been a leader on for a long time—and all of our States benefit.

Missouri and Ohio have certainly been among the significant manufacturing States. In Missouri we have more than $32 billion a year in manufacturing. For about the last 4 years that has been the top manufacturing employment, has been in the agricultural industry, in food processing, as well as transportation equipment, fabricated metals, machinery of all kinds, and automobiles have been in the top of our manufacturing sectors.

I believe we are really at a point where so many things could easily come together, and the Federal Government and the Congress can help make those things come together by taking down barriers and by creating easier ways to work together. In the case of advanced manufacturing, we have talked about the centers of excellence and we have worked on that together, and we have both seen some of these ideas work.

I wish to ask Senator BROWN some of the things he has seen and the things he thinks we can do better through the legislation we have been talking about.

Mr. BROWN. Mr. President, I appreciate Senator BLUNT yielding. I appreciate the opportunity to engage in this colloquy with the Senator from Missouri as well as the Senator from Delaware, both of whom have been leaders in manufacturing in Missouri and in Delaware.

It is pretty clear what these public-private hubs can do in terms of a multiplier effect. When we look at manufacturing history in this country—and of course I will use an illustration in my State, as I understand my State better than I do any other—when Akron was the leading tire manufacturer and was sort of the center for tire manufacturing along the Ohio turnpike in northeast Ohio; to Toledo, where glass manufacturing was prominent and prevalent for decades; to autos in Cleveland; to steel; and then to rubber in Akron, we can see that once we have an innovative focus, then other kinds of manufacturing come out of that. As the tire industry declined over the decades, Akron is now one of the leaders in polymer. Toledo, which was a leader in glass manufacturing—plate glass for cars, bottles, and a lot of other kinds of glassware—has become a solar center.

So the legislation Senator BLUNT and I have come up with will help American workers and American business have the drive and the creative thinking and the determination to innovate ahead of the rest of the world.

Before turning to Senator COONS, I wish to tell a quick story that tells me

why it is so important that manufacturing take place here. We out-innovate the rest of the world. We are still the most creative. We are the best innovators. We lead in foundational research and in other kinds of research. The problem is that as we invent things in this country, if we then outsource the manufacturing, so much of the creativity and innovation, both in process and in product, takes place in that other country because it takes place in the shops.

I will give a quick example. The largest yogurt manufacturer in North America is in western Ohio near the town where Neil Armstrong grew up, western Ohio near Wapakoneta. That yogurt manufacturer—I was there one day, and they used to bring in—the suppliers would send the plastic cups to the shop floor, to the manufacturer, and they would fill them—in these big silver vats—they would fill these plastic cups with fermented milk, with yogurt, package it, and send it. A young industrial engineer and a couple of people who worked on the line for years said: We can do this a lot less expensively and save money for the company and be more productive and efficient. So the three of them developed something pretty simple to an engineer, not so simple, perhaps, to me, but they simply fed a roll of plastic, a sheet of plastic, it was slowly heated, and it was then extruded and then cooled and filled with yogurt. The line was about 75 feet, and it made for a much more efficient innovation. That innovation took place on the shop floor of an American manufacturing plant, making the productivity of that plant much greater.

That is really how we need to look at this. If we are going to do this partnership with government and local manufacturers and local labor unions and local businesses and local suppliers, we can do the kind of work Senator BLUNT mentioned with these manufacturing hubs, this network of manufacturing innovation initiative we have had.

We introduced the bill this summer. We are working to build support. We welcome the support of our colleagues. Senator BLUNT has already mentioned what it could mean in Missouri, and perhaps Senator COONS could tell us what it would mean in Delaware and in this country and what better manufacturing and more innovation means to our country.

I thank my two colleagues. I have a conference committee I need to join, but I appreciate very much my colleagues opening this discussion.

Mr. COONS. Mr. President, I thank the Senator from Ohio for his tireless and engaged leadership on manufacturing, on fighting for access to foreign markets on fair terms, for fighting for skills and increasing the skills of our manufacturing workforce, and in this instance, in this strong bipartisan bill, for working with our colleague from Missouri on a national network of manufacturing innovation centers.

My own work of 8 years at a manufacturing company in Delaware in a materials-based science company that makes things helped make it clear to me how important research and development and continuous innovation are for manufacturers at all levels. I have seen this across the State of Delaware. Our Presiding Officer—long owner and leader of a manufacturing business in his home State of Indiana—knows this better than any of us: that if we don't innovate, if we don't invest in research and development, in improving the skills in the workforce and improving the productivity and the operating efficiency of any manufacturing company, we can't survive in the tough headwinds of the global marketplace today.

One of the programs I championed here in the Senate that has bipartisan support is the Manufacturing Extension Partnership. It is a long-established program that takes the latest cutting-edge research and development work at universities and moves it to the shop floor. I have visited companies up and down Delaware, from FMC in Newark to Speakman in New Castle, where they have taken those innovations from the university to the shop floor.

One of the things I am grateful to Senator BLUNT for is his leadership in taking that insight that in order to have the most productive manufacturing workforce in the world, in order to continue to compete globally, we have to find ways to continue to invest in demonstrating the power of innovation and we have to find ways to do that in a bipartisan way.

I thank the Senator for being willing to work with Senator BROWN and others here. This is exactly the sort of stuff I hear from Delawareans they want us to be doing. There is lots that divides us. This is something that unites us: working together to strengthen our manufacturing sector, to make it more competitive, to bring jobs back to the United States, and to grow this sector.

We have grown half a million jobs in the last 3 years in the manufacturing sector. These are good jobs, at high wages, high benefits, high skills. But we can and should do more, pulling together to sort of lift further this ongoing manufacturing revival.

If Senator BLUNT would share some more with us about this specific bill and about his experience in what else we can and should be doing together to strengthen manufacturing in Missouri, I would be grateful.

Mr. BLUNT. The Senator's point is well made. These manufacturing jobs are goods jobs. The American workforce is competitive. As Senator BROWN said, we have always been on the cutting edge, the outside of competition, making things in a better way than we did last year. Everybody who is competing today is trying to figure out how they can do whatever they did last year better. We see that and what we can add to that, how we can make that process work better.

In our State, the average manufacturing job pays 21.5 percent more than the average wage. Mr. President, $52,000 or so for the average manufacturing job salary in Missouri is a significant improvement in where you might otherwise be. In Missouri we have 6,500 manufacturing firms. Almost a quarter of a million people work in manufacturing in Missouri. We used to have more than that. We used to have more than that, and I think we will have more than that again. The country used to do more in terms of manufacturing than it does now. But we are going to see that happen.

The Senator from Delaware just wrote an article in Congressional Quarterly that talked about what needs to be done, the great opportunities we have in energy. If we take advantage of those great energy opportunities, suddenly the utility bill is more predictable, the delivery system is more guaranteed.

I was talking to a manufacturer today in my office and this topic came up. At some point now, as you get further and further into innovation, people not only have to be better trained—the Senator talked about that too: the importance of a skilled workforce—but how the workforce competes with maybe a lower paid workforce in some other country maybe is not nearly as important as how the utility bill competes.

If you can run that facility—and I just gave him an example of another manufacturing facility in my hometown of Springfield, MO, that was making a significant expansion, I think about a $150 million expansion. They did not expect to hire any more people, but they expect to use that current workforce in a much more competitive way. Nobody was losing a job because of advanced competition. They are just expanding that workforce in a way that ensures they will keep their job and be more competitive. Of course, somebody, by the way, is building that expansion. There are jobs there as well. And those all matter.

We have all kinds of examples.

Perryville, MO, is a town of less than 10,000 people. In that town, they have become a hub—it is about 80 miles south of St. Louis—of 21st century manufacturing. A Japanese company is there, Toyoda Gosei, that makes plastic components for automobiles. Sabreliner makes aviation parts and is in the airplane industry. There is Gilster-Mary Lee, a much more traditional employer. But here is a town that has a significant number of manufacturing jobs.

The town of Cassville, near Springfield, for a number of years had more manufacturing jobs than they had population. Now, of course, that meant in the part of the country where I live lots of people may have been driving a significant number of miles to get to those jobs. But there are not very

many cities. This is a smaller community. It is the county seat of Barry County. But they had more manufacturing jobs than the number of people who lived in the community itself. It meant that is a competitive community. That is a community that knows how to build jobs.

Perryville is a community that has launched itself well into the 21st century. And the skills the Senator was talking about—the skilled workforce, the energy needs, the research component—one of the components of these hubs of excellence that we have been looking at and talking about, Senator BROWN and I have been working on, is to create ways to encourage that higher education be part of that research component.

I think Americans are eager to produce. I bet the Senator and I both hear the same thing over and over: How can we have a strong economy if we do not produce? Well, you can have a strong economy in parts of the economy that do not produce, but I think not only do you need to produce, but there is something that defines who we are in a positive way when people see American production that is not only heavily competitive here but competitive all over the world.

I think that is what Senator COONS and I are talking about, the kind of bipartisan effort we need to make. I do not know any Republicans or any Democrats anywhere, or any Independents, who have said: Oh, we don't need to worry about making things. We don't need to worry about a competitive economy. Actually, private sector jobs should be the No. 1 domestic goal of the Federal Government today. And the jobs we are talking about are a significant component because they lead to lots of other jobs. All of the ripple effects of manufacturing jobs are great: the other businesses that spring up, the suppliers that come.

Of course, the Senator and I have talked about his father was a significant part of launching new things into the marketplace. I think that is what the Senator and I want to see this Congress encourage, as we can encourage things without law and look for legislative ways to facilitate a growth back toward manufacturing.

Mr. COONS. I thank Senator BLUNT for his work on this bill with Senator BROWN. There are other bills that I hope this body will take up and discuss and debate where I hope we can find ideas that are out there, with progress that is being made and policy innovation that is being made, and that we can take them up, debate them, and find bipartisan sponsors who will carry them forward.

I absolutely agree with the Senator's point that we are seeing in manufacturing a revival in this country for a variety of reasons. One of them is less expensive energy. The shale gas revolution is reducing the feedstock costs for chemical manufacturing and reducing the energy costs broadly for manufacturing of all kinds.

We are also seeing that lots of American companies fear the loss of their inventions, their innovations, if they move offshore. So some of the attractiveness of operating in other countries has dimmed a bit, as they have recognized that the United States is one that has a rule of law that protects their inventions and innovations.

There is also less of a wage gap, frankly, as wages have come up in the developing world. In China, the wage gap is less. So that combination gives us a window, gives us a moment of opportunity. We lost millions of manufacturing jobs in the first years of this century, but in the last three we have been growing them and growing them steadily. If we can work in partnership across the aisle on manufacturing skills, on access to credit, on innovation, on a coordinated strategy, I cannot imagine a community in this country that would not rather have high-quality manufacturing jobs.

As Senator BLUNT was mentioning, for every manufacturing job that is created, there is 1.6 new support jobs created. For every $1 spent in manufacturing, there is $1.34 spent in the local economy that moves around. It is the sector that has the most positive secondary impact in our communities.

I do think there is broadly in our country a sense that we have sort of lost our leading edge in manufacturing because of the large-scale layoffs and the large plant closings. But in my State, and I presume in the Senator's State and in the Presiding Officer's State of Indiana, and others, there are dozens and dozens of small and medium-sized manufacturers who have seized this moment, who are growing, and who simply want us to help facilitate their access to the market, their access to innovation and new research, their access to a skilled workforce.

If we can pull together, I think we can do great things for the United States going forward.

Also, before we close, I thank Senator BLUNT for being a cosponsor with me of the startup innovation tax credit—something Senator ENZI and I and many others—Senator RUBIO, Senator SCHUMER, Senator STABENOW, as well as Senator MORAN—have cosponsored and introduced and discussed over time. It would help with access to capital for early stage startup manufacturers.

There are lots of good ideas we can and should discuss on the floor, in hearings, and going forward. But for today I am grateful to Senator BLUNT for his leadership with Senator BROWN on this bill that would help strengthen the National Network of Manufacturing Innovation centers. The Senator is a strong leader for manufacturing in his home State of Missouri, and I am grateful for a chance to spend some time with him on the floor today discussing that good bill and his good ideas.

Mr. BLUNT. Let me just talk a little bit about the startup act that Senator COONS and I have worked on. The Senator mentioned, I think, all the cosponsors of that: Senator RUBIO, Senator STABENOW, Senator MORAN, Senator KAINE, Senator SCHUMER, and Senator ENZI.

What that does is try to extend the opportunity of research and development to startup businesses. The way the tax credit works, you can deduct those costs from the taxes you pay. Well, if you are a startup business, you often do not have any profit to deduct from. That is part of the courage, frankly, of starting a business. You are almost insured, guaranteed, that for the first weeks, months, sometimes the first years, depending on how big a venture this is, you are not making money yet. So what the Senator and I and our friends have done in the startup act is say—these people would have employees—so what we do is allow the same tax credit for a big corporation or a big business or a highly successful business with lots of profit to be applied against what they pay as taxes for their employees—the Social Security tax, the other taxes that are paid—and, again, trying to encourage innovation.

We all know that small business is the engine that drives the country. But also small business can be the engine that drives manufacturing, if we figure out a way to let them have some of the same benefits that existing businesses have that have already gotten themselves in a profit-making situation. This just gives them a place to go and utilize that credit.

That is the kind of thing we ought to be looking at. Startup businesses are important, encouraging traditional businesses to figure out how to upgrade their equipment, upgrade the way they do things so they are more competitive in an international marketplace. I really do firmly believe that for reasons the Senator mentioned—the wage gap is not what it was, the transportation costs are more than they were to get something made from somewhere else back to the greatest market in world, the United States of America; and the more we know about the utility bills—Senator DONNELLY from Indiana, who is the Presiding Officer, and I have been working on things that pay attention to the utility bills. Again, that is a key component of future manufacturing. The more competitive you are, the more innovative you are, the more you are likely to be concerned about that part of your input costs. And sometimes when you expand, the utility bill is a bigger than the additional labor cost. But that may be exactly what ensures you can keep the labor you have and grow that labor by being able to make a commitment that you feel good about because you feel good about your ability to run that facility once you build it. You feel good that not only is it going to work this year, but, by the way, we are doing so well and doing so many things that 10 years from now we feel whatever the utility costs are going to be, they are

going to be within the range we can deal with and still produce right in Missouri, right in Ohio, right in Delaware, or right in Indiana.

That is the kind of thing we ought to be focusing on. How do we make things again? How do we create other kinds of private sector jobs, the No. 1 domestic priority of the country today?

Every time the Senator and I talk about manufacturing, I really do get excited about an America that is thinking about not are we going to be able to continue to make what we have always made, but what can we make better than anybody else that we are not making yet that is going to allow us to be out there in a world marketplace? Trade has become a much greater opportunity for the American workforce, as all of these other factors we have been talking about on the floor have come together to make our workforce what it is.

If Senator COONS has any final remarks, I would like him to finish our time here on the floor.

Mr. COONS. I thank Senator BLUNT. I thank the Senator for his enthusiasm for manufacturing and for his enthusiasm for working together with me on the startup innovation credit bill, as the Senator referenced, and with Senator BROWN on the national network of manufacturing innovation centers as he spoke about.

Manufacturing is the center, the beating heart of the middle class of America. Manufacturing jobs are good jobs. We do need to get back to being a country where inventing, growing, and making things is an area of bipartisan, sustained, purposeful focus. I know for the folks who watch us at home and for the folks here in this Chamber, nothing could meet the demands and the needs of our communities and our States more than for us to come together in a bipartisan, balanced, and responsible way to advocate for a stronger manufacturing sector in the United States.

I thank Senator BLUNT very much.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

UNANIMOUS CONSENT REQUEST—S. 1592

Mr. RUBIO. Mr. President, we have all now been aware over the last few days in the news about the problems being faced with the Web site upon which people are supposed to go in order to sign up to be on one of these exchanges. That is important, because next year Americans are going to owe money to the IRS if they do not have health insurance by a certain date.

One of the ways people are supposed to get health insurance is by going on one of those Web sites and logging on, registering, and being able to see what their options are for insurance, and then signing up. If you do not do that, then you are going to owe money to the IRS next year.

The problem is those Web sites are not working. In fact, just today as the Secretary was testifying before a House committee, the Web site crashed again. There are a lot of different reasons why that is happening. I am sure eventually, with all of the experts who are involved in it, they will be able to set up a Web site that functions, because this is the 21st century. The ability to go online and buy something, frankly, is something people do every single day with all kinds of things. So to me, it is inexplicable that they are not able to do that when it comes to health insurance.

But in the meantime, people are struggling not just with the Web site, by the way, there are problems now with the 800 number and the paper application.

I believe the prudent approach is to say we are going to delay, that we are going to put off punishing people, that we are going to put off the individual mandate until the Web site works. I will admit, I do not think the law works at all in its totality and it will eventually have to be repealed. That is what I favor. But in the interim, what I am proposing is something that I think is pretty reasonable; that is, the notion that until these Web sites are working, how can we punish people for not buying health insurance? Why are we going to punish someone for not buying health insurance if the Web site they are supposed to buy it on, by the administration's own admission, is not properly working?

This is creating a lot of anxiety for people. That is why I filed a bill to do that. That is why I come on the floor today for the purpose of making a motion.

As if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 225, S. 1592, which is a bill to delay the individual mandate until the health exchanges are functioning properly. I further ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, I think it is pretty clear that this motion is inappropriate. This is not what we should be doing and how we should potentially change the act. Actually, the effect here is to disrupt implementation of the Affordable Care Act. The Affordable Care Act is a law. It has been in place for several years. The Supreme Court has upheld it. Attempts to repeal it failed. I think the House has voted up to 20 times to try to repeal the ACA. They have all failed. The act is here. So the goal here is to make it work, make the act work. Then later on we can ask questions about what happened, why it didn't work, why wasn't implementation of the exchanges as good as a lot of us would have liked it to have been. Then find out who is responsible, et cetera. Right now it works.

The effect of this motion is severalfold. One, it will deny people having health insurance, people who otherwise would get health insurance. If you delay the individual responsibility requirement, it is going to cause a delay. People will not have insurance.

Second, it is going to increase the cost of health insurance for a lot of people. Why? Because fewer people will be signed up. The individual responsibility requirement will not be followed as much as otherwise would be the case. The result is fewer people will be in the insurance pool, and therefore prices will be higher.

Another consequence is it lowers the quality of health insurance, especially for those individuals who are seeking to be insured. They are going to have a lower quality product as a consequence of this request. It is an attempt to destabilize, it is an attempt to undermine the ACA.

I think for those reasons it is inappropriate and again is another effort to obstruct. We should not proceed in this way, so I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. RUBIO. Mr. President, I do not intend to offer another motion since the objection has been heard. I do want to point out a couple of things. First of all, this notion that ObamaCare is the law—it is true it is the law. It was passed by Congress in the years before I got here. This is called the Calendar of Business. This is the Executive Calendar. Basically every single bill that is in here is an effort to change existing law, for the most part. That is what we do around here. That is what the legislative process is about. Virtually every bill that is filed is either an effort to create a new law, but usually it is an effort to change existing law. So if we begin to argue around here that once something is existing law it can never be changed, we might as well close up shop, because that is what we do. That is what the legislative process is about.

The second point that was made was that this law will prevent people have having health insurance. That is not true. Let me say this: No. 1, I am in favor of people having health insurance. I do think we cannot ignore the health insurance problem this country faces.

No. 2, admittedly, I am in favor of repealing ObamaCare and replacing it with a better alternative. But that is not what this bill does. All this bill says—this is the only thing it says: The only thing it says is you cannot enforce the individual mandate, you cannot tell people next year that we will fine you, that the IRS is going to impose a fine on you. You will not be able to do that until the Web site is fully working.

In terms of this preventing people from getting health insurance, that is simply not accurate. This does not prevent anyone from going onto the Web site and signing up. If the bill I am proposing is adopted, it would not keep

anybody from signing up for health insurance under ObamaCare. The only thing it would do is keep the IRS from fining you if you are unable to do it. The reason why that makes sense is because the way we are supposed to do it on a Web site simply is not working.

So it is not accurate to say this will somehow prevent people from buying health insurance. It does not. It does not prohibit you from trying to get it on the Web site. It is just the recognition that the Web site is not working well and there is a consequence to it. The consequence to it is if they cannot get these Web sites up and running, there are people who will not be able to buy health insurance and they are going to get fined for it. That does not sound fair to me.

So while I continue to want to repeal ObamaCare, I think for the good of our people it is unfair to continue to hold over their head the threat of an IRS fine when the method of compliance we are asking them to follow is not fully functioning. That is all this would do.

I would point out this is not a theoretical concern. I get letters and emails every day. But I want to read one I got. I will paraphrase it. It is from Barbara in Ruskin, FL. She is 63 years old. She tried to apply to the health insurance marketplace on October 1. As of the writing of this email, she is no further along. She sought the services of a certified navigator on October 14. After spending hours on line trying to get an account established and making the application, the navigator, with her on speaker phone, after many hours finally assisted her in making an application. She was told she would receive additional information via email. Ten days later she has still heard nothing. She is worried because she is currently covered, but that is being terminated at the end of the year because of ObamaCare. It is going to end on December 31. According to the information provided to her, she has to be enrolled in another insurance plan or she is going to face the fine.

This is just one example. I could go on and on. I do not want to burden the time of the Senate. But there are thousands upon thousands of people who are dealing with this problem.

Here is the last point I would make. I have now heard on a number of occasions the administration say with full confidence that by the end of this coming month, by the end of November, the Web sites will be up and running. If that is true, then there is no reason to be against my bill. If, in fact, you are so confident the Web sites are going to be up and running by the end of November, then this problem will be taken care of. If, in fact, you are right, and the Web sites are going to be up and running at the end of November, then the mandate will be back in effect.

The only thing my bill does is say: As long as the Web site is not working and until it is working, you cannot enforce the ObamaCare mandates on people through a fine from the IRS. That is it. That is all it says. That is why I think this makes all the sense in the world. I am surprised that we somehow believe we should continue to hold the penalty over people's heads when the way we are asking them to comply with the law, by the admission of the administration, by the admission of the Secretary today, is simply not working well enough.

I hope in the days to come my colleagues will reconsider, because I think our people, irrespective of how you feel about ObamaCare, deserve better. To that end, I would read to you one email I got from someone who actually supports ObamaCare. Nicholas in Palm Bay, FL, wrote an extensive email. He talked about how he submitted an application to the Web site. It took hours to complete because of Web issues. They finally finished the application 23 days later. The application is still in progress, but it will not let him go any farther to choose the insurance. So while he does not agree with me about defunding or repealing ObamaCare, he agrees with me that we should suspend the individual mandate penalty until this Web site issue is fixed.

I think there are a lot of people who are going to feel that way. I think there are a lot of people who would be shocked that the government is going to punish them for not buying insurance when the Web site they are being sent to buy it on does not work.

Again, I think it is a commonsense approach. I am surprised there is objection to it. I suppose I should not be, but I am. I hope in the days and weeks to come my colleagues will reconsider, because in my opinion, and I think in the opinion of many Americans, it is simply unfair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. 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. COONS. Mr. President, I rise today to speak in favor of Ms. Patricia Millett's nomination to the DC Circuit Court. As a member of the Senate Judiciary Committee, I have the opportunity to closely examine each of the judicial candidates nominated by our President. I did so with Ms. Millett, attending her nomination hearing and speaking to a wide range of the practitioners and colleagues who have direct knowledge of her professionalism and experience. Without exception, at every stage of her career and with every personal and professional colleague with whom she has had work experience, Patty—Ms. Millett—has distinguished herself as a person of integrity, intelligence, and dedication. She is a person whose capability and devotion to a family is an inspiration to those around her. She is unanimously recommended by former living Solicitors General, and received the ABA's highest rating.

Some of my colleagues here have argued that President Obama is trying to ''pack the court'' by nominating Ms. Millett and two other nominees to fill three current vacancies on the DC Circuit Court. These charges of court packing strike me, frankly, as without foundation. Court packing is an historical term used to describe when politicians try to change the size of a court, expand a court, in order to control its expected outcome. That was the cause of the objection to President Roosevelt's plan to add up to six Justices to the U.S. Supreme Court back in 1937.

