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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, July 30, 2013, at 12 noon.

Senate

MONDAY, JULY 29, 2013

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

PRAYER

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

Let us pray.

Eternal Lord God, today let Your favor rest upon the Members of our government's legislative branch. Establish the works of their hands and strengthen them to honor You by serving others. Lord, let Your life-giving spirit move them to feel greater compassion for those in need. Use them to remove barriers that divide us, to make suspicions disappear, and to cause hatred to cease. May they strive to be agents of healing and hope, as they help us all live in greater justice and peace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks there will be a period of morning business until 4:15 today. Following that morning business the Senate will resume consideration of S. 1243, the Transportation bill.

At 4:30 the Senate will proceed to executive session to consider the nomination of James Comey to be Director of the FBI. I am sorry to report there will be a cloture vote on him at 5:30 today. Our chief law enforcement officer and we had to file cloture.

THE SEQUESTER

Mr. REID. Every respectable economist has said that the shortsighted arbitrary cuts known as sequester will cost American jobs. Medical researchers say these painful cuts will set medical research in this country back decades, potentially costing the world a cure for cancer, flu, AIDS, and many other diseases against which we are on the cusp of making great headway. The sequester we know will cost us investments in education that give children a shot at success and keep American workers competitive. We also know the sequester will slash the safety net that keeps millions of senior citizens, children and veterans and low-income families from descending into poverty.

I know the sequester is as bad for national security as it is for the economy. These cuts have grounded one-third of U.S. combat aircraft, slashed troop training budgets, and kept an aircraft carrier that should have been headed to the Persian Gulf and other places stranded in port instead. Meanwhile, hundreds of thousands of civilian employees of the Department of Defense, employees who support military missions carried out by servicemembers overseas, have been furloughed.

It is not too late to reverse these hard-hearted cuts, cuts that were never supposed to take effect in the first place. The sequester was designed to be so painful it would force Democrats and Republicans to compromise and find a smart, responsible way to reduce the deficit. There was compromise on one side with the Democrats and, of course, none, as usual, with Republicans on the other side.

But we have not given up on reversing these cuts and choosing that responsible path. We have cut the deficit in half over the last 3 years, by more than $2.6 trillion. While there is more work to be done, we should be making targeted cuts while investing in that which makes America grow.

It is clear we have reduced the debt by $2.6 trillion and the yearly deficit has been cut in half over the last 3 years.

The way to pursue this type of sound fiscal policy is through regular order—regular order of the budget process. While there is more work to be done in the cuts I have talked about, we should be making targeted cuts while investing in what makes America grow. The American economy is poised to grow. It is growing now—not strong enough, not fast enough, but it is growing. All we have to do is get out of the way.

According to a report released last week by the nonpartisan Congressional Budget Office, reversing the sequester would create an additional 900,000 jobs. It would increase gross domestic product by one percentage point. That is 1

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

million jobs right there. The United States just dug its way out of the great recession. We have seen 40 straight months of job growth, with private sector employers adding more than 7.2 million jobs. But we cannot afford to reject almost 1 million new jobs. Congress must reverse the sequester and stop manufacturing crises.

If Republicans force us to the brink of another shutdown for ideological reasons, the economy will suffer. I suggest to any of my Republican colleagues who have this idea, give a call to Newt Gingrich. He will return your phone calls. Ask him how it worked. It was disastrous for Newt Gingrich, the Republicans, and the country. It didn't work then and it will not work now. If Republicans threaten catastrophic default on the Nation's bills, the economy will suffer, and that is an understatement.

If Republicans refuse to work with Democrats to negotiate a reasonable budget to reverse these deep cuts, the economy will suffer. It is time to remove the stumbling blocks that are preventing the American economy from recovering and expanding.

It has been 129 days since the Senate passed its reasonable, progrowth budget.

Remember, the Republicans said: We want regular order. We want a budget.

We passed the budget. Now they will not follow regular order. They will not let us even go to conference. We have asked consent to go to conference with the House 17 different times. As long as Senate Republicans refuse to allow Budget Committee chairwoman PATTY MURRAY to negotiate a budget compromise with her House Republican counterparts, the economy is at risk. It is time to set aside partisan differences and work to find common ground.

Passing the Senate Transportation appropriations bill that is on the floor now would be a good step toward restoring regular order. This measure, the Transportation bill, would create jobs rebuilding America's deficient infrastructure and renew the Nation's commitment to make affordable housing available to low-income families.

I commend the appropriations committee, led by BARBARA MIKULSKI. The subcommittee, whose work is now before the Senate, is led by PATTY MURRAY. They have done wonderful work. I believe some of my Republican colleagues are as eager to return to regular order, passing an appropriations bill, as I am. I do believe that. They have to break away from the pack. I hope these reasonable Republicans will continue to work with us to advance this important bipartisan measure.

RESERVATION OF LEADER TIME

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

The PRESIDING OFFICER (Mr. MURPHY). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 4:15 p.m., with Senators permitted to speak for up to 10 minutes each.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona is recognized.

REMEMBERING COLONEL GEORGE E. ''BUD'' DAY

Mr. MCCAIN. Mr. President, Sunday brought the sad news that my dear friend Col. George E. ''Bud'' Day passed away. He was 88 years old. To say he lived a full life would be quite an understatement. His was filled with so many extraordinary experiences, adventures, challenges, accomplishments, and with such love, compassion, and courage that it could have supplied enough experiences, excitement, and satisfaction for 10 lifetimes.

Bud knew defeats and triumphs on a scale few will ever know. He lived in moments filled with every conceivable emotion. He knew terror and suffering. He knew joy and deliverance. He knew solidarity, self-respect, and dignity.

Knowing him as well as I did, I am certain he faced his end satisfied that he had made the most of his time on Earth. He will have faced it with courage as he faced all adversity. He will have faced it with gratitude for the love and companionship for his beloved wife and best friend Dorie, his sons Steve and George, and his twin girls, Sandra and Sonya. He will have faced it with humility for having had the honor to serve his country with distinction in three wars: World War II, the Korean war, and the Vietnam war.

I had the honor of being Bud's friend for almost five decades of his 88 years. We met in 1967 when the Vietnamese left me to die in the prison cell Bud shared with Maj. Norris Overly. Bud and Norris wouldn't let me die. They bathed me, fed me, nursed me, encouraged me, and ordered me back to life. Norris did much of the work, but Bud did all he could considering he too had recently been near death—shot, bombed, beaten savagely by his captors, and his arm broken in three places. He was a hard man to kill, and he expected the same from his subordinates. They saved my life—a big debt to repay, obviously. But more than that, Bud showed me how to save my self-respect and my honor, and that is a debt I can never repay.

Bud was a fierce—and I mean really fierce—resister. He could not be broken in spirit no matter how broken he was in body. Those who knew Bud after the war could see how tough he was, but, my God, to have known him in prison—confronting our enemies day in and day out, never, ever yielding. He defied men who had the power of life and death over us. To witness him sing the national anthem in response to having a rifle pointed at his face—well, that was something to behold. Unforgettable. No one had more guts than Bud or greater determination to do his duty and then some, to keep faith with his country and his comrades whatever the cost. Bud was my commanding officer but more, he was my inspiration, as he was for all the men who were privileged to serve under him.

Nothing offers more compelling testimony to Bud's guts and determination and his patriotism than the account of his escape from captivity. In the entire war he was the only American who managed to escape from North Vietnam.

In 1967 then-major Bud Day commanded a squadron of F–100s that served as forward air controllers over North Vietnam and Laos. They were called the Mistys, named for Bud's favorite song. Theirs was probably the most dangerous combat duty in the Air Force, and they suffered high casualties.

On August 26 Bud Day was one of those casualties. Bud was shot down by a surface-to-air missile 20 miles inside of North Vietnam. He hit the fuselage of his F–100 when he ejected, breaking his arm, damaging his eye, and injuring his back. Bud was immediately captured by North Vietnamese militia. He was interrogated by his captors in an underground prison camp. When he refused to answer their questions, they staged a mock execution. Then they hung him by his feet for hours and beat him. Believing he was too badly injured to escape, they tied him up loosely and left him guarded by two green teenage soldiers. They misjudged him. On his fifth day of captivity he untied his ropes and escaped.

Bud stayed on the run for about 2 weeks. He wasn't certain how long he was free. He lost track of time. He made it across the DMZ and into South Vietnam. A bomb, however, had fallen near him his second night on the run, striking him with shrapnel, concussing him and rupturing his eardrums. Limping, bleeding, starving, and in great pain, Bud kept heading south across rivers, through dense jungles, over hills, crawling sometimes on his hands and knees, evading enemy patrols and surviving on berries, frogs, and rainwater.

On the last night of Bud's escape he arrived within 2 kilometers of a forward marine. Sensibly judging it more dangerous to approach the guarded base at night than to wait until morning when the marine guards could see he was an American, Bud slept one more night in the jungle.

Early the next morning he encountered a Viet Cong patrol. He was shot

trying to hobble to the base, recaptured, and returned to the camp he had escaped, where he was tortured some more.

A few days later Bud's captors took him to the prison we called the Plantation, where I would meet him 2 months later. He was one of the most grievously injured pilots to arrive in Hanoi. Norris helped nurse him back to some semblance of health, although he would never fully recover from his wounds. Then Bud helped Norris nurse me.

Whenever I felt my spirits and resistance flag, I looked to Bud for the courage to continue and for the example of how to serve my country in difficult circumstances. Bud was the bravest man I ever knew, and I have known more than a few. He was great company too and made it possible to actually have fun in prison once in a while. He received the Medal of Honor when he came home—the highest of his many decorations for valor. Despite his injuries, he managed to regain flying status and commanded a flight wing at Eglin Air Force Base.

When Bud ultimately retired from the Air Force, he practiced law. After his service in World War II but before he deployed to the Korean war, he graduated from college and law school. He devoted his practice to defending the interests of his fellow veterans.

Bud and I stayed close through all the years that have passed since our war. We talked often. We saw each other regularly. He campaigned with me in all my campaigns and advised me always. We argued sometimes, agreed more often, laughed a lot, and always enjoyed each other's company. I am going to miss him terribly.

Even though Bud had reached advanced years, for some reason I could never imagine Bud yielding to anything—even, I thought, to the laws of nature. Tough old bird that he was, I always thought he would outlive us all. But he is gone now to a heaven I expect he imagined would look like an Iowa cornfield in early winter, filled with pheasants.

I will miss Bud every day for the rest of my life, but I will see him again. I know I will. I will hunt the field with him, and I look forward to it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. 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. NELSON. Mr. President, I rise to eulogize a great American about whom Senator MCCAIN has just spoken. It has been said it is the soldier who has given us our most important freedoms over the course of our history. That is certainly a true statement in the case of Air Force Col. George ''Bud'' Day.

Colonel Day was a good friend of Senator MCCAIN's. He was a resident of Florida, living in the Fort Walton Beach area. Sadly, he passed away, but at the very extended life's age of 88.

I want to—in addition to Senator MCCAIN's comments—take a moment to honor and remember this American hero, who was one of the most highly decorated service members this country has ever seen. He was a Medal of Honor recipient. He was a veteran of three wars—World War II, the Korean war, and the war in Vietnam.

Because his F–100 fighter jet was shot down, he ended up being a prisoner of war in Vietnam for nearly 6 years, and there in Hanoi he and Senator MCCAIN became cellmates.

When asked about their experience together, Senator MCCAIN said:

I owe my life to Bud, and much of what I know about character and patriotism. He was the bravest man I ever knew.

Senator MCCAIN has just recounted a number of those things. I do not know, but I have heard it said, either from Colonel Day or Senator MCCAIN, that it was JOHN MCCAIN who was put into that cell nearly dead—after his arm was broken when he ejected from his aircraft, and after he had been beaten—and Bud Day nursed him back to health.

After the POWs were released from Vietnam, interestingly, Colonel Day returned to active duty, and he returned to active flying status. He retired in 1977 as the Air Force's most decorated officer.

It has also been said that a nation can be judged by how it treats those who have borne its battles. After he left the Air Force, Colonel Day—listen to this—continued public service. He went to law school. He practiced law and he championed veterans' issues.

So I wanted to take a moment, after an emotional speech by Senator MCCAIN, to say that I say, and many are saying, a little prayer of thanks that Colonel Bud Day helped preserve the freedoms of this country with his service to this country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HONORING OUR ARMED FORCES

LANCE CORPORAL BENJAMIN W. TUTTLE

Mr. BOOZMAN. Mr. President, I wish to pay my respect to an American hero, LCpl Benjamin Tuttle, who sacrificed his life for this country in support of Operation Enduring Freedom.

Lance Corporal Tuttle graduated from Gentry High School in Gentry, AR, in 2012. His appreciation for athletics kept him active after school as a football player, wrestler, and track runner. As a student, he made his interest in serving in the Marines well known. He shared his love for his country and the corps during a trip back to his alma mater last fall.

His love of country was coupled with love for his family. In a Facebook post, he wrote he would be back home in October and was anxious to fish, go to dinner, and just hang out with family and friends.

Lance Corporal Tuttle was serving aboard the USS *Nimitz*. He was assigned to the Marine Fighter Attack Squadron 323, Marine Aircraft Group 11, 3rd Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station Miramar in California.

Lance Corporal Tuttle was only 19 when he gave his life for his country. Lance Corporal Tuttle is a true American hero who made the ultimate sacrifice. I ask my colleagues to keep his family and friends in their thoughts and prayers.

On behalf of a grateful nation, I humbly offer my sincerest gratitude for his patriotism and selfless service.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SILICON VALLEY IMMIGRATION

Mr. MORAN. Mr. President, the need for economic growth remains one of the most pressing and challenging issues we face today in our country. Unfortunately, over the past decade economic growth has been stagnant, creating difficulties for small businesses, for working families, for recent college graduates, and for entrepreneurs.

If I have a goal here, it is to make certain every American has the opportunity to pursue what we all know is the American dream. For that to be possible, we need a growing economy that accomplishes many things, including creating the opportunity for people to go to work, to pay off their loans, to feed their families, to put food on their familie's table, and to save for their future.

Last month the Senate had an opportunity to do something positive about our economy. We spent a significant amount of time addressing this issue of immigration, trying to fix our Nation's broken immigration system.

Sensible and overdue improvements to our Nation's immigration laws will spur economic growth and create American jobs. This is why I have been so interested to see how highly skilled and entrepreneurial immigrants create jobs and contribute to the U.S. economy. It is that aspect of our Nation's broken immigration system I wish to talk about today.

There is an economic imperative to improve our Nation's immigration laws. Many of our Nation's leading businesses struggle to find the talent they need to grow and compete in global markets. According to the Partnership for a New American Economy, American businesses are projected to need an estimated 800,000 workers with advanced STEM degrees by 2018 but will only find 550,000 American graduates with an advanced STEM education.

First and foremost, we must do more to prepare Americans for careers in science, technology, and engineering. I have been encouraged that several immigration proposals before Congress aim to improve STEM education for Americans so that one day we will no longer be required to seek outside labor to meet our country's needs.

In the short term, we must work to equip Americans with the skills of the 21st century. We also need to create a path for highly skilled foreign students to stay in the United States, where their ideas, talents, and intellect can fuel American economic growth.

Legislation I introduced with Senator WARNER of Virginia called Startup Act 3.0 creates visas for foreign students who graduate from an American university with a master's or Ph.D. in science, technology, engineering, or mathematics. These skilled workers would be granted conditional status contingent on them filling a needed gap in the U.S. workforce. This will help growing American companies secure the talent they need now for current job openings. Without this help companies will have to look elsewhere, will find it difficult to find the qualified workers they need, and will likely open locations overseas, taking the jobs with them.