In fact, a current legislative proposal to strip the President's ability to fill three vacant seats on the DC Circuit could better be called court stripping. In this particular case, making nominations to vacant judicial positions is not court packing, it is a President doing his job. Confirming highly qualified nominees to serve on this circuit in this vacancy would be this body doing its job.

The charges of court packing are absurd on their face. They are even more absurd when put in context.

Ms. Millett has been nominated to the ninth seat of the 11 authorized on this court. There are currently three vacancies on this vital circuit court.

I held a hearing earlier this year on judicial staffing levels in my role as the chair of the Subcommittee on Bankruptcy and the Courts of the Judiciary Committee. I invited the chair of the Judicial Conference Committee on Judicial Resources, Judge Tymkovich, to come testify. For those who ascribe significance to such things, Judge Tymkovich was nominated by President George W. Bush to sit on the 10th Circuit Court of Appeals.

Judge Tymkovich testified—convincingly, in my opinion—that the Federal judiciary needs more judges, not fewer. Every other year, the Judicial Conference submits to Congress a report on recommendations on judgeships. That report did not conclude that any judgeships should be removed or remain unfilled on the DC Circuit.

Judge Tymkovich also explained why the caseload statistics used by some of our colleagues to argue that the DC Circuit has a low caseload—and thus need not have its vacancies filled—are, in fact, unconvincing. The DC Circuit hears a unique caseload, with four times the number of complex administrative appeals than other circuit courts around the country.

The DC Circuit is the circuit from which all the Federal agencies' actions are repealed. More than any other court in the country, its caseload is made up of very complex, very difficult cases with far-reaching consequences and that require a great deal of time. Simply looking at the raw number of cases filed, opened, and closed is not an accurate predictor of whether a vacant seat on the DC Circuit should, in fact,

be filled. The DC Circuit's caseload has remained steady over the past 10 years, so the Judicial Conference has seen no reason to recommend any alteration in its staffing level.

The court packing argument made by some is also at odds with history, especially when one considers that caseloads lower than they are now on the DC Circuit were sufficient when all Republican Members then in office voted to confirm then Judge Roberts to the 9th seat, Janice Rogers Brown to the 10th seat, Thomas Griffith to the 11th seat, and Brett Kavanaugh to the 10th seat when it became vacant. When Ms. Millett is confirmed, the DC Circuit will still have more pending appeals per active judge than after the confirmations of any of those four earlier Bush nominees I just referenced. The caseload on the DC Circuit would also remain above that of the current 6th Circuit and 10th Circuit, to which courts the Senate has confirmed Republican supported judicial nominees this year.

A filibuster of Ms. Millett on caseload grounds would bring the Senate to an unprecedented and regrettable place. It would destroy comity and trust at a time when our Nation needs it most, when we need to demonstrate to the people of the United States that this Congress can function and that this Senate can fulfill its constitutional role.

It would not only facilitate the administration of justice by our courts, but also allow us to tackle other issues if we could move past endless and needless filibusters on issues such as this. It would allow us to move forward to the broader issues of the day, tackling long-term debt and deficit challenges, the fight against global terrorism, reinvesting in our future, and working together to invest in manufacturing and grow our economy. There are so many other issues that call for the time of this body.

With that, I wish to urge my colleagues to look at Ms. Millett's nomination on its merits and to not be distracted by what I think are groundless arguments that this is an instance of so-called court packing by this President.

This President is doing his job. He is nominating supremely qualified candidates to serve in the highest courts of this land, and this body should do its job and confirm those qualified nominees.

NATIONAL TECHNOLOGICAL INNOVATION DAY

If I might, I simply wanted to comment to this body that something passed with little notice here yesterday. October 29, 2013, was National Technological Innovation Day. This was recognizing the role that technological innovation plays in the United States economy.

We know that innovation is absolutely essential to developing new medicines, treatments, and cures to help us live longer and more healthy lives. Innovation is essential to strengthen the manufacturing sector of the American economy and make us more competitive. Innovation is essential to allow us to take advantage of new materials and new opportunities in the world and to access new export markets overseas. Innovation overall is what has brought all that is best about modern life and the modern world.

Yesterday, in a bipartisan way, we recognized that on October 29, many years ago, was the very first day that DARPAnet was able to exchange communications from one computer to another. It was literally the dawning of the modern Internet age. This was made possible in part by Federal investment and innovation.

I am grateful that Senator MORAN, Senator ISAKSON, Senator HEINRICH, and Senator KIRK joined me in recognizing the unique and important role that technological innovation has played in America's past, America's present, and America's future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Wisconsin. I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. JOHNSON of Wisconsin pertaining to the introduction of S. 1617 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. 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. REED. Mr. President, I rise today to support my colleague and my friend, Congressman MEL WATT of North Carolina, who has been nominated by the President to be the next Director of the Federal Housing Finance Agency—the FHFA. I have total confidence that Mel is fully capable and qualified to serve as the FHFA Director, and I am not alone.

This week, the National Association of Home Builders wrote a letter to Leaders REID and MCCONNELL unequivocally endorsing Congressman WATT, stating:

> During Representative WATT's tenure on the House Financial Services Committee, he has proven to be a thoughtful leader on housing policy. The FHFA needs a permanent director with his leadership capabilities.

Senator BURR, Congressman WATT's Republican colleague from North Carolina, and Senator HAGAN recently shared a ''Dear Colleague'' in which both North Carolina Senators stated clearly, in their words:

> Congressman WATT has shown himself to be an honest, kind, and capable individual with deep understanding of the housing market. We urge you to support his nomination.

He is indeed qualified to serve as the FHFA Director. He is an incredibly decent and honest person who I know will always work diligently toward a decision based on the facts, not on ideology or momentary trends. Democrats know this, and Republicans who have worked and served with him know this.

Despite this, there is some question whether Congressman WATT has the technical experience to run FHFA. So let us look at Congressman WATT's record to see if we can peel that back and look closely.

He is a graduate of Yale Law School, who for 22 years practiced business, economic development, and real estate law. He is not a theoretician. He understands the impact of foreclosure, not just the macroeconomics but the personal dimension. He understands the role of financial intermediaries, banks and housing agencies. He has been a 21-year member of the House Financial Services Committee, so legislatively he has been engaged and involved in every major business, financial, and housing initiative in the last two decades, and he has seen this from the perspective of a legislator.

He has earned the support of his colleagues, but also he has earned the support of his constituents and his neighbors back home. He has the endorsement of the former Republican Chairman of the House Financial Services Committee, SPENCER BACHUS of Alabama, who noted:

> Congressman WATT has played an integral role in the financial services committee's deliberations on housing policy and is known as a serious and substantive legislator . . . In my experience in working with him on a variety of issues, I have always personally respected Congressman WATT for his intellect, attention to detail, and dedication to serving the public.

Again, this is a reflection of two decades of service at the heart of the process of legislating with respect to housing policy in the United States. So when we combine his legal training, his practical experience as a lawyer, his two decades of service as a member of the House Financial Services Committee, he is fully qualified for this key position, which is so vitally important now because we have to seriously tackle the issue of housing finance reform, and we have to take into consideration the needs and concerns of all the stakeholders, from investors to homeowners.

Again, Congressman WATT has that perspective—knowing the intricacies from his legal training of financial laws, doing what he has to do to protect the interests of his clients, and as a legislator with over two decades of experience in creating housing policy in the United States.

The FHFA should be led by a Director, confirmed by the Senate, not an

Acting Director. We have to send the signal this is a position that is important and deserves a confirmed Director, notwithstanding the skills and abilities and the great dedication of the current Acting Director. We need to have someone in the position who has been confirmed by the Senate. There are too many critical decisions each day, and too much at stake in terms of housing finance reform not to have a confirmed Director of the FHFA.

I urge my colleagues to allow this nomination to come before this body for a vote. Congressman WATT deserves no less, and I indeed urge support for his confirmation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

YOUTH EMPLOYMENT

Mrs. FISCHER. Mr. President, today I rise to call attention to a problem that seems to have gotten lost in the shuffle recently. That issue is our unemployed and underemployed American youth.

On September 14, the Wall Street Journal published a must-read story entitled: ''Wanted: Jobs for the New 'Lost' Generation.'' I would like to read a brief excerpt from that article.

Like so many young Americans, Derek Wetherell is stuck. At 23 years old, he has a job, but not a career, and little prospect for advancement. He has tens of thousands of dollars in student debt but no college degree. He says he is more likely to move back in with his parents than to buy a home, and he doesn't know what he will do if his car—a 2001 Chrysler Sebring with well over 100,000 miles—breaks down. ''I'm kind of spinning my wheels,'' Mr. Wetherell says. ''We can wishfully think that eventually it's going to get better, but we really don't know, and that doesn't really help us now.''

Derek Wetherell's experience is hardly unique. It is unfortunately an experience shared by Americans across this Nation, including in my home State of Nebraska. Despite promises of economic recovery, jobs remain scarce, particularly for young people. A quick survey of family members, neighbors, and friends reveals that too many adult children are now living at home, stuck in their parents' proverbial basements.

A study released by The Opportunity Nation shows that 6 million young people between 16 and 24 are neither in school nor are they working. That means roughly 15 percent of America's youth are idle when they should be gearing up for their most productive years. The study went on to state:

Youth unemployment is at its highest in more than a decade, and young people in many European countries now have a better shot at moving up the ladder from poor to rich than they do in America.

The United States has always stood as the land of opportunity—the new home sought by immigrants from Europe and from around the world, risking life and limb for personal freedom and economic progress.

It seems that the ancient European capitals now offer young people more hope—a better chance at upward mobility—than our failing economy. That must change.

The jobless youth don't belong exclusively to any class, race, or gender. This problem does not discriminate. Nearly 1 in 4 African-American youth is unemployed, while the unemployment rate for young Latinos in September was 15.8 percent. Young men are unemployed at a rate of over 17 percent, while nearly 13 percent of young women are out of work.

Washington Monthly recently discussed the long-term impact of joblessness on our youth.

The consequences are dire for these young Americans.

They're not only more likely to have a hard time in the job market; researchers have found that disconnection has scarring effects on health and happiness that endure throughout a lifetime.

Unemployed, uneducated youth are at greater risk for criminality and incarceration, and they often go on to become unreliable spouses and improvident parents.

The costs to society are also considerable.

The direct support expenses and lost tax revenues associated with disengaged young people cost U.S. taxpayers $93 billion in 2011 alone—a bill that will only compound as the years progress.

In short, our weak economy is not only frustrating young Americans presently eager for work; it is jeopardizing their future. It is threatening more than just their ability to find present jobs; it is thwarting their efforts to build rewarding careers and to start families. They are getting a late start—if any start at all.

And what about those young Americans who have found work? According to a report by Accenture, over 40 percent of college graduates in the last 2 years are overqualified for their jobs. In other words, many of them are underemployed.

I believe all work has dignity. And while a college degree is important, it is not for everyone. But hard-working young people should have the opportunity to use their degrees and pursue their passions. They are not asking for special treatment—they are just asking for a chance. This economy is holding them back.

As if young people weren't facing enough adversity, now they are told they are legally required to purchase costly health insurance. In fact, the new law completely depends on their participation. Yet the report on premiums released by the Department of Health and Human Services shows that many young people will not qualify for subsidies to make their premiums affordable.

A study published by the National Center for Public Policy Research found that subsidies did not exist for people from 18 to 34 years of age in 11 of 15 exchanges. These young people will be required to pay the full price of their premiums, which we all know are skyrocketing around this country. The American Academy of Actuaries published an article noting that the young people who don't qualify for subsidies will see an increase in costs of 42 percent.

Tom from Omaha wrote me to tell me about his 26-year-old son, who had been paying $159 a month for his health coverage. ''Effective January 1, 2014, his rate will be $231. What is affordable about this?'' Tom added that his son's deductible would ''increase by $3,000 and his out-of-pocket costs by $3,850.'' We are no longer dealing with projections, we are dealing with real people.

The National Center for Public Policy Research also found that even with the subsidies, about 3.7 million young people would actually save at least $500 by forgoing insurance and paying the fine, and as many as 3 million young people would save at least $1,000 by opting out of ObamaCare.

The bottom line? We have record numbers of unemployed young Americans now being forced to purchase health plans they do not want and, in some cases, with coverage they don't even need. We need to empower, not burden, young Americans.

The American dream of launching a career, starting a family, buying a home, and forging a brighter future is not some quaint relic of a bygone era. The dream is alive and well. Our young people are still dreaming. It is time for us to honor our duty to ensure that the next generation has the tools and experience to succeed, to keep America strong, and to pursue that dream. Right now, we are falling woefully short. But we can do better. Our children and our grandchildren are counting on us. This generation isn't lost yet, and I am here to fight for them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELLER. 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. HELLER. Mr. President, I rise today to speak on why I had a hold on this particular nomination.

Contrary to some who are speculating on this issue, I am not voting against this specific nominee. My concerns are with the way OPM determines who can ask questions and who can receive answers.

Imagine, there is a Federal Government agency which determines who can ask a question to them and who can get an answer. Whether a Member of the minority or majority, every Member should be able to ask questions and to receive those answers. Frankly, if you ask a question, you should be able to get an answer; and when you get the answer, it probably should be truthful. That is my argument, and that is the purpose I have this hold.

I want to be very clear that I am not voting against the nominee as an individual. I am voting against the agency itself.

OPM, in my opinion, has become one of the most politicized agencies in Washington, DC. I believe the Office of Personnel Management has refused to do its part to ensure that all Americans are treated fairly under ObamaCare. Specifically what I mean by that is I believe what is good for the American people should probably be good for Congress, and what is good for Congress should be good for the American people. I believe that is a standard which many of us in the Senate live by. I think there are some who don't, but I think the majority do. If something is good for the American people, it should be good for Congress. And I think ObamaCare is a good example of that.

For me, the most concerning issue is whether OPM engaged in negotiations with the Senate and House leadership to secure exemptions and subsidies for Members of the Senate and the House of Representatives. I wish to thank a colleague of mine from Louisiana, Senator VITTER, for his hard-fought effort on this particular issue.

I am not the only person here in this Chamber who can't get questions answered from OPM. I would like to walk for a minute the time line and the difficulty I have had with OPM over the last couple of months trying to get direct and truthful answers from this agency.

I will start on August 28. I wrote OPM asking specifically from the agency to ensure that all congressional staff, including leadership and committee staff, be fairly treated under ObamaCare.

This is what I said:

> This is a missed opportunity for the Office of Personnel Management (OPM), which currently administers and operates Congressional health care, to ensure that all Congressional staff, including Committee and Leadership, play by the same rules as the American taxpayer.

I go on to say later:

> As you issue your final rule in order to comply with Section 1312 of the Affordable Care Act, I encourage you to clarify this issue once and for all and require in addition to Members of Congress that all Congressional staff—Committee and Leadership—to go into the exchanges.

I wanted the dialog. I wanted this conversation. That is why I wrote to OPM. Of course I was looking to hear back from them, and I received no answer. I received no answer from the agency, so I followed up on September 13. From August 28 to September 13, I got no answer.

On September 13, I wrote:

> I would like to first express my disappointment with your agency's lack of response to my stated concerns. In addition, I would like to reiterate my request that the Office of Personnel Management (OPM) clearly mandate in its final rule that all Congressional staff, including Committee and Leadership, be subject to the consequences of ObamaCare.

I think that is a fair dialog and a fair question to ask. That was on September 13. Finally, on September 18, I got the response. Not the response that I wanted, as you can imagine, but I did get a response. In their letter, it says:

> In issuing our final rule, OPM will address this specific issue as well as others raised by members of Congress and the public at large.

So in this letter on September 18, I wanted to have a discussion with OPM, and OPM says: You can read the final rule. We are not going to have a discussion with you. We are not going to reach out. We are not going to come to your office. We just want you to read the final rule, like every other American, and we are not going to have a discussion prior to issuing the rule.

Obviously, I wasn't going to take that for an answer, so I reached out and I requested a formal briefing with the Acting Director. Sure enough, we had that meeting on September 26. So this is from August 28 all the way to September 26. I will tell you, frankly, it was a good discussion. They were frank. They had a couple of members of their staff there. I raised concerns about possible back door negotiations that would allow for special treatment under the law. I asked specifically whether OPM had engaged leadership on this issue. I asked that question: Have you engaged leadership on this issue? I asked the question three times: Did you engage with leadership on either the House side or Senate side on how you wrote these rules? Three times I asked that question and three times OPM had insisted that they had not, that the answer was no. So they said no three times. They formulated their proposal based on the advice of their lawyers.

I was OK with that. We had discussions on other principles of the bill itself, but that was the essence of the conversation I had and I was fine with that. Frankly, I was ready to release my hold. But what I did want was answers in writing. I wanted to memorialize the conversation that we had in my office, so I sent them another letter on September 28, formally requesting OPM to provide me with a detailed list of all conversations or negotiations that they had with staff members of the Senate or House leadership when crafting the proposed rule.

I want to be super specific. On September 28 we had numerous questions but question No. 4 that I had:

> Provide me a detailed list of all conversations or negotiations you had with any staff member of Senate or House Leadership when crafting your proposed rule specifically, the provision giving each Member of Congress the authority to determine who on their staff goes to the Exchange. If you engaged in any discussions—both formal and informal—with Leadership staff was there any undue pressure received from staff during these discussions? Do you believe this to be a conflict of interest?

So that question, that letter, was sent out. We had a great discussion. Please memorialize, please respond, and I received none. That was September 28. Please respond to that. They refused to do that.

On October 1, I started reading press reports, press reports both in Politico and also in the National Review. After I asked OPM have you ever dealt specifically with leadership in either House on these proposed rules and they told me no three times, then we find out in Politico that leadership worked for months—months to save these very same longstanding subsidies, according to documents and emails provided to Politico.

I go back to the original question and my concern, if you talk to an agency, do you have a right, whether you are in the majority or minority, to talk to OPM? Do you have a right to receive an answer, and when you get an answer, should that answer be truthful? Three times they told me no, they had not dealt with leadership, and you can see in the press reports, the emails that were released that was not the case.

What was reported in these stories is directly counter to what OPM told me in our meeting. I followed up with another letter dated October 8. I asked for OPM to provide me with detailed lists of all conversations or negotiations that they had with leadership staff. So this is what I said specifically:

> In light of recent press reports that Congressional Leadership staff negotiated with the Office of Personnel and Management (OPM) regarding changes made to the Federal Employees Health Benefit Program, I respectfully reiterate my request that you provide me with a detailed list of all conversations or negotiations with any staff member of Senate or House Leadership. These news reports run directly counter to statements that you made with [me and] three other OPM staff members during our meeting two weeks ago.

This time I got a response. I finally get a response. OPM told me they couldn't answer my question. They told me they couldn't answer the questions because the government was shut down.

Pretty convenient and, frankly, very disturbing. All I am asking is what OPM told me in our meetings—is it true or whether the press is reporting the truth? Where is the truth? Senators have a right to ask questions. They have a right to receive answers. Those answers should be truthful. That is why I put on the hold. That is why I voted against cloture on this nominee. This is why I will vote against the nominee, not because I have an issue with the nominee herself. I have a problem with this agency.

I want to reiterate and again express my appreciation with others in this Chamber who are as frustrated as I am with OPM—Senator VITTER being one of them—of not being able to get answers, to receive answers back from this particular agency. I want to say I still believe—and I think most in this Chamber believe this—that what is important and good for the American people should be good for Congress; what is good for Congress should be good for the American people. I stand by that and will be voting against final confirmation on this nominee.

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

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent at this time to enter into a colloquy with my colleague from North Dakota.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Ms. MURKOWSKI and Ms. HEITKAMP pertaining to the introduction of S. 1622 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Montana.

THE TAX CODE

Mr. BAUCUS. The famed author George Bernard Shaw once wrote:

> The reasonable man adapts himself to the world; the unreasonable one persists in trying to adapt the world to himself.

A few weeks ago, lost among the headlines about shutdowns and showdowns was another very important news story. This story didn't receive big headlines. It didn't make the evening news, and it wasn't trending on Twitter.

Yet the story in the October 8 edition of the New York Times has serious implications for the future of our economy and our ability to adapt to the modern world. The eye-opening article discussed the merger of a California-based chip maker called Applied Materials. Applied Materials merged with a Japanese company called Tokyo Electron.

Applied Materials is one of the biggest companies in Silicon Valley, an industry leader with a global presence. They have more than 13,000 employees across 18 countries. Their headquarters, where they got their start 46 years ago, is in Santa Clara, CA. In addition to 8,000 workers in the Bay Area of California, Applied Materials has employees at research, development, and manufacturing facilities in Texas, Utah, Massachusetts, and in my home State of Montana.

Now, with the merger with Tokyo Electron, what is this all-American company doing? It is shifting its corporation, not to Japan, but to the Netherlands. That is right. This new American-Japanese company will be incorporated in Holland.

Why are they moving to the Netherlands? What is going on.

In the New York Times article on the merger, reporter David Gelles wrote:

> Executives at Applied Materials highlighted a number of advantages in announcing a merger recently with a smaller Japanese rival, but an important one was barely mentioned: lower taxes.

The merged company will save millions of dollars a year by moving—not to one side of the Pacific or the other, but by reincorporating in the Netherlands.

The article goes on to note that Applied Materials' effective tax rate will drop from 22 percent to 17 percent as a result of the merger. For a company that had nearly $2 billion in profit in 2011, that amounts to savings of about $100 million per year.

Mergers resulting in U.S. companies being owned by companies in tax haven jurisdictions such as Ireland, Bermuda, or the Cayman Islands, are a new spin on the old ''inversion'' problem, and it is becoming an increasingly popular practice.

The Times article highlighted the following additional examples.

Last year, the Eaton Corporation, a power management company from Ohio, acquired Cooper Industries from Ireland for $13 billion and then reincorporated in Ireland. The company expects to save $160 million a year as a result of the move.

In July, Omnicom, the large New York advertising group, agreed to merge with Publicis Groupe, its French rival, in a $35 billion deal. The new company will be based in the Netherlands, resulting in savings of about $80 million a year.

Also in July, Perrigo, a pharmaceutical company from Michigan, said it would acquire Elan, an Irish drug company, for $6.7 billion. Perrigo will also reincorporate in Ireland, lowering its effective tax credit from 30 percent to 17 percent, and saving the company an estimated $150 million a year, much of it in taxes.

Earlier in the year, Actavis, based in New Jersey, bought Warner Chilcott, a drug maker with headquarters in Dublin, and said it would reincorporate in Ireland, leading to an estimated $150 million in savings over 2 years.

It would be easy for us to attack these companies by calling them immoral and unpatriotic, but it is much more constructive to step back and ask: What's motivating these companies? Why are they moving their headquarters abroad? How can we keep them in the United States? How can we adapt to the world and fix the problem?

It is a very simple issue. Globalization has made America's Tax Code system out of date.

The United States is stuck with a 35 percent corporate tax rate—one of the highest in the world—and a maze of incentives that only an army of tax lawyers can navigate. Some of these tax incentives are extremely costly but are much less valuable to businesses than a rate reduction with the same price tag.

When U.S. companies look abroad, what do they see? They see other countries with more modern, more efficient, and more competitive tax codes. Then, what do they do? They reincorporate overseas by acquiring or merging with another business.

They are not necessarily breaking laws. In fact, many of these companies are following the rules that America's outdated, overly complicated Tax Code provides.

The United States is losing hundreds of millions in revenue as a result. Even worse, it is losing jobs. When headquarters moves abroad, good-paying jobs often go abroad too. We need to reverse that tide. We need to bring our tax system into the 21st century to make the United States more competitive. That is what tax reform can do. It can help America overcome the competitiveness crisis that is driving businesses and jobs overseas.

This competitiveness crisis was made very clear in a Harvard Business School study last year with the sobering title: ''Prosperity at Risk.'' This indepth report examined the risks that threaten to undermine U.S. competitiveness in the global marketplace. It also looked at what action we could take in the United States to restore our country's economic vitality.

Harvard Business School surveyed 10,000 of its graduates who live and conduct business worldwide. They asked about the challenges of doing business in America. These individuals are leaders on the front lines of the global economy. They are CEOs, CFOs, business owners, and presidents. They are personally involved in decisions about whether to hire, where to locate, and which markets to serve.

Unfortunately, these business leaders are pessimistic about America's economic future. They think America's prosperity—our success, our growth, and our economic status—is at serious risk. The vast majority of those surveyed, 71 percent, expected U.S. competitiveness to deteriorate over the next several years.

A survey found that the U.S. fared poorly when competing to attract business and pointed to increased competition from emerging markets. According to the survey: ''For the first time in decades, the business environment in the United States is in danger of falling behind the rest of the world.''

What did they identify as the root of America's competitiveness problem? Respondents—remember, these are 10,000 Harvard Business School graduates working all around the world and in the United States—pointed to America's Tax Code as the root of the problem. Specifically, they pointed to the complexity of the code as one of the greatest current or emerging weaknesses in the U.S. business environment.

The Harvard study made clear that our Tax Code puts American businesses at a competitive disadvantage on the world market. That obviously concerns us.

Where do we go from here? I believe we have to reform our Tax Code. We have to adapt. We have to help make America more competitive. It is very clear. It is very simple. We have to give companies such as Applied Materials a reason to keep their headquarters in the United States.

We have been through a difficult and counterproductive period on Capitol Hill. The recent shutdown and the threat of default undermined confidence in the U.S. and did $24 billion in unnecessary damage to our economy.

According to a report from the White House Council of Economic Advisers, the shutdown cost 120,000 jobs in October alone.

I spent last week home in my State, as others were in their States. I was meeting with my bosses, the folks and citizens of Montana. They are not too happy with the antics going on in Washington, DC—and rightly so.

Fortunately, that battle is behind us and the government is back to work. It is time for us to come together to tackle the challenges facing our country.

Right now there are more than 11 million unemployed Americans looking for work. Our economy is expected to continue growing at a sluggish rate for the next year, less than 3 percent.

We have to ask: How do we create jobs? How can we spark faster growth in our economy? How can we boost our competitiveness and keep American companies at home in America?

Tax reform must be part of the solution. It is not the whole solution, but it is part of the solution.

That was the clear message I heard traveling around the country this summer with my friend DAVE CAMP. Dave is the chairman of the House Ways and Means Committee. Dave and I met with families and businesses, large and small, to hear about their experiences in dealing with the Tax Code.

We visited a family-owned bakery in Minneapolis, a small appliance store in New Jersey, a tech start-up in Silicon Valley, and a farm in Tennessee. We visited some large companies as well, companies such as 3M, Intel, FedEx, who employ thousands of people in the United States and around the world.

At every stop Dave and I heard the same message. U.S. companies and workers, companies large and small, workers employed at large and small companies, want a more simple, more fair Tax Code that closes loopholes and helps them compete and strengthens our economy.

This issue is not going away. It is too important. With so many people out of work, with economic growth still too slow, with a competitiveness gap costing us jobs and revenue, it is time for us to act. It is time for us to reform our Tax Code.

The chairman of the House and Senate Budget Committees brought their conferees together for the first time today. They have come together to try to find common ground on a budget and a plan to rebuild confidence in our economy. PATTY MURRAY and PAUL RYAN are incredibly smart and hard-working people. They care. And I am confident they can craft a compromise to help get America back on track.

I look forward to working with Chairman MURRAY and Chairman RYAN in the tax entitlement components of their discussions, but at the same time I will continue to work on a parallel track with the Finance Committee advancing tax reform.

We are working hard—in Bernard Shaw's words—to adapt to the world and build a tax code that works. And DAVE CAMP is doing the same thing in the House. We are going down separate paths but coming together with a common goal—reducing the deficit, creating jobs, and promoting economic growth. We are coming together to put America back on track.

Mr. President, 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.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I ask unanimous consent that all time on both sides be yielded back.

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

All time having been yielded, the question is, Will the Senate advise and consent to the nomination of Katherine Archuleta, of Colorado, to be Director of the Office of Personnel Management?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Virginia (Mr. KAINE) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Georgia (Mr. ISAKSON).

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 225 Ex.]

YEAS—62

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

NAYS—35

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

NOT VOTING—3

Inhofe	Isakson	Kaine

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that the President be immediately notified of the Senate's action.

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

NOMINATION OF JACOB J. LEW, OF NEW YORK, TO BE UNITED STATES GOVERNOR OF THE INTERNATIONAL MONETARY FUND; UNITED STATES GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT; UNITED STATES GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK; UNITED STATES GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

Mr. DURBIN. Mr. President, I ask unanimous consent that cloture on Calendar No. 63 be withdrawn and that the Senate proceed to vote on confirmation of the nomination; that the motion to reconsider be made and laid upon the table with no intervening action or debate; that no further motions be in order; and that the President be immediately notified of the Senate's action.

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

Under the previous order, the motion to invoke cloture on the Lew nomination is withdrawn.

Is there any further debate? If not, the question is on agreeing to the nomination of Jacob J. Lew, of New York, to be United States Governor of the International Monetary Fund; United States Governor of the International Bank for Reconstruction and Development; United States Governor of the Inter-American Development Bank; United States Governor of the European Bank for Reconstruction and Development.

The nomination was confirmed.

Mr. DURBIN. Mr. President, I ask unanimous consent the cloture vote on the Watt nomination occur immediately following the swearing in of Senator-elect Booker, of New Jersey, tomorrow, and the Senate proceed to legislative session and a period of

morning business for debate only, with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDING OFFICER. The Republican leader.

TRIBUTE TO SENATOR CHIESA

Mr. MCCONNELL. Mr. President, as we all know, today is Senator CHIESA's last day in the Senate.

And while the Senator has only been here four months, it has been an interesting few months to say the least. He has found himself right in the middle of everything from the farm bill to the immigration bill, to the debate over Syria, to an October I am sure he will not soon forget.

He has had to work out of a temporary office, complete with vinyl siding and plastic chairs. He was here for less than an hour before having to take his first vote. He has had to deal with 99 Senators pronouncing his name 99 different ways. And one of our colleagues from Arizona threatened to quote ''waterboard'' the Senator if he didn't support a particular bill. I haven't asked how that situation ended up working out, but I see the Senator from New Jersey is still here.

Bottom line: Senator CHIESA is going to have quite a few stories for his family—for his wife Jenny and his kids, Al and Hannah. I know he is eager to get back home to see them—and catch up on some Notre Dame football—too. Even though he tells us his rank is ''fourth'' out of four in the family pecking order.

Well, that is at least better than 100th out of 100. But Senator CHIESA has not let his lack of Senate seniority stand in the way of pushing important issues.

Human trafficking was his focus as Attorney General, and it has been his focus here too. He has helped convene committee hearings about it, he has raised the issue with administration officials, he has embarked on a series of school visits to educate young folks on the issue, and he has worked with the Junior Senator from Ohio to advance awareness through the Caucus to End Human Trafficking. His determination is something we all admire. I know a lot of it comes from his strong Catholic faith. Much of it must come from his upbringing too: this is a Senator who lost his father and was forced to become the man of the house when he was just 8 years old.

Last year, Senator CHIESA said this:

> If someone had ever said 20 years from now you'd be the attorney general of New Jersey, I would have laughed . . . I didn't think I'd even have met the attorney general by the age of 46.

Well, he has done more than that. He can add Senator to his résumé too—a Senator who has made the most of his time here, who has done good work, who we have all enjoyed getting to know. So, Senator CHIESA can be proud of his service. We thank him for it, and we look forward to welcoming our newest colleague from New Jersey.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, before I make these remarks, let me join in thanking the Senator from New Jersey. Although his tenure in the Senate was brief, he was here during a very exciting and interesting time in American political history. We thank him for his service on behalf of New Jersey and wish him the very best in his future endeavors.

Mr. DURBIN. Mr. President, the President has nominated three extraordinarily well-qualified Americans—appellate lawyer Patricia Millett, Georgetown Law professor Nina Pillard and DC District Judge Robert Wilkins—to serve on the DC Circuit, the second most important court in the Nation. The DC Circuit currently has 8 active judges out of 11 authorized judgeships.

These nominees should be given an up-or-down vote on the Senate floor.

Patricia Millett is the first nominee up for consideration. Ms. Millett, who is currently in private practice, is recognized as one of the leading appellate lawyers in the country.

She has argued 32 cases before the Supreme Court and dozens more in other appellate courts.

Ms. Millett served in the Solicitor General's office under both Democratic and Republican presidents. Seven former Solicitors General—including prominent Republicans Paul Clement, Ted Olson and Ken Starr—sent a letter in support of Ms. Millett saying she ''has a brilliant mind, a gift for clear, persuasive writing, and a genuine zeal for the rule of law. Equally important, she is unfailingly fair-minded.''

At her hearing before the Senate Judiciary Committee, no Senator questioned Ms. Millett's qualifications or fitness for the Federal bench. She is simply an outstanding nominee.

Let me tell you why I have a personal interest in her nomination.

Ms. Millett is also a proud daughter of Illinois. She grew up in Marine, a small town in the southern part of the State that I know well. Her mother was a nurse and her father was a history professor at Southern Illinois University—Edwardsville, one of my favorite campuses.

Ms. Millett graduated summa cum laude from the University of Illinois and magna cum laude from Harvard Law School. She clerked for two years for Judge Thomas Tang on the Ninth Circuit Court of Appeals.

She is part of a military family. Her husband, Robert King, served in the Navy and was deployed as part of Operation Iraqi Freedom.

Ms. Millett also comes highly recommended by distinguished members of the Illinois legal community.

I received a letter from Patrick Fitzgerald, the former U.S. Attorney for the Northern District of Illinois, expressing ''strong support'' for Ms. Millett's nomination and urging ''prompt consideration of her candidacy on the merits.''

I also received a letter from 28 prominent attorneys including former Illinois Governor James Thompson, a Republican, and current Illinois State Bar Association president Paula Holderman.

They expressed their strong support for Ms. Millett, saying that: she embodies the evenhandedness, impartiality, and objectivity required for the Federal judiciary, as evidenced by her more than 10 years of service in the Solicitor General's office in both the Clinton and Bush administrations.

The bottom line is that Ms. Millett is an outstanding nominee with broad support from across the ideological spectrum. There is no question that she is well-qualified to serve on the bench, and she will serve with distinction.

I urge my colleagues to give her a chance with an up-or-down vote. She does not deserve to have her nomination filibustered. If there is anyone who can step forward and question this nominee's qualifications, they should do so. They have not to date.

Some of my Republican colleagues have accused the President of trying to ''pack'' the DC Circuit by making nominations to fill the outstanding vacancies in that court. This argument is simply not credible. Filling vacancies for existing judgeships is not court packing. These judgeships are authorized by law, and it is incumbent upon the President to nominate qualified candidates to fill them.

Others across the aisle have argued that the DC Circuit does not have a high enough caseload—there are just not enough cases—to justify a full complement of 11 judges. I note that these same Republican Senators did not make that argument in 2005 when the Senate confirmed Janice Rogers Brown and Thomas Griffith to the 10th and 11th judgeships on the DC Circuit. When the Senate confirmed the 10th and 11th judgeships in the DC Circuit in 2005, they were the choices of the Republican side of the aisle, even though these confirmations, which we approved, reduced the Court's workload to fewer cases per active judge than what we would see if President Obama's nominees were confirmed.

On April 5, the Judicial Conference of the United States, which is led by Chief Justice John Roberts, made its Federal judgeship recommendations for the 113th Congress. The Judicial Conference is nonpartisan, and according to its letter, its recommendations ''reflect the judgeship needs of the Federal judiciary.'' The Judicial Conference did not recommend stripping any judgeships from the DC Circuit. So this argument on the other side of the aisle finds no support in the non-partisan Judicial Conference's recommendations.

My Republican colleagues like to argue about workload statistics when it comes to the DC Circuit, but according to the Washington Post fact checker Glenn Kessler, who I have come to

know, ''The voluminous and detailed statistics on the appeals courts allows each side to pick and choose the stats that support their position.''

Republicans may claim the DC Circuit's workload is too light, but in the Washington Post Mr. Kessler points out that by some metrics, the DC Circuit ''could be very well in first place'' when it comes to workload.

I also note that one of my Republican colleagues came to the floor today and explained his opposition to Ms. Millett's nomination. In doing so he cited a letter that the Senate Judiciary Committee Democrats sent in 2006 seeking a hearing postponement on Peter Keisler, who was nominated to fill the 11th seat on the DC Circuit. I would like to point out that this letter dealt with filling the 11th seat on the DC Circuit. Ms. Millett is seeking the 9th seat. I also wish to point out that the Senate had already voted to confirm a nominee to be the 11th judge on the DC Circuit, Thomas Griffith, just 1 year before this 2006 letter. I voted for Mr. GRIFFITH on the floor.

The bottom line is that these judicial vacancies currently exist, it is the President's job to nominate qualified men and women to fill them, and there is no question that the President's nominee for this position, Patricia Millett, is one of the most well-qualified persons he could have found to fill this important position. No one comes forward to criticize her background and her resume because, frankly, it is hard to find a nominee with any stronger credentials for the Federal bench.

Let's not play political games with this important nomination, nor with people such as Patricia Millett, who have put their names forward, have gone through this process, and have waited for us politicians to work our will on the floor. She deserves an up-or-down vote.

I ask unanimous consent to have printed in the RECORD the letter from Illinois lawyers supporting Patricia Millett for the U.S. Circuit Court of Appeals for the DC Circuit as well as the letter, dated October 24, from former U.S. attorney for the Northern District Patrick Fitzgerald of Chicago.

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

PATRICK J. FITZGERALD,
Chicago, IL, October 24, 2013.

Re Patricia Millett.

Hon. DICK DURBIN,
U.S. Senate, Hart Office Building, Washington, DC.
Hon. MARK KIRK,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATORS DURBIN AND KIRK: I write in strong support of the President's nomination of Patricia Millett to the United States Court of Appeals for the District of Columbia, and urge the Senate to promptly confirm her to this position.

I support the nomination of Patricia Millett because I believe our system of justice will be positively impacted with her as a member of our judiciary. Her career accomplishments as a lawyer are extraordinary. Over the past 20 years, Patricia has argued 32 cases before the United States Supreme Court and even more in the federal appeals courts, including the D.C. Circuit. Her cases have spanned the spectrum of legal issues that the D.C. Circuit confronts, including constitutional law, administrative law, civil and criminal procedure, commercial disputes, national security, and civil rights. Importantly, she has represented parties on both sides of those many issues, handling cases for the government at every level (federal, state, and local), private individuals, businesses, employers, employees, civil rights plaintiffs, prosecutors and criminal defendants. Patricia is a lawyer's lawyer who is committed to the rule of law and stare decisis. She embodies the evenhandedness, impartiality and objectivity required for the federal judiciary, as evidenced by her more than 10 years of service in the Solicitor General's office in both the Clinton and Bush Administrations.

Patricia grew up downstate in the small farm town of Marine. Her father was a history professor at Southern Illinois University—Edwardsville and her mother was a registered nurse and hospice practitioner. Patricia graduated summa cum laude from the Univeristy of Illinois with Highest Distriction in political science, before going on to the Harvard Law School. The country would be well served to have someone with her tremendous qualifications—and deep ties to our state—hold such an important judicial appointment.

I would urge a prompt consideration of her candidacy on the merits.

Sincerely,

PATRICK J. FITZGERALD.

ILLINOIS LAWYERS SUPPORTING PATRICIA MILLETT FOR THE UNITED STATES COURT OF APPEALS FOR THE D.C. CIRCUIT

SEPTEMBER 27, 2013.

Hon. DICK DURBIN,
U.S. Senate Hart Office Building, Washington, DC.
Hon. MARK KIRK,
U.S. Senate Hart Office Building, Washington, DC.

DEAR SENATORS DURBIN AND KIRK: We write in strong support of the President's nomination of Patricia Millett to the United States Court of Appeals for the District of Columbia, and urge the Senate to promptly confirm her to this position. As lawyers here in Illinois, we care deeply about the rule of law and the quality of our system of justice. We strongly believe that stellar nominees with broad bipartisan support, like Patricia, should be quickly confirmed to ensure our justice system works effectively and efficiently. We feel even more strongly about that knowing that Patricia is an Illinois native.

We support the nomination of Patricia Millett because we believe our system of justice will be positively impacted with her as a member of our judiciary. Her career accomplishments as a lawyer are extraordinary. Over the past 20 years, Patricia has argued 32 cases before the United States Supreme Court and even more in the federal appeals courts, including the D.C. Circuit. Her cases have spanned the spectrum of legal issues that the D.C. Circuit confronts, including constitutional law, administrative law, civil and criminal procedure, commercial disputes, national security, and civil rights. Importantly, she has represented parties on both sides of those many issues, handling cases for the government at every level (federal, state, and local), private individuals, businesses, employers, employees, civil rights plaintiffs, prosecutors, and criminal defendants. Patricia is a lawyer's lawyer who is committed to the rule of law and stare decisis. She embodies the evenhandedness, impartiality, and objectivity required for the federal judiciary, as evidenced by her more than 10 years of service in the Solicitor General's office in both the Clinton and Bush Administrations.

Patricia grew up downstate in the small farm town of Marine. Her father was a history professor at Southern Illinois University—Edwardsville and her mother was a registered nurse and hospice practitioner. Patricia graduated summa cum laude from the Univiery of Illinois with Highest Distinction in political science, before going on to Harvard Law School. We would be extremely proud to have someone with tremendous qualifications—and deep ties to our state—hold such an important judicial appointment.

We believe it is critically important that the country rise above partisan politics when it comes to judicial appointments. Such unwarranted politicization can become a threat to the citizens' trust in the integrity of our great judicial process. We, and the citizens of Illinois, are counting on you and the U.S. Senate to do the right thing by putting aside partisan politics and supporting Patricia's nomination.

Sincerely,

Sergio Acosta, Hinshaw & Culbertson LLP; Sean M. Berkowitz, Latham & Watkins; Robert L. Byman, Jenner & Block; Vincent J. Connelly, Mayer Brown; Tyrone C. Fahner, Mayer Brown; John N. Gallo, Sidley Austin LLP; Paula H. Holderman, Winston & Strawn LLP; Donald G. Kempf, Jr., Donald G. Kempf, Jr., P.C.; Steven F. Molo, MoloLamken LLP; C. Barry Montgomery, Williams Montgomery & John; Manuel Sanchez, Sanchez Daniels & Hoffman LLP; Jeffrey Stone, McDermott Will & Emery LLP; James R. Thompson, Winston & Strawn LLP; Christopher B. Wilson, Perkins Coie.

Julie A. Bauer, Winston & Strawn LLP; Joel D. Bertocchi, Hinshaw & Culbertson LLP; Linda T. Coberly, Winston & Strawn LLP; J. Timothy Eaton, Shefsky & Froelich; James R. Figliulo, Figliulo & Silverman, P.C.; Rodger A. Heaton, Hinshaw & Culbertson LLP; James I. Kaplan, Quarles & Brady LLP; Michael H. King, Edwards Wildman; James S. Montana, Jr., Vedder Price; Lynn H. Murray, Grippo & Elden; Suzanne Saxman, Seyfarth Shaw LLP; Thomas P. Sullivan, Jenner & Block; Ann C. Tighe, Cotsirilos Tighe & Streicker; Alison Siegler, University of Chicago Law School.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I rise to join my colleague Senator DURBIN from Illinois in support of Patricia Millett's nomination to the DC Circuit Court of Appeals. As he said so eloquently, Ms. Millett has broad bipartisan support, extensive public and private sector litigation experience, and she would make an outstanding addition to the DC Circuit Court of Appeals. After graduating with honors from the University of Illinois and Harvard Law School, Ms. Millett clerked at the Ninth Circuit Court of Appeals. She then spent 15 years at the Department of Justice, including 11 years as assistant to the Solicitor General in

both Republican and Democratic administrations. Again, I think it is important to point out she has support on both sides of the aisle.

Ms. Millett has argued 32 cases before the Supreme Court as well as dozens of others at the circuit court level, and she currently manages her law firm's Supreme Court and national appellate practice.

She was unanimously rated ''well qualified'' by the American Bar Association's Standing Committee on the Federal Judiciary, and that is their highest rating.

In addition to her professional work, Ms. Millett is very active in her community. She has been a literacy tutor for over 20 years, and through her church she volunteers at homeless shelters.

Ms. Millett has strong support across the political spectrum. Again, as Senator DURBIN pointed out, she has been endorsed by seven former Solicitors General of the United States, three former Republican attorneys general, law enforcement groups, and civil rights groups. She also has tremendous support from retired members of the military and groups representing military families.

In addition to being a highly qualified nominee, Ms. Millett will fill one of three current vacancies on the 11-member DC Circuit Court. Again, as Senator DURBIN pointed out, the DC Circuit is considered the second-most important court in our Nation. It is critical that it be fully staffed with qualified judges. The court handles important terrorism and detention cases, it hears a large volume of complex issues involving administrative actions of the Federal Government. The DC Circuit is also considered the most important civilian court for members of the Armed Services and veterans.

Former DC Circuit Chief Judge Patricia Wald noted ''the DC Circuit hears the most complex, time-consuming, labyrinthine disputes over regulations with the greatest impact on ordinary Americans' lives: clean air and water regulations, nuclear plant safety, health care reform issues, insider trading and more.''

The Senate should have the opportunity to vote up or down on all of President Obama's nominees to this important court. It is way past time we took action on this nomination.

I urge my colleagues to support the Millett nomination.

I yield the floor.

Mr. KING. Mr. President, I wish to discuss the nomination of Patricia Millett to be a judge on the D.C. Circuit Court of Appeals. Pattie, as she is known, is clearly well qualified. She has received support from Attorneys General appointed by Republican Presidents, and from conservative Solicitors General such as Ken Starr, Theodore Olson, and Paul Clement. Her resume is stellar, her qualifications unquestioned, and her support broad.

Although Senator DICK DURBIN claims she is an ''Illinois native'' in a letter of support to President Obama—and Senator TIM KAINE, in his own letter of support to the President claims her as living in Virginia—she is actually a daughter of the State of Maine. Her mother grew up in the small town of Dexter, where Pattie went to school through high school. She also attended school in Bangor, and for a time, even worked at Eastern Maine General Hospital as it was then known. She truly comes from good Maine stock.

Millett also juggles an extremely full life while excelling at most everything she tries. The wife of a veteran, Pattie herself holds a black belt in taekwondo—a pastime that she took up in order to spend more time with her kids. She is also very engaged with her community and volunteers at local homeless shelters. And when her husband was deployed to Iraq, she singlehandedly took care of their kids and managed to continue with her incredible career. She does all of these things while preparing for and arguing cases before the United States Supreme Court. In fact, she has argued more cases than any other woman—over 30 cases to date.

I am pleased to fully support the confirmation of Patricia Millett, a true daughter of Maine, to serve on the D.C. Circuit Court of Appeals.

MORNING BUSINESS

TRIBUTE TO CARMEN TARLETON

Mr. LEAHY. Mr. President. I would like to take a moment to pay tribute to a Vermont woman who personifies inspirational. Carmen Tarleton's journey as a survivor of domestic violence began nearly 6 years ago, when her estranged husband broke into her home, attacked her with a baseball bat and doused her with industrial-strength lye. She suffered severe burns over 80 percent of her body.

I have followed Carmen's recovery with great interest and even greater awe. Despite the scars that left her blinded and severely disfigured, Carmen made no effort to hide the effects of that attack. She never sought pity, nor did she dwell on the past. Instead, Carmen wrote a book and went on television, talking bravely and candidly about her long road back. She learned how to play the banjo and piano, and through the many surgeries and long hospital stays, Carmen's determination and spirit remained unbroken.

Last February, Carmen underwent a miraculous face transplant at Brigham and Women's Hospital in Boston, which was detailed in an October 26 front-page story in The New York Times. As that piece pointed out, ''There is evidence that Ms. Tarleton's new face is more than just donated tissue, (it) is becoming part of who she is.''

I ask unanimous consent to have The New York Times article inserted in the RECORD. I believe everyone will be as inspired by Carmen Tarleton as I have been.