When I was in Silicon Valley last year, I met with executives at Facebook. They told me they were ready to hire close to 80 foreign-born but U.S.-educated individuals in California, but their H–1B visas were not granted. Rather than forgo these skilled workers, the company hired them anyway. That caught my attention, but the story is that they placed them in Dublin, Ireland, not in the United States. Facebook was ultimately able to get visas for these workers after training them in Ireland, but all too often companies end up housing the jobs permanently overseas. When this happens, it is not only those specific jobs that are lost. In this case we didn't just lose 80 jobs but also the many supporting jobs and economic activity associated with those jobs.

Even more damaging, more damning, more frustrating to me is that many of these highly skilled workers who are now employed in some other country will become entrepreneurs that will start successful businesses there, not in the United States. Of the 80 engineers working in Dublin, Ireland, for Facebook, I have no doubt but that one or more of them will be the next originator, the next innovator for companies such as Facebook. We want them in the United States creating that opportunity here for Americans.

Immigrants to the United States have a long history of creating businesses in our country. Today, 1 in every 10 Americans employed at a privately owned U.S. company works at an immigrant-owned firm. Immigrants are more than twice as likely as native-born Americans to start a business. Of the current Fortune 500 companies, more than 40 percent were founded by a first- or second-generation American. Ranked No. 73 on that list is Google, which was cofounded in 1998 by Sergey Brin, an immigrant from Russia. Sergey and his cofounder Larry Page developed Google as Ph.D. students while at Stanford University. Google is now the world's top search engine, generates more than $50 billion in revenue annually, and employs tens of thousands. We need to create an immigration system that welcomes more immigrants like Sergey Brin.

Our bill, Startup Act 3.0, creates an entrepreneur's visa for foreign-born entrepreneurs currently in the United States. Those individuals with a good idea, capital, and a willingness to hire Americans would be able to stay in the United States and grow their businesses here. Each immigrant entrepreneur would be required to create jobs for Americans. Providing a way for an immigrant entrepreneur to stay in the United States and create American jobs makes economic sense.

Earlier this year the Kauffman Foundation, headquartered in Kansas City, studied the economic impact of the entrepreneur's visa in Startup Act 3.0. Using conservative estimates, the Kauffman Foundation predicts that the entrepreneur's visa alone could generate 500,000 to 1.6 million new jobs during the next 10 years. These are real jobs with real economic impact that could boost GDP, by their estimate, by 1.5 percent or more. When we talk about economic growth and creating opportunity, a boost in GDP by 1.5 percent is a major accomplishment.

Recognizing this potential, several bills create visas for immigrant entrepreneurs. It is important that these visas be structured in a way to facilitate job creation. Unnecessarily high investment and revenue requirements and burdensome mandates, such as having to submit a business plan to Washington, DC, bureaucrats, threaten to diminish the impact these entrepreneurial visas could have.

Although well-intentioned, the INVEST visa created in the Senate immigration bill fell prey to some of these traps. To improve that idea, I developed an amendment with the help of entrepreneurs, investors, and startup policy experts. This amendment would reduce paperwork and reporting requirements so that entrepreneurs could spend more time building their businesses, allow entrepreneurs to secure initial investment from those closest to them, add flexibility to the way in which startup employees are compensated to account for geographic and industry differences, and clarify that the jobs created by immigrant entrepreneurs must be held by Americans. A list of more than 30 startup companies, investors, and business leaders and immigration attorneys supported this amendment.

Sadly, like many other amendments, it was blocked from even receiving consideration. But in the end, that may not matter. The Speaker of the House has said the Senate immigration bill is ''dead on arrival.'' Instead of taking up Senate legislation, the House is pursuing, perhaps, a more thoughtful, methodical approach to immigration—writing several targeted bills that address aspects of our broken immigration system.

Congress crafts better policy when it is done in manageable bite sizes. In my view we do not have to look far in the past to see what happens when Congress bites off more than it can chew. Implementation of the Affordable Care Act and Dodd-Frank offer two examples of the unintended consequences of passing giant bills with multi-thousand pages that are poorly understood. In fact, it was the 1986 comprehensive immigration bill that left us with the many problems we are attempting to fix today. Passing a series of smaller more targeted immigration bills will result in better policy and achieve better results for the American people.

Moreover, there is broad agreement within Congress on many aspects of immigration policy. Last year the House of Representatives passed two immigration bills. One would have repurposed visas from the diversity lottery to STEM visas for some of our most talented foreign-born U.S. graduates. Another would have eliminated the employment-based, green card per-country cap allowing American employers to have access to the best talent regardless of where a potential employee was born.

This bill passed 389 to 15 in the House. Yet neither received a vote in the Senate because of adherence to the approach that says we can't do anything unless we do everything. This line of thinking has prevented progress on important challenges facing our country for a long time.

Republicans and Democrats agree that creating opportunities for highly skilled and entrepreneurial immigrants to contribute to our economy is beneficial to America. I strongly hope Congress will finally come together and pass what we can agree upon now while continuing to work on the issues that divide us. In my view, we can no longer allow ourselves to be hostage to the all-or-nothing strategy or wait until after the next election.

Right now other countries are taking advantage of our inability to solve problems and are exploiting our broken immigration system. Since I arrived in the Senate in 2011, at least seven countries have changed their policies and

laws to better attract highly skilled and entrepreneurial immigrants. One of those countries, Canada, even went so far as to buy a billboard in Silicon Valley in an attempt to poach the best and brightest.

We must address this problem, and the best way to do so is in a measured and incremental way. The benefits to our Nation's economy will be great and the goodwill produced by working in a bipartisan manner on targeted solutions will sow the seeds of trust necessary to solve the problems where disagreement remains.

So we will see what happens now in the immigration debate, but my hope is that if we are unable to pass so-called broad-based immigration reform, if we are unable to come up with sensible solutions in an understandable legislative package, let's at least work to accomplish those things on which there is broad agreement and continue to solve those problems where there remains disagreement today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NATIONAL INSTITUTES OF HEALTH FUNDING

Ms. KLOBUCHAR. Mr. President, I rise today to discuss an issue that is vital for the future health and well-being of citizens in our country; that is, funding for medical research for the National Institutes of Health. Unfortunately, NIH funding, like many other important Federal priorities, is being impacted by the across-the-board spending cuts. As we all know, we want to see that budget go down, we want to see the debt reduced, but we have to do it in a sensible way, not with a hammer.

Sequestration was never intended to be implemented and was supposed to bring Democrats and Republicans together to focus on smart solutions to reducing our debt.

I am a supporter of the work of the debt commission. I believe there is a way we can bring down our debt in a significant way. But I do not think we meant to have sequestration implemented in the way it is being implemented and seeing the kind of cuts we are seeing. These cuts are creating headwinds against short-term economic growth, reducing access to important services, and threatening our Nation's leadership in areas such as medical research. Congress needs to take a broader, long-term view toward our debt and deficit. That is why I support the Senate budget which would replace the sequester with targeted spending cuts and additional revenue, reducing the deficit in a balanced way.

I know Senator MURRAY, who heads up the Budget Committee, has been trying valiantly to get this budget to a conference committee, which is supported by the Democrats in the Senate and supported by Republicans such as Senator MCCAIN and Senator COLLINS. We have been stopped every step of the way, but this should go through regular order, into a conference committee so we can work out these differences with the House and replace sequester with something that makes sense.

Today I want to focus on the impact of sequestration on this particular area of the Federal budget; that is, medical research. It may not be the first thing you think of when you think about these cuts and what they mean, but I hope when you listen to my stories it brings out a whole new significance.

In the last century we have made enormous strides through medical and scientific research to understand the world around us. This research has led to a greater understanding of the nature and cause of disease and spurred a new generation of therapies and intervention to treat diseases.

Our country has been a leader in this era of scientific discovery, and we are responsible for developing many of the innovative therapies and scientific advances that have changed the face of science and given hope to millions of patients across the world. These advancements have been made possible by our commitment to funding research through the National Institutes of Health.

Currently, the NIH is the largest source of medical research funding in the world. Through its 27 Institutes, NIH funds research to prevent, detect, better treat, and even cure fatal and debilitating diseases such as cancer, heart disease, stroke, Alzheimer's, arthritis, diabetes, and mental health issues. The Institutes also fund basic science which provides the foundation for future breakthroughs in all fields of scientific discovery.

Researchers in my State tell me they cannot think of anything they do clinically that was not influenced by basic research made possible by NIH funding. Think of the advancements we have made. These clinical advancements are critical to improving health and saving the lives of millions of Americans.

To truly understand the importance of NIH, I think it is important to understand the impact on our own people, so I want to share some of the ways NIH funding has had influence in my State on people, on people such as Jim from Edina, MN.

Jim was 36 when he was diagnosed with an inoperable brain tumor in 1998. He was a professional engineer. He had an MBA from Northwestern Kellogg School of Management and worked in the family's 56-year-old air-conditioning and heating business, Owens Companies, Inc. He had everything to live for. But when Jim was diagnosed, there were almost no treatment options beyond radical surgery and radiation, so Jim looked for other options.

Over the course of the next 10 years he participated in multiple clinical trials and some seven treatments—all made possible by research grant funding. Jim passed away at age 46. But thanks to the clinical trials, he lived over 10 years, allowing his young son Max the chance to get to know his dad. He also was able to continue his lifelong athletic endeavors with a ride across the country with Livestrong in 2004 as part of the Tour of Hope, spreading the message of hope and survivorship.

The clinical trials, however, did not just help Jim. This is the key part, Mr. President, whether you are from Connecticut or from Minnesota. One of the trials in which Jim participated proved so effective that it is now the standard treatment regimen for people who are diagnosed with the same cancer as Jim. That would not have been possible if Jim had not been willing to go through those treatments and if they had not been funded by NIH.

Then there is Karen, a 48-year-old wife, mother of two teenagers, and a teacher. She was diagnosed with leukemia in August of 2005. With her type of leukemia, the prognosis is relatively good, and using the current treatments available she remained in remission until 2009. Then in the summer of 2009 she started feeling sick again and received news that the cancer had returned. Her only treatment option was a bone marrow transplant which had a 25-percent mortality rate. She and her husband visited with specialists and discovered that she had a mutation that did not respond to the current—at that time—frontline medication.

That is when she learned about clinical trials. In January 2010 she began her clinical trial journey and has now been involved in two clinical trials. She responded well to the second clinical trial and has been in remission for over 2 years. Her kids are now 17 and 13, and she and her husband are preparing to send their oldest daughter off to college in the fall of 2014.

NIH funding supports the research centers that make these stories like Jim's and Karen's possible. In Minnesota we have the Paul and Sheila Wellstone Muscular Dystrophy Center, which is supported by NIH funding. This center has 46 faculty members in 7 University of Minnesota colleges and schools and receives $6 million in annual funding from NIH.

Together, these scientists are conducting over 10 active clinical research studies that are giving hope to parents and patients with muscular dystrophy. This facility believes science is more than just about the research. The researchers here have volunteered hundreds of thousands of hours helping to educate the people they serve and ensuring these families have access to support networks. All of this is made possible in part because of Federal investment in the NIH.

These are inspiring stories, but supporting NIH is important for another reason—meeting the skyrocketing cost of treating chronic diseases. In total, today more than half of Americans are suffering from one or more chronic diseases. According to the Centers for Disease Control and Prevention, taken together these chronic diseases cause 7 in 10 deaths and account for about 75 percent of the $2 trillion we spend on medical care. This year it is estimated that almost 1.7 million people will be diagnosed with cancer, and almost 600,000 are projected to die from this devastating disease. That is approximately 1,600 people a day.

Everyone in this room knows someone who had cancer or has cancer now, and 26 million Americans are living with diabetes, with a new case diagnosed every 30 seconds. An estimated 5.2 million Americans are living with Alzheimer's disease, and we know this number will escalate rapidly in the coming years as the baby boom generation ages.

The growing prevalence of chronic disease is having an impact not just on Americans' physical health but on our economy as well. In 2008 cancer cost our country over $200 billion. A recent report on diabetes costs shows that the money spent on diabetes care has risen 41 percent, from $174 billion to $245 billion in the last 5 years, and Alzheimer's alone is expected to cost our country over $1 trillion by 2050.

All of us as taxpayers help pay that bill because public programs such as Medicare and Medicaid cover a significant amount of the cost of care and treatment.

If we had earlier interventions and treatments that delayed the onset of these diseases, we would be able to reduce spending significantly. Take Alzheimer's as an example.

The PRESIDING OFFICER. The majority leader is recognized.

EXECUTIVE CALENDAR—UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session and it be in order to file cloture on Executive Calendar Nos. 201 and 220; further, that the mandatory quorum under rule XXII be waived; finally, that if this request is granted, the Senate resume legislative session after the final cloture motion is reported pursuant to this order.

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

The Senate will proceed to executive session.

EXECUTIVE SESSION

NOMINATION OF BYRON TODD JONES TO BE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Byron Todd Jones, of Minnesota, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

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

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 Byron Todd Jones, of Minnesota, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Harry Reid, Patrick J. Leahy, Mark Begich, Christopher A. Coons, Thomas R. Carper, Patty Murray, Martin Heinrich, Bernard Sanders, Jeanne Shaheen, Benjamin L. Cardin, Al Franken, Sherrod Brown, Tom Harkin, Jack Reed, Sheldon Whitehouse, Bill Nelson, Charles E. Schumer.

Mr. REID. Mr. President, before I proceed, I would just note it is coincidental that the Senator from Minnesota is on the floor. I have heard her often speak about what a wonderful job this man has done as U.S. attorney in the State of Minnesota, in addition to his other duties. I am glad she is on the Senate floor to understand we are moving forward on this nomination.

Mr. President, there is another matter to be reported.

NOMINATION OF SAMANTHA POWER TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Samantha Power, of Massachusetts, to be the Representative of the United States to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and Representative of the United States America in the Security Council of the United Nations.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk on Calendar No. 220.

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

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 Samantha Power, of Massachusetts, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

Harry Reid, Robert Menendez, Patrick J. Leahy, Mark Begich, Christopher A. Coons, Martin Heinrich, Parry Murray, Bernard Sanders, Jeanne Shaheen, Benjamin L. Cardin, Al Franken, Sherrod Brown, Tom Harkin, Thomas R. Carper, Sheldon Whitehouse, Bill Nelson, Charles E. Schumer.

LEGISLATIVE SESSION

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

JONES NOMINATION

Ms. KLOBUCHAR. I thank the majority leader for his work and the Members of the Senate for allowing Todd Jones to get a vote to head the Alcohol, Tobacco and Firearms Bureau. This is a job that has gone unfilled, as you know, for 7 years, since it became confirmable under law—7 years, under President Bush, under President Obama. These 2,400 agents have had no leader.

During that time they have investigated extensive crimes, including just this year the Boston Marathon bombing, as well as the explosion in Texas. These are just examples of what these agents are doing. They deserve a full-time leader.

Mr. Jones is a former marine. He has five children. He has been going back and forth in Minnesota between the U.S. attorney's job and doing the ATF job for 2 years.

Enough is enough. I am glad we are moving forward with this nomination. I am glad for Mr. Jones, who deserves it, and who has been willing to put his name forward, willing to come in, clean up this agency after Fast and Furious and all the concerns we all had with that effort. He was willing to come in, take over this very difficult job, and do two jobs at once. He deserves to be confirmed for this job.

I am pleased for the agents as well, those 2,400 hard-working people who simply go to work every day, immune from the politicians, immune from what Democrats think or what Republicans think. They just deserve a boss. That is what this vote is about.

NIH

Mr. President, I want to finish my remarks about NIH. It is incredibly important in my State. It is the home of the Mayo Clinic, the home of the University of Minnesota where they are now undertaking the simple task of mapping the brain. And talk about what these cuts mean—I focused before

on the stories of individual Minnesotans, but I also spoke about the cost if we do not do anything, the cost of inaction, the cost of not doing the research, looking at Alzheimer's as an example. If we were able to delay the onset of Alzheimer's by just 5 years—this is not curing it; this is simply delaying the onset by 5 years—if we were able to delay the onset of Alzheimer's by 5 years, similar to the effect that anticholesterol drugs have on preventing heart disease, we would be able to cut the government spending on Alzheimer's care by almost half in 2050. We are talking about billions of dollars.