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

[From the New York Times, Oct. 25, 2013]

FOR VICTIM OF GHASTLY CRIME, A NEW FACE, A NEW BEGINNING

(By Abby Goodnough)

THETFORD, VT.—At 1:30 a.m. on Valentine's Day this year, Carmen Tarleton left her rural home here and drove through the frigid dark to Brigham and Women's Hospital in Boston. Her doctor had called hours earlier with the news she had been waiting for: a suitable donor had been found. She would get a new face.

Almost six years had passed since her estranged husband broke into her house one spring night, beat her with a baseball bat and soaked her with industrial lye that he squirted from a dish-soap bottle. The attack nearly blinded Ms. Tarleton, a nurse and mother of two, and burned her beyond recognition. She lost her eyelids, upper lip and left ear. What remained of her face and much of her body was a knobby patchwork of scar tissue and skin grafts, painful to look at and far more painful to live with.

Now, after overcoming some initial fears, she was ready to receive someone else's features. After 15 hours of transplant surgery, Ms. Tarleton, 45, emerged from the operating room with what looked to her mother, Joan VanNorden, like a puffy, surreal mask. At first she wanted to faint as she stared at the new face, smooth and freckled, stitched to her daughter's pale scalp. But when Ms. Tarleton started talking in her old familiar voice—''Can't you just get in here?''—Mrs. VanNorden relaxed.

''I said, This is who Carmen is now,' and it really looked beautiful,'' she recalled. ''Although it didn't look anything like her, it was her face.''

Face transplants are still an experimental procedure, the first having taken place just eight years ago in France. Some two dozen full or partial transplants have been completed worldwide, including five at Brigham and Women's, which used nearly $4 million in research grants from the Department of Defense to do four of the surgeries. Arteries, veins, nerves and muscles from the donor face must be painstakingly connected to the recipient's, in what Dr. Bohdan Pomahac, Ms. Tarleton's chief transplant surgeon, called ''by far the most complicated operation that I do.''

Yet the psychological impact of a face transplant is perhaps as far-reaching as the surgical one. Unlike a kidney or liver or heart, a donated face is visible to all, challenging recipients and their loved ones to incorporate an entirely new countenance into long-held perceptions of a person's identity.

Ms. Tarleton's appearance is still evolving: her scalp was so badly burned that hair will never return to parts of her head, but her donor's hair, the same shade of brown as her own, is growing around her forehead and temples. Her right eye remains closed, and her left droops. Her face is sometimes mask-like, betraying little emotion, because the muscles are still reconnecting and she cannot yet move them well. And that mask, oddly enough, looks like neither her nor the woman who donated it.

But eight months after the operation, there is evidence that Ms. Tarleton's new face is more than just donated tissue, and is becoming part of who she is.

When her family thinks, or even dreams, about her, they imagine her new visage. ''When someone at work asks me, How's Carmen?' the picture that comes up in my mind more and more is that face,'' said Ms. Tarleton's sister, Kesstan Blandin.

Yet for Ms. Tarleton herself, the process of acceptance has been trickier. For one thing,

her poor vision keeps her from seeing herself clearly unless she holds a mirror up close. ''I don't yet feel it is my face,'' she wrote in a recent blog post. ''I feel like I am still borrowing it.''

Ms. Tarleton's former husband, Herbert Rodgers, 58, pleaded guilty to a charge of maiming and is serving a prison sentence of at least 30 years. Mr. Rodgers told the police that he had been angry at Ms. Tarleton, believing she was seeing another man after they separated.

Ms. Tarleton underwent a number of reconstructive surgeries, but with little success. When Dr. Pomahac called in May 2011 to propose a face transplant, Ms. Tarleton's mind first leapt to a ''Twilight Zone'' episode that had jarred her as a child, about a man who could change his appearance to look like other people.

''Initially I felt that it was very sci-fi,'' she said in a recent interview while curled on the couch in the modest home she shares with her two daughters. But she and her family started researching, and after a few weeks of weighing the pros and cons—for one thing, she is likely to be on immunosuppressant drugs for the rest of her life, raising her risk of infection and cancer—Ms. Tarleton decided to forge ahead.

After a number of trips to Boston for physical and psychological screening to determine if she was a good candidate, she got on the donor list that fall. ''It was like a big surprise, a big gift,'' she said. ''I'd already accepted my disfigurement, fine. But I accepted it believing there wasn't an alternative.''

The things Ms. Tarleton wanted from a new face were more pragmatic than aesthetic. Tight bands of scars ringed her neck, causing debilitating pain. She drooled constantly and could not blink, jeopardizing a synthetic cornea in her left eye. And with her face frozen from scarring, it was hard for others to read her emotions.

For a time, she was devastated that she could not see ''the old me,'' as she put it. But she moved on, writing a book about her physical and emotional recovery from the attack and speaking publicly about the experience. She seemed mostly unconcerned about her appearance.

But in December 2012, she gained a more urgent desire for a new face. She had started taking piano lessons at a music shop not far from her home. Her teacher was Sheldon Stein, an earthy, soft-spoken musician with whom she felt an instant affinity. The feeling, it turned out, was mutual. The two say they are in love.

''I kept looking in the mirror all of a sudden when I met Sheldon,'' she said. ''I wasn't insecure before. But now—now you have feelings for somebody and now you have something to lose, when before, one of the reasons I did so well is I had nothing to lose anymore.''

After the operation, she went through a harrowing three weeks when her immune system rejected the face. But medications helped her accept the new tissue. And some of the improvements she had hoped for came shortly after. Her neck pain disappeared, and her left eyelid, immobile for years, began to blink again. The drooling diminished, and is likely to stop once she gets more feeling in her lips.

The transplant did not make Ms. Tarleton look like her donor, Cheryl Denelli Righter of North Adams, Mass., who died at 56 after a stroke. That is a typical outcome for face transplant recipients, partly because their bone structures are different from their donors'. Mysteriously, she now has a cleft in her chin, something neither Ms. Denelli Righter nor Ms. Tarleton's old face had.

Yet to Ms. Denelli Righter's daughter, something of her mother lives on in Ms. Tarleton's new face. ''I get to feel my mother's skin again, I get to see my mother's freckles, and through you, I get to see my mother live on,'' the daughter, Marinda Righter, told Ms. Tarleton in May. The two have kept in touch, and Ms. Tarleton said she could feel Ms. Righter's loss ''so strongly''—another complicating factor as she adjusts.

One Tuesday in August, Ms. Tarleton made her way yet again to Brigham and Women's, where doctors monitor the level of anti-rejection medications in her blood and take biopsies of the skin on her neck—which is the donor's—to look for any sign of rejection.

Ms. Tarleton has undergone nearly 60 operations, mostly skin grafts, at Brigham and Women's and has visited 21 times since her latest release in March. On this day she was exhausted, recovering from a bad headache the previous night and a recent fall that had left her with an aching foot. But she had a bit of good news for her doctors.

''If I put my head on Sheldon's chest, I can feel his hair,'' she said, ''and I couldn't before.''

Ms. Tarleton also met with Bridget Bowler, a speech therapist who is helping her learn to move her new lips—where nerve function typically takes the longest to return in transplant recipients—and practice facial expressions. She still has an air of the ventriloquist when she speaks, a habit that Ms. Bowler is trying to help her shake.

''One of these days in the near future,'' Ms. Tarleton said, ''when I start to cry or I laugh, you're going to be able to tell by looking at me how I feel.''

These days, Ms. Tarleton has returned to her hard-charging self. Her summer included speaking engagements, weekend road trips and late-night jam sessions with Mr. Stein and his musician friends. She decided to take up the banjo in addition to the piano, because she wanted to join in the jams. ''Our whole lives,'' she said, ''are just about experience.''

Ms. Blandin said Ms. Tarleton's new face has helped mute the grief she still feels about the horrible damage done by the lye attack. ''Now I just feel like a warm nostalgia: I know you and I haven't forgotten you,'' she said of her sister's original face. ''She's still Carmen in some ways, but in other ways she's someone new and the face transplant represents that.''

But Ms. Tarleton's daughters, Liza, 21, and Hannah, 19, who live with her in a red barn that has been converted to apartments, on a hill thick with wildflowers, were more matter-of-fact when discussing her transformation, perhaps intentionally.

''Mom's going to do what she's going to do,'' Liza said.

Hannah chimed in. ''And we're going to get used to it,'' she said, laughing.

''And we're going to support it,'' Liza added, ''for sure.''

With that, Liza got up to make her mother a hot dog. Ms. Tarleton took her spot on the couch, a barely perceptible smile flickering across her face.

HOMEOWNER FLOOD INSURANCE AFFORDABILITY ACT

Mr. COCHRAN. Mr. President, I am pleased to be a cosponsor of the Homeowner Flood Insurance Affordability Act. This bipartisan, bicameral legislation seeks to protect homeowners across the country from severe flood insurance rate hikes until Congress is provided assurances from the agency related to flood mapping methodologies and affordability.

The long-term solvency of the National Flood Insurance Program is critical to protecting taxpayer investments, communicating perceived flood risk to homeowners, and encouraging communities to invest in mitigation measures. The rates imposed by the legislation we adopted last summer are working against those worthy goals.

A constituent from Ocean Springs, MS, contacted my office to give her perspective on the legislation. She wrote: ''Built in 1986, [my house] survived all hurricanes including Katrina. I used my retirement savings to buy the house. Before closing, flood insurance was grandfathered at $245.00 per year. After closing, the rate skyrocketed to $18,450. You can understand my shock.'' If you do the math, her new rates are more than 75 times the rate when she purchased her home.

I heard from Thomas Schafer, the Mayor of Diamondhead, MS. This city in Hancock County was ''ground zero'' for Hurricane Katrina in 2005. Mayor Schafer called this legislation a ''devastating loss to [his] community,'' pointing specifically to ''plummeting property values with increased cost of flood insurance.''

These are communities that suffered the greatest natural disaster in our Nation's history in 2005, the effects of the Deepwater Horizon oil spill in 2010, and now this.

The bill I join my colleagues in introducing today aims to restrain the rate increases to homeowners that are very troublesome.

Under this bill, the Federal Emergency Management Agency must provide assurances to Congress that it is using sound mapping methods to make flood insurance rate determinations. A study by the National Academies of Science produced in March of this year has called into question some of the engineering practices FEMA uses to determine rates. Before we let these rates devalue private property and perhaps even devastate local economies, we need to be absolutely sure our practices and procedures are as sound as possible.

Second, FEMA must complete the affordability study mandated by the same legislation that is driving insurance rates up. If rates become so high that homeowners cannot participate in the program, or entire communities opt out of the program, all participants in the program will suffer from a smaller risk pool. It is important that we understand the implications of these rates before we allow them to ruin people's lives and communities.

I am pleased with the work accomplished by the bipartisan group of Senators who introduced this bill. The bill reflects the priorities of Senators from both parties and several regions. I believe it gives the Senate a strong starting point to address this important issue.

NATIONAL MEDICINE ABUSE AWARENESS MONTH

Mrs. FEINSTEIN. Mr. President, as Chairman of the Senate Caucus on International Narcotics Control, I rise in strong support of efforts being made across the country to reduce prescription drug abuse as part of National Medicine Abuse Awareness Month. In California, and throughout the country, the misuse and abuse of prescription and over the counter drugs is a significant problem. While the consequences are tragic and profound, they are also preventable.

According to the Office of National Drug Control Policy, prescription drug abuse is our Nation's fastest-growing drug problem. The U.S. Substance Abuse and Mental Health Services Administration's 2012 National Survey on Drug Use and Health found that over the past decade, the non-medical use of prescription drugs among persons 12 years or older rose from 1.9 million in 2002 to 11.1 million in 2011. The 2012 National Survey on Drug Use and Health estimates that the abuse of prescription medications such as pain killers, tranquilizers, stimulants, and sedatives is second only to marijuana, the No. 1 abused drug in the United States. The Centers for Disease Control have classified prescription drug abuse as an epidemic.

To combat the epidemic of prescription drug and over the counter medicine abuse, many community anti-drug coalitions are working to raise awareness about the negative consequences associated with the misuse of these drugs.

The North Coastal Prevention Coalition in California is just one example of a coalition pushing back against this problem. Together with San Diego County's Prescription Drug Task Force, the Coalition has worked to create county-wide Pain Prescribing Guidelines. They have helped facilitate National Take Back Days during which individuals are able to turn over unused prescription drugs. They also developed and disseminated a brochure on ''Safe Pain Prescribing'' to emergency room physicians.

I would like to acknowledge the critical efforts of the North Coastal Prevention Coalition and other anti-drug coalitions throughout the country in raising awareness about and combating the misuse of prescription medications. By designating October 2013 as National Medicine Abuse Awareness Month, Americans are able to reaffirm our national, state and local level commitment to living healthy, drug-free lives.

VA EMERGENCY CARE

Ms. HIRONO. Mr. President, on Monday I introduced a bill, S. 1588, with Senators MORAN, ISAKSON, and BEGICH to provide an emergency safety net to roughly 144,000 veterans waiting for VA care. I thank my colleagues for their support. This bill fixes a catch-22 in current law that puts veterans who have recently returned from overseas at financial risk if they experience a medical emergency.

Under current law, a veteran enrolled in the VA system who receives emergency care at a non-VA facility can be reimbursed for those costs only if the veteran had also received care at a VA facility in the preceding 24 months. The intent of this requirement is to encourage veterans to seek preventative care, which decreases the need for more expensive emergency care. The problem is thousands of veterans have recently come home from overseas and they can't meet the 24-month requirement through no fault of their own. These veterans have scheduled their first new patient examination with VA, but they have not yet received their examination because of VA waiting times.

In other words, they haven't received their first VA appointment because of VA waiting times, but if they need to go to a non-VA hospital for a medical emergency VA cannot reimburse them because they haven't received their first VA appointment.

VA estimates 144,000 veterans are caught in this catch–22. With the war in Afghanistan ending, even more veterans will be affected. This is why veteran service organizations such as the Iraq and Afghanistan Veterans of America are supporting this measure.

This bill gives VA the flexibility to reimburse veterans who have not yet received their new patient examination if the veterans have to go to a non-VA hospital for a medical emergency. For Hawaii veterans in rural Oahu or the neighbor islands who live far from VA facilities, emergency care outside the VA may be their only option. Just last week I met a veteran from Waianae who had a medical emergency while waiting 4 months for his first appointment at VA. Veterans such as he who were denied VA reimbursement would get much needed relief under this legislation.

In its FY2014 budget request, VA asked for the statutory authority provided by this legislation. The VA has already budgeted for this new authority in its FY2014 budget request, and the funding provided in H.R. 2216, as reported by the Senate Appropriations Committee on June 27, 2013, is sufficient to cover any additional costs VA will incur using this new authority.

I urge my colleagues to cosponsor this commonsense legislation. We owe it to our brave men and women in uniform who put their lives on the line for our country that the VA has the tools it needs to better serve new veterans accessing the care they have earned.

CONGRATULATING AZERBAIJAN

Mr. BURR. Mr President, today I wish to congratulate and offer my support and encouragement to the people and government of Azerbaijan. On October 9 Azerbaijanis overwhelmingly reelected President Aliyev to a third five year term in only their fifth Presidential election since Azerbaijan gained its independence in 1991.

I, along with several of my colleagues, met privately with President Aliyev in Baku several months ago to discuss the great challenges facing Azerbaijan, the United States, and our allies in the region.

I took this opportunity to personally thank President Aliyev, his government, and the Azerbaijani people for their unwavering support for the United States government and its people.

President Aliyev was among the first few foreign leaders to call President Bush immediately after the attacks on 9/11 to offer his country's prayers and tangible support at a time of great crisis in our Nation.

The United States and Azerbaijan share many common strategic interests. Azerbaijan plays a vital role in efforts ranging from counter-terrorism, energy security, to the transit of U.S. and NATO supplies to and from Afghanistan.

As an important partner in the region, Azerbaijan is an active participant in NATO's Partnership for Peace program and was among the first nations to militarily support American led efforts in Iraq and Afghanistan.

Azerbaijan's stability and prosperity in the South Caucasus, along with its continued commitment to democratic reforms, will serve as an important beacon of hope in a complex region.

NATIONAL LIBERTY MEMORIAL

Mr. MURPHY. Mr. President, I wish to speak today about an effort long championed by my predecessors in the Senate, Senators Dodd and Lieberman, and to express my commitment to carry on their work. That important project, the National Liberty Memorial, will commemorate the patriotism of African American soldiers during the American Revolution.

From the very first days of the American Revolution, African Americans took part in the effort to establish a new nation and secure liberty's blessings. They did this despite the fact that the vast majority of their brothers and sisters remained slaves.

Many of these African American patriots were from Connecticut. In 1976, the town of Milford established a memorial to six black soldiers of the Revolutionary War. Nero Hawley, a slave who joined the Continental Army and served at Valley Forge, was later freed after the war. You can visit his grave today at Riverside Cemetery in Trumbull. Jupiter Mars lived an extraordinary life, serving in the Continental Army during the war. He now rests in peace in beautiful Norfolk, CT. Cato Meed enlisted in the Continental Army in Norwich in 1777, and served at Valley Forge with General Washington.

These soldiers fought in every battle of the Revolutionary War, from the

colonists' defeat at the Battle of Long Island to our final victory at Yorktown. At every point, African American men served bravely and with honor. In fact, one of the first men to die in America's struggle for independence was Crispus Attucks, who was shot by British troops during the Boston massacre. This dedication to the war effort continued right up to the last battle when Salem Poor, a freed slave, earned commendation recommendations from 14 officers for his bravery at Bunker Hill. In recounting Poor's performance at the battle, officers wrote there were too many heroic deeds to describe.

Committed to the cause of American independence, African American soldiers filled every role that the war required of them, whether they served on local militias, worked as cooks and carpenters in camps like Valley Forge, or served as crewmembers on America's first Navy ships. Many African Americans escaped the bondage of slavery to join the American Navy. Still others, like James Armistead, acted as spies for the Revolution by providing American patriots with vital information needed to win the war. Regardless of their roles, they served ably and with distinction.

After the war, the agreements negotiated between slaves and masters were largely honored and the patriots freed upon either enlistment or the end of the war. However, once they had put down the weapons used to win the Nation's independence, a few had to resort to legal means to enforce their claim to liberty. For one patriot—James Robinson, later of Detroit, MI, who also fought in the War of 1812—freedom did not come until the Emancipation Proclamation in 1863. Many other African Americans remained trapped in bondage as the institution of slavery expanded in spite of lawsuits, petitions, and agitation.

Many of these African American soldiers would go on to organize early abolitionist and civil rights organizations. One such man was Samuel Harris, a soldier, Baptist minister, and early abolitionist who said, ''Liberty is dear to my heart. I cannot endure the thought that my countrymen live as slaves.'' Nevertheless, despite their valiant service to this country's founding, many African American soldiers were not treated with the dignity that their service demanded. While this country's founding documents stated that all men were created equal, the Nation still sought to hold many Americans as property.

It is estimated that the names of at least half of these brave soldiers would have been lost to history had it not been for the efforts of Plainville, CT native Lena Santos Ferguson. Five years ago, the Daughters of the American Revolution fulfilled a promise made to her in 1984 to identify as many African American Revolutionary War soldiers and patriots as possible. ''Forgotten Patriots,'' contains the names of over 5,000, as well as the communities where they once resided. Nearly 20 Connecticut towns have approved resolutions that honor them, and they have joined the ranks of those seeking construction of the National Liberty Memorial.

At the beginning of this year President Obama signed into law legislation that was passed by the Congress last year that once again affirmed our public commitment to memorialize these brave patriots through a new memorial in the Monumental Core of our capital city. Liberty Fund D.C., a nonprofit established to lead the effort to construct the memorial, is currently working with architects and Federal agencies to make that goal a reality.

I believe that we must do what we can to build this memorial. Further, I believe that a key feature of any such memorial is that it should be visually tied to the Washington Monument, the most prominent Revolutionary-era monument in the District. There should be a clear sightline from the memorial to the Washington Monument.

For good reason, constructing any new memorial in the Washington, DC area is a rigorous process, and there are a number of prerequisites to be met before construction can begin. I look forward to continuing to work with Liberty Fund D.C. to achieve the goals of this important legislation, to ensure that a monument to the African American patriots of the Revolutionary War be constructed in a prominent location in our Nation's capital.

ADDITIONAL STATEMENTS

TRIBUTE TO COLONEL KIRK VAN PELT

● Mr. PRYOR. Mr. President, today I wish to recognize and congratulate Arkansas's native son, COL Kirk Van Pelt, for attaining to the rank of brigadier general. On November 3 of this year, Colonel Van Pelt will receive this well-deserved promotion at a ceremony in Arkansas.

Colonel Van Pelt began his military career in 1983 and was commissioned as a second lieutenant in 1985. Colonel Van Pelt has served in a variety of positions in the 39th Infantry Brigade, including Company Commander, Battalion Operations Officer, Battalion Executive Officer, Battalion Commander, Brigade Operations Officer, Brigade XO, Deputy Brigade Commander, and Brigade Commander. Colonel Van Pelt also served as the Commandant of the Arkansas Regional Training Institute Officer Candidate School and the Arkansas Army National Guard G3.

Colonel Van Pelt is a graduate of Excelsior College and received a master's degree from the U.S. Army War College in 2011. He is a veteran of Operation Iraqi Freedom and has received numerous awards and decorations for his service to our country, which include the Bronze Star Medal with Oak Leaf Cluster, the Meritorious Service Medal with Oak Leaf Cluster, the Army Commendation Medal with five Oak Leaf Clusters, the Army Achievement Medal, the Army Reserve Component Achievement Medal with seven Oak Leaf Clusters, the Iraqi Campaign Medal with Bronze Service Star, the National Defense Service Medal with Bronze Service Star, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Humanitarian Service Medal, the Armed Forces Reserve Medal, the Army Service Ribbon, the Overseas Service Ribbon with Numeral '2', the Army Reserve Component Overseas Training Ribbon with Numeral '2', and the Joint Meritorious Unit Citation.

In addition to his excellent military career, Colonel Van Pelt is also the vice president of AIC Inc., a systems integration firm in Sherwood, AR. He and his wife, Kelley, have raised three children: James, a senior at the University of Central Arkansas, Katie, a freshman at the University of Arkansas at Fayetteville, and Hannah, a junior at North Little Rock High School.

Colonel Van Pelt is a valued servant to the people of Arkansas and the United States of America. Our State and Nation have been fortunate to have Colonel Van Pelt's 30 years of service, and I can only hope he can serve another 30 years. I thank him again for his dedication and commitment to keeping our Nation and State safe.●

TRIBUTE TO BRIGADIER GENERAL ROGER MCCLELLAN

● Mr. PRYOR. Mr. President, today I wish to acknowledge and thank BG Roger McClellan, who will retire from the Arkansas Army National Guard at the end of this month after proudly serving 36 years.

A native of Warren, AR, Brigadier General McClellan, is a veteran of Operation Iraqi Freedom and has served in a variety of positions in the Arkansas Army National Guard's 39th Infantry Brigade, including Battalion Commander, Civil Affairs Officer S–5, and Deputy Commander of the 39th Infantry Brigade Combat Team.

Since January 1, 2008, Brigadier General McClellan has served as the Arkansas Army National Guard Land Component Commander, where he has been responsible for the overall readiness, training, maintenance, and operational employment of the units assigned and attached to the Arkansas Army National Guard, a position which he has commanded with distinction.

Brigadier General McClellan is a graduate of the University of Arkansas at Monticello and has earned master's degrees from Louisiana Tech University in 1983 and the United States Army War College in 2003. He has received numerous awards and decorations for his service to our country,

which include the Bronze Star Medal, the Meritorious Service Medal, and the Combat Infantry Badge. He and his wife, Patricia, reside in Edinburg, AR, and are the proud grandparents of Wren, Avery, and Jackson.

Brigadier General McClellan has been a valued servant to the people of Arkansas and the United States of America. Our State and Nation have been fortunate to have had his 36 years of service, and I thank him again for his dedication and commitment to keeping our Nation and State safe.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY RELATIVE TO THE ACTIONS AND POLICIES OF THE GOVERNMENT OF SUDAN AS DECLARED IN EXECUTIVE ORDER 13067 OF NOVEMBER 3, 1997—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within the 90-day period prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Sudan emergency is to continue in effect beyond November 3, 2013.