The answer, of course, to delay the onset of Alzheimer's by 5 years will not just drop from the sky. It needs dedicated scientists and doctors with the resources to conduct the experimentation and to move forward. I have seen what they are doing with mapping the brain. I met with those scientists afterward, and I asked them about the groundbreaking work.

They talked about the effect this is having on young scientists who are afraid to go into these fields. They don't know if their research will be funded because there is only enough money to fund the research that has been going on for years. So many innovative ideas can be lost if this continues.

At lunch last week we all heard from Francis Collins, who heads up the NIH. He talked about the hope and exciting developments that are going on in combating diseases. Yet our country—what a time to step back. This is not the time to step back when we are on the verge of delaying the onset of Alzheimer's, of helping so many people, and saving so much money. What we are spending on research is literally a drop in the bucket compared to the cost of the disease.

Investment in NIH is not just right to do from a public health perspective, it also makes good economic sense. NIH generates tens of billions of dollars in new economic activity across the country each year and supports hundreds of thousands of good jobs.

In 2012, NIH funding supported 8,800 jobs in my State alone. Unfortunately, Federal investment in medical research has stagnated in the last decade. As a result of sequestration, funding for NIH was slashed $1.55 billion this year alone. This cut means 700 fewer competitive research grants will be funded and 750 fewer patients will be admitted to the NIH clinical center. This reduction comes at a time when we are funding only 18 percent of potential projects. That is a record low for the second year in a row.

In Minnesota, the University of Minnesota could lose $50 million of its $700 million Federal research budget in the next couple of years. This drop in support not only threatens research in the short term but could have devastating effects on innovation in the United States for many years to come.

I hear from countless students and researchers who are considering leaving the field or even the country because funding is not available here. If we are not going to have the funding, they are going to do their research in Canada or some other country. We can't allow the pipeline of future researchers to dry up or move overseas. Investing in medical research is the right thing to do. It is also the smart thing do, and that is why support for this research is not a partisan issue in the Senate.

I thank Senate Appropriations Committee Chairman MIKULSKI and Ranking Member SHELBY and the Labor and Health and Human Services Subcommittee chairman, Senator HARKIN, and Ranking Member MORAN for their strong leadership on this issue. I applaud the work they have done prioritizing NIH funding by providing $31 billion in 2014. This figure could again be cut by billions if we do not replace the sequester with sensible, targeted spending cuts similar to what we included in the Senate budget.

Why put the money aside if we are going to then slash it because of sequester, when we all know it should be replaced with more targeted spending cuts, something that makes more sense, is a mix of revenue and spending cuts as suggested by the Simpson-Bowles Commission and every other economic commission that looked at this matter. It is time to replace sequestration with something that makes sense. Cutting research that saves and lengthens people's lives who have Alzheimer's, diabetes, and helps people who have autism is the wrong way to go.

We all agree about the importance of reining in wasteful spending and reducing the deficit and the need for the government to improve its fiscal discipline, but we cannot do this in a way that is penny wise and pound foolish. Fiscal responsibility is about values and priorities just as much as it is about dollars and cents. It is about spending smart as well as spending cuts.

I strongly support NIH and the hope it brings to people in my State and across the country. I look forward to working with my colleagues in a bipartisan fashion to replace the cuts imposed by the sequester and ensure our country maintains its leadership in medical innovation.

I yield the floor.

The PRESIDING OFFICER (Ms. HIRONO). The Senator from Kentucky.

Mr. BLUMENTHAL. Madam President, I wish to thank and join my friend and colleague from Minnesota Senator KLOBUCHAR in her remarks about Todd Jones. He is one of two very distinguished law enforcement nominees who will come before this body for confirmation in the coming days.

I wish to join my friend in enthusiastically praising Acting Director Jones for his perseverance and courage in the past months, indeed years, he has served in this critical position.

When we recently went through the debate on sensible commonsense gun violence measures—which, unfortunately, did not pass this body—we often heard about the need for more prosecutions, more effective investigation and pursuit of cases against lawbreakers involving guns. Todd Jones is committed to that task. I believe—with many others—that there needs to be more prosecutions and more effective enforcement of these laws.

ATF needs more resources to do those prosecutions and it needs more leadership, which Todd Jones can provide if he is confirmed and given the mandate from the Senate that he needs and the agency deserves to do its work more effectively.

In just a few minutes, we will hear from my great friend and colleague from Connecticut about the continuing scourge of gun violence and how it continues to take a toll in the absence of effective measures from the Congress.

I join my colleague in urging that this body fulfill its obligation, mandate, and responsibility from the American people to do more and do it more effectively. We need to adopt sensible measures, such as national background checks, a ban on illegal trafficking and straw purchases, a more effective mental health initiative, and school safety measures, which Todd Jones will bring to this office. He will address gun violence and all of the responsibilities within the important purview of the ATF.

The Alcohol, Traffic, and Firearms Bureau has a long, storied, and distinguished history, and Todd Jones will make it more so through his leadership.

Equally important, this afternoon we will vote on James Comey—I am proud to say he is a resident of Fairfield, CT—as the next Director of the Federal Bureau of Investigation. I know this agency well because I worked with agents of the FBI day in and day out when I was U.S. attorney in Connecticut for 4½ years. I know it well because I have seen his work as attorney general of Connecticut. I know it well because over the years I have come to know the extraordinary men and women of the FBI.

They are extraordinary in their bravery, perseverance, and skill. They are extraordinary in their expertise, experience, and their respect for the law, which is so critical. They have a sense of balance and mission along with their dedication to making America safer. Their mandate and purview has expanded over the years from the days when car thefts and kidnapping comprised a major part of their caseload to now cybersecurity, terrorism, and computer hacking.

Jim Comey is a man for the modern FBI, an agency with a long and distinguished history that now faces new threats and new responsibilities. He is

truly a prosecutor's prosecutor. His life's work has been about law enforcement.

He began in the U.S. Department of Justice as an assistant U.S. attorney in the Southern District of New York. He rose to become Deputy Chief of the Criminal Division. He soon moved to the job of managing assistant U.S. attorney for the Eastern District of Virginia, where his superiors recognized his exceptional ability, his remarkable combination of scholarship, and practical sense of investigation.

When they assigned to him responsibility for the terrorist attack on the Khobar barracks in Saudi Arabia, he quickly delivered 14 indictments and earned another promotion. This time he was promoted to become the U.S. attorney for the Southern District of New York. His service there was recognized as remarkably distinguished and successful, especially in overseeing that office's terrorism investigations and prosecutions. He made a priority of corporate crime—white-collar crime.

He never feared to take on the toughest of challenges. He prosecuted big businesses but also terrorism. He received the Director's Award for superior performance and the Henry L. Stimson Medal from the New York City Bar Association.

He became Deputy Attorney General, the second highest ranking official at the Department of Justice. In that job—and much has been written about this incident in his professional life—he demonstrated unbelievable and passionate dedication to the rule of law by standing up to his own superiors and in speaking truth to power on a variety of issues but most especially when he stood up to some of the President's men, and his own superiors, in saying he would stand for personal constitutional rights at a time when they were threatened. He has been a person of integrity and dedication to the rule of law—bigger than any single person throughout his career—even in the face of that kind of tremendous pressure.

In my conversations with him, he has also committed himself to the vigorous and zealous pursuit of gun violence. I have spoken to him publicly and privately about this issue. He testified in response to my questions, and others, and clearly demonstrated his commitment to effective enforcement of existing and improved laws, such as background checks and a ban on straw purchases and illegal trafficking.

He has also committed himself publicly, and in his conversation with me, to a continued crackdown on human trafficking. I wish to thank and commend the FBI for its stunningly successful arrests of 150 pimps. They rescued 105 children in a nationwide crackdown—literally within the past 24 to 48 hours—including 6 children in New Haven, CT.

This stunning success shows dramatically—including the rescue of six children in Connecticut—how this invisible, pernicious scourge can hit close to home. It has hit home in Connecticut. I saw it, as attorney general of our State, as a crime, a predatory scourge that hits men and women and children—most searingly and heartbreakingly, children who are forced into labor or into sexual exploitation.

The FBI's crackdown shows that an effective partnership involving local police—like law enforcement in New Haven, CT, where six children were rescued—along with State and Federal law enforcement can effectively crack down on this scourge. The FBI is to be commended and so is Mr. Comey for his commitment to combat this problem.

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

Mr. BLUMENTHAL. Madam President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BLUMENTHAL. As I said, I commend the FBI and I thank them for this effective action and Mr. Comey for his commitment to continuing that crackdown on human trafficking.

I also thank his wife and his family, his five children, for their generosity in becoming an adoption family; that is, adopting children, through the licensed foster parents program in Connecticut. I thank them for becoming foster parents, I should say more accurately, and caring for infants and toddlers. They have also donated money to create a foundation to support children who age out of foster care.

He is truly a man dedicated to public service. We will be proud of him as an effective and able leader of the FBI in a challenging time.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1243, which the clerk will report.

The assistant bill clerk read as follows:

A bill (S. 1243) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

Pending:

Murray (for Cardin) modified amendment No. 1760, to require the Secretary of Transportation to submit to Congress a report relating to the condition of lane miles and highway bridge deck.

Coburn amendment No. 1750, to prohibit funds from being directed to Federal employees with unpaid Federal tax liability.

Coburn amendment No. 1751, to prohibit Federal funding of union activities by Federal employees.

Coburn amendment No. 1754, to prohibit Federal funds from being used to meet the matching requirements of other Federal programs.

Murphy amendment No. 1783, to require the Secretary of Transportation to assess the impact on domestic employment of a waiver of the Buy America requirement for Federal-aid highway projects prior to issuing the waiver.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

GUN VIOLENCE

Mr. MURPHY. Madam President, let me associate myself with the remarks of my colleague from Connecticut, Senator BLUMENTHAL, as well as the majority leader, who was here earlier today, and Senator KLOBUCHAR—all speaking on behalf of our nominee to head the ATF, as well as Senator BLUMENTHAL's remarks on behalf of Fairfield, CT, resident James Comey to be the head of the FBI. Very few agencies, other than the ATF and the FBI, are more intricately involved in the preservation of the health and safety of the American public, and we deserve to have votes on those nominees tonight and this week.

But I also want to associate myself with the other remarks Senator KLOBUCHAR made. She talked about our obligation as a body to reverse these very damaging sequester cuts to NIH funding for medical research, and she listed some very compelling stories about men and women who have had their lives saved, preserved, lengthened because of discoveries made through medical research.

It is a reminder to the Senate and to the House—to anyone who treads upon these two floors—that we hold life and death in our hands with the decisions we make. We decide when we choose to fund or not fund the NIH as to whether we are going to give life to people who are waiting on those kinds of cures and treatments.

But, similarly, we make decisions about life and death when we choose not to act, when we choose to do nothing, to sit pat. In this case we make a decision to allow people to die in this country—specifically 6,633 people since December 14—when we make a choice to do nothing about the scourge of gun violence that continues to plague this Nation.

I have tried to come down here every single week—as Senator KLOBUCHAR did in speaking about the effects of funding medical research in very personal terms—to talk about the implications of doing nothing when it comes to the increasing levels of gun violence in this country, in similarly personal terms.

December 14, of course, for most people is easily recognized as the date

when 20 6- and 7-year-olds were killed in Sandy Hook, CT, along with 6 adults who cared for them, as well as the gunman and his mother. Since that day, 6,633 people have been killed by guns at a rate of about 30 a day—the highest of any civilized nation in the world, and we do nothing.

One of those, on July 14, was Horsley Shorter, Jr. Horsley managed a Family Dollar store in Tampa, FL. Junior, as he was known, had some kids come in occasionally who would try to take things out of the store or try to steal. When he had to report them to the police, he would. But this was a very gentle man, and more often than not he would pull the kids aside and try to talk through things with them to try to help them understand what they were doing and what the implications were.

He would never do anything to instigate a fight, his friend said. In fact, his last words to one of his coworkers was ''the pen is mightier than the sword.''

What happened that day was an armed robber came into the store and demanded money from the clerk. According to police, Shorter was inside the office, and he was shot when he ran out to try to help his coworker who was at the counter. The robber then forced the clerk at gunpoint into the parking lot, where he stole the clerk's car and used it to escape. According to one friend, Shorter was very close to that coworker, took him under his wing, which was the reason he ran out into harm's way to try to save him.

This friend said:

I believe that's why that young guy is alive [today]. Junior wasn't going to watch nobody die. He gave his life for him.

About 2 weeks earlier, on July 2, Chanice Reed, 22, and Annette Reed, her mother, as well as Eddie McCuin, a 10-year-old, were shot in a triple murder in Fort Worth, TX.

An hour after the shooter killed his pregnant girlfriend, her mother, and her little brother, he walked into the Forest Hill Police Department, telling officers to arrest him because he ''did something bad.'' He was 22 years old. He had a history of domestic violence. He was sentenced to 1 year of deferred adjudication probation because of assault.

Because of a domestic dispute, and because of his easy access to guns, in order to resolve this disagreement, he shot his pregnant girlfriend, her mother, and her 10-year-old little brother.

Just a couple days ago, in Bridgeport, CT, Pablo Aquino died. He was 27 years old. He was described as a ''humble man.'' He was always down at the baseball field helping kids because he had a son playing baseball there.

He spent his days at the Fairfield County Hunting Club in Westport, where he tended to horses.

He got into an argument—a simple argument—when the suspect decided that the best way to solve this argument was to turn a gun on Pablo, killing him.

The next day, the community had a vigil for him. The vigil was to remember him but also because they did not have enough money for a funeral. So as the vigil was going on, one of his friends stood out on the corner with an empty tin can of iced-tea mix, asking passersby to contribute a couple cents for a funeral that was expected to cost $2,000.

Over the July 4 period, there were three shootings in New Haven, CT.

At around 10:30 on Wednesday night, police said somebody shot and killed 19-year-old Errol Marshal. His body was discovered on the front porch of a home, pronounced dead at the scene.

At the same time, investigators found Courtney Jackson, a 26-year-old, suffering from a gunshot wound to the stomach.

Brian Gibson, 23, of New Haven, was shot outside of a public housing complex shortly thereafter.

All three shootings were connected. All three shootings are due to the fact that too many kids and too many young adults today do not know how to resolve their disputes any other way than getting a gun, and also because in a city such as New Haven guns are like water; they are all over the place. They are all over the place because this body does not pass legislation to keep guns out of the hands of criminals. We refuse to pass a bill making it a Federal crime to illegally traffic guns.

All those seem very dissimilar from Newtown. But then there are ones you hear about that strike you as so similar to the reason why I am here today talking about this, because of the 26 people who died at the Sandy Hook Elementary School.

Not much more than a month after Newtown, the Griego family was killed, all in one fell swoop, in Albuquerque, NM—Greg, 51; Sarah, 40; Zephania, 9; Jael, 5; and Angelina, 2. The parents were killed by their son, the little girls and boy killed by their brother. Nehemiah was 15 years old when he took a semiautomatic weapon to kill his family. Like Adam Lanza, the shooter in Newtown, Nehemiah was a troubled teen—more troubled than anyone around could have realized. Like Adam Lanza, he took out his rage on his family, first killing his mother while she lay sleeping in her bed. Like Adam Lanza, he had plans to continue his killing spree. He was going to go to the local Wal-Mart before he was stopped. He was anticipating getting into a firefight with the police. And like Adam Lanza, he used an assault weapon that was readily available to him in his own home.

Greg, 51; Sarah, 40; Zephania, 9; Jael, 5; Angelina, 2—5 of the 6,633 people—30 or so a day—who have been killed by guns since December 14. We are not going to stop them all by passing a piece of legislation on the Senate floor. Background checks will not bring 6,600 people back, nor will a ban on human trafficking, nor will a ban on the sale of 30-round magazines or assault weapons. But they will absolutely bring some of those people back. They will absolutely lessen the rate below 30 a day.