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive Order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, has not been resolved. These actions and policies are hostile to U.S. interests and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the sanctions against Sudan to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *October 30, 2013.*

MESSAGES FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 330. An act to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

H.R. 623. An act to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium.

H.R. 2337. An act to provide for the conveyance of the Forest Service Lake Hill Administrative Site in Summit County, Colorado.

H.R. 2640. An act to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes.

At 11:42 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2374. An act to amend the Securities Exchange Act of 1934 to provide protections for retail customers, and for other purposes.

At 3:51 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 62. Concurrent resolution providing for a conditional adjournment of the House of Representatives.

MEASURES REFERRED

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

H.R. 623. An act to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium; to the Committee on Indian Affairs.

H.R. 2337. An act to provide for the conveyance of the Forest Service Lake Hill Administrative Site in Summit County, Colorado; to the Committee on Energy and Natural Resources.

H.R. 2374. An act to amend the Securities Exchange Act of 1934 to provide protections for retail customers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2640. An act to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

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

H.R. 330. An act to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

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–3307. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to violations of the Antideficiency Act that involved fiscal year 2007 and 2009 Operation and Maintenance, Navy funds, that occurred at Camp Lemonnier, Djibouti and was assigned Navy case number 11–08; to the Committee on Appropriations.

EC–3308. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report entitled ''Pilot Program: Civilian Credentialing for Military Occupational Specialties''; to the Committee on Armed Services.

EC–3309. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III, Capital Adequacy, Transition Provisions, Prompt Corrective Action, Standardized Approach for Risk-weighted Assets, Market Discipline and Disclosure Requirements, Advance Approaches Risk-Based Capital Rule, and Market Risk Capital Rule'' (RIN7100–AD64) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–3310. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3311. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–3312. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Somalia that was declared in Executive Order 13536 on April 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–3313. A communication from the Associate General Counsel for Regulations, Office of Housing-Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Manufactured Housing: Revision of Notification, Correction, and Procedural Regulations'' (RIN2502–AI84) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–3314. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspended

Counterparty Program'' (RIN2590–AA60) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–3315. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III, Capital Adequacy, Transition Provisions, Prompt Corrective Action, Standardized Approach for Risk-weighted Assets, Market Discipline and Disclosure Requirements, Advance Approaches Risk-Based Capital Rule, and Market Risk Capital Rule; Final Rule'' (RIN7100–AD87) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–3316. A communication from the Acting Assistant Secretary of Land and Minerals Management, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Adjustment of Service Fees'' (RIN1014–AA12) received in the Office of the President of the Senate on October 1, 2013; to the Committee on Energy and Natural Resources.

EC–3317. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Generator Requirements at the Transmission Interface'' (RIN1902–AE67) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Energy and Natural Resources.

EC–3318. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Report on Federal Agency Cooperation on Permitting Natural Gas Pipelines''; to the Committee on Energy and Natural Resources.

EC–3319. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's fifth report on Government dam use charges; to the Committee on Energy and Natural Resources.

EC–3320. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Decommissioning of Nuclear Power Reactors'' (Regulatory Guide 1.184, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Environment and Public Works.

EC–3321. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, prospectuses that support the Administration's fiscal year 2014 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC–3322. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California; South Coast; Contingency Measures for 1997 PM2.5 Standards'' (FRL No. 9901–77–Region 9) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2013; to the Committee on Environment and Public Works.

EC–3323. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Idaho; State Board Requirements'' (FRL No. 9901–76–Region 10) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2013; to the Committee on Environment and Public Works.

EC–3324. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Perfluoroalkyl Sulfonates and Long-Chain Perfluoroalkyl Carboxylate Chemical Substances; Final Significant New Use Rule'' (FRL No. 9397–1) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2013; to the Committee on Environment and Public Works.

EC–3325. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Rhode Island: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule'' (FRL No. 9901–71–Region 1) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2013; to the Committee on Environment and Public Works.

EC–3326. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Promulgation of State Implementation Plan Revisions; Revision to Prevention of Significant Deterioration Program; Infrastructure Requirements for the 1997 and 2006 PM2.5 National Ambient Air Quality Standards; Utah'' (FRL No. 9901–92–Region 8) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2013; to the Committee on Environment and Public Works.

EC–3327. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Ambient Air Quality Standards for Fine Particulate Matter'' (FRL No. 9901–80–Region 3) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2013; to the Committee on Environment and Public Works.

EC–3328. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determinations of Attainment of the 1997 Annual Fine Particulate Standards for the Liberty-Clairton Nonattainment Area'' (FRL No. 9901–81–Region 3) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2013; to the Committee on Environment and Public Works.

EC–3329. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Infrastructure Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standards'' (FRL No. 9901–83–Region 3) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2013; to the Committee on Environment and Public Works.

EC–3330. 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 ''Temporary Shelter for Individuals Displaced by Severe Storms, Flooding, Landslides, and Mudslides in Colorado'' (Notice 2013–63) received during adjournment of the Senate in the Office of the President of the Senate on October 18, 2013; to the Committee on Finance.

EC–3331. 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 ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rul. 2013–20) received during adjournment of the Senate in the Office of the President of the Senate on October 18, 2013; to the Committee on Finance.

EC–3332. 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 ''2013–2014 Special Per Diem Rates'' (Notice 2013–65) received during adjournment of the Senate in the Office of the President of the Senate on October 18, 2013; to the Committee on Finance.

EC–3333. 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 ''Medicare Program; FY 2014 Inpatient Prospective Payment Systems: Changes to Certain Cost Reporting Procedures Related to Disproportionate Share Hospital Uncompensated Care Payments'' (RIN0938–AR53) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2013; to the Committee on Finance.

EC–3334. 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 ''Applicable Federal Rates—November 2013'' (Rev. Rul. 2013–22) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2013; to the Committee on Finance.

EC–3335. 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 ''Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties'' (Notice 2013–62) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2013; to the Committee on Finance.

EC–3336. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination No. 2014–02 relative to U.S. drug interdiction assistance to the Government of Brazil; to the Committee on Foreign Relations.

EC–3337. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013–0163- 2013–0170); to the Committee on Foreign Relations.

EC–3338. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, the report of a rule entitled ''Visas: Regulatory Exception to Permit Compliance with the United Nations Headquarters Agreement and Other International Obligations and Clarification of the Definition of 'Immediate Family' for Certain Nonimmigrant Visa Classifications ''(RIN1400–AD43) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2013; to the Committee on Foreign Relations.

EC–3339. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period April 1, 2013 through May 31, 2013; to the Committee on Foreign Relations.

EC–3340. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 40(g) (2) of the Arms Export Control Act (DDTC 13–152); to the Committee on Foreign Relations.

EC–3341. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 40(g) (2) of the Arms Export Control Act (DDTC 13–160); to the Committee on Foreign Relations.

EC–3342. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Emergency Supplemental Appropriations Act 2003 on Loan Guarantees to Israel; to the Committee on Foreign Relations.

EC–3343. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107–243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102–1) for the June 20, 2013–August 18, 2013 reporting period; to the Committee on Foreign Relations.

EC–3344. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 40(g) (2) of the Arms Export Control Act (DDTC 13–161); to the Committee on Foreign Relations.

EC–3345. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (DDTC 13–116); to the Committee on Foreign Relations.

EC–3346. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of the Government of Cuba's compliance with the United States-Cuba September 1994 ''Joint Communique'' and on the treatment of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement''; to the Committee on Foreign Relations.

EC–3347. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 13–090); to the Committee on Foreign Relations.

EC–3348. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–119); to the Committee on Foreign Relations.

EC–3349. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–135); to the Committee on Foreign Relations.

EC–3350. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, the report of a rule entitled ''Amendment to International Traffic in Arms Regulations: Initial Implementation of Export Control Reform; Correction'' (RIN1400–AD37) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2013; to the Committee on Foreign Relations.

EC–3351. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013–0171- 2013–0178); to the Committee on Foreign Relations.

EC–3352. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (RSAT 13–3643); to the Committee on Foreign Relations.

EC–3353. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Iran-Related Multilateral Sanctions Regime Efforts'' covering the period February 17, 2013 to August 17, 2013; to the Committee on Foreign Relations.

EC–3354. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Feed Materials Production Center (FMPC) in Fernald, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–3355. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Pantex Plant in Amarillo, Texas, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–3356. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Pantex Plant in Amarillo, Texas, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–3357. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Pantex Plant in Amarillo, Texas, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–3358. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Baker Brothers site in Toledo, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–3359. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–276, ''Sense of the Council in Support of the Fair Minimum Wage Act Emergency Resolution of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3360. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a report relative to the annual audit of the Thrift Savings Funds received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–3361. A communication from the Associate Attorney General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary, Science and Technology Directorate, Department of Homeland Security, received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–3362. A communication from the Associate Attorney General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary for Management, Department of Homeland Security, received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–3363. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–158, ''Extension of Time to Dispose of Hine Junior High School Temporary Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3364. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–159, ''Fire and Emergency Medical Services Major Changes Temporary Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3365. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–160, ''School Transit Subsidy Temporary Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3366. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–183, ''Chief Financial Officer Compensation Temporary Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3367. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–184, ''CCNV Task Force Temporary Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3368. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–185, ''Income Tax Secured Bond Authorization Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3369. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–186, ''Community Renewable Energy Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3370. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–187, ''Smoking Restriction Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3371. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–188, ''Bicycle Safety Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3372. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–189, ''Personal Property Robbery Prevention Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3373. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–190, ''Older Adult Driver Safety Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3374. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–191, ''Veteran Status Driver's License Designation Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3375. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–192, ''Commercial Driver's License Tests Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3376. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–193, ''Tax Lien Compensation and Relief Reporting Temporary Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3377. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–194, ''District Real Property Tax Sale Temporary Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3378. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–195, ''Fiscal Year 2014 Budget Support Technical Clarification Temporary Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3379. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–196, ''Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Temporary Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3380. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–197, ''Visitor Parking Pass Preservation Temporary Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3381. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–206, ''Medical Marijuana Cultivation Center Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3382. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–207, ''Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3383. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Audit of the Department of Employment Services Adult Career and Technical Education Programs''; to the Committee on Homeland Security and Governmental Affairs.

EC–3384. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Audit of the Department of General Services Fiscal Year 2012 Procurement of Snow and Ice Removal Pretreatment Services''; to the Committee on Homeland Security and Governmental Affairs.

EC–3385. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Audit of Non-District Resident Students Enrolled in Public Schools''; to the Committee on Homeland Security and Governmental Affairs.

EC–3386. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Audit of the DC Department of Parks and Recreation Facility Use and Permit Process''; to the Committee on Homeland Security and Governmental Affairs.

EC–3387. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Update on Non-Reporting Public-Private Development Construction Projects''; to the Committee on Homeland Security and Governmental Affairs.

EC–3388. A communication from the District of Columbia Auditor, transmitting, pursuant to law, four reports relative to the Public Service Commission Agency Fund; to the Committee on Homeland Security and Governmental Affairs.

EC–3389. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''District of Columbia Agencies' Compliance with Fiscal Year 2013 Small Business Enterprise Expenditure Goals through the 3rd Quarter of the Fiscal Year 2013''; to the Committee on Homeland Security and Governmental Affairs.

EC–3390. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Audit of the Department of Small and Local Business Development Certified Business Enterprise Program''; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

H.R. 2094. A bill to amend the Public Health Service Act to increase the preference given, in awarding certain asthma-related grants, to certain States (those allowing trained school personnel to administer epinephrine and meeting other related requirements).

H.R. 2747. A bill to amend title 40, United States Code, to transfer certain functions from the Government Accountability Office to the Department of Labor relating to the processing of claims for the payment of workers who were not paid appropriate wages under certain provisions of such title.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1302. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 1557. A bill to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1561. A bill to amend the Public Health Service Act to improve provisions relating to the sanctuary system for surplus chimpanzees.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

*Chai Rachel Feldblum, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2018.

*James Cole, Jr., of New York, to be General Counsel, Department of Education.

*Michael Keith Yudin, of the District of Columbia, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

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

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. BENNET (for himself, Mr. COBURN, and Ms. AYOTTE):

S. 1611. A bill to require certain agencies to conduct assessments of data centers and develop data center consolidation and optimization plans; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH:

S. 1612. A bill to deter abusive patent litigation by targeting the economic incentives that fuel frivolous lawsuits; to the Committee on the Judiciary.

By Mr. KIRK (for himself and Mr. MANCHIN):

S. 1613. A bill to amend the Fair Credit Reporting Act to clarify Federal law with respect to reporting full-file alternative data, including positive and negative consumer credit information to consumer reporting agencies by public utility or telecommunications companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself, Mr. BLUNT, Ms. LANDRIEU, Mr. ENZI, Mr. BARRASSO, Mr. DURBIN, Mr. VITTER, and Mr. RUBIO):

S. 1614. A bill to require Certificates of Citizenship and other Federal documents to reflect name and date of birth determinations made by a State court and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER:

S. 1615. A bill to develop and recruit new, high-value jobs to the United States, to encourage the repatriation of jobs that have been off-shored to other countries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEE:

S. 1616. A bill to amend the Internal Revenue Code of 1986 to provide for simplification, to reduce the number of tax brackets, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON of Wisconsin (for himself, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. CHAMBLISS, Mr. CHIESA, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mrs. FISCHER, Mr. FLAKE, Mr. GRASSLEY, Mr. HATCH, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. KIRK, Mr. MCCAIN, Mr. MCCONNELL, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SCOTT, Mr. SESSIONS, Mr. THUNE, Mr.

TOOMEY, Mr. VITTER, Mr. WICKER, Mr. GRAHAM, and Mr. CORKER):

S. 1617. A bill to amend the Patient Protection and Affordable Care Act to ensure that individuals can keep their health insurance coverage; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mrs. MCCASKILL, Ms. AYOTTE, and Ms. HEITKAMP):

S. 1618. A bill to enhance the Office of Personnel Management background check system for the granting, denial, or revocation of security clearances or access to classified information of employees and contractors of the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DONNELLY (for himself and Mr. HELLER):

S. 1619. A bill to direct the Secretary of Labor to develop a strategy report to address the skills gap by providing recommendations to increase on-the-job training and apprenticeship opportunities, increase employer participation in education and workforce training, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN:

S. 1620. A bill to prohibit the consideration of any bill by Congress unless a statement on tax transparency is provided in the bill; to the Committee on Finance.

By Mr. FRANKEN (for himself and Mr. HELLER):

S. 1621. A bill to enhance transparency for certain surveillance programs authorized by the Foreign Intelligence Surveillance Act of 1978 and for other purposes; to the Committee on the Judiciary.

By Ms. HEITKAMP (for herself and Ms. MURKOWSKI):

S. 1622. A bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEE (for himself, Mr. RUBIO, Mr. CRUZ, Mr. PAUL, Mr. ROBERTS, Mr. HATCH, Mr. RISCH, Mr. JOHNSON of Wisconsin, and Mr. COBURN):

S. 1623. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself, Mr. UDALL of New Mexico, Mr. MERKLEY, Mrs. SHAHEEN, and Mr. CARDIN):

S. 1624. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit for hiring veterans, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. BOOZMAN):

S. 1625. A bill to amend section 31306 of title 49, United States Code, to recognize hair as an alternative specimen for preemployment and random controlled substances testing of commercial motor vehicle drivers and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCONNELL (for himself and Ms. AYOTTE):

S. 1626. A bill to amend the Fair Labor Standards Act of 1938 to provide employees in the private sector with an opportunity for compensatory time off, similar to the opportunity offered to Federal employees, and a flexible credit hour program to help balance the demands of work and family, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. WARNER (for himself, Mr. CORNYN, Mr. MENENDEZ, and Mr. COONS):

S. Res. 277. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on the Judiciary.

By Mr. THUNE (for himself and Mr. ROCKEFELLER):

S. Res. 278. A resolution designating October 2013 as ''School Bus Safety Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 310

At the request of Mr. MORAN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 310, a bill to jump-start economic recovery through the formation and growth of new businesses, and for other purposes.

S. 489

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 489, a bill to amend the Tariff Act of 1930 to increase and adjust for inflation the maximum value of articles that may be imported duty-free by one person on one day, and for other purposes.

S. 582

At the request of Mr. HOEVEN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 582, a bill to approve the Keystone XL Pipeline.

S. 699

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 699, a bill to reallocate Federal judgeships for the courts of appeals, and for other purposes.

S. 723

At the request of Mrs. GILLIBRAND, the names of the Senator from New Mexico (Mr. HEINRICH), the Senator from Massachusetts (Mr. MARKEY) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 723, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 1183

At the request of Mr. THUNE, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1183, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 1302

At the request of Mr. HARKIN, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1318

At the request of Mr. SCHUMER, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1318, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes.

S. 1349

At the request of Mr. MORAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1349, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1361

At the request of Mr. MURPHY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1361, a bill to direct the Secretary of Homeland Security to accept additional documentation when considering the application for veterans status of an individual who performed service as a coastwise merchant seaman during World War II, and for other purposes.

S. 1369

At the request of Mr. BROWN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1369, a bill to provide additional flexibility to the Board of Governors of the Federal Reserve System to establish capital standards that are properly tailored to the unique characteristics of the business of insurance, and for other purposes.

S. 1456

At the request of Ms. AYOTTE, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1456, a bill to award the Congressional Gold Medal to Shimon Peres.

S. 1503

At the request of Mr. DURBIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1503, a bill to amend the Public Health Service Act to increase the preference given, in awarding certain asthma-related grants, to certain States (those allowing trained school personnel to administer epinephrine and meeting other related requirements).

S. 1559

At the request of Mr. DURBIN, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of S. 1559, a bill to amend title 38,

United States Code, to modify the method of determining whether Filipino veterans are United States residents for purposes of eligibility for receipt of the full-dollar rate of compensation under the laws administered by the Secretary of Veterans Affairs.

S. 1561

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 1561, a bill to amend the Public Health Service Act to improve provisions relating to the sanctuary system for surplus chimpanzees.

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1561, supra.

S. 1590

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 1590, a bill to amend the Patient Protection and Affordable Care Act to require transparency in the operation of American Health Benefit Exchanges.

At the request of Mr. ALEXANDER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1590, supra.

S. 1606

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1606, a bill to designate the community-based outpatient clinic of the Department of Veterans Affairs to be constructed at 3141 Centennial Boulevard, Colorado Springs, Colorado, as the ''PFC Floyd K. Lindstrom Department of Veterans Affairs Clinic''.

S.J. RES. 15

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S.J. Res. 15, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S. RES. 203

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. Res. 203, a resolution expressing the sense of the Senate regarding efforts by the United States to resolve the Israeli-Palestinian conflict through a negotiated two-state solution.

S. RES. 251

At the request of Mr. SESSIONS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor 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. 268

At the request of Mr. COONS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 268, a resolution condemning the September 2013 terrorist attack at the Westgate Mall in Nairobi, Kenya, and reaffirming United States support for the people and Government of Kenya, and for other purposes.

S. RES. 276

At the request of Mr. MERKLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 276, a resolution designating October 2013 as ''National Work and Family Month''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1612. A bill to deter abusive patent litigation by targeting the economic incentives that fuel frivolous lawsuits; to the Committee on the Judiciary.

Mr. HATCH. 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. 1612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Patent Litigation Integrity Act of 2013''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—MANDATORY FEE SHIFTING

SEC. 101. LITIGATION AND OTHER EXPENSES.

(a) IN GENERAL.—Section 285 of title 35, United States Code, is amended to read as follows:

''§ 285. Fees and other expenses

''The court shall award to a prevailing party reasonable fees and other expenses, including attorney fees, incurred by that party in connection with a civil action in which any party asserts a claim for relief arising under any Act of Congress relating to patents, unless the court finds that the position and conduct of the nonprevailing party or parties were substantially justified or that special circumstances make an award unjust.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 35, United States Code, is amended by striking the item relating to section 285 and inserting the following:

''285. Fees and other expenses.''.

TITLE II—DISCRETIONARY BONDING

SEC. 201. MOTION FOR A BOND.

(a) IN GENERAL.—Chapter 29 of title 35, United States Code, is amended by inserting after section 285 the following:

''§ 285A. Motion for a bond

''(a) IN GENERAL.—The court, on motion by the defendant or a respondent in a proceeding, may order the party alleging infringement to post a bond sufficient to ensure payment of the accused infringer's reasonable fees and other expenses, including attorney fees.

''(b) FACTORS TO BE CONSIDERED.—For purposes of this section, in determining whether a bond requirement would be unreasonable or unnecessary, the court shall consider—

''(1) whether the bond will burden the ability of the party alleging infringement to pursue activities unrelated to the assertion, acquisition, litigation, or licensing of any patent;

''(2) whether the party alleging infringement is—

''(A) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); or

''(B) a non-profit technology transfer organization whose primary purpose is to facilitate the commercialization of technologies developed by one or more institutions of higher education;

''(3) whether a licensee, who has an exclusive right under a patent held by an institution of higher education or a non-profit organization described in paragraph (2), conducts further research on or development of the subject matter to make the subject matter more licensable;

''(4) whether the party alleging infringement is a named inventor of or an original assignee to an asserted patent;

''(5) whether the party alleging infringement makes or sells a product related to the subject matter described in an asserted patent;

''(6) whether the party alleging infringement can demonstrate that it has and will have the ability to pay the accused infringer's fees and other expenses if ordered to do so; and

''(7) whether any party will agree to pay the accused infringer's shifted fees and other expenses, provided that the person or entity can demonstrate that it has and will have the ability to pay the accused infringer's shifted fees and other expenses.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 35, United States Code, as amended by section 101, is amended by inserting after the item relating to section 285 the following:

''285A. Motion for a bond.''.

By Mr. JOHNSON of Wisconsin (for himself, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. CHAMBLISS, Mr. CHIESA, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mrs. FISCHER, Mr. FLAKE, Mr. GRASSLEY, Mr. HATCH, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. KIRK, Mr. MCCAIN, Mr. MCCONNELL, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SCOTT, Mr. SESSIONS, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, Mr. WICKER, Mr. GRAHAM, and Mr. CORKER):

S. 1617. A bill to amend the Patient Protection and Affordable Care Act to ensure that individuals can keep their health insurance coverage; to the Committee on Health, Education, Labor, and Pensions.

Mr. JOHNSON of Wisconsin. Mr. President, I come before you today to introduce a piece of legislation which is timely and very much needed.

One of the reasons I decided to run for the Senate was the passage of the health care law. The reason I thought it was pretty important is because I said at the time that passage of the

health care law represented the greatest assault on our freedoms in my lifetime. I believe that is true, and I believe that is being borne out today. We are witnessing it today.

The passage of the health care law resonated with me. It made such an impact on me because my wife and I are beneficiaries of the freedom that we had with our current health care system. Our first child, our daughter Carey was born with a very serious congenital heart defect. Her aorta and pulmonary arteries were reversed. Her first day of life, our daughter Carey was rushed down to Children's Hospital of Wisconsin in Milwaukee, where a wonderful man, Dr. John Thomas, came in at 1:30 in the morning and did a procedure and saved her life.

Eight months later, when her heart was the size of a small plum, another incredibly dedicated team of medical professionals in 7 hours of open-heart surgery totally reconstructed the upper chamber of her heart. Her heart operates backwards today. She is 30 years old and a nurse practitioner practicing at that same hospital in which her life was saved. She married about 3 weeks ago.

Our story has a happy ending because my wife Jane and I had that freedom. I was able to call Boston Children's and Chicago children's hospitals and talk to the preeminent surgeons in the world—which means in America—and find out what is the most advanced medical treatment, the most advanced surgical technique at the time. We were able to avail ourselves of that, and now I have a beautiful daughter who is 30 years old. She is also taking care of those little babies in a neonatal intensive care unit.

I decided to file this piece of legislation today because as a Senator from the State of Wisconsin we have been getting a number of phone calls in our office from Wisconsinites who are getting letters of cancellation from their insurance companies. In particular, one couple touched my heart and gave me a great cause for concern.