I am going to continue to come down to the floor week after week to tell the stories of victims of gun violence, to give them a voice on the floor of the Senate, so that someday, some time, hopefully soon, this place will wake up to the fact that we do have responsibility over life and death on the floor of the Senate, and it is about time, when it comes to the rising incidents of gun violence across this country, we do something about it.

I yield back the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF JAMES B. COMEY, JR., TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION—Resumed

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

The assistant bill clerk read the nomination of James B. Comey, Jr., of Connecticut, to be Director of the Federal Bureau of Investigation.

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

Mrs. MURRAY. Madam President, I ask unanimous consent that the quorum call be divided equally between the majority and minority.

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

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

TRANSPORTATION AND HOUSING APPROPRIATIONS

Mrs. MURRAY. Madam President, I want to notify all of our colleagues that Senator COLLINS and I have been working together with many of our colleagues on amendments to the transportation and housing bill over the past week. I want to be very clear—that work is continuing. The majority leader has made clear that we are going to keep working on amendments

on that bill, so everybody should be prepared for more votes.

I urge all of my colleagues to continue talking to me and to Senator COLLINS, and we will keep working to get as many amendments as possible.

Many of you have approached us already with your plans and thoughts. I urge the rest of you not to wait until the last minute. Senator COLLINS and I are working with the floor staff to line up votes.

I know everyone is anxious to have the August recess occur. We are as well. The sooner we can get the amendments and get this bill completed, the sooner all of us will be able to accomplish that.

I know a number of our colleagues on the floor have noted that this has been an open process. That is what Senator COLLINS and I set out to do, and we are going to make sure that continues.

This is a bipartisan bill. I will remind all of us that it got 6 Republican votes in committee and 73 votes to proceed to the open debate we have had this past week. That debate, again, is going to continue. I am hopeful we can move to a bipartisan finish on a good bill that reflects great ideas from both sides of the aisle.

I again want to thank Senator COLLINS for her work on this, and we are ready to move forward.

I yield the floor to her at this time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Thank you, Madam President.

Colleagues, as the chairman of our subcommittee, Senator MURRAY, has pointed out, we are continuing to work through the amendments that have been filed on this bill.

I do not think I need to remind any of our colleagues on either side of the aisle that the August recess is fast approaching and the Senate will have to wrap up its work on this bill before we adjourn.

So I would say to my colleagues, if you have good ideas or even not so good ideas about this bill, we urge you to come to the floor and file your amendment and do so as soon as possible.

As Chairman MURRAY has pointed out, there has been an open amendment process. We have disposed of some amendments; a couple through rollcall votes, a few others through unanimous consent. But we could have done a lot more last week had people been willing to come to the floor and allow us to proceed to amendments that were filed.

I also want to highlight a letter the Appropriations Committee has received from more than 2,420 national, State, and local organizations, and State and local government officials in support of the funding that is in the programs that are included in this important bill. This is an important bill. It is a bill that will help us rebuild our crumbling infrastructure. It is a bill that helps us meet the housing needs of homeless veterans, of disabled senior citizens, of very low-income families. It is a bill that will help the private sector create thousands of new jobs at a time when our economy needs them—in fact, hundreds of thousands of new jobs.

It is not surprising to me that so many organizations are lending their voices in support of this bill. I want to read one quote from the letter from these organizations. The letter notes that:

> Through these investments, Congress supports small business job creation, expands our nation's infrastructure capacity, supports economic recovery and growth, reduces homelessness and housing hardships, and promotes lasting community and family economic success.

I think that is a very good description of the purpose and the programs in this bill.

One of the programs in this bill that is extremely popular and has been used very well to promote economic development and community reinvestment in my State is the funding for the Community Development Block Grant Program. That is an area where our bill differs greatly from the House bill.

I want to point out that tomorrow the House of Representatives is expected to consider its version of the fiscal year 2014 Transportation and Housing and Urban Development appropriations bill. Think about this. If we pass our bill, they pass their bill, we could actually proceed to a conference committee and work out the differences between our respective bills. The differences are marked. I do not minimize the differences in terms of priorities and funding, but that is what Congress is all about.

If we do pass our bill and the House proceeds to pass its version of the T-HUD appropriations bill, we will be the first but I hope not the only fiscal year 2014 spending bill that is ready for conference, goes to conference, and I hope becomes law.

Finally, let me say, I recognize the Senate bill is not perfect, despite the heroic efforts Senator MURRAY and I made in committee and the input and insight from our colleagues that are incorporated into this bill. But it is a good-faith bipartisan effort that attempts to strike the right balance between fiscal responsibility and our Nation's infrastructure and housing needs.

I am confident the bill that would come back from conference would be, frankly, at a lower spending level, which I and many on my side of the aisle want to see. But I was encouraged by the Senate's vote last week of 73 to 26 to allow the Senate to proceed to this bill. I know we can make improvements. That is what the amendment process is all about.

Again, I want to second what our chairman has said and encourage our colleagues to get their amendments filed and to work with both of us so we can proceed to wrap up this work session on a high note of passing, on time, an individual appropriations bill. I am willing to work hard over the recess to conference the two bills, to get going on that. I know the chairman is as well.

I want to thank the chairman and my staff and her staff also for working so hard.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The nomination of Mr. Comey to be the FBI Director.

COMEY NOMINATION

Mr. LEAHY. Madam President, I wish to speak about the Comey nomination.

James Comey, Jr., should be confirmed to be our next Director of the Federal Bureau of Investigation. I feel it should be done without delay. Director Mueller has served very well, but his term expires early September. It is imperative the Senate work quickly to confirm his successor.

I worked with Ranking Member GRASSLEY to schedule James Comey's confirmation hearing as soon as we returned from the Fourth of July recess. Earlier this month, with Senator GRASSLEY's cooperation, we in the Judiciary Committee unanimously reported the nomination of James Comey to the floor. However, in contrast with the treatment of previous FBI Director nominees—the FBI Director nominees of all preceding Presidents—who were all confirmed by the full Senate within a day or two of being reported by the Senate Judiciary Committee, James Comey is the first FBI Director nominee to be filibustered in Senate history by either Republicans or Democrats.

In this case, of course, it is the Republicans who are filibustering a law enforcement position such as this, somebody who was voted out of the committee by every single Republican and Democratic Senator—and then to be filibustered by Republicans on his nomination?

We should be voting to confirm James Comey tonight. It has already taken twice as long to bring up this nomination for a vote in the full Senate as for any previous FBI Director. President Obama officially nominated James Comey on June 21, 38 days ago. No other FBI Director has waited longer than 20 days from nomination to confirmation. The FBI Director plays a very vital role in our national security, and the Senate must put an end to these routine delays.

Nearly 12 years ago, when the Senate considered President Bush's nomination of Robert Mueller to be Director of

the FBI on the same day he had been reported by the Senate Judiciary Committee, I spoke about how the rights of all Americans were at stake in the selection of a new FBI Director and how the FBI has extraordinary power to affect the lives of ordinary Americans.

Contrast that with President Bush, Democrats were in the majority, and we Democrats worked to get President Bush's nominee confirmed the same day he came out of committee.

We Democrats made sure politics were not in play in the confirmation of the FBI Director. Republicans shouldn't allow politics to play in the confirmation of an FBI Director. I said at the time, with Robert Mueller, I noted the FBI's sweeping investigatory powers, when used properly, can protect all of us by combating crime, espionage, and terrorism. But I also warned that unchecked, these same powers could undermine our civil liberties and our right to privacy.

When I spoke those words, I didn't know that just 40 days later the world—and the FBI -would change dramatically in the wake of the terrorist attacks on September 11. It shook this area, including even the Senate because of the anthrax attack, which killed a number of individuals. One of the anthrax letters was addressed to me. As the full Senate considers the President's nomination of James Comey to be the seventh Director of the FBI, what I said in 2001 holds true today. With the increased counterterrorism role of the FBI and the expansion of the FBI's surveillance activities, it is even more imperative that the next FBI Director possesses an unflagging commitment to the Constitution and the rule of law.

James Comey is the right man to lead the FBI. He has had a long and outstanding career in law enforcement. He worked for years as a front-line prosecutor on a range of cases fighting violent crime, terrorism, and white-collar fraud, all of which are at the core of the FBI's mission. He also served as the U.S. attorney for the Southern District of New York. He served as the Deputy Attorney General under President George W. Bush.

In fact, Madam President, many of us remember, when he was Deputy Attorney General, the dramatic hospital bedside confrontation James Comey had with senior White House officials who tried to prod an ailing John Ashcroft to reauthorize an NSA surveillance program—a program that the Justice Department had concluded was illegal. Yet White House staff was over there trying, at his hospital bed, to get the Attorney General to agree to it. But the Deputy Attorney General stepped in, in his role as Acting Attorney General, and stood firm against this attempt to circumvent the rule of law, and I believe he will continue to show the same strength of character and principled leadership if confirmed as Director.

During his confirmation hearing before the Judiciary Committee, James Comey proved that his reputation for unwavering integrity and professionalism is well-deserved. One area of great concern for me was his approval of a 2005 legal memo to authorize the use of various methods of torture, including waterboarding. I wanted to make sure that as FBI Director, James Comey would never condone or resort to waterboarding a prisoner—something for which we have prosecuted people in other countries. He answered my questions and stated directly, unequivocally, that waterboarding is not only personally abhorrent but that it is torture and illegal. He also testified that if confirmed he would continue the FBI's policy of not permitting the use of abusive interrogation techniques against prisoners, including sleep deprivation and cramped confinement.

Mr. Comey and I do not agree on all matters. I do not agree with him that the Authorization for the Use of Military Force permits the government to detain indefinitely an American citizen captured on American soil in military custody without charge or trial, and I will continue to oppose efforts to codify such an interpretation of the law. I was glad James Comey committed to adhering to the current administration policy of not indefinitely detaining Americans in such circumstances.

When he testified before us, I saw a man of integrity and honesty, competent in background, and so once he is confirmed—and I trust he will be confirmed once this filibuster has ended—I will continue to press him on the scope and legality of surveillance conducted by the government pursuant to the PATRIOT Act and other authorities under the Foreign Surveillance Intelligence Act. As I noted during his confirmation hearing, just because the FBI has the ability to collect huge amounts of data does not mean it should be collecting huge amounts of data. As the head of our premier law enforcement agency, the FBI Director bears a special responsibility to ensure that domestic government surveillance does not unduly infringe upon our freedoms. I have long said that protecting our national security and protecting Americans' fundamental rights are not mutually exclusive. We can and must do both. I fully expect that James Comey will work to achieve both goals.

After Director Mueller's distinguished tenure at the Bureau, James Comey has big shoes to fill. The next Director must face the growing challenge of how to sustain the FBI's increased focus on counterterrorism while at the same time upholding the FBI's commitment to its historic law enforcement functions. It is going to be particularly difficult to protect this country and protect our law enforcement functions because of sequestration and other fiscal constraints, but I think the FBI has to continue to play a key role in combating the crimes that affect everyday Americans—from violent crimes, to bank robberies, to fraud and corruption cases.

If we learned nothing else since the September 11 attacks, we learned that it matters who leads our Nation at all levels of government. We need strong, principled, ethical leaders who steadfastly adhere to the law. I am confident that James Comey is such a leader. I am urging Senators on both sides of the aisle to join me in voting to overcome this filibuster in a vote to confirm him to be the next Director of the Federal Bureau of Investigation.

As I said before—and I will put into the RECORD how long it has taken from nomination to confirmation—twice as long as President Bush's FBI nomination, more than twice as long as President Reagan's FBI nomination, and twice as long as President Nixon's FBI nomination. In every one of those cases, no Democrat filibustered President Bush, President Reagan, and President Nixon. We all worked to get the FBI Director in there. This filibuster by my friends on the other side of the aisle is unprecedented. I wish they would treat President Obama the same way we treated President Bush, President Reagan, and President Nixon and not make President Obama seem to be somehow different and interfere with law enforcement the way they have.

Madam President, I ask unanimous consent to have printed in the RECORD a chart showing how long it took previous Presidents.

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

FBI Director Nominee	Total # days from nomination to confirmation
JAMES B. COMEY, JR. (OBAMA)	38 days—as of 7/29/13.
ROBERT S. MUELLER, III (W. BUSH)	15 days.
LOUIS FREEH (CLINTON)	17 days.
WILLIAM SESSIONS (REAGAN)	16 days.
WILLIAM WEBSTER (CARTER)	20 days.
CLARENCE KELLEY (NIXON)	19 days.

THE BUDGET

Mr. LEAHY. Madam President, I see my friend from Iowa on the floor, but I want to express for the record my concern about this kind of unprecedented obstruction. And it is unprecedented. I have been here 38 years, and this has never happened before, this unprecedented obstruction of the FBI nominee.

In addition to the unprecedented obstruction on the FBI nominee, I want to mention another topic that my friends on the other side of the aisle are blocking. A small minority of Senators are objecting to moving forward with a budget conference. We have all heard a lot of talk in the last few years about getting our fiscal house in order—it makes for a great campaign slogan. But I am afraid that too many in this body are not following through on their responsibility to govern.

It has been over four months since the Senate passed its version of a budget resolution. We all remember being here overnight voting on amendment after amendment. In the intervening months Senate Democrats have tried 17 times to move to a bipartisan budget conference with the House to work out

a final budget agreement. Yet each time the perfunctory request is made—a request that normally is agreed to shortly after we finish our version of the budget—someone from the other side of the aisle, with the full support of their leadership, objects.

After years of crocodile tears from the other side of aisle about the lack of a budget from the Senate, we finally pass one and they object to moving forward.

After years of hearing how we need to get our fiscal house in order because the national debt is the single most pressing issue facing the country, we pass a responsible budget plan to pay down the debt and they object to moving forward.

When it comes time to turn all the politicking into governing, they get cold feet and object.

As the distinguished chairwoman of the Budget Committee has lamented over and over again, I am sorry to say that for some factions in the Republican Party today ''compromise'' is a dirty word and ''distrust'' is a political tactic. That may explain why Senate Republicans have offered up excuse after excuse for blocking the regular budget order they so desperately pled for just a short time ago. Republicans are denying the opportunity for members of this body to work with members of the other body on hammering out a final budget agreement.

I have been fortunate to serve in this chamber for 38 years. I was elected to the Senate in 1974, the same year the Congressional Budget Act passed into law. And I served here with Senator Edmund Muskie of Maine, the first chairman of the Budget Committee. In all those years—with all those budgets—I cannot recall one, single instance where political obstruction like this blocked the Senate from going to conference on a budget resolution. And just to be sure, I checked with the Congressional Research Service and they could not find another instance of obstruction like this on a budget conference either. Not from Democrats; not from the old GOP; not from anyone until now.

Some in this body have objected to the Senate considering any appropriations bills until a final budget agreement is reached. Let me see if I get this straight. The very same people who have been begging for a new budget plan are blocking the Senate from going to conference on the budget resolution and then saying we cannot possibly deal with any bills to fund the government next year until we have a final budget agreement, inching us even closer to a government shutdown or a government default that would devastate our economy and ruin the very fiscal house they claim they are trying to get in order. Oh, the sweet irony here.

It is time for reason and sanity to return to the Senate—on this budget resolution, on nominations, and on a whole host of other issues. I think returning to regular order on the budget conference—and letting conference members from the House and the Senate work out a final agreement—would be a good first step to bringing some comity and order back to this body so we can serve the American people.

Mr. WHITEHOUSE. Madam President, I rise today to speak regarding the nomination of James B. Comey, Jr., to serve as Director of the Federal Bureau of Investigation.

Mr. Comey has a long record of service to the Department of Justice. Colleagues doubtless are familiar with Mr. Comey's role in the infamous scene at the side of Attorney General Ashcroft's hospital bed over the reauthorization of part of President Bush's warrantless wiretapping program. Mr. Comey, to his great credit, stood firm for the rule of law and for the Department he served.