This couple—who do not want to be identified because they fear IRS retribution, which is a little different story and a little off topic, but I think it is worth pointing out—both have cancer. The wife has stage IV lung cancer. The husband is recovering from prostate cancer. It is in remission.

This couple had availed themselves and are currently covered under the Wisconsin high-risk insurance pool. It is a high-risk pool that works. I know in my business, when we had individuals who were lasered off of our insurance policy, those individuals were able to avail themselves of this sharing-of-the-risk pool in the high-risk pool. It works and it is affordable.

This couple received their notice of cancellation from the high-risk pool, and they panicked. They were in a panic.

When one has stage IV lung cancer, the last thing one needs is stress. ObamaCare caused them a great deal of stress. It is causing them a great deal of stress.

They tried to get on healthcare.gov almost 40 times without success. They contacted our office. We have done everything we can to help them.

They have been in touch with some of the insurance carriers that will be part of the exchange participating in Wisconsin. They have received quotes. This was preliminary. This isn't final, but under the high-risk pool their maximum out-of-pocket exposure, including the cost of their premiums, is about $20,000 per year. He is working and has a good job. They can barely afford that.

Preliminary indications show that exposure will double to $40,000. The only reason they might remain whole is they may qualify for a subsidy. Nobody can calculate it yet. They have received three different answers. It is like taking a tax return to 100 different preparers and getting 100 different results of what tax is owed. But based on those preliminary estimates it is looking as though their total exposure won't be $20,000, it will be more like $40,000, and their subsidy might cover half of that. So their health care expense didn't decline, as President Obama promised, by $2,500 per year. It is going to virtually double. And if it doesn't double, it is because the American taxpayer will be picking up that other half.

So one of the primary promises made by President Obama—that if we passed a health care law, the cost to a family health care plan would decline by $2,500 a year by the end of his first term—has been broken. That was not true.

Of course, the other very famous promise the President made repeatedly was: If you like your health care plan, you can keep your health care plan. I would like to go through a number of times President Obama actually made that statement. He looked the American people in the eye, trying to sell his health care plan, and guaranteed them if they liked their health care plan they would be able to keep it.

On March 6, 2009, he said:

> If somebody has insurance they like, they should be able to keep that insurance. If they have a doctor they like, they should be able to keep their doctor.

On May 11, 2009:

> Americans must have the freedom to keep whatever doctor and health care plan they have.

On June 2, 2009:

> If they like the coverage they have now, they can keep it.

That was from a letter to Senate Democratic leaders.

On June 11, 2009, President Obama said:

> Americans must have the freedom to keep whatever doctor and health care plan they have.

On June 15, 2009—and this is probably the most famous one I remember—in an address to the American Medical Association, President Obama said:

> If you like your doctor, you will be able to keep your doctor. Period. If you like your health care plan, you will be able to keep your health care plan. Period. No one will take it away. No matter what.

I think I have made my point, but I have another 13 quotes I can continue reading that basically make the same point with the same promise and the same guarantee.

As recently as the beginning of this month, on the White House Web site it says:

> We've got some good news for you. If you currently have private health insurance, you should be able to keep it, and that's exactly what the health care law says.

Unfortunately, today over 2 million Americans have received cancellation notices of their insurance policies—the policies they chose, and that for just a little more time they will have the freedom to choose. They won't have that freedom come January 1.

So one of two possibilities is true. Either President Obama was being entirely dishonest with the American public when he made those repeated promises, those repeated guarantees or he was totally disengaged from the process, did not have a clue what was in his own health care plan or did not understand the incredibly negative consequences of that health care plan.

That brings me to my bill. The reason President Obama can claim if you like your health care plan you can keep it is that within the health care bill there actually is a grandfather clause. The first two paragraphs of that grandfather clause actually would work. The problem is those first two paragraphs or sections are followed by an evisceration of the grandfather clause. So basically what we have is a phony grandfather clause contained within the Patient Protection and Affordable Care Act.

My piece of legislation—the If You Like Your Health Plan You Can Keep it Act—actually is a real grandfather clause and it uses President Obama's exact language. All my bill does is it simply strikes the phony grandfather clause and inserts basically the exact same language that was there, although we remove those exceptions, those mandates. In other words, we eviscerate the evisceration of the grandfather clause.

I am here today to announce I have filed that bill. We have at least 35 Republican cosponsors of the bill. I know the House is moving a similar piece of legislation. I know there is talk, and hopefully we will be joined by our Democratic colleagues. It is a simple proposition. I am asking every Senator to join me in passing this bill, the true grandfather clause, to help President Obama keep his promise to the American people.

I have to say that, unfortunately, this bill won't help the Wisconsin couple I would so like to help, so like to guarantee they can keep their health care coverage. The only way we can help that couple is if we repeal the entire law, because the guaranteed issue,

high-risk pools are extinct. They do not exist. That coverage is gone. But if my Democratic Senate colleagues will join me in passing this bill—the If You Like Your Health Plan You Can Keep it Act—we can keep President Obama's promise to millions of Americans. I think it is worth it, and I ask all my Senate colleagues to join me in this effort.

By Ms. COLLINS (for herself, Mrs. MCCASKILL, Ms. AYOTTE, and Ms. HEITKAMP):

S. 1618. A bill to enhance the Office of Personnel Management background check system for the granting, denial, or revocation of security clearances or access to classified information of employees and contractors of the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, today, Senator MCCASKILL, Senator AYOTTE, Senator HEITKAMP, and I are introducing the Enhanced Security Clearance Act of 2013, which would strengthen our process for allowing federal employees and other individuals to have access to classified information. We must improve our current security clearance process to prevent, as much as possible, future incidents such as the murders at the Washington Navy Yard. Our bill directs OPM to institute at least two audits of every security clearance at random times during each five-year period the clearance is active. Any red flags raised would then be reported back to the employing agency to determine if a re-investigation of the clearance is needed.

As a former Chairman and Ranking Member of the Homeland Security and Governmental Affairs Committee, the issue of background investigations as it relates to security clearances is an issue with which I am well acquainted. There needs to be a balance between processing of clearances quickly enough to allow individuals to do their jobs, but also thoroughly enough to flag potential problems.

Following the attacks of September 11, 2001, and several high-profile espionage cases, heightened national security concerns underscored the need for a timely, high-quality personnel security clearance process. In the early part of this decade, the Department of Defense processed hundreds of thousands of security clearance background investigation requests—both initial and re-clearances, for service members, government employees, and industry personnel who were conducting classified work for the government. The timeliness of DOD's security clearance process was a problem which, when coupled with an increased demand for security clearances, had led to a backlog of more than 500,000 investigations.

Delays in updating overdue clearances for command, agency, and industry personnel performing classified government work increased risks to national security and the costs of doing classified government work. This led GAO to designate the DOD clearance program as a high-risk area, and in 2005 for DOD to transfer its personnel security function and about 1,600 personnel to OPM. At the time, this change seemed a logical step in addressing the problems caused by the backlog. And by 2008 OPM had eliminated the backlog and announced end-to-end electronic processing of background investigations. Now, OPM oversees approximately 90 percent of all background investigations for security clearances with the assistance of private sector contractors.

Although we have made significant advances in the processing of background checks, there is still a gaping hole in the current security clearance process that has enabled people who exhibit obvious signs of high-risk behavior to remain undetected. We have seen this time and time again in incidents like Edward Snowden's disclosure of stolen classified information, and most recently we have Aaron Alexis, the Navy Yard shooter with apparently severe mental illness.

Once an individual is cleared, the process of maintaining the clearance requires a reinvestigation at various points in time based upon the type of clearance. These ''gaps'' between clearance and re-clearance can be 5, 10 or even 15 years, and most of the data is self-reported by the individuals themselves. These periods of time pose a significant concern in the current clearance process. OPM has announced, in some cases, that it is going to reduce the time frame down to one year, but this is not the case for all clearances. People's lives may change dramatically over these gaps of time, which poses significant and unnecessary security risks.

The United States issues approximately 5 million clearances to government employees and contractors, and the ongoing review process is conducted manually, by a limited number of investigators. Further, the manual process is flawed. The OPM Inspector General recently reviewed 18 investigators and found disturbing abuses in the quality of clearance investigations they conducted, which included interviews that never occurred, answers to questions that were never asked, and record checks that were never conducted. Even if done properly, however, given the limited number of investigative agents in the field, it is not feasible to manually track nearly five million clearances effectively.

For example, in fiscal year 2010, fewer than one percent of all contractors with clearances filed an incident report, despite the fact that they are required to file these reports on a wide variety of events including marital status change, excessive financial hardship, and criminal activity, to maintain their clearance. Generally, such events occur in the lives of more than half of the U.S. population during the same time periods. The fact is, cleared personnel under-report lifestyle changes, allegiance changes, and derogatory information for fear of job loss, embarrassment, and, most important, the discovery of nefarious intent. Further, because the system relies on self-reported data, the chances of someone getting caught are minimal. Between 1997 and 2013, of the civilian clearances issued, fewer than one percent were revoked. This can mean that the people who are cleared very seldom-go bad, that cleared individuals are not self-reporting changes in their lives, or the current process is not detecting everything.

In 2004, I sponsored the Intelligence Reform and Terrorism Prevention Act, which became law in December of that year. This law allows for the use of advanced technology and third party databases to expedite, verify, and enhance the investigative and adjudicative process. The government needs to utilize existing solutions, which are already used by law enforcement, to automate random audits on individuals with active security clearances.

If random audits had been in place after Aaron Alexis's secret clearance was granted in 2007, red flags would have been generated with his arrest in 2009 and the two liens on his property, which could indicate potential excessive financial hardship. Further, it may have identified a potential alias with a vast social media trail indicating other concerning traits. The alerts generated would have prompted OPM to notify DOD, which would have provoked a reevaluation before Alexis's 2017 re-clearance. This re-evaluation could have discovered that he openly discussed ''hearing voices,'' a clear sign of his mental illness. A random audit would have alerted OPM of these new issues and potentially averted tragedy.

The OPM Background Investigation process must be capable of flagging high-risk individuals holding clearances and alert case officers of situations requiring review before any adverse consequence takes place. The current process, however, is dated, but the system can be strengthened to better help the government identify these dangerous individuals. OPM must address the blind spots that exist in the current manual security clearance review process. The shooting tragedies at the Washington Navy Yard, along with the information security breaches perpetrated by Bradley Manning and Edward Snowden, have demonstrated that the current security clearance process is inadequate.

This legislation has been endorsed by the Federal Managers Association; the FBI Agents Association; the Alcohol-Tobacco-Firearms and Explosives Association; The International Association of Chiefs of Police; The International Federation of Professional and Technical Engineers, AFL-CIO & CLC; The National Native American Law Enforcement Association; TechAmerica; General Dynamics Information Technologies; LexisNexis; Lt. Gen. Charles

J. Cunningham Jr., Former Director of the Defense Security Service, 1999–2002; Brian Stafford, Former Director of the United States Secret Service, 1999–2003; Howard Safir, Former Police Commissioner of New York City, 1996–2000; Floyd Clarke, Former Director of the Federal Bureau of Investigation, 1993; and Michael Sullivan, Former Acting Director of the ATF, 2006–2009, and US Attorney for the District of Massachusetts, 2001–2009.

We must act now. Our legislation represents a sensible path forward to protect national security and to help prevent future tragedies. I urge my colleagues to support this common sense solution.

By Mr. CORNYN:

S. 1620. A bill to prohibit the consideration of any bill by Congress unless a statement on tax transparency is provided in the bill; to the Committee on Finance.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1620

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 ''Tax Transparency Act of 2013''.

SEC. 2. TAX EFFECT TRANSPARENCY.

(a) IN GENERAL.—Chapter 2 of title 1, United States Code, is amended by inserting after section 102 the following:

''§ 102a. Tax effect transparency

''(a) IN GENERAL.—Each Act of Congress, bill, resolution, conference report thereon, or amendment there to, that modifies Federal tax law shall contain a statement describing the general effect of the modification on Federal tax law.

''(b) FAILURE TO COMPLY.—

''(1) IN GENERAL.—A failure to comply with subsection (a) shall give rise to a point of order in either House of Congress, which may be raised by any Senator during consideration in the Senate or any Member of the House of Representatives during consideration in the House of Representatives.

''(2) NONEXCLUSIVITY.—The availability of a point of order under this section shall not affect the availability of any other point of order.

''(c) DISPOSITION OF POINT OF ORDER IN THE SENATE.—

''(1) IN GENERAL.—Any Senator may raise a point of order that any matter is not in order under subsection (a).

''(2) WAIVER.—

''(A) IN GENERAL.—Any Senator may move to waive a point of order raised under paragraph (1) by an affirmative vote of three-fifths of the Senators duly chosen and sworn.

''(B) PROCEDURES.—For a motion to waive a point of order under subparagraph (A) as to a matter—

''(i) a motion to table the point of order shall not be in order;

''(ii) all motions to waive one or more points of order under this section as to the matter shall be debatable for a total of not more than 1 hour, equally divided between the Senator raising the point of order and the Senator moving to waive the point of order or their designees; and

''(iii) a motion to waive the point of order shall not be amendable.

''(d) DISPOSITION OF POINT OF ORDER IN THE HOUSE OF REPRESENTATIVES.—

''(1) IN GENERAL.—If a Member of the House of Representatives makes a point of order under this section, the Chair shall put the question of consideration with respect to the proposition of whether any statement made under subsection (a) was adequate or, in the absence of such a statement, whether a statement is required under subsection (a).

''(2) CONSIDERATION.—For a point of order under this section made in the House of Representatives—

''(A) the question of consideration shall be debatable for 10 minutes, equally divided and controlled by the Member making the point of order and by an opponent, but shall otherwise be decided without intervening motion except one that the House of Representatives adjourn or that the Committee of the Whole rise, as the case may be;

''(B) in selecting the opponent, the Speaker of the House of Representatives should first recognize an opponent from the opposing party; and

''(C) the disposition of the question of consideration with respect to a measure shall be considered also to determine the question of consideration under this section with respect to an amendment made in order as original text.

''(e) RULEMAKING AUTHORITY.—The provisions of this section are enacted by the Congress—

''(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

''(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 1, United States Code, is amended by inserting after the item relating to section 102 the following new item:

''102a. Tax effect transparency.''.

By Ms. HEITKAMP (for herself and Ms. MURKOWSKI):

S. 1622. A bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes; to the Committee on Indian Affairs.

Ms. MURKOWSKI. Mr. President, I rise today to speak to an issue in my State of Alaska, in the State of North Dakota—quite honestly, in so many of our home States. We have facts, we have statistics, and we have issues that face our indigenous peoples, most particularly our indigenous children that, truth be told, are not what we want to write home about. In fact, in many, many cases, these statistics are shameful.

The effort and the initiative to make a difference in the lives of the children of our first peoples is an effort I want to speak to today, and I join with my colleague from North Dakota in addressing this issue. I want to help shine a light on the conditions facing indigenous children in our country to whom the United States has a legal commitment. This is a Federal trust responsibility that is owed to these children.

I thank Senator HEITKAMP for her commitment and for her compassion to address these issues facing our Nation's indigenous children by introducing legislation to establish the Commission on Native Children. I will defer to my colleague so we can have a conversation about this, but it is important to note that the very first time I had ever met Senator HEITKAMP, we literally exchanged handshakes, introduced ourselves, and within 5 minutes we were talking about children's issues, Native children's issues in our respective States. That little 5-minute discussion led to much further discussion later on and a commitment to work to address these issues.

I do have many remarks I would like to make this afternoon, but I would like my colleague from North Dakota, who has worked so diligently on this issue, with her staff working with my staff, to describe to our colleagues the legislation that today we are both introducing establishing the Commission on Native Children.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I will start with a story because I think a lot of us come to the Senate with a lot of experiences, a lot of common experiences, and I think the Senator from Alaska and I have shared this common experience of seeing the despair, looking at the statistics, but more importantly, in my case, in Indian Country, and in her case, working with indigenous people, seeing that so much more needs to be done; seeing the disparities in education, seeing the disparities in health care, seeing the disparities in housing, and recognizing that all of those things have huge consequences; seeing what high poverty does to people who are not given the right opportunities.

I think frequently it is so important that we do something like this so we can begin that process of educating our colleagues on how this situation is different, what our experiences are. If you have not seen or been in Indian Country, if you have not looked at the statistics, it is alarming. It is absolutely alarming.

The story I want to give before I talk about our legislation is the statistic on mortality rates. In this country, child mortality has decreased by 9 percent since 2000. That is good news. We are paying more attention, doing a better job at infancy, doing a better job raising our kids. The child mortality rate among Native children has increased 15 percent—increased 15 percent at the same time it has decreased in this country 9 percent. We have tried various programs, whether it is housing programs, education programs, higher education programs, but we know this works better if we all work together and if we work collaboratively.

I know a lot of people have suspicions about things called commissions, but I

believe for the first time we will be pulling together the data regarding what is exactly the status of Native children all across the United States of America—in Alaska, Alaska indigenous people, as well as Alaskan folks—and saying: Where do we begin to understand this problem differently and change outcomes, because if we keep doing what we are doing right now, we will fail the next generation of Native children, and we will fail to do what we need to do. This is not a new issue for me. When I was attorney general, I spent a lot of time in Indian Country, a lot of time on Indian issues.

I want to tell a story before I describe briefly what this Commission would do. It is a story about a woman who showed up at a conference. We were talking about trying to get resources to do a conference on juvenile crime on the reservations. She told a story about how she was dyslexic as a child and her mother was not a very patient woman. She was waiting to go to a birthday party, and she was sitting and looking out the window, and she would ask her mother every 5 minutes: Is it time yet? Are they going to come? Finally, her mother, out of frustration, took this little girl's hand and dragged it back and forth across a nail that was on the window ledge and said: Maybe now you will remember. She held up her hand, and you could still see the scars. And she said something I will never forget. She said: Who cares about me? I looked out that window and thought, who is going to come and help me?

All across America there are children looking out a window in Indian Country and in all of these very remote places wondering who is going to care about them. Who is going to help them? When we have trust obligations, isn't that the job of the U.S. Congress? Isn't that the job of all of us, to care about all of our children? Yet these children are left behind.

Time and time again, you will read a story in the paper about an abducted child, and you do not realize there could have been 10 children abducted off a reservation in North Dakota. You do not read a story about trafficking in North Dakota, but it is happening. You do not read a story about child abuse and neglect, and it is happening, or failed schools, schools whose roofs are caving in because we have not met our education obligation.

So what this Commission would do is bring attention to this very important part of our population, the part that gets left behind, that no one looks out for, and start saying: What are we going to do differently? What are we going to do differently for our children? These are all our children.

I can tell you I felt a kindred spirit when I began to talk about this issue with the Senator from Alaska and talk about how important it is for people to really understand those challenges and how important it is to prevent costs later on if we just do a little Head Start. Children in Indian Country go to Head Start at a lower rate. Their education system fails them. Fifty percent of Native kids graduate from high school, compared to 75 percent in the White population.

These statistics mean a lot. We all look at statistics. But behind each one of them is a young child struggling to make something out of their lives in this world and wanting to believe that they matter. So what we are doing today is establishing a commission on the status of Indian children to simply say: You matter.

We need to come up with different ideas and different solutions on how we are going to solve the problem. I had a great opportunity to go to Alaska and spend some time with the Alaska corporations and the indigenous people in Alaska. It was a new experience for me because we are used to Indian Country. We are used to reservations.

But so many of the challenges—I am sure the Senator from Alaska would agree—so many of the challenges are so similar in Alaska and North Dakota, partly because of our remoteness but partly because these are obligations that have not been lived up to. So I wish to ask the great Senator from Alaska how she thinks this commission could work to actually better the children, the Native children in our country?

Ms. MURKOWSKI. Mr. President, I thank my colleague. I appreciate that as we work to advance opportunities for American Indian, Alaska Native, Native Hawaiian children throughout the country, we remember these are not just statistics. As horrifying as these statistics are, these statistics truly do come to life when we hear those real stories.

When we were working with the Senator's office to develop this legislation, kind of looking at the indigenous children in this country through the lens of the justice system, the education system, the health care system, and then work to provide recommendations to the respective government agencies that will help to address these issues that affect our Native children, we talk about the trust responsibility.

That trust responsibility does not mean anything unless we keep our commitment. We just simply are not keeping the commitment. The Senator mentioned the issue of housing. Having had an opportunity to serve on the Indian Affairs Committee now for 10 years, we hear in committee hearing after committee hearing the situation with regard to housing and the inadequate situation on so many of our reservations.

In the State of Alaska, our housing situation is truly a crisis in so many places. Bethel, which is probably—I believe it is now our fourth or fifth largest community in the State—is viewed as a hub community. So if you come in for health care from one of the surrounding villages, you come into Bethel. If you are trying to escape an abusive situation, trying to get your children to safety, leaving the village, you come into Bethel, where there is a women's shelter where you can kind of pull yourself together.

But the problem then is, when you have been able to pull yourself together, when your children feel they are in a safe place right now, then there is no place for you to take your children. There is no housing out on the market there in Bethel. So what happens. Time after time after time the woman goes back to the abuser, the children go back to an abusive situation, a situation where domestic violence is oftentimes out of control.

Let me speak to just some of the statistics that we are facing in dealing with rural justice in Alaska. Nearly 95 percent of the crimes in rural Alaska can be traced back to alcohol abuse. By the time an Alaska Native reaches adulthood, the chance of experiencing domestic violence or sexual violence is 51 percent for women, 29 percent for men. On Native children, 60 percent of the children are in need of foster parents. I have been working on the issue of fetal alcohol syndrome and how we raise awareness and how we eliminate this entirely preventable disease.

I think it is noteworthy that for years I worked with Senator Daschle, formerly of this body and the majority leader, on this initiative. But he knew that on the reservations in his State, they were facing the same situation that we were in Alaska with fetal alcohol spectrum disorder. In Alaska, we have the highest rate of fetal alcohol spectrum disorder in the Nation. But in the Native areas of the State, they are then 15 times higher than in any of the non-Native parts of the State; again, an area where we think, if we can make some inroads in awareness, this is a disease that is 100 percent preventable.

Suicide is an issue that strikes home to far too many. Alaska Native males between the ages of 12 and 24 experience the highest rate of suicide of any demographic within the country. We have the highest rate of suicides per capita in the country. It is our young Native men who drive that statistic.

When it comes to rape statistics, also a horrific example, unfortunately, the term has been applied that Alaska is the ''rape capital of America.'' It is our Native women—one in three—who are experiencing much of the sexual abuse. We cannot accept this reality.

When we talk about infrastructure—I mentioned housing. We think about the lack of public infrastructure and how that impacts the health of a child or the health of a family. We are still a relatively young State. You have heard me say 80 percent of our communities are not accessible by road. So we lack certain infrastructure, including in many of our villages basic water, basic sewer systems. We simply do not have it. If you do not have clean water for cooking, for drinking, for cleaning, just basic hygiene, it can be deadly for our families.

The CDC has determined that lack of inhome water services causes high rates of respiratory and skin infections. We see this in our rural Native villages. The average toddler in the United States gets RSV, which is this respiratory syncytial virus, before they are about 2 years old. The average Alaska Native baby gets RSV before they are 11 weeks old. So they are just mere infants and they are getting this respiratory virus because of sanitation issues.

A lack of clean drinking water, proper wastewater systems leads to fever, to hepatitis, leads to infectious disease. Then what happens? You are a child out in the small village. You are then sent in, your family has to take you into Anchorage, not just one airplane flight away, oftentimes two airplane flights, $1,000-plus airfare in the city where your costs are high.

You think about the impact to a family when you have a sick infant, an infant who has been sick because their family lacks basic sanitation in this day and age.

One of the household chores—and we all had chores when we were growing up as kids. In far too many of our villages in the State of Alaska, one of the chores the kids have is emptying the honey bucket. For those who do not know what a honey bucket is, a honey bucket is the big 5-gallon bucket that you get from Home Depot with a toilet seat lid on it that is put in the corner of the house. That is the bathroom.

You have to take that bucket out and dispose of it. You have children, your 10-year old walking down the boardwalk with a bucket of human waste to dump. This is happening in this day and this age. Who, again, bears the weight of so much of this is our Native children. Think about this from a health safety perspective.