Nonetheless, I believe Mr. Comey's role in the issuance of Justice Department legal opinions on torture deserves close examination by this body.

In August 2002, Assistant Attorney General Jay Bybee and John Yoo of the Justice Department's Office of Legal Counsel used what are now acknowledged to be radical—some would say outlandish—legal arguments to authorize the use of torture. Jack Goldsmith, the subsequent head of the office, withdrew those opinions. His successor, Daniel Levin, issued a new opinion, dated December 30, 2004, that provided a new analysis of the Federal statute outlawing torture. The Office of Legal Counsel, under the leadership of Steven Bradbury, applied that analysis to a series of abusive interrogation techniques, as used individually and in combination. The resulting two opinions—the Individual Techniques Opinion and the Combined Techniques Opinion—were issued on May 10, 2005. Then-Deputy Attorney General Comey concurred in the former and vigorously objected to the latter on both legal and policy grounds.

I strongly disagree with Mr. Comey's conclusion that the Individual Techniques Opinion was, as he put it at his confirmation hearing before the Judiciary Committee, a ''serious and responsible interpretation'' of the torture statute. Its legal analysis is inadequate in numerous ways, but for today I will focus on one of the most significant shortcomings.

As I have observed on other occasions, this opinion omits the 1984 Fifth Circuit case of United States v. Lee, which involved the prosecution by the Reagan Justice Department of a local sheriff and deputies who had engaged in waterboarding. The Justice Department's brief on appeal described the technique in detail and described it as ''water torture.'' The opinion by the Fifth Circuit likewise repeatedly referred to ''water torture'' and ''torture.'' As Professor David Luban of Georgetown Law School explained at a hearing I chaired in May 2009, Lee is ''perhaps the single most relevant case in American law on the legality of waterboarding.''

To give you an idea of how widely the Individual Techniques Opinion ranged, it evaluated the meaning of the terms ''severe physical or mental pain or suffering;'' it evaluated ''[t]he common understanding of the term 'torture' and the context in which the statute was enacted'' and it discussed ''the historical understanding of torture.'' Yet nowhere in this discussion of the ''historical understanding of torture'' and the ''common understanding of the term 'torture''' does this opinion mention that it was the view of the Department of Justice itself, confirmed by the U.S. Court of Appeals for the Fifth Circuit in 1984, that waterboarding is torture. The opinion likewise fails to consider the American prosecutions of Japanese soldiers for waterboarding our troops during the Second World War or the court-martials of American soldiers for using the technique in the Philippines after the Spanish-American war.

The shortcomings of the Individual Techniques Opinion go beyond the failings of its legal analysis. Lawyers cannot analyze the law without knowing the facts, and the record demonstrates that the CIA repeatedly gave the Office of Legal Counsel bad information about the use and effectiveness of the techniques. How willingly Yoo and Bybee accepted false representations by the CIA about their use of the techniques is a question for another day—and their consciences.

In 2004, however, the CIA's Inspector General explained that the CIA had used the techniques differently than they were described in the Yoo and Bybee opinions. Significant misrepresentations also made their way into Office of Legal Counsel opinions in 2005. As former FBI interrogator Ali Soufan testified at a hearing I held in 2009, a May 30, 2005, opinion claim about the effectiveness of waterboarding against Khalid Sheik Muhammad and the so-called Dirty Bomber, Jose Padilla, was demonstrably false. And although I cannot discuss the report of the Senate Intelligence Committee, which remains classified, it is my firm belief that when all the facts are finally made public, the judgment about the candor of the CIA will be harsh and the Individual Techniques Opinion will be further discredited.

As I pointed out at Mr. Comey's confirmation hearing, it is not enough to say that letting the Individual Techniques Opinion go was ok because the techniques would likely only be used in combination. If Mr. Comey's view had prevailed and the Combined Techniques Opinion had not been issued, an interrogator could have waterboarded a detainee as long as that technique was used in isolation.

It also concerns me that Mr. Comey did not press for an analysis of legal prohibitions other than the torture statute. The Individual Techniques Opinion and the Combined Techniques Opinion did not consider, for example,

the legality of abusive techniques under American treaty obligations, such as those imposed by the Convention Against Torture or even under the Constitution. It may be the practice of the Office of Legal Counsel to divide relevant legal questions among multiple opinions, but that does not justify failing to address all obvious and relevant legal questions. As a result, I believe that concurrence in the Individual Techniques Opinion should have been withheld until it was clear that the Office was evaluating all relevant treaty and constitutional questions.

Because I do not believe the Individual Techniques Opinion is reasonable or responsible, and because I believe the process for reviewing that opinion was flawed, I cannot hold Mr. Comey blameless for concurring it. He should have done better.

This evaluation has the benefit of hindsight and is free from the pressurized atmosphere of early 2005, when Mr. Comey was forced to contend with a White House pulling the Justice Department in the wrong direction on a number of fronts.

I accept that it was not Mr. Comey's responsibility as the Deputy Attorney General to do his own research on the questions addressed by the Individual Techniques Opinion. I do think that the opinion had a bad enough odor to put a responsible, well-trained lawyer on alert.

Mr. Comey did take significant, affirmative steps to satisfy himself that the Individual Techniques Opinion was issued in good faith, seeing to it that the opinion was pressure-tested by exposing it to broad review within the Department of Justice and the executive branch. This fact distinguishes the Individual Techniques Opinion from the earlier opinions that had been crafted without adequate scrutiny within the executive branch—scrutiny they likely could not have survived: remember the use of the Medicare standard for a torture opinion.

In sum, while I believe that the Individual Techniques Opinion does not meet the standards expected of Justice Department attorneys, I ultimately have concluded that Mr. Comey performed his role reasonably.

One key fact corroborates this conclusion. As discussed above, the legality of waterboarding under American treaty obligations and the Constitution was the obvious followup question. In fact, the Office of Legal Counsel was working on a separate opinion on those very questions and would publish it on May 30, 2005. Mr. Comey, however, was deliberately cut out. Though he already had submitted his resignation, Mr. Comey apparently was enough of a thorn in the side of the enablers of torture that they wanted to get around him.

It is my judgment, overall, that Mr. Comey was an opponent of torture and a defender of the best traditions of the Justice Department and our Nation. I think he could have done better, but Mr. Comey was on the right side. Add to this his clear statements to the committee, his long track record of public service, and his principled stands on other matters of national importance, and I conclude that Mr. Comey has the integrity, the capability, and the commitment to lead the Federal Bureau of Investigation. I will work to see his nomination confirmed and work with him as he undertakes this new chapter in his public service.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, Shortly the Senate will be voting to invoke cloture on the nomination of James B. Comey to become the next Director of the FBI. I will vote to invoke cloture and expect many of my colleagues will do the same.

The confirmation of a new FBI Director is a serious decision for this Chamber to consider. As a large Federal law enforcement agency, the FBI has numerous responsibilities and tremendous power. Only with quality leadership and proper Congressional oversight will the FBI be best equipped to fight crime, terrorism, and espionage.

I think the President has made a fine choice in selecting Mr. Comey as the next leader of the FBI, and I plan to explain my support for him as we approach Mr. Comey's confirmation vote.

I recognize there is a level of concern associated with this nomination regarding the use of drones by the FBI. I have been at the forefront of this issue, raising it last year with the Attorney General. The Attorney General gave me an incomplete answer as to the FBI's use of drones.

Accordingly, after there was disclosure that the FBI was using drones on U.S. soil for surveillance, I questioned Mr. Comey about the extent of that policy. This needs to be addressed by the new director, and I have Mr. Comey's assurance he will review the policy. I will be monitoring this closely, but we need a director in place, and we need to confirm this nomination this week.

Excellent leadership is only one ingredient in the recipe for success at any Federal agency. Another critical element is proper congressional oversight. And it is this component I fear too many of my colleagues have forgotten. Today, too many seem to believe that advice and consent really means rubberstamp and turn a blind eye. The American people deserve better than this approach to confirmations.

Over the last few months, I have observed an alarming pattern. Too often, this administration submits subpar nominees while simultaneously obstructing any legitimate oversight by this Congress. Sadly, many of my colleagues appear to be choosing to ignore any effort to correct it. Let me cite just a few examples.

We saw how Mr. Perez, an assistant attorney general, brokered an unwritten deal that cost the taxpayers hundreds of millions of dollars. My colleagues on the other side largely ignored the shady deal. Mr. Perez tried to cover his tracks, but got caught leaving a voicemail that was recorded. Even then, my colleagues dismissed it. And when he was caught concealing evidence of the deal on his personal email accounts, he defied a lawfully issued congressional subpoena and refused to turn over the documentation. Incredibly, his defiance was ignored. Worse yet, for all this rotten behavior, the Senate rewarded him with a promotion by confirming him as Secretary of Labor.

We see the same thing occurring with the nomination of Mr. Mayorkas. The nominee for the No. 2 position at the Department of Homeland Security is the target of an open investigation by the Inspector General of the Department of Homeland Security. The IG is investigating allegations that the nominee procured a visa as a political favor, even though the visa was properly rejected.

Incredibly, the Senate Committee pressed on with the hearing despite unanimous objection from the minority for moving forward in the midst of an open investigation.

That is incredible to me—a Senate Committee would move forward with a nominee who has an open investigation into the nominee's conduct. I wish this were a unique occurrence, but based on recent experience in the Judiciary Committee, it is not an isolated event. This is exactly what happened recently in the Senate Judiciary Committee with respect to Mr. B. Todd Jones, the nominee to be Director of the Bureau of Alcohol, Tobacco, and Firearms.

Earlier this year, I learned the Office of Special Counsel was investigating Mr. Jones in a complaint that he retaliated against a whistleblower in the U.S. Attorney's Office for the District of Minnesota.

In the Judiciary Committee, it has been the Committee's practice when a nominee is the subject of an open investigation, the Committee generally does not move forward until the issues are resolved. Because of this practice, I objected to holding his hearing last month and requested the hearing be postponed to allow the investigation to finish.

My request was denied. I then objected to putting him on the committee agenda until the non-partisan investigation was complete. Again, my request was rejected. And now, despite the fact there remains an open complaint of whistleblower retaliation against Mr. Jones before the Office of Special Counsel, his nomination will soon be considered by the full Senate.

I want all my colleagues to know what happened because I am quite concerned by the direction it has taken, especially in light of the fact this practice seems to be spreading into other Senate committees as well.

Over the past few months, there has been correspondence between my office and the Office of Special Counsel regarding the status of their proceedings.

I had previously received a copy of an anonymous letter to the Office of Special Counsel making various allegations against Mr. Jones. I sent a letter to OSC on April 8, asking for an update on those allegations. On April 12, the Office of Special Counsel responded that there were two pending matters involving the U.S. Attorney's Office, District of Minnesota, where Mr. Jones is the United States Attorney. The first matter was a prohibited personnel practice complaint alleging reprisal for whistleblowing and other protected activity. The second matter was a whistleblower disclosure, alleging gross mismanagement and abuses of authority.

The complaint, filed by an Assistant United States Attorney in the office, alleged that personnel actions, including a suspension and a lowered performance appraisal, were taken in retaliation for protected whistleblowing or other protected activity.

On June 5, OSC provided the committee with an update to the two pending cases. It reported the whistleblower disclosure case had been closed based on its determination that the information provided was insufficient to determine with a substantial likelihood that gross mismanagement, an abuse of authority, or a violation of a law, rule, or regulation had occurred. Accordingly, OSC closed that case file.

OSC's action to close the whistleblower disclosure case was not based on any investigation by that office. That action was merely a determination based on a technical review of the complaint document itself. It was not a finding on the merits of the complaint.

With regard to the other issue, the prohibited personnel practice, I was informed the complaint was referred for investigation. Subsequently the complainant and Justice Department agreed to mediation. I was told that if mediation was unsuccessful, the case would return to OSC's Investigation and Prosecution Division for further investigation.

My colleagues should understand that, of all the complaints received by OSC, only about 10 percent of them merit an investigation. This case was one of them. Why did the career, nonpartisan staff at OSC forward the case for investigation? Presumably because they thought it needed to be investigated. That says something about the likely merits of the case.

Before the hearing, there was disagreement regarding the status of the Special Counsel's investigation. Accordingly, I contacted the Special Counsel, inquiring as to the status of the complaints. The Special Counsel confirmed for the second time that the investigation remains open. She stated, ''The reassignment of the case for mediation did not result in the matter being closed.''

Despite this, and over my objection, on June 11, the committee went forward with a hearing on the Jones nomination. We were told Mr. Jones' hearing needed to be held in order for him to have an opportunity to respond to the Office of Special Counsel complaints. I would note that a similar rationale was used to justify the Mayorkas hearing—to publicly address the allegations against the nominee. In Mr. Jones' case, in advance of the hearing, the Department of Justice sent a letter to me stating: ''Mr. Jones looks forward to answering your questions about these matters during his nominations hearing. . . .''

Additionally, Mr. Jones was quoted in the Star Tribune as saying, ''I am looking forward to meeting with the Committee and answering all their questions.''

However, as I expected, the hearing provided no information to the committee with regard to the open Special Counsel investigation. At the hearing, Mr. Jones said he could not talk about the complaint. Of course, this negated the whole reason why the hearing had even been scheduled.

At his hearing, my first question to Mr. Jones was about the investigation. This is his reply:

> Because those complaints are confidential as a matter of law, I have not seen the substance of the complaints, nor can I comment on them. I have learned more from your statement today than I knew before I came here this morning about the nature and substance of the complaint.

A few questions later, I inquired of Mr. Jones, ''Will you answer the complaints about the Assistant U.S. Attorney—because that is why you are here today?''

He replied:

> Well, quite frankly, Senator, I am at a disadvantage with the facts. There is a process in place. I have not seen the OSC complaint. I do know that our office, working with the Executive Office of U.S. Attorneys, is in the process of responding to the issues that you have talked about this morning, but I have not had the opportunity to either be interviewed or have any greater knowledge about what the OSC complaint is.''

So there we were, left with an open investigation of serious allegations of whistleblower retaliation. We were told the hearing was the opportunity for us to question the nominee and get these questions answered, but the nominee couldn't even talk about them at all.

This put the Committee in the position of either allowing time for the Office of Special Counsel to do its job or looking into the matter for ourselves before proceeding.

Strangely, late in the day before the hearing, the Majority offered to conduct some interviews the Friday following the hearing. That was quite perplexing to me. We were going to begin the investigation after the hearing had concluded. I could not remember when the committee had ever conducted an investigation after a nominee's hearing.

The day after the hearing, the chairman's staff indicated to the media we were conducting a bipartisan probe. The media reported the majority staff had offered to conduct a bipartisan inquiry into the matters before the Office of Special Counsel.

However, I am disappointed to report there was no genuine effort to gather all the facts. The majority only agreed to jointly interview one witness, the whistleblower himself. However, the majority refused to look into the substance of the whistleblower's claims. Even more troubling, it quickly turned into an inquiry of the whistleblower rather than into the alleged retaliatory action done by the nominee.

The majority reached its own conclusion that it was not a whistleblower matter at all, but a personnel matter wherein management simply imposed discipline on a disruptive or insubordinate employee. However, there was never a factual record before the committee to support this conclusion.

The majority determined the whistleblower is an uncooperative witness for being ''unwilling to provide documents''—meaning his personnel file.

The whistleblower in this instance is an Assistant U.S. Attorney with 30 years of Federal service, 24 years of which he has served in the U.S. Attorney's Office for the District of Minnesota. He has extensive leadership experience and in 2012 received the Assistant Attorney General's Distinguished Achievement Award.

It should be quite alarming to us all that a staff investigation of a whistleblower's complaint would be twisted around into an apparent attempt to investigate the whistleblower.

I have worked with many Federal Government whistleblowers over the years and this is exactly the type of treatment that whistleblowers fear. It is one of the main reasons they are afraid to come forward. This type of treatment raises serious concerns.

Unfortunately, I have come to expect this out of the Federal Government agencies—attacking the whistleblower rather than investigate the underlying problem. I have seen it over and over again. But this sort of inquiry shouldn't be the way the Senate deals with whistleblowers or others who come forward to testify.

The Senate cannot conduct itself this way. We cannot ignore ongoing investigations. In my opinion, we are neglecting our constitutional obligations. Eventually, one of these situations will embarrass the Senate, damage the reputation of the Federal Government, and, ultimately, probably cost the taxpayers, our constituents.

So I urge all of my colleagues to oppose taking further action at this time on the nomination of B. Todd Jones for Director of ATF, another nominee with an open investigation. I will vote no on cloture and encourage my colleagues to do likewise. This is about protecting the advice and consent function of the Senate.

The Senate should wait until the Office of Special Counsel has concluded its investigation and we know the truth about his retaliatory conduct against a protected whistleblower.

There will be time to debate the other substantive concerns regarding this nomination. There may be additional reasons why my colleagues should oppose Mr. Jones's nomination. Other Senators may vote to confirm the nominee.

But as a starting point, we should all be in agreement that it is imprudent and unwise for the Senate to give final consideration to any nominee where there is an open investigation into that nominee's conduct. The Senate cannot abdicate its duty to advise and consent on these nominees and simply rubberstamp them.

As we consider this nomination, as well as a number of other nominations this week, I would urge my colleagues to ponder what a Federal agency needs in order to be best positioned to succeed. In my opinion, a Federal agency needs at least two things: a quality leader and proper congressional oversight. I think this is especially relevant as we consider the next Director of the Federal Bureau of Investigation.

The Federal Bureau of Investigation is a powerful law enforcement agency facing numerous challenges today.

First and foremost, the FBI is still undergoing a transformation from a Federal law enforcement agency to a national security agency. Following 9/11, the FBI's mission changed. Director Mueller was immediately thrust into the role of reinventing a storied law enforcement agency into a national security agency.

While Director Mueller rose to the challenge and made tremendous strides in accomplishing this transformation, that job is not yet complete. It is still adjusting to prevent domestic terrorism. It must grow to combat the growing threat of cybercrimes that threaten our national security, our economy, and our infrastructure. The FBI needs a Director to continue to guide it as it rises to counter these serious threats.

Second, the FBI must confront the growing concerns over the use of invasive methods of gathering information on American citizens. One example would be the proper use of drones by domestic law enforcement agencies. Last year I raised this issue with the Attorney General. It now appears his response was less than forthright. This year, I raised the issue with Director Mueller and again with Mr. Comey, today's nominee.

Frankly, it is going to require a Director who is knowledgeable on the subject, the law, and who is willing to work with Congress in order craft the best policy with regard to this technology's potential use in domestic law enforcement.

Third, a host of legacy problems at the FBI remain unsolved. The FBI has struggled to develop a working case management computer system. Management concerns remain about the proper personnel balance between special agents and analysts. It has yet to effectively manage agent rotations to the Washington, DC headquarters. A real or perceived double standard of discipline between line agents and management must be repaired. Significant concerns about internal FBI policies dealing with whistleblower retaliation exist. Each of these matters must be addressed as they threaten to undermine the hard work of the employees at the FBI.

The position of FBI Director is unique in that it is a 10-year appointment subject to the advice and consent of the Senate. This 10-year term was extended 2 years ago on a one-time only basis. The extension allowed Director Mueller to serve an additional time period as the President failed to nominate a replacement. At the time, we held a special hearing to discuss the importance of a term limit for the FBI Director. One of the reasons Congress created a 10-year term was to ensure accountability of the FBI.

Today, we vote on the nomination of James B. Comey for Director. Mr. Comey has a distinguished legal career. After graduating from the University of Chicago Law School in 1985, Mr. Comey clerked for Hon. John M. Walker, Jr., U.S. district judge for the Southern District of New York.

In 1986, he began his legal career with Gibson, Dunn & Crutcher, LLP, where he focused on civil litigation. In 1987, Mr. Comey became an assistant U.S. attorney in the Southern District of New York, eventually serving as deputy chief of the Criminal Division.

He left the Department of Justice to return to private practice in 1993, joining McGuireWoods, LLP. While at McGuireWoods, he served as a deputy special counsel on the U.S. Senate Special Committee to Investigate Whitewater and Related Matters. During this time, he also served as an adjunct professor at the University of Richmond Law School.

In 1996, Mr. Comey returned to government service as Managing Assistant U.S. Attorney in the Office of the U.S. attorney for the Eastern District of Virginia. By 2002, Mr. Comey was appointed U.S. attorney for the Southern District of New York. And in December 2003, he was appointed Deputy Attorney General, a position he served with honor and distinction until 2005, when he left government service.

However, I would like to point out, and I think Mr. Comey would agree, that perhaps one of the best indicators about his judgment is that he had the smarts to marry an Iowan.

At his confirmation hearing, Mr. Comey addressed many concerns raised by Senators from both sides of the aisle. His answers were direct and thoughtful. On subjects with which he was familiar, he spoke intelligently and straightforward. If he didn't know enough, he said so. There was no trying to hide the ball or cover for his lack of expertise in a particular area. In short, it was a refreshing change from the many nominees who come up here and try to parrot to Senators what nominees think we want to hear.

Not so with Mr. Comey. In fact, several times when pressed on his views on a specific FBI policy, such as FBI whistleblower policies or domestic drone use, he confessed he had little or no knowledge of the current FBI policy but promised to thoroughly review the existing policies in place and the legal and moral issues surrounding the controversies. Furthermore, he pledged to work with Congress by being responsive to our inquiries for information.

Now, these promises are not unique to Mr. Comey. Almost every nominee promises the Senate that he or she will be responsive to our concerns and requests for information. Sadly, especially under this administration, once confirmed, we rarely get an adequate response until right before that individual has an oversight hearing before a Senate or House Committee. I can only hope that Mr. Comey's efforts to be more transparent will not be stymied by the Department of Justice.

As I said, I think that if any Federal agency, but especially the FBI, is to succeed, it needs quality leadership and proper congressional oversight. After examining his record, I think that Mr. Comey will prove to be that leader. Only time will tell, however, if this administration will allow Mr. Comey to engage the Congress and allow us to perform our constitutional duty of oversight to ensure that existing legislation and policies best serve this nation.

I thank Mr. Comey for his willingness to return to public service. And I urge my colleagues to support his nomination.

The PRESIDING OFFICER. The majority leader.

Mr. REID. With my friend's permission, I suggest the absence of a quorum. I need to talk to him about something that deals with the consent agreement I have here.

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

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, I ask unanimous consent that cloture on Calendar No. 208 be withdrawn and that the Senate proceed to vote on confirmation of the nomination at 5:35 p.m.; 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 the President be immediately notified of the Senate's action, and the Senate then resume legislative session and proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; further, that the vote on cloture on Calendar No. 223 occur on Tuesday, July 30, 2013, following leader remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. Madam 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. LEAHY. Madam President, I ask unanimous consent the quorum call be rescinded.

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

Mr. LEAHY. I yield back all remaining time.

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

Under the previous order, the question is, Will the Senate advise and consent to the nomination of James. B. Comey, Jr., of Connecticut, to be Director of the Federal Bureau of Investigation?

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

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

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MERKLEY (When his name was called). Present.

Mr. WYDEN (When his name was called). Present.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. Heitkamp) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Jersey (Mr. CHIESA), the Senator from Florida (Mr. RUBIO), and the Senator from Alaska (Mrs. MURKOWSKI).

Further, if present and voting, the Senator from New Jersey (Mr. CHIESA) would have voted ''yea.''

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

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 188 Ex.]

YEAS—93

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

NAYS—1

Paul

ANSWERED ''PRESENT''—2

Merkley Wyden

NOT VOTING—4

Chiesa Murkowski
Heitkamp Rubio

The nomination was confirmed.

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

LEGISLATIVE SESSION

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session and proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

JUSTICE SAFETY VALVE ACT

Mr. LEAHY. Mr. President, last week the Department of Justice announced that the total U.S. prison population declined 1.7 percent from 2011 to 2012. I was encouraged to see that sentencing reform at the State level continues to pay dividends by simultaneously reducing prison costs and crime rates.

I am troubled, however, that the entirety of the reduction in the U.S. prison population was attributable to the States. The number of Federal prisoners actually increased by almost 1,500 from 2011 to 2012. While this increase was smaller than in previous years, the Federal Government can no longer afford to continue on the course of ever-increasing prison costs. As of last week, the Federal prison population was over 219,000, with almost half of those men and women imprisoned on drug charges. This year, the Bureau of Prisons budget request was just below $7 billion.

A major factor driving the increase in the incarceration rate has been the proliferation of Federal mandatory minimum sentences in the last 20 years. This one-size-fits-all approach to sentencing never made us safer, but it has cost us plenty. We must change course. In September, the Judiciary Committee will hold a hearing to examine the effects of Federal mandatory minimum sentences and measures to reform the system in order to combat injustice in sentencing and the waste of taxpayer dollars.

In March, I joined with Senator PAUL to introduce just such a measure. The Justice Safety Valve Act of 2013 will give judges greater flexibility in sentencing in cases where a mandatory minimum is unnecessary and counterproductive. Since its introduction, the Justice Safety Valve Act has received endorsements from a diverse group that spans the political spectrum, including articles written by George Will, Grover Norquist, David Keene, and the New York Times. I ask unanimous consent that these materials be printed in the RECORD at the conclusion of my remarks.

In addition to driving up our prison population, mandatory minimum penalties can lead to terribly unjust results in individual cases. This is why a large majority of judges oppose mandatory minimum sentences. In a 2010 survey by the U.S. Sentencing Commission of more than 600 Federal district court judges, nearly 70 percent agreed that the existing safety valve provision should be extended to all Federal offenses. That is what our bill does. Judges, who hand down sentences and can see close up when they are appropriate and just, overwhelmingly oppose mandatory minimum sentences.

States, including very conservative States like Texas, that have implemented sentencing reform have saved money and seen their crime rates drop. It is long past time that Congress follow their lead, and a Senate Judiciary Committee hearing on Federal mandatory minimum sentences is an important place to start.

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

[From the Hill's Congress Blog, Mar. 20, 2013]

PAUL-LEAHY SENTENCING BILL WILL ENSURE TIME FITS THE CRIME

(By Julie Stewart and Grover Norquist)

Even before the sequester took effect, the Obama administration's Department of Justice was warning that federal prison spending had become ''unsustainable'' and was forcing cuts in other anti-crime initiatives. Despite such warnings, we have seen little evidence of an administration strategy on how to control these costs. Fortunately, Senators Rand Paul (R-Ky.) and Patrick Leahy (D–Vt) today are stepping in to fill that void with the introduction of bipartisan legislation to restore common sense to our criminal sentencing laws.

The Justice Safety Valve Act of 2013 authorizes federal courts to depart below a statutory mandatory minimum sentence only after finding, among other things, that providing a particular defendant a shorter sentence—say, seven or eight years in prison for a drug offense rather than the 10–year mandatory minimum—will not jeopardize public safety. The bill does not require judges to impose shorter sentences, and for many crimes, the minimum established by Congress will be appropriate. But in cases where the mandatory minimum does not account for the offender's limited role in a crime or other relevant factors, the judge would be allowed to consider those factors and craft a more appropriate sentence.

This common sense bill comes at a critical time. The federal government simply cannot afford to continue to house so many nonviolent prisoners for such lengthy sentences. According to a recent Congressional Research Service (CRS) report, the number of inmates under the Bureau of Prisons' (BOP) jurisdiction has increased from approximately 25,000 in FY1 980 to nearly 219,000 in FY2012. BOP prisons are operating at 38 percent over capacity, endangering the safety of guards and inmates alike. Last week, the Inspector General for the Department of Justice testified that it's only going to get worse: the BOP projects system-wide crowding to exceed 45 percent over rated capacity through 2018. The economic cost of the prison population boom is staggering. Since FY 2000, appropriations for the BOP have increased from just over $3.5 billion to more than $6.5 billion.

Locking everyone up costs a lot, but it doesn't always keep us safer. University of Chicago economist and Freakonomics author Steven D. Levitt was perhaps the most influential supporter of pro-prison policies in the 1990s. He later concluded that, as the crime rate continued to drop and the prison population continued to grow, the increase in public safety diminished. ''We know that harsher punishments lead to less crime, but we also know that the millionth prisoner we lock up is a lot less dangerous to society than the first guy we lock up, '' Dr. Levitt recently told The New York Times. ''In the mid-1990s I concluded that the social benefits approximately equaled the costs of incarceration.'' Today, Dr. Levitt says, ''I think we should be shrinking the prison population by at least one-third.''

The head of the U.S. Justice Department's criminal division agrees that spending on federal prisons must be scrutinized. Assistant Attorney General Lanny Breuer recently wrote, ''In an era of governmental austerity, maximizing public safety can only be achieved by finding a proper balance of outlays that allows, on the one hand, for sufficient numbers of police, investigative agents, prosecutors and judicial personnel to investigate, apprehend, prosecute and adjudicate those who commit federal crimes. And, on the other hand, a sentencing policy that achieves public safety correctional goals and justice for victims, the community, and the offender.'' We are lacking that balance today as skyrocketing corrections spending, driven by increasing reliance on one-size-fits-all mandatory minimum sentencing laws, is now crowding out spending on investigators, police, and prosecutors.

In short, we are skimping on efforts to arrest and prosecute violent criminals so that we can keep nonviolent offenders behind bars for lengthy prison sentences. This is insanity. Passing the Paul-Leahy bill would enable courts to make sure the time fits the crime in every criminal case. While keeping us safe, it would also save money that could be returned to taxpayers or invested in more effective anti-crime strategies, such as putting more police on the street or expanding the use of proven recidivism-reducing programs in our prisons. We can still be tough on crime, but we do not have to be tough on taxpayers.

[From the New York Times, June 23, 2013]

NEEDED: A NEW SAFETY VALVE

(By The Editorial Board)

Congress's new bipartisan task force on overcriminalization in the justice system held its first hearing earlier this month. It was a timely meeting: national crime rates are at historic lows, yet the federal prison system is operating at close to 40 percent over capacity.

Representative Karen Bass, a California Democrat, asked a panel of experts about the problem of mandatory minimum sentences, which contribute to prison overcrowding and rising costs. In the 16–year period through fiscal 2011, the annual number of federal inmates increased from 37,091 to 76,216, with mandatory minimum sentences a driving factor. Almost half of them are in for drugs.

The problem starts with federal drug laws that focus heavily on the type and quantity of drugs involved in a crime rather than the role the defendant played. Federal prosecutors then seek mandatory sentences against defendants who are not leaders and managers of drug enterprises. The result is that 93 percent of those convicted of drug trafficking are low-level offenders.

Both the Senate and the House are considering a bipartisan bill to allow federal judges more flexibility in sentencing in the 195 federal crimes that carry mandatory minimums. The bill, called the Justice Safety Valve Act, deserves committee hearings and passage soon.

A 1994 federal sentencing law allows judges to reduce sentences for drug crimes if no one was harmed during the crime and if the offender had little or no criminal history, was not a leader in organizing the crime and used neither violence nor a gun. But that law is far too narrow; all felony convictions are disqualifying for a reduction, as are some minor offenses, like passing a bad check.

The proposed bill would apply to all federal crimes with mandatory minimums, not just drug crimes, so it would include theft of food stamps and miscellaneous other lesser crimes. It would also let judges consider lesslengthy sentences for drug offenders who don't qualify for a reduction under the current law.

The case of Weldon Angelos has long stood for the injustice of mandatory minimums. Mr. Angelos received a 55-year prison sentence in 2004 for selling a few pounds of marijuana while having handguns in his possession, which he did not use or display. In an extraordinary opinion, the federal trial judge said he had no choice but to impose that ''cruel, unjust, and irrational'' sentence. The Justice Safety Valve Act would give courts more leeway to avoid that one-size-fits-all approach.