I wish to share a story, as my colleague from North Dakota did, and then—I just came from the Alaska Federation of Natives annual conference. It is the largest gathering of Natives in the country. They come from all corners of the State. It is truly like a family reunion, usually a very upbeat, very happy occasion where people come together for a great deal of sharing.

This year there was sharing on a personal side that perhaps we have not witnessed before. Much of the sharing came from children, and sharing, rather than stories of happiness and opportunities for the future, was driven by a feeling of not helplessness—because if you are helpless you will not speak up—but a feeling that we can no longer remain silent.

The instances of domestic violence in the home, of child sexual assault in the home, of alcoholism and drug abuse that brings about attempted suicide in the home caused a group of 4–H kids from Tanana, AK, to come together—about a half dozen of them—ages maybe 6, 7, up to high school, to stand in front of an audience of 3,000-plus people and say: We have had enough. We have to speak out, even though we have been told do not talk about this; do not talk about this because it might shame your family. These children had the courage to step forward and say: This is not right. We are taught to respect our elders, but when our elders do not respect us, we are going to speak out. Their courage in front of this huge gathering was amazing. It is not unlike the story my colleague from North Dakota just told when that young girl looked out the window and said: Who will come and take care of me? Who is waiting for me?

These children from Tanana were saying: We are not going to be quiet.

It ought to be us. It ought to be the grownups who are saying: Let's take charge of this. Let's turn these horrible statistics around. Let's make every day a better day for our children. Those kids are the real heroes.

So when I come together with my colleagues in an effort such as this—I am with the Senator—oftentimes we say: Oh, commissions. What do commissions do? Maybe this starts to give some of these young people hope, whether you are on the reservations in North Dakota or whether you are in Tanana, AK. Maybe there is hope that the grownups out there are listening and can work with them.

We are trying to look at this holistically, through the education system, the health care system, and through the justice system. I am quite pleased to be able to work with my colleague on this initiative. I do not think there is anything more important that we can be doing for our young people than to offer them a ray of hope.

I thank my colleague from North Dakota and all she has done to get us to this point.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, suicide is the second leading cause of death among Native American young adults ages 15 to 24. It is 2½ times the national average. The despair my great friend from the great State of Alaska has just outlined for us—it seems there is no way out, that no one is looking, they are invisible, that their problems are inconsequential and no one cares. Yes, I thank my colleague from Alaska for that wonderful vision that this commission tells them they are not invisible to us, they are not invisible to the Congress, they are not invisible to the administration; that people are there and they care.

Maybe it offers that hope. Maybe it offers that opportunity to tell more of these stories and to shine a greater light of awareness onto this problem.

It is a national disgrace. If we continue to do what we have always done in housing, education, health care, and public safety, if we continue to do what we have always done, we will lose yet another generation to despair.

It is time for Congress to step up, honor our treaty obligations and recognize that if we cannot protect the smallest among us, the most vulnerable, the most remote among us, that we aren't worthy of this body. We aren't worthy of this government.

I invite all of our colleagues to join with us and send a message loudly and clearly to Native children in our country that they matter; they matter at their homes, in their communities, their States, their clubs, and their schools, but they also matter in the halls of the Senate.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The senior Senator from Alaska is recognized.

Ms. MURKOWSKI. If I may close out my comments, Senator HEITKAMP has honored an individual, Alyce Spotted Bear, by naming this commission on Native American children after Alyce Spotted Bear. She has invited me to also include a leader on so many education and children's issues.

I wish to take a moment to speak to the contributions of a great Alaskan, Dr. Walter Soboleff. Senator HEITKAMP has honored Alaskans by including Dr. Soboleff with the naming of this children's commission.

I was very honored to learn of Dr. Soboleff, who passed away in 2011 at 102 years old. In our State he was an elder statesman. He was a spiritual leader and an Alaska Native advocate who championed Alaska Native rights and cultural education. He was the first Alaska Native to serve on our State Board of Education, in which he served as chairman. He established the Alaska Native Studies Department at the University of Alaska Fairbanks to ensure that our Native students could be taught their history, culture, and language within that university system.

Clearly, when one is 102 years old, they live through a transition of time, but he lived through a transition for our Native people in our State. He advocated to ensure that our State's education system recognized that Native students must know their culture. In order to know who they are, they need to know where they have come from. They need to know their culture. They need to know how to hunt, how to fish, and that their culture is the foundation of a strong identity, ensuring student success and pride in oneself.

When I thought about how we might be able to recognize one of Alaska's own who demonstrated to our young people that if you know yourself, if you know your culture, if you are proud of that, even under some daunting challenges, you can move forward. You can persevere.

I thank my colleague for giving me this opportunity to show him recognition as we also honor Alyce Spotted Bear.

By Mr. MCCONNELL (for himself and Ms. AYOTTE):

S. 1626. A bill to amend the Fair Labor Standards Act of 1938 to provide employees in the private sector with an opportunity for compensatory time off, similar to the opportunity offered to

Federal employees, and a flexible credit hour program to help balance the demands of work and family, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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. 1626

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 ''Family Friendly and Workplace Flexibility Act of 2013''.

SEC. 2. COMPENSATORY TIME.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

''(s) COMPENSATORY TIME FOR PRIVATE EMPLOYEES.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'employee' does not include an employee of a public agency; and

''(B) the terms 'overtime compensation', 'compensatory time', and 'compensatory time off' have the meaning given the terms in subsection (o)(7).

''(2) GENERAL RULE.—An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which overtime compensation is required by this section.

''(3) AGREEMENT REQUIRED.—An employer may provide compensatory time to an employee under paragraph (2) only in accordance with—

''(A) applicable provisions of a collective bargaining agreement between an employer and a labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law; or

''(B) in the case of an employee who is not represented by a labor organization described in subparagraph (A), an agreement between the employer and employee arrived at before the performance of the work—

''(i) in which the employer has offered and the employee has chosen to receive compensatory time off under this subsection in lieu of monetary overtime compensation;

''(ii) that the employee enters into knowingly, voluntarily, and not as a condition of employment; and

''(iii) that is affirmed by a written or otherwise verifiable record maintained in accordance with section 11(c).

''(4) HOUR LIMIT.—An employee may accrue not more than 160 hours of compensatory time under this subsection, and shall receive overtime compensation for any such compensatory time in excess of 160 hours.

''(5) UNUSED COMPENSATORY TIME.—

''(A) COMPENSATION PERIOD.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than January 31 of each calendar year, the employer of the employee shall provide monetary compensation for any unused compensatory time under this subsection accrued during the preceding calendar year that the employee did not use prior to December 31 of the preceding year at the rate prescribed by paragraph (7)(A).

''(ii) ALTERNATIVE COMPENSATION PERIOD.—An employer may designate and communicate to an employee a 12-month period other than the calendar year for determining unused compensatory time under this subsection, and the employer shall provide monetary compensation not later than 31 days after the end of such 12-month period at the rate prescribed by paragraph (7)(A).

''(B) EXCESS OF 80 HOURS.—An employer may provide monetary compensation, at the rate prescribed by paragraph (7)(A), for any unused compensatory time under this subsection of an employee in excess of 80 hours at any time after giving the employee not less than 30 days' notice.

''(C) TERMINATION OF EMPLOYMENT.—Upon the voluntary or involuntary termination of an employee, the employer of such employee shall provide monetary compensation at the rate prescribed by paragraph (7)(A) for any unused compensatory time under this subsection.

''(6) WITHDRAWAL OF COMPENSATORY TIME AGREEMENT.—

''(A) EMPLOYER.—Except where a collective bargaining agreement provides otherwise, an employer that has adopted a policy of offering compensatory time to employees under this subsection may discontinue such policy after providing employees notice 30 days prior to discontinuing the policy.

''(B) EMPLOYEE.—

''(i) IN GENERAL.—An employee may withdraw an agreement described in paragraph (3)(B) after providing notice to the employer of the employee 30 days prior to the withdrawal.

''(ii) REQUEST FOR MONETARY COMPENSATION.—At any time, an employee may request in writing monetary compensation for any accrued and unused compensatory time under this subsection. The employer of such employee shall provide monetary compensation at the rate prescribed by paragraph (7)(A) within 30 days of receiving the written request.

''(7) MONETARY COMPENSATION.—

''(A) RATE OF COMPENSATION.—An employer providing monetary compensation to an employee for accrued compensatory time under this subsection shall compensate the employee at a rate not less than the greater of—

''(i) the regular rate, as defined in subsection (e), of the employee on the date the employee earned such compensatory time; or

''(ii) the final regular rate, as defined in subsection (e), received by such employee.

''(B) TREATMENT AS UNPAID OVERTIME.—Any monetary payment owed to an employee for unused compensatory time under this subsection, as calculated in accordance with subparagraph (A), shall be considered unpaid overtime compensation for the purposes of this Act.

''(8) USING COMPENSATORY TIME.—An employer shall permit an employee to take time off work for compensatory time accrued under paragraph (2) within a reasonable time after the employee makes a request for using such compensatory time if the use does not unduly disrupt the operations of the employer.

''(9) PROHIBITION OF COERCION.—

''(A) IN GENERAL.—An employer that provides compensatory time under paragraph (2) shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any employee for the purpose of interfering with the rights of an employee under this subsection—

''(i) to use accrued compensatory time in accordance with paragraph (8) in lieu of receiving monetary compensation;

''(ii) to refrain from using accrued compensatory time in accordance with paragraph (8) and receive monetary compensation; or

''(iii) to refrain from entering into an agreement to accrue compensatory time under this subsection.

''(B) DEFINITION.—In subparagraph (A), the term 'intimidate, threaten, or coerce' includes—

''(i) promising to confer or conferring any benefit, such as appointment, promotion, or compensation; or

''(ii) effecting or threatening to effect any reprisal, such as deprivation of appointment, promotion, or compensation.''.

SEC. 3. FLEXIBLE CREDIT HOUR PROGRAM.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207), as amended in section 2, is further amended by adding at the end the following:

''(t) FLEXIBLE CREDIT HOUR PROGRAM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'at the election of', used with respect to an employee, means at the initiative of, and at the request of, the employee;

''(B) the term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise within a specified period of time;

''(C) the term 'employee' does not include an employee of a public agency;

''(D) the term 'flexible credit hour' means any hour that an employee, who is participating in a flexible credit hour program, works in excess of the basic work requirement; and

''(E) the term 'overtime compensation' has the meaning given the term in subsection (o)(7).

''(2) PROGRAM ESTABLISHMENT.—An employer may establish a flexible credit hour program for an employee to accrue flexible credit hours in accordance with this subsection and, in lieu of monetary compensation, reduce the number of hours the employee works in a subsequent day or week at a rate of one hour for each hour of employment for which overtime compensation is required by this section.

''(3) AGREEMENT REQUIRED.—

''(A) IN GENERAL.—An employer may carry out a flexible credit hour program under paragraph (2) only in accordance with—

''(i) applicable provisions of a collective bargaining agreement between an employer and a labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law; or

''(ii) in the case of an employee who is not represented by a labor organization described in clause (i), an agreement between the employer and the employee arrived at before the performance of the work that—

''(I) the employee enters into knowingly, voluntarily, and not as a condition of employment; and

''(II) is affirmed by a written statement maintained in accordance with section 11(c).

''(B) HOURS DESIGNATED.—An agreement that is entered into under subparagraph (A) shall provide that, at the election of the employee, the employer and the employee will jointly designate flexible credit hours for the employee to work within an applicable period of time.

''(4) HOUR LIMIT.—An employee participating in a flexible credit hour program may not accrue more than 50 flexible credit hours, and shall receive overtime compensation for flexible credit hours in excess of 50 hours.

''(5) UNUSED FLEXIBLE CREDIT HOURS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not later than January 31 of each calendar year, the employer of an employee who is participating in a flexible credit hour program shall provide monetary compensation for any flexible credit hour accrued during the preceding calendar year

that the employee did not use prior to December 31 of the preceding calendar year at a rate prescribed by paragraph (7)(A)(i).

''(B) ALTERNATIVE COMPENSATION PERIOD.—An employer may designate and communicate to the employees of the employer a 12-month period other than the calendar year for determining unused flexible credit hours, and the employer shall provide monetary compensation, at a rate prescribed by paragraph (7)(A)(i), not later than 31 days after the end of the 12-month period.

''(6) PROGRAM DISCONTINUANCE AND WITHDRAWAL.—

''(A) EMPLOYER.—An employer that has established a flexible credit hour program under paragraph (2) may discontinue a flexible credit hour program for employees described in paragraph (3)(A)(ii) after providing notice to such employees 30 days before discontinuing such program.

''(B) EMPLOYEE.—

''(i) IN GENERAL.—An employee may withdraw an agreement described in paragraph (3)(A)(ii) at any time by submitting written notice of withdrawal to the employer of the employee 30 days prior to the withdrawal.

''(ii) REQUEST FOR MONETARY COMPENSATION.—An employee may request in writing, at any time, that the employer of such employee provide monetary compensation for all accrued and unused flexible credit hours. Within 30 days after receiving such written request, the employer shall provide the employee monetary compensation for such unused flexible credit hours at a rate prescribed by paragraph (7)(A)(i).

''(7) MONETARY COMPENSATION.—

''(A) FLEXIBLE CREDIT HOURS.—

''(i) RATE OF COMPENSATION.—An employer providing monetary compensation to an employee for accrued flexible credit hours shall compensate such employee at a rate not less than the regular rate, as defined in subsection (e), of the employee on the date the employee receives the monetary compensation.

''(ii) TREATMENT AS UNPAID OVERTIME.—Any monetary payment owed to an employee for unused flexible credit hours under this subsection, as calculated in accordance with clause (i), shall be considered unpaid overtime compensation for the purposes of this Act.

''(B) OVERTIME HOURS.—

''(i) IN GENERAL.—Any hour that an employee works in excess of 40 hours in a workweek that is requested in advance by the employer, other than a flexible credit hour, shall be an 'overtime hour'.

''(ii) RATE OF COMPENSATION.—The employee shall be compensated for each overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with subsection (a)(1), or receive compensatory time off in accordance with subsection (s), for each such overtime hour.

''(8) USE OF FLEXIBLE CREDIT HOURS.—An employer shall permit an employee to use accrued flexible credit hours to take time off work, in accordance with the rate prescribed by paragraph (2), within a reasonable time after the employee makes a request for such use if the use does not unduly disrupt the operations of the employer.

''(9) PROHIBITION OF COERCION.—

''(A) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of the employee under this subsection—

''(i) to elect or not to elect to participate in a flexible credit hour program, or to elect or not to elect to work flexible credit hours; or

''(ii) to use or refrain from using accrued flexible credit hours in accordance with paragraph (8).

''(B) DEFINITION.—In subparagraph (A), the term 'intimidate, threaten, or coerce' has the meaning given the term in subsection (s)(9).''.

SEC. 4. REMEDIES.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b), by striking ''(b) Any employer'' and inserting ''(b) Except as provided in subsection (f), any employer''; and

(2) by adding at the end the following:

''(f) An employer that violates subsection (s)(9) or (t)(9) of section 7 shall be liable to the affected employee in the amount of—

''(1) the rate of compensation, determined in accordance with subsection (s)(7)(A) or (t)(7)(A)(i) of section 7, for each hour of unused compensatory time or for each unused flexible credit hour accrued by the employee; and

''(2) liquidated damages equal to the amount determined in paragraph (1).''.

SEC. 5. NOTICE TO EMPLOYEES.

Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to such Act by this Act.

SEC. 6. PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF AND FLEXIBLE CREDIT HOURS IN BANKRUPTCY PROCEEDING.

Section 507(a)(4)(A) of title 11, United States Code, is amended—

(1) by striking ''and''; and

(2) by inserting '', the value of unused, accrued compensatory time off under section 7(s) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(s)), all of which shall be deemed to have been earned within 180 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, at a rate of compensation not less than the final regular rate received by such individual, and the value of unused, accrued flexible credit hours under section 7(t) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(t)), all of which shall be deemed to have been earned within 180 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, at a rate of compensation described in paragraph (7)(A)(i) of such section 7(t)'' after ''sick leave pay''.

SEC. 7. GAO REPORT.

Beginning 2 years after the date of enactment of this Act and each of the 3 years thereafter, the Comptroller General of the United States shall submit a report to Congress providing, with respect to the reporting period immediately prior to each such report—

(1) data concerning the extent to which employers provide compensatory time and flexible credit hours under subsections (s) and (t) of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207), as added by this Act, and the extent to which employees opt to receive compensatory time under subsection (s) and flexible credit hours under subsection (t);

(2) the number of complaints alleging a violation of subsection (s)(9) or (t)(9) of such section filed by any employee with the Secretary of Labor, and the disposition or status of such complaints;

(3) the number of enforcement actions commenced by the Secretary or commenced by the Secretary on behalf of any employee for alleged violations of subsection (s)(9) or (t)(9) of such section, and the disposition or status of such actions; and

(4) an account of any unpaid wages, damages, penalties, injunctive relief, or other remedies obtained or sought by the Secretary in connection with such actions described in paragraph (3).

SEC. 8. SUNSET.

This Act and the amendments made by this Act shall expire on the date that is 5 years after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 277—RECOGNIZING THE RELIGIOUS AND HISTORICAL SIGNIFICANCE OF THE FESTIVAL OF DIWALI

Mr. WARNER (for himself, Mr. CORNYN, Mr. MENENDEZ, and Mr. COONS) submitted the following resolution; which was referred to the Committee on the Judiciary.:

S. RES. 277

Whereas Diwali is a festival of great significance and celebrated annually by Hindus, Sikhs, and Jains throughout India, the United States, and the world;

Whereas Diwali is a festival of lights that marks the beginning of the Hindu new year, during which celebrants light and place small lamps around the home and pray for health, knowledge, peace, wealth, and prosperity in the new year;

Whereas Diwali will be celebrated throughout the world for five days and is an opportunity to celebrate the faith of all people and the universal right to religious expression and spiritual freedom;

Whereas the lights symbolize the light of knowledge within the individual that overwhelms the darkness of ignorance, empowering each celebrant to do good deeds and show compassion to others;

Whereas Diwali falls on the last day of the last month in the lunar calendar and is celebrated as a day of thanksgiving for the homecoming of the Lord Rama and worship of Lord Ganesha, the remover of obstacles and bestower of blessings, at the beginning of the new year for many Hindus;

Whereas, for Sikhs, Diwali is celebrated as Bandhi Chhor Diwas (The Celebration of Freedom), in honor of the release from imprisonment of the sixth guru, Guru Hargobind; and

Whereas, for Jains, Diwali marks the anniversary of the attainment of moksha, or liberation, by Mahavira, the last of the Tirthankaras (the great teachers of Jain dharma), at the end of his life in 527 B.C.: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the religious and historical significance of the festival of Diwali, the festival of lights, and expresses its respect for the people of India, Indian Americans, and members of the Indian diaspora around the world on this significant occasion; and

(2) supports a strong relationship between the people and governments of the United States and India, based on mutual trust and respect that will enable the countries to more closely collaborate across a broad spectrum of interests, such as global peace and prosperity.

SENATE RESOLUTION 278—DESIGNATING OCTOBER 2013 AS ''SCHOOL BUS SAFETY MONTH''

Mr. THUNE (for himself and Mr. ROCKEFELLER) submitted the following resolution; which was considered and agreed to.:

S. RES. 278

Whereas approximately 450,000 public and private school buses carry 26,000,000 children to and from school every weekday in the United States;

Whereas America's 450,000 public and private school buses comprise the largest mass transportation fleet in the Nation;

Whereas during the school year, school buses make more than 55,000,000 passenger trips daily and students ride these school buses 10,000,000,000 times per year as the Nation's fleet travels over 4,000,000,000 miles per school year;

Whereas school buses are designed to be safer than passenger vehicles and are 13 times safer than other modes of school transportation, and 44 times safer than vehicles driven by teenagers;

Whereas in an average year, about 25 school children are killed in school bus accidents, with one-third of these children struck by their own school buses in loading/unloading zones, one-third struck by motorists who fail to stop for school buses, and one-third killed as they approach or depart a school bus stop;

Whereas The Child Safety Network, celebrating 25 years of national public service, has collaborated with the school bus industry to create public service announcements to reduce distracted driving near school buses, increase ridership, and provide free resources to school districts in order to increase driver safety training, provide free technology for tracking school buses, and educate students; and

Whereas the adoption of School Bus Safety Month will allow broadcast and digital media and social networking industries to make commitments to disseminate public service announcements designed to save children's lives by making motorists aware of school bus safety issues: Now, therefore, be it

Resolved, That the Senate designates October 2013 as ''School Bus Safety Month''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2007. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table.

SA 2008. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 3204, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2007. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—USE OF ANTIMICROBIAL DRUGS IN FOOD ANIMALS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Delivering Antimicrobial Transparency in Animals Act of 2013''.

SEC. 302. PURPOSE.

The purpose of this title is to provide the Food and Drug Administration and the public with better information on the use of antimicrobial drugs in animals used for food to—

(1) enable public health officials and scientists to better understand and interpret trends and variations in rates of microbial resistance to such antimicrobial drugs;

(2) improve the understanding of the relationship between antimicrobial drug use in animals used for food and antimicrobial drug resistance in microbes in and on animals and humans; and

(3) identify interventions to prevent and control such antimicrobial drug resistance.

SEC. 303. RESEARCH PROGRAMS TO STUDY ANTIMICROBIAL RESISTANCE.

(a) DEFINITIONS.—In this title—

(1) the term ''Commissioner'' means the Commissioner of Food and Drugs; and

(2) the term ''Secretary'' means the Secretary of Health and Human Services.

(b) ESTABLISHMENT OF PROGRAMS.—The Secretary, acting through the Commissioner, shall develop a research program or programs to study the relationship between the sales, distribution, end-use practices of animal drugs containing an antimicrobial active ingredient in food-producing animals and antimicrobial resistance trends.

(c) PURPOSE OF PROGRAMS.—Any research program developed under subsection (b) shall be developed in order to better determine—

(1) the relationships between sales data, distribution data, and end-usage data of animal drugs containing an antimicrobial active ingredient in food-producing animals to inform policies of Food and Drug Administration regarding data collection and regulation of antimicrobial products in agriculture, including consideration of the potential value of data from veterinary feed directives; and

(2) the relationships between antimicrobial resistance and use of animal drugs containing an antimicrobial active ingredient in food-producing animals and trends in antimicrobial resistance, including by using the data collected through the National Antimicrobial Resistance Monitoring Program or other studies regarding resistance levels in bacteria associated with food-producing animals.

(d) CONSULTATION.—Any research program developed under subsection (b) shall be developed in consultation with the Under Secretary for Food Safety, the Under Secretary for Marketing and Regulatory Programs, and the Under Secretary for Research, Education, and Economics at the Department of Agriculture. To the extent practicable, such Under Secretaries shall provide assistance in developing and conducting such research programs.

(e) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement the research program or programs developed under subsection (b). The Secretary shall analyze data from such program or programs to determine the contribution of such data to studying antimicrobial resistance, protecting public health, and establishing the coordinated data collection strategy as described in section 305.

(f) PUBLICATION.—The Secretary shall publish the results of any research program developed under this section as soon as practicable.

SEC. 304. ENHANCED REPORTING AND PUBLICATION OF SALES DATA.

(a) IN GENERAL.—Section 512(l)(3)(E)) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(l)(3)(E)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II);

(2) by striking ''The Secretary shall make summaries of the information reported under this paragraph publicly available, except that—'' and inserting ''(i) Not later than a date established by the Secretary for 2014, and on such date in each year thereafter, the Secretary shall make publicly available a summary of the information (including dosage form information, if practicable) reported under this paragraph for the previous year, except that—''; and

(3) by inserting after subclause (II), as redesignated by paragraph (1), the following:

''(ii) In making the summaries available under this subparagraph, the following shall apply:

''(I) The Secretary shall segregate the categories of amounts reported into the following 2 subcategories, after consultation with the applicable classifications of the World Health Organization:

''(aa) The volume of drugs of importance to human medicine.

''(bb) The volume of drugs not of importance to human medicine.