[From the Washington Post, June 5, 2013]

LEAHY AND PAUL PLAN ON MANDATORY SENTENCING MAKES SENSE

(By George F. Will)

Libertarians believe government should have a compelling reason before it restricts an individual's liberty. Today's liberals believe almost any reason will do, because liberty is less important than equality, fraternity, fighting obesity and many other aspirations. Now, however, one of the most senior and liberal U. S. senators and one of the most junior and libertarian have a proposal that could slow and even repair some of the fraying of society.

Seven-term Democrat Pat Leahy's 38 Senate years have made him Judiciary Committee chairman. Republican Rand Paul is in his third Senate year. They hope to reduce the cruelty, irrationality and cost of the current regime of mandatory minimum sentences for federal crimes.

Such crimes are multiplying at a rate of more than 500 a decade, even though the Constitution explicitly authorizes Congress to criminalize only a few activities that are national in nature (e.g., counterfeiting, treason, crimes on the high seas). The federal government, having failed at core functions, such as fairly administering a rational revenue system, acts like a sheriff with attention-deficit disorder, haphazardly criminalizing this and that behavior in order to express righteous alarm about various wrongs that excite attention.

Approximately 80,000 people are sentenced in federal courts each year. There are an estimated 4,500 federal criminal statutes and tens of thousands of regulations backed by criminal penalties, including incarceration. There can be felony penalties for violating arcane regulations that do not give clear notice of behavior that is prescribed or proscribed. This violates the mens rea requirement—people deserve criminal punishment only if they intentionally engage in conduct that is inherently wrong or that they know to be illegal. No wonder that the federal prison population—currently approximately 219,000, about half serving drug sentences—has expanded 51 percent since 2000 and federal prisons are at 138 percent of their supposed capacity.

The Leahy-Paul measure would expand to all federal crimes the discretion federal judges have in many drug cases to impose sentences less than the mandatory minimums. This would, as Leahy says, allow judges—most of whom oppose mandatory minimums—to judge. Paul says mandatory minimum sentences, in the context of the proliferation of federal crimes, undermine federalism, the separation of powers and ''the bedrock principle that people should be treated as individuals.''

Almost everyone who enters the desensitizing world of U.S. prisons is going to return to society, and many will have been socially handicapped by the experience. Until the 1970s, about 100 per 100,000 Americans were in prison. Today 700 per 100,000 are. America has nearly 5 percent of the world's population but almost 25 percent of its prisoners. African Americans are 13 percent of the nation's population but 37 percent of the prison population, and one in three African American men spends time incarcerated. All this takes a staggering toll on shattered families and disordered neighborhoods.

The House Judiciary Committee has created an Over-Criminalization Task Force. Its members should read ''Three Felonies a Day: How the Feds Target the Innocent,'' by Harvey Silverglate, a libertarian lawyer whose book argues that prosecutors could indict most of us for three felonies a day. And the task force should read the short essay ''Ham Sandwich Nation: Due Process When Everything Is a Crime'' by Glenn Harlan Reynolds, a professor of law at the University of Tennessee. Given the axiom that a competent prosecutor can persuade a grand jury to indict a ham sandwich, and given the reality of prosecutorial abuse—particularly, compelling plea bargains by overcharging with ''kitchen sink'' indictments—Reynolds believes ''the decision to charge a person criminally should itself undergo some degree of due process scrutiny.''

He also suggests banning plea bargains: ''An understanding that every criminal charge filed would have to be either backed up in open court or ignominiously dropped would significantly reduce the incentive to overcharge. . . . Our criminal justice system, as presently practiced, is basically a plea-bargain system with actual trials of guilt or innocence a bit of showy froth floating on top.''

U.S. prosecutors win more than 90 percent of their cases, 97 percent of those without complete trials. British and Canadian prosecutors win significantly less, and for many offenses, the sentences in those nations are less severe.

Making mandatory minimums less severe would lessen the power of prosecutors to pressure defendants by overcharging them in order to expose them to draconian penalties. The Leahy-Paul measure is a way to begin

reforming a criminal justice system in which justice is a diminishing component.

[From the National Review Online, May 24, 2013]

PRISON-SENTENCE REFORM

(By David Keene)

Some liberal judges back in the 1970s and '80s enraged the public by allowing felons back on the street with little more than a slap on the wrist. In response, Congress and many state legislatures enacted mandatory-minimum-sentencing laws that essentially eliminated the discretion judges had always enjoyed to make the punishment fit the crime. These laws were incredibly popular when first enacted but have created more problems than they've solved.

Undoubtedly, the tough-on-crime sentiment these laws reflected has advanced our welcome, two-decade decline in drug-related and violent crime. But I have come to believe that the wholesale adoption of mandatory minimum sentencing hasn't worked as well as everyone had hoped.

Like many conservatives, I supported many of these laws when they were enacted and still believe that, in some narrow situations, mandatory minimums makes sense. But like other ''one-size-fits-all'' solutions to complicated problems, they should be reviewed in light of how they work in practice.

Fortunately, Senators Rand Paul (R., Ky.) and Patrick Leahy (D., Vt.) have crafted a smart and modest reform bill that will fine-tune these laws to eliminate many of the unforeseen and, frankly, unfair consequences of their application when the facts demand more flexibility. This bipartisan measure deserves conservative support.

The bill, the Justice Safety Valve Act of 2013, maintains existing federal mandatory-sentencing laws. It enables judges to depart from the minimums in certain cases, however, such as when the mandatory sentence is not necessary to protect public safety and seems blatantly unfair in light of the circumstances of the offense. In so doing, their proposal fulfills the primary objective of criminal-justice policy: protecting public safety, while promoting our constitutional separation of powers and saving taxpayers the expense of unnecessary and counterproductive incarceration.

Many people, conservatives as well as liberals, have come to believe that most mandatory-minimum-sentencing laws should be repealed. These laws give prosecutors nearly unchecked power to determine sentences, even though courts are in a better position to weigh important and relevant facts, such as an offender's culpability and likelihood of reoffending.

Federal mandatory-minimum-sentencing laws are especially problematic. Not only do they transfer power from independent courts to a political executive, they also perpetuate the harmful trend of federalizing criminal activity that can be better prosecuted at the state level.

For years, conservatives have wisely argued that the only government programs, rules, and regulations we should abide are those that can withstand cost-benefit analysis. Mandatory minimum sentences, by definition, fail this basic test because they apply a one-size-fits-all sentence to low-level offenders, even though the punishments were designed for more serious criminals.

Economists who once wholeheartedly supported simple pro-prison policies now believe they have reached the point of diminishing returns. One is University of Chicago economist Steven D. Levitt, best known for the best-selling Freakonomics, which he co-authored with Stephen J. Dubner. Levitt recently told the New York Times, ''In the mid-1990s I concluded that the social benefits approximately equaled the costs of incarceration,'' and, today, ''I think we should be shrinking the prison population by at least one-third.''

In other words, the initial crackdown was a good thing, but we are now suffering the effects of too much of that good thing.

If Levitt's estimate is even close, right now we are wasting tens of billions of dollars locking people up without affecting the crime rate or enhancing public safety. In fact, spending too much on prisons skews state and federal budgetary priorities, taking funds away from things that are proven to drive crime even lower, such as increasing police presence in high-violence areas and providing drug-treatment services to addicts.

The Paul-Leahy bill will help restore needed balance to our anti-crime efforts. Repeat and violent criminals will continue to receive and serve lengthy prison sentences, but in cases involving lower-level offenders, judges will be given the flexibility to impose a shorter sentence when warranted.

The Paul-Leahy bill is a modest fix that will affect only 2 percent of all federal offenders, and even they won't be spared going to prison. They will simply receive slightly shorter sentences that are more in line with their actual offenses.

The bill will improve public safety, save taxpayers billions of dollars, and restore our constitutional separation of powers at the federal level while strengthening federalism. This is a reform conservatives should embrace.

NATIONAL JUDICIAL COLLEGE

Mr. REID. Mr. President, I rise to honor the National Judicial College. Celebrating 50 years of service and education to the Nation's judiciary, the National Judicial College has dedicated itself to the advancement of justice, not only in our Nation, but throughout the world. It is with great pleasure that I recognize the National Judicial College's distinguished history of providing education and higher learning, especially in light of its recent anniversary.

More than 50 years ago, the Joint Committee for the Effective Administration of Justices came together and realized the need for an entity to provide judicial education. By 1963, under the leadership of Supreme Court Justice Tom C. Clark, the National Judicial College opened its doors at the University of Colorado, Boulder.

After attending the first course in Boulder, Judge Thomas Craven, from Reno, NV, enthusiastically brought his experience with the college to trustees of the Max C. Fleischmann Foundation located in Reno. In 1964, with the persistence of Judge Craven and the support of the Fleischmann Foundation, the college moved to the campus of the University of Nevada, Reno, where its permanent academic home still thrives today.

As the first institution to offer programs of its nature to judges nationwide, the National Judicial College has much to celebrate at this 50 year mark. What started out as a course serving 83 judges in 1963 has become a permanent institution that provides 90 courses and programs serving more than 3,000 judges every year from all 50 States, U.S. territories, and more than 150 countries. Since its inception, the college has awarded more than 95,000 professional judicial education certificates.

These judges come together in the college's own state-of-the-art facility on the campus of University of Nevada, Reno, comprised of 90,000 square feet including an auditorium, classrooms, model courtroom, multimedia room, computer lab, judge's resource room, and discussion areas, all of which are equipped with the latest technology.

The college serves as the one place where judges from across the world can meet to improve the delivery of justice and advance the rule of law through professional study and collegial dialogue. The college's dedicated boards, faculty, and staff deliver innovative programs and services that improve productivity, challenge perceptions of justice, and inspire judicial excellence in the field.

The impact of the National Judicial College is immense. Its unique role in educating and developing our Nation's judiciary has improved the judicial system, and will continue to do so in the future.

I commend the National Judiciary College's dedication to education, innovation, and advancement of justice, and am honored to congratulate the college for 50 years of serving our Nation's judiciary.

McCARTHY NOMINATION

Mr HATCH. Mr. President, I rise today to discuss my vote in opposition to the President's nomination of Gina McCarthy as the Administrator of the Environmental Protection Agency. I praise Ms. McCarthy for her extensive experience and expertise in regulating air quality at the Federal level as well as at the State level. Throughout her career she has been able to be an effective regulator under Republican Governors as well as a Democratic President. Even with the opposition she faced during the months leading up to her confirmation, it was always clear to me that Ms. McCarthy would be approved.

My ''nay'' vote was not against Ms. McCarthy. My vote was against President Obama's overreaching environmental policies and against the EPA. The environmental policies of this administration are clearly a war on fossil fuel and a war on Western jobs.

The President's recent announcement of a Climate Change Action Plan will be implemented by EPA and will have a direct impact on jobs and the pocketbooks of the American people. This plan targets coal-fired powerplants by proposing Federal carbon emission standards that will cost billions of dollars nationwide to implement and will raise the price of electricity for private citizens as well as businesses.

The Western United States is rich in coal, oil, and natural gas. We need to make it easier, not harder, to develop those resources. The development of the abundant and affordable energy that we are blessed with as a nation is crucial.

The effort by this administration to quell the development of these resources is unacceptable. I cannot support them and, that being the case, I am not able to support the nomination of Ms. McCarthy.

WEAPONS SALES

Mr. LEVIN Mr. President, we recently marked 1 year since the tragic shooting in Aurora, CO. One year since our nation witnessed innocent men, women, and children streaming out of a movie theater, bloodied and in shock. One year since 12 people were murdered and 58 injured at the hands of an armed and mentally deranged individual who was able to channel his illness in the most dangerous way: through the barrel of an AR–15 military-style assault weapon.

Such weapons, according to the Congressional Research Service, were designed in the aftermath of the Second World War to give soldiers a weapon suited for the modern battlefield. They are designed to kill as many people as possible, as quickly as possible. And in Aurora, the AR–15 did just that.

Since that night, all around our country, the gun violence has continued. But still, we in Congress have done nothing to stem these gun tragedies. Today, just like this day 1 year ago, a convicted felon, a domestic abuser, or a dangerously mentally ill individual can go to a private seller and legally purchase a deadly military-style weapon just as easily as they can purchase a gallon of milk, no background check required.

Take, for example, a recent undercover investigation conducted by a team of National Geographic journalists who wanted to see just how easy it is for criminals to obtain guns. What the team found was deeply unnerving. Speaking to investigative journalist Mariana van Zeller, private investigator and former police officer Jesse Torrez put it bluntly: ''We should be able to get you involved in a weapons transaction within 30 minutes . . . and that's travel time, too.''

He was right. The investigators decided to attempt to purchase an AK–47, a military-style assault weapon. On the weapon-selling website [*www.armslist .com*], a posting selling a similar firearm for $830 proudly describes it, among other things, as ''the standard issue firearm in the Yugoslav People's Army in 1970.'' But compared to the investigation's findings, that weapon would have been overpriced. In just a few minutes, the National Geographic investigators found an online posting selling an AK–47 for $750 in cash. They agreed to meet the seller in a fast food parking lot. Under Federal law, background checks are not required for ''private'' gun sales, so the transaction was completed quickly and legally. The vendor even offered to add ''several'' AR–15 assault rifles to the sale as a sort of impulse buy, like candy in a convenience store.

Upping the ante, the investigators then searched for a .50-caliber sniper rifle, a weapon the team described as ''so powerful that the U.S. military uses it to penetrate concrete and steel.'' Again, within minutes, they found an internet seller offering a .50-caliber rifle from a nearby garage. Without any form of background check, the National Geographic team purchased the weapon, along with 11 boxes of ammunition containing 12 rounds apiece. In the chilling words of the private seller, ''You have a lot of firepower to start your own war.''

Our society should not be a war zone. The purchasers in this case were undercover investigators, but next time, they might not be. They could be felons, domestic abusers, or a mentally deranged individual planning to use the weapon for harm.

We owe it to the survivors and the victims of Aurora to keep weapons designed for war off our streets. We owe it to the American people to listen to the 90 percent of them who support universal background checks on all gun sales. We owe it to our families, our neighbors, and our children to stop deadly weapons from getting into the wrong hands. We should take up and pass legislation such as the Assault Weapons Ban of 2013, which would stop the flood of military-style weapons into our neighborhoods. We should extend background checks to all gun sales by passing the Safe Communities, Safe Schools Act of 2013. We should, in short, turn common sense into law. But that will only happen if Congress acts.

TRIBUTE TO ROBERT S. MUELLER

Ms. MIKULSKI. Mr. President, I rise today to pay tribute to Robert S. Mueller, III, and to thank him for his 12 years of service as the Director of the Federal Bureau of Investigation, FBI.

Director Mueller had just settled into his office just a week before the September 11, 2001, terrorist attacks. These attacks on the Nation affected us all, including in my home State of Maryland. In the terrible aftermath of the events of that day, we grieved together. On 9/11, we were caught unprepared, searching for answers and scrambling to find a way to prevent future attacks.

After 9/11, the FBI was charged with a heavy responsibility: disrupt terrorist plots before they happen by identifying, tracking, and dismantling terrorists on U.S. soil. During his term, Director Mueller has provided steadfast leadership, guiding the FBI as it transformed from a traditional domestic law enforcement agency into a global counterterrorism and crime-fighting force. His guidance has helped keep Americans safe from terrorist attacks here at home and abroad. But such leadership is nothing new to Director Mueller. Before he led the FBI, he served our Nation as a decorated marine in Vietnam, and as a Federal prosecutor who tackled cases ranging from the bombing of Pan Am Flight 103 to the prosecution of Panamanian dictator Manuel Noriega.