''(II) As practicable, the Secretary shall segregate amounts reported into the following 2 amounts:

''(aa) The volume of drugs labeled or eligible for use in food-producing animals.

''(bb) The volume of drugs that are not labeled or are ineligible for use in food-producing animals.

''(III) In any cross-tabulation of the amounts reported with any reporting category, the Secretary shall include the categories 'Not Independently Reported' and 'Not Independently Reported Export'.''.

(b) REISSUANCE.—Not later than 3 years after the date of enactment of this Act, the Secretary shall reissue the summary reports issued before 2012 under section 512(l)(3)(E) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(l)(3)(E)) using the format designed for the 2012 summary report. The Secretary shall publish the reissued reports in one combined publication.

SEC. 305. IMPLEMENTATION AND PUBLICATION OF ANTIMICROBIAL RESISTANCE DATA COLLECTION STRATEGY.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, acting through the Commissioner, shall implement an Antimicrobial Data Collection Strategy, based on information received in the comments to the Advanced Notice of Proposed Rulemaking entitled ''Antimicrobial Animal Drug Distribution Reporting''(77 Fed. Reg. 44177 (July 27, 2012)) and any research program developed under section 303.

(b) REEVALUATION.—Not less than every 5 years after the implementation of the Antimicrobial Data Collection Strategy under subsection (a), the Secretary shall reevaluate such Strategy and propose modifications as such Secretary determines appropriate, based on scientific data.

(c) AVAILABILITY.—The Secretary shall—

(1) submit to Congress the Strategy implemented under subsection (a), and any modification made to such Strategy pursuant to subsection (b); and

(2) make such Strategy and any such modification available to the public.

SEC. 306. ACTION BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) PUBLICATION OF FINAL GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish

a final version of the draft Voluntary Guidance #213 of the Food and Drug Administration (entitled ''New Animal Drugs and New Animal Drug Combination Products Administered in or on Medicated Feed or Drinking Water of Food-Producing Animals: Recommendations for Drug Sponsors for Voluntarily Aligning Product Use Conditions with GFI #209'').

(b) REPORT BY GAO.—

(1) IN GENERAL.—Not later than 3 years after the publication of the final guidance described in subsection (a), the Comptroller General of the United States shall commence a study to evaluate—

(A) the voluntary approach used by the Food and Drug Administration to eliminate injudicious use of antimicrobial drugs in food-producing animals; and

(B) the effectiveness of the data collection activities conducted by the Food and Drug Administration regarding antimicrobial resistance.

(2) REPORT.—Not later than 1 year after commencing the study described in paragraph (1), the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of such study.

SA 2008. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—PATIENT MEDICATION INFORMATION FOR PRESCRIPTION DRUGS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Cody Miller Initiative for Safer Prescriptions Act''.

SEC. 302. PATIENT MEDICATION INFORMATION FOR PRESCRIPTION DRUGS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505E the following:

''SEC. 505F. PATIENT MEDICATION INFORMATION FOR PRESCRIPTION DRUGS.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue regulations regarding the authorship, content, format, and dissemination requirements for patient medication information (referred to in this section as 'PMI') for drugs subject to section 503(b)(1).

''(b) CONTENT.—The regulations promulgated under subsection (a) shall require that the PMI with respect to a drug—

''(1) be scientifically accurate and based on the professional labeling approved by the Secretary and authoritative, peer-reviewed literature; and

''(2) includes nontechnical, understandable, plain language that is not promotional in tone or content, and contains at least—

''(A) the established name of drug, including the established name of such drug as a listed drug (as described in section 505(j)(2)(A)) and as a drug that is the subject of an approved abbreviated new drug application under section 505(j) or of an approved license for a biological product submitted under section 351(k) of the Public Health Service Act, if applicable;

''(B) drug uses and clinical benefits;

''(C) general directions for proper use;

''(D) contraindications, common side effects, and most serious risks of the drug, especially with respect to certain groups such as children, pregnant women, and the elderly;

''(E) measures patients may be able to take, if any, to reduce the side effects and risks of the drug;

''(F) when a patient should contact his or her health care professional;

''(G) instructions not to share medications, and, if any exist, key storage requirements, and recommendations relating to proper disposal of any unused portion of the drug; and

''(H) known clinically important interactions with other drugs and substances.

''(c) TIMELINESS, CONSISTENCY, AND ACCURACY.—The regulations promulgated under subsection (a) shall include standards related to—

''(1) performing timely updates of drug information as new drugs and new information becomes available;

''(2) ensuring that common information is applied consistently and simultaneously across similar drug products and for drugs within classes of medications in order to avoid patient confusion and harm; and

''(3) developing a process, including consumer testing, to assess the quality and effectiveness of PMI in ensuring that PMI promotes patient understanding and safe and effective medication use.

''(d) ELECTRONIC REPOSITORY.—The regulations promulgated under subsection (a) shall provide for the development of a publicly accessible electronic repository for all PMI documents and content to facilitate the availability of PMI.''.

SEC. 303. PUBLICATION ON INTERNET WEBSITE.

The Secretary of Health and Human Services shall publish on the Internet website of the Food and Drug Administration a link to the Daily Med website (http://dailymed.nlm.nih.gov/dailymed) (or any successor website).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 30, 2013, at 11 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Transatlantic Trade and Investment Partnership: Achieving the Potential.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on October 30, 2013, at 9:15 a.m., in room SD–430 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on October 30, 2013, at 2:30 p.m., in room SD–628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 30, 2013, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on October 30, 2013, at 2 p.m., in room SR–418 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on October 30, 2013, at 10 a.m., to conduct a hearing entitled ''The Jobs Act at a Year and a Half: Assessing Progress and Unmet Opportunities.''

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

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, on behalf of Senator MENENDEZ, I ask unanimous consent that Christopher Landberg, a detailee from the State Department and the Foreign Relations Committee, be granted floor privileges for the consideration of the nomination of Jacob Lew.

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

JOINT REFERRAL—RHEA SUN SUH NOMINATION

Mr. REID. Mr. President, I ask unanimous consent as in executive session that the nomination of Rhea Sun Suh, of Colorado, to be Assistant Secretary for Fish and Wildlife, sent to the Senate by the President on October 30, 2013, be referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

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

CHIMP ACT AMENDMENTS OF 2013

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 228, S. 1561.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1561) to amend the Public Health Service Act to improve provisions relating

to the sanctuary system for surplus chimpanzees.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''CHIMP Act Amendments of 2013''.

SEC. 2. SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES.

(a) IN GENERAL.—Section 404K(g) of the Public Health Service Act (42 U.S.C. 283m(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''and each subsequent fiscal year'' and inserting ''through fiscal year 2023'';

(B) by inserting after ''$30,000,000'' the following: '', unless the Secretary determines that reserving additional funds would enable the National Institutes of Health to operate more efficiently and economically by decreasing the overall Federal cost of supporting and maintaining chimpanzees from fiscal year 2014 through fiscal year 2023. Such a determination shall be reported to Congress by the Secretary and shall include a report, to be updated biennially, regarding the care and maintenance of the chimpanzees and costs related to such care and maintenance''; and

(C) by striking the last sentence; and

(2) in paragraph (3), by striking ''board of directors'' and inserting ''Secretary, in consultation with the board of directors''.

(b) GAO STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the appropriate committees of Congress a report, regarding chimpanzees owned or supported by the National Institutes of Health. Such report shall review and assess—

(1) the research status of National Institutes of Health-owned or supported chimpanzees;

(2) the cost for the care and maintenance of such chimpanzees, including the cost broken down by research or retirement status, location and for transportation, as appropriate;

(3) the extent to which matching requirements have been met pursuant to section 404K(e)(4) of the Public Health Service Act; and

(4) any options for cost-savings for the support and maintenance of such chimpanzees that may be identified.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed; and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1561), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

UNITED STATES PAROLE COMMISSION EXTENSION ACT OF 2013

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3190.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3190) to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, the United States Parole Commission is scheduled to expire tomorrow. After significant bicameral negotiations, 2 weeks ago, the House of Representatives passed by unanimous consent a bipartisan bill, H.R. 3190, to reauthorize the commission for 5 years. Public safety demands that we pass this legislation swiftly and I urge the Senate to support its immediate enactment. We should have passed this bill weeks ago, but a single Republican hold has placed us in the precarious position of seeking passage on the eve of expiration. This is not the way to protect public safety.

The Parole Commission is responsible for granting or denying parole for Federal and District of Columbia prisoners who were sentenced before the Federal and DC Governments abolished parole. The commission was created to consider the requests of these ''old law'' Federal and DC inmates, but it also has jurisdiction over more recent DC offenders who are on supervised release from prison. In addition, the commission supervises some military law offenders, State offenders in the witness protection program, and foreign-law offenders serving sentences in the United States.

The consequences of failing to reauthorize the commission would be dire. ''Old law'' Federal and DC inmates are required by law to receive periodic parole hearings. If the commission were unavailable to hold these hearings and declare that certain inmates should not be paroled, around 3,500 inmates would be released. Potentially dangerous individuals would be allowed to simply walk free without any assessment of the risk to public safety if this reauthorization does not pass the Senate immediately.

Failure to reauthorize the commission would have particularly harsh consequences for the District of Columbia. The commission currently sets the conditions of supervision for DC offenders and determines when those conditions have been violated. If the commission were to cease operations, around 9,000 offenders would no longer receive adequate supervision. These include extremely dangerous criminals, such as murderers and rapists.

Congress has consistently recognized the importance of the commission, reauthorizing it on 6 prior occasions. We last reauthorized the commission 2 years ago. At that time, the Republican-led House of Representatives unanimously passed a bill to extend the commission for 3 years, but a single Senator blocked the bill and insisted on only a 2-year extension.

So we are here now, 2 years later, and the House has appropriately passed a bipartisan 5-year extension. I have been working with the House since July on this straightforward reauthorization. As the House recognizes, the need for the commission will not cease within the next 5 years. In fact, it is estimated that Federal ''old-law'' offenders will require parole decisions for the next 35 years.

I hope we can agree to this 5-year extension, which includes extensive annual reporting requirements that will allow Congress to conduct oversight of the commission. All of the reporting requirements from the last reauthorization are included, along with new requirements related specifically to the District of Columbia. There is nothing objectionable in this bill, and there is no substantive reason for anyone to block it.

The events of the past few weeks have shown deep divisions in the House Republican caucus. But one thing on which all 232 House Republicans agree is that the Parole Commission should be reauthorized for another 5 years. They all agreed that releasing potentially dangerous prisoners was a bad idea. This bill is not controversial.

As I have mentioned before, Senator PAUL and I and others are working in a bipartisan manner on sentencing reform. We believe that judges should have more discretion in sentencing when a mandatory minimum sentence is unnecessary and counterproductive. The extension of the Parole Commission is quite a different matter, however. If the commission is not reauthorized, there will be no one to decide whether thousands of offenders are ready for parole. These inmates will simply be released.

I want to commend the sponsor of the House bill, Congressman STEVE CHABOT, along with co-sponsors Chairman BOB GOODLATTE and Ranking Member JOHN CONYERS of the House Judiciary Committee, and Chairman JIM SENSENBRENNER and Ranking Member BOBBY SCOTT of the Subcommittee on Crime, Terrorism, Homeland Security and Investigations. They understood the urgency and imminent consequences of inaction. Unfortunately, some in the Senate did not share that position and now we are up against the final deadline. It is time to end these petty games and to let Congress do its job. We must pass this bill now.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The bill (H.R. 3190) was ordered to a third reading, was read the third time, and passed.

SCHOOL BUS SAFETY MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 278, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 278) designating October 2013 as ''School Bus Safety Month.''

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 that the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 278) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

PROVIDING FOR A CONDITIONAL RECESS OF THE HOUSE OF REPRESENTATIVES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 62, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 62) providing for a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and that the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 62) was agreed to.

ORDERS FOR THURSDAY, OCTOBER 31, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, October 31, 2013; that following the prayer and 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; that following any leader remarks, the Senate proceed to executive session to consider the Watt nomination, with the time until 12 noon equally divided and controlled between the two leaders or their designees. At noon, Senator-elect Booker will be sworn in, so I ask unanimous consent that following the swearing-in of Senator-elect Booker, there be 2 minutes of debate equally divided and controlled in the usual form prior to a cloture vote on the Watt nomination.

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

PROGRAM

Mr. REID. The first rollcall vote will be at approximately 12:10 p.m. tomorrow on the motion to invoke cloture on the nomination of MEL WATT to be Director of the Federal Housing Finance Agency.

ADJOURNMENT UNTIL 10 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 6:43 p.m., adjourned until Thursday, October 31, 2013, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF ENERGY

JOSEPH S. HEZIR, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY, VICE STEVEN JEFFREY ISAKOWITZ, RESIGNED.

DEPARTMENT OF THE TREASURY

NANI A. COLORETTI, OF CALIFORNIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY, VICE DANIEL M. TANGHERLINI, RESIGNED.

DEPARTMENT OF ENERGY

JONATHAN ELKIND, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF ENERGY (INTERNATIONAL AFFAIRS), VICE DAVID B. SANDALOW, RESIGNED.

DEPARTMENT OF THE INTERIOR

RHEA SUN SUH, OF COLORADO, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, VICE THOMAS L. STRICKLAND, RESIGNED.

DEPARTMENT OF STATE

CHARLES HAMMERMAN RIVKIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (ECONOMIC AND BUSINESS AFFAIRS), VICE JOSE W. FERNANDEZ, RESIGNED.

ROBERT C. BARBER, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

BATHSHEBA NELL CROCKER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATION AFFAIRS), VICE ESTHER BRIMMER, RESIGNED.

MARK GILBERT, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEW ZEALAND.

TINA S. KAIDANOW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE, VICE DANIEL BENJAMIN, RESIGNED.

DEPARTMENT OF EDUCATION

THEODORE REED MITCHELL, OF CALIFORNIA, TO BE UNDER SECRETARY OF EDUCATION, VICE MARTHA J. KANTER.

MASSIE RITSCH, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION, VICE PETER CUNNINGHAM.

DEPARTMENT OF DEFENSE

WILLIAM A. LAPLANTE, JR., OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE SUE C. PAYTON.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STANTON J. J. APPLONIE
CORY L. BAKER
ERICKA R. BRIGGS
XAVIER V. BRUCE
LEA ANN CALDERWOOD
CHARLES F. CAMBRON, JR.
TANYA M. DEAR
GEORGE A. DELANEY, JR.
JUSTIN J. EDER
RONALD B. ELLER
JEFFREY S. FEWELL
PETER B. FRENCH
JENNIFER H. GARRISON
CARISSA E. GRANT
MICHAEL T. HAMILTON
JOSEPH G. INDOMENICO, JR.
PAUL J. JONES
MICHAEL J. KERSTEN
SHAUNDRA D. KNIGHT
STACEY C. KRISHNA
JOHN A. LANE
THOMAS WARREN LESNICK
JOHN P. MCFARLANE
LAURIE R. MCKENNA
CHARLES R. MONIZ
KATHY A. NAYLOR
RICHARD A. PALMER
CHRISTOPHER M. PALUMBO
JAMES W. PAYETTE
VICKY V. PRATT
JASON P. RICHTER
JAMES MARINUS ROBERTSON, JR.
SILVIA E. ROBLEDO
REGINALD L. SENNIE
DAVID E. TATUM
DAVID C. THOMPSON II
SHARON K. WILLIAMS
STEPHENIE D. WILLIAMS
DANIEL P. ZABLOTSKY
RICHARD J. ZAVADIL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

JAMES D. ATHNOS
KEITH ALLEN BILLMAN, JR.
MICHAEL D. BRIDGES
MIMI BYRD
TRICIA C. CAIN
RICHARD H. CAMPBELL
EDUARDO CERVANTES
DANIEL CHAVEZ
SCOTT D. COOK
MELISSA R. COPELAND
JOSHUA S. CURTIS
MIKE DAVIDQUINTERO
COURTNEY E. DAY
JOHN J. DECATALDO, JR.
DONELLA D. DENT
ARETHA Q. DIX
MARSHA M. DOLDRON BRYAN
EDGARDO DONOVAN
JASON L. DONOVANT
JASON M. ESTES
STACEY P. FACKELMAN
REGINALD JAMES FICKLIN, JR.
WENDY M. FRANKE
MONICA M. GOMEZ ARENAS
MATTHEW J. GROSS
BRETT R. HADLEY
CODY JOHN HESS
JILL M. HIBBERT
JESSICA A. HILL
MICHAEL S. JOHNSON
OCTAVIA LORRAINE JONES
JACKIELOU E. KIM
TONY G. LAWRENCE
MICAELA C. LEWIS
WILLIAM CALEB LUNSFORD
JAMES E. MCDANIEL
CHRISTOPHER P. MCMILLIAN
ANDREA MOORE
EDWARD J. MORRIS
THOMAS PATRICK NAUGHTON
CLINTON H. NAWROCKI
MICHAEL ANDREW OETJENS
HIRAM J. ORTIZ
JOSHUA D. PETER
REBECCA LYNN POWERS
JENNIFER ANN PREYER
KIMBERLY T. PRICE
JANELLE JUST QUINN
CANDIDO RAMIREZ
BEATA H. ROSSON
JOSEPH L. SANCHEZ, JR.
CHRISTINE A. SANDERS
AMBER C. SCHINDELE
DUANE P. SCHREIBER
WILLIAM DAVID SHERMAN
CHRISTY J. SNOW
SARA M. SPEARING
JEFFERY ALAN TAYLOR, JR.
KRIS E. WALKER
SARAH MONROE WHITSON
STEPHEN M. WILLIAMS

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

PAIGE T. ABBOTT
JOSEPH A. ASCHERL
WILLIAM MARLIN BARRETT
JOHN HARRISON BONDHUS
CLARENCE LEONARD BOROWSKI
SCOTT C. BRIDGERS
STEPHEN H. BUNTING
SCOTT PHILIP CHAMBERS
WILLIAM D. CLARK
RICHARD LEE COFFEY III
LYNN E. COLE
MICHAEL LAWRENCE CORNELL
PATRICK K. COTTER
ROBERT E. CULCASI
RICHARD C. DAVISON
RONALD D. DEAL
CURTIS R. DEKEYREL
ANTHONY T. DICARLO

MICHAEL F. DONNELLY
JOHN DOWLING
FREDERICK W. DYSON
MARY A. ENGES
SHAWN D. FORD
THOMAS F. FORRESTER
JOSEPH EDMOND FRANCOEUR
JED J. FRENCH
SHAWN J. GAFFNEY
MICHAEL R. GIRARDIN
THOMAS J. GOBLIRSCH
MARK A. GOODWILL
THOMAS F. GRABOWSKI
ROBERT TIMOTHY GREGORY
LARRY WILLLIAM GRIFFIN, JR.
MARK RENE GROVES
JOSEPH R. HARRIS II
THOMAS B. HATLEY
MARK THOMAS HAYES
LARS R. HERTIG
GREGG J. HESTERMAN
BRADLEY GENE HINKLE
KELLY J. HUGHES
RHONDA M. JAHNS
STEVEN FRANCE JAMISON
STANLEY L. JONES
BRENDA J. C. JORDAN
KIM R. JOYE
DAVID MATTHEW KEELY
BRIAN D. KELLY
JEFFREY SCOTT KING
ROBERT CHRISTOPHER KORTE
EDWARD H. KRAFFT
SHAROLYN K. LANGE
MICHAEL R. LIGHTNER
SIGURD A. LOKENSGARD
COREY MCBETH LOVE
MICHAEL J. LOVELL
KURT M. MALLORY
THOMAS HAROLD MCKENNA
SUSAN L. MELTON
GORDON R. MEYER
JOHN C. MIGET
BRIAN DAVID MILLER
JOHN RODNEY MINER
DAVID J. MOUNKES
JAMES JULIUS MUSCATELLO
JAMES RICHARD NICHOLS
MARVIN E. NIELSEN, JR.
JAMES WILLIAM NOLAN
JOHN FITZGERALD OCONNELL
REBECCA L. OCONNOR
FREDERICK W. OLISON
DAVID A. OLSON
ERIC J. OSWALD
DUKE M. OTA, JR.
RONALD CHRISTOPHER PARKER
RICHARD WAYNE POPLIN
BRIAN D. PORTER
FRANK A. RODMAN
WILLIAM G. ROGERS, SR.
MICHAEL D. RUMSEY
WANDA E. RUSHTON
JAMES P. RYAN
JEFFREY L. RYAN
TORRENCE W. SAXE
MEREDITH LEE SHAW
KEVIN R. SHOMIN
JON J. SHOWALTER
THOMAS E. SHULER
VICTOR STARY SIKORA
CHRISTOPHER LEE SMITH
JOHN J. SMITH
MICHAEL W. STINSON
CHRISTIANE M. TABATZKY
VICTOR LEE TEAL, JR.
PETER MERRITT THALHEIMER
BRUCE J. THERIAULT
JEFFREY J. TIDWELL
BRIAN J. TOLLEFSON
ROBERT ANDERSON UNDERWOOD
DAVID S. URE
RICHARD D. VATT
MICHAEL T. VENERDI
CHARLES M. WALKER
JAMES E. WALKER
JUSTIN R. WALRATH
DAVID W. WALTER
KEITH Y. WARD
DOUGLAS S. WESKAMP
BRYAN S. WHITE
DAVID WILLIAM WILEY
JEFFREY L. WILKINSON
JERALD K. WILLIAMS
MISTY MICHELLE ZELK
RENO JOSEPH ZISA

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

STEVEN T. GREINER
MARGERY M. HANFELT
JAMES F. KOTERSKI
PEDRO J. RICO
CHERYL D. SOFALY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

STANLEY T. BREUER
ERICA R. CLARKSON
DEYDRE S. TEYHEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

KIMBERLEE A. AIELLO
WILLIAM P. ARGO
ERIC E. BAILEY
STEPHEN A. BARNES
CARLENE A.S. BLANDING
JAMIE A. BLOW
MICHAEL D. BRENNAN
MICHAEL F. BRESLIN
AMY C.S. BRINSON
EVA K. CALERO
DAVID J. CARPENTER, JR.
KEVIN E. COOPER
SOO L. DAVIS
DENIS G. DESCARREAUX
ERIC S. EDWARDS
ROBERT F. HOWE
DENNIS B. KILIAN
HEATHER A. KNESS
KAREN M. KOPYDLOWSKI
AMY K. KORMAN
KERRY A. LEFRANCIS
KENNETH A. LEMONS
RICHARD S. LINDSAY III
JOHN A. MCMURRAY
JOHN J. MELTON
KEVIN K. PITZER
JOSEPH C. RHENEY
KEVIN W. ROBERTS
PHILIP E. SHERIDAN
RACHELE M. SMITH
THOMAS C. TIMMES
JOHN D. VIA
KEITH A. WAGNER
JEFFREY S. YARVIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

ROBIN M. ADAMSMASSENBURG
CARLOS C. AMAYA
RICHARD A. BEHR
MARGARET A. COLLIER
TAMARA L. CRAWFORD
SPENCER D. DICKENS, JR.
TONYA F. DICKERSON
TERESA A. DUQUETTEFRAME
LORI A. FRITZ
MICHAEL W. GREENLY
SHAROYN L. HARRIS
DIANA J. HEINZ
MELISSA J. HOFFMAN
CHRISTINE M. KRAMER
DAVID MENDOZA
TAMMIE W.H. MORTON
MICHELLE L. MUNROE
ELIZABETH A. MURRAY
JENNIFER ROBINSON
LETICIA SANDROCK
REBEKAH J. SARSFIELD
ALLEN D. SMITH
VERONICA A. VILLAFRANCA

CONFIRMATIONS

Executive nominations confirmed by the Senate October 30, 2013:

DEPARTMENT OF DEFENSE

ALAN F. ESTEVEZ, OF THE DISTRICT OF COLUMBIA, TO BE A PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE.

INTERNATIONAL BANKS

JACOB J. LEW, OF NEW YORK, TO BE UNITED STATES GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTER–AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

OFFICE OF PERSONNEL MANAGEMENT

KATHERINE ARCHULETA, OF COLORADO, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF FOUR YEARS.