Director Mueller has shown unwavering commitment to the FBI and its mission. He is the only Director to serve a full 10-year term, and then serve another 2 years. From day one, he has fought to make sure the hard-working men and women at the FBI have the tools they need to carry out their extraordinary responsibilities. As chairwoman of the Senate Appropriations subcommittee that funds the FBI and as a member of the Intelligence Committee, I am proud to call Director Mueller my steadfast partner in that fight. Together, we have worked to provide the FBI with the capabilities to stop terrorists before they attack us here at home, go after schemers and scammers who prey on hard-working American families, prevent cyber terrorists from devastating our technology infrastructure, and catch sexual predators who seek to harm our children.

Lastly, Director Mueller has strong integrity. He speaks truth to power, even when the truth is unpopular or inconvenient. He is a straight talker—when he tells me that the FBI needs more tools to carry out its national security and crime-fighting duties, I find a way to help him get those tools because I trust his judgment, and I trust his leadership. He answered the call to service when President Bush asked him to serve as FBI Director in 2001. And he answered the call of President Obama when asked to serve 2 more years.

We live in extraordinarily critical times, and face threats from both within and outside our Nation. But over the past 12 years we knew that having Director Mueller at the FBI meant that one of the tested ''nighthawks'' was guarding our Nation's national security. I speak for all Americans when I say that we have been privileged to have such a committed and dedicated public servant leading the FBI. I will miss my steadfast partner and friend and, above all, wish to send him a heartfelt thank you.

LEWISTON FIREFIGHTERS

Ms. COLLINS. Mr. President, in one terrifying week this spring, Lewiston, ME, my State's second largest city, was attacked by arsonists who destroyed nine buildings and left hundreds of people homeless. I rise today in tribute to the firefighters of Lewiston who answered those cruel attacks with skill and courage and who saved their city with no loss of life or serious injury.

We have always had a deep respect and admiration for our firefighters and

first responders. In recent years, however, the American people have been reminded of the vital protections they provide to our communities. From the Twin Towers in 2001 to the Boston Marathon in 2013, we have seen these heroes rush into danger that others flee. We have seen them risk their lives to save the lives of others.

That is precisely what the people of Lewiston have seen since their first fire company was established in 1849. Through the years, fire has claimed textile and lumber mills, stores and schools, homes and even city hall. Yet never has a fire, no matter how fierce, been allowed to spiral out of control into a conflagration. The willingness of the people of Lewiston to always rebuild is testament to the confidence they have that their valiant firefighters will protect their property and their lives.

That protection comes at a high price. The Lewiston Firefighters Memorial bears the names of nine men who made the ultimate sacrifice in the line of duty.

Today, under the leadership of Fire Chief Paul LeClair and International Association of Firefighters Local 785 president Rick Cailler, the Lewiston Fire Department is recognized as one of the best in Maine, known for its professionalism, efficiency, and dedication. In the special language of the firefighter community, the Lewiston firefighters are considered ''the toughest Jakes on the job.''

They are tough yet filled with community spirit and compassion. Through the generosity of its members, the Local 785 Community Fund sponsors youth sports teams, charities, and the arts, and provides children in need with Christmas toys. Their annual ''Fill the Boot'' campaign raises many thousands of dollars for the fight against Muscular Dystrophy.

America's firefighters play a vital role in the security of our Nation and the safety of our people. Whether it is in response to a terrorist attack, a natural disaster, or a fire, Americans rely on our firefighters, and our firefighters always answer the call. The firefighters of Lewiston, ME, are a shining example of that commitment, and I join the people of their city in saluting them.

RECOGNIZING TONY PETKOVSEK

Mr. PORTMAN. Mr. President, I rise today to honor Tony Petkovsek, who will be inducted into the International Polka Association Hall of Fame on August 3, 2013. Mr. Petkovsek has devoted his life's work to cultivating Cleveland-Slovenian music and culture, most notably by hosting the longest running daily radio show in the world.

Growing up in Cleveland's St. Clair neighborhood, Mr. Petkovsek was immersed in Slovenian culture from a young age. After completing college and broadcasting school, he began producing and broadcasting his own radio shows on Cleveland's WXEN, on November 23, 1961, which was Thanksgiving Day. Since 1962, his show has been broadcasted daily.

Mr. Petkovsek is one of the most prominent ambassadors of Cleveland-style polka both locally and nationally. In 1967, he originated the Polka Tour at Kollander World Travel, which has since taken thousands of polka fans all over the world. His annual Thanksgiving celebration evolved from a dance in 1963 to a national focal point of Cleveland-style polkas, attracting polka fans from all over America to join the festivities. Mr. Petkovsek was instrumental in founding the United Slovenian Society, the Cleveland-Slovenian Radio Club, the East 185th Street Business Association, and the American Slovenian Polka Foundation. Notably, Mr. Petkovsek served on the Ohio Arts Council under Gov. George Voinovich.

His contributions to Cleveland-style polka have been widely recognized over the years. Some of these honors have included the Federation of Slovenian Homes' ''Man of the Year'' in 1966, his induction into the St. Joseph High School Hall of Fame in 1987 and his induction into the National Broadcasters Hall of Fame in 1991. Mr. Petkovsek was also recognized with a merit badge by the President of Slovenia, Danilo Turk, in 2012 for his service to the country of Slovenia and to Slovenians in Cleveland.

I would like to honor Tony Petkovsek for his contributions to Cleveland-style polka and to the Cleveland Slovenian community.

ADDITIONAL STATEMENTS

UCLA BRUINS NCAA CHAMPIONSHIP

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in congratulating the University of California, Los Angeles baseball team for winning the 2013 National Collegiate Athletics Association, NCAA, Division I College World Series. On June 25, the UCLA Bruins capped off a magical season and earned their first baseball national championship by sweeping the Mississippi State Bulldogs.

This victory wouldn't have been possible without the determination and teamwork of the skilled and dedicated players and the devoted coaching and training staff, led by head coach John Savage. The 2013 Bruins showed these extraordinary qualities all season, finishing with a 49–17 record and matching a school record with 21 wins in the Pac-12 conference play.

During the NCAA Regionals and Super Regionals, the Bruins began their undefeated march through the postseason by defeating worthy and spirited opponents from San Diego State, Cal Poly San Luis Obispo, the University of San Diego, and Cal State Fullerton en route to earning their third trip in 4 years to the prestigious College World Series in Omaha, NE.

In the College World Series, the Bruins unleashed a historic display of overpowering pitching, steady defense, and timely hitting to defeat competition from Louisiana State, North Carolina State, the University of North Carolina, and Mississippi State to capture the first national championship in UCLA baseball history. The Bruins became the first championship team to allow one run or fewer in every College World Series game. In total, the Bruins allowed just 14 runs during their dominant 10–0 run through the NCAA tournament.

True to their reputation as a team of great resolve and determination, the Bruins were bolstered by contributions from every player on their roster. They worked together to ensure that the College World Series trophy will finally make its way to UCLA, a school with a rich baseball tradition that includes Jackie Robinson, who honed his prodigious skills before becoming a National Baseball Hall of Famer and national hero. With the addition of the College World Series trophy, the UCLA Hall of Champions will now boast an unmatched 109 NCAA team championships.

It is my pleasure to congratulate UCLA students, families, alumni, faculty, and Bruin fans, as they celebrate their 2013 National Collegiate Athletics Association Division I College World Series victory and their remarkable and memorable season.●

REMEMBERING LUKE SHEEHY

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the life of Luke Sheehy, a loving son, devoted friend, and courageous firefighter. Luke Sheehy passed away on June 10, 2013, succumbing to injuries he sustained while heroically combating a wildfire in the Modoc National Forest. He was 28 years old.

Luke Sheehy was born in Susanville, CA, graduated from Susanville High School, and attended the Shasta College Fire Academy. After serving as a firefighter with the California Department of Forestry and the Bureau of Land Management's Diamond Mountain Hotshots, Luke became a U.S. Forest Service Smokejumper, parachuting from airplanes to fight fires in remote and hard-to-access areas, helping to train new smokejumpers and earning respect for his strong work ethic and leadership abilities.

Those who knew him best will remember Luke as a genuine friend who loved his family and enjoyed hunting, fishing, snowboarding and the piano, guitar and fiddle.

My heart goes out to Luke's family, loved ones, and colleagues, and my thoughts and prayers are with them.

Luke Sheehy, like all those who fight fires across California, put his life on the line to protect our families and communities. We are forever indebted to him for his courage, service and sacrifice, and he will be dearly missed.●

REMEMBERING GEORGE PERKINS

● Mr.VITTER. Mr. President, today I wish to honor the memory of George Perkins, a beloved community leader from Hammond, LA, who passed away suddenly in April of this year. George was born in 1942 and would have turned 71 on August 17.

George was born in Walker, LA, and relocated to Hammond in 1979. He immediately became a community leader in the Hammond area. He joined Greenfield Missionary Baptist Church where he served as a deacon, Sunday school teacher, and member of the male chorus. He cochaired the board of deacons and was in charge of the church's video recording.

George was an insurance sales representative and later a cable TV franchise owner by trade, but he was best known as one of the originators of the Tangipahoa Black Festival that began in 1984. In 1987, the name was changed to the Tangipahoa Parish Black Heritage Festival. With the new name, George and other leaders of the organization decided they needed a permanent facility and they contacted the parish school system to purchase a boarded-up school on 7.3 acres of land that was left over from integration. Over the years they have renovated the facility, which has become the Tangipahoa Parish African American Heritage Museum and Veterans Archive. George could be found there on most days working in whatever capacity in which he was needed—from acting as tour guide to researching records to taking on kitchen duty.

He also served his community in other ways. He was a member of the advisory board for North Oaks Hospital and served as the first Black councilman for District 3 in the city of Hammond. He later served as an assistant to State Representative Henry ''Tank'' Powell and was a founding member of the 2nd Saturday breakfast group—a group which invites members of the community to gather monthly regardless of racial and social divides to discuss issues of concern to the community. He was a member of the Masonic Order Prince Hall affiliation, the past worshipful master of Oak Grove Lodge #117 in Hammond and a grand officer of the Most Worshipful Prince Hall Lodge for the State of Louisiana.

George Perkins was a man of many talents and music was his passion. He wrote and produced many songs including ''Cryin' in the Streets''—his No. 1 hit. It sold over 1 million copies and provided him the opportunity to perform at the Apollo Theater.

George will be lovingly remembered by his wife of 42 years, Eloise, 3 daughters, 3 sons, 19 grandchildren, 1 great-grandchild, 6 sisters, 2 brothers, and an entire community. I am pleased to join them in honoring George Perkins, a man who provided a great example of leadership through his service to others and his community.●

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2218. An act to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2218. An act to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–59. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to codify into law a United States Department of Defense standard for religious freedom that would be applied to all uniformed services; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 175

Whereas, the freedom to practice religion and to express religious thought is acknowledged as our first freedom, enshrined in the Bill of Rights of the United States Constitution and is a freedom which belongs to all Americans; and

Whereas, our military has fought to preserve all rights and freedoms enumerated in the United States Constitution; and

Whereas, recent news reports and statements of high ranking military personnel reveal a growing intolerance and in some cases outright hostility toward religious expression and affiliation within segments of our nation's military; and

Whereas, in Section 533 of the United States National Defense Authorization Act (NDAA) for Fiscal Year 2013, the United States Department of Defense is charged with developing regulations that would implement the conscience protections recently passed by the United States Congress; and

Whereas, the same protections have not been established throughout the Department of Defense for all service personnel; and

Whereas, individual branches of the military have adopted policies that are not in keeping with the spirit of Section 533 of the NDAA; and

Whereas, protection of religious freedom is fundamental to all freedoms as Americans: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to codify into law a United States Department of Defense standard for religious freedom that would be applied to all uniformed services, ensuring that all members of the armed forces may engage in peaceable and noncombative religious speech, including noncoercive proselytizing, and that such speech is not in derogation of the good order and discipline of the armed forces; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–60. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts recognizing the valor and courage of the 65th Infantry Regiment, known as the Borinqueneers; to the Committee on Armed Services.

HOUSE RESOLUTION

Whereas, military heroes who served so valiantly and honorably in wars in which this country's freedom was at stake should be recognized by the people of this great nation, who should never forget the courage with which these soldiers fought; and

Whereas, in full accord with its long standing traditions, it is the sense of this legislative body to memorialize the Congress of the United States to recognize the 65th Infantry Regiment, known as the Borinqueneers, and to request that Congress bestow the Congressional Gold Medal upon these war heroes; and

Whereas, this auspicious honor, considered the most distinguished, is an award bestowed by the United States Congress and is, along with the presidential medal of freedom, the highest civilian award in the United States, given to persons who have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement of the Borinqueneers now and in the future; and

Whereas, as mandated by Congress in 1899, the 65th Infantry Regiment, hailing from Puerto Rico, was the only Hispanic-segregated unit ever in the United States Armed Forces that played a prominent role in American military history, having participated in three wars in which the United States was engaged, World War I, World War II, and most notably, the Korean war; and

Whereas, the Borinqueneers were willing to shed their blood, sweat and tears for democracy by enlisting in the United States Armed Forces on their own accord to defend the freedoms of others; and

Whereas, these brave men were one of the first infantrymen of the ''Rock of the Marine Division. (3rd Infantry Division) to meet the enemy on the battlefields of Korea, fighting with determination and efficiency; and

Whereas, the 65th Infantry Regiment served with distinction and valor, earning two Presidential Unit Citations, Army Unit Superior Award, Navy Unit Citation, two Republic of Korea Presidential Unit Citations and Bravery Gold Medal of Greece; and

Whereas, the congressional honor would affirm that they are recognized by the people of the United States as true American heroes who served their country with distinction, fighting bravely even while enduring the hardships of segregation and discrimination; and

Whereas, the Borinqueneers are veritable American heroes and deserve to be recognized, commended, acknowledged and remembered by the people of the State of Massachusetts, as well as by all of the citizens of this great Nation: Now therefore, be it

Resolved, That the Congress of the United States hereby, respectfully memorialized by this legislative body, recognize the 65th Infantry Regiment known as the Borinqueneers, and request that these war heroes receive the Congressional Gold Medal; and be it further

Resolved, That a copy of these resolutions be forwarded by the clerk of the House of Representatives to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, Congressman Richard Neal, Senator Elizabeth Warren, Senator William Cowan and the Borinqueneers Congressional Gold Medal Alliance.

POM–61. A joint memorial adopted by the Legislature of the State of New Mexico requesting Congress to support and preserve the Navajo Code Talkers' legacy and substantial contribution to the United States; to the Committee on Armed Services.

SENATE JOINT MEMORIAL 41

Whereas, the few living Navajo Code Talkers are undertaking a multi-year project to build an educational, historical and humanitarian facility that will bring pride to Native American and non-Native American Communities alike, educate the young and old and conserve the instruments of freedom gifted to the American people by an awe-inspiring group of young Navajo men during World War II; and

Whereas, during World War II, these modest young Navajo men fashioned from the Navajo language the only unbreakable code in Military History; and

Whereas, these Navajo Radio Operators transmitted the code throughout the dense jungles and exposed beachheads of the Pacific Theater from 1942 to 1945, passing over eight hundred error-free messages in forty-eight hours at Iwo Jima alone; and

Whereas, the bravery and ingenuity of these young Navajo men gave the United States and the Allied Forces the upper hand they so desperately needed, finally hastening the war's end and assuring victory for the United States; and

Whereas, after being sworn to secrecy for twenty-three years after the war, these brave Navajo men eventually came to be known as Navajo Code Talkers and were honored by President George W. Bush more than fifty years after the war with Congressional Gold and Silver Medals in 2001; and

Whereas, the Navajo Code Talkers are now in their eighties, and with fewer than fifty remaining from the original four hundred, the urgency to capture and share their stories and memorabilia from their service in the war is now critical; and

Whereas, these American treasures and revered elders of the Navajo Nation have come together to tell their story, one that has never been heard, from their own hearts and in their own words; and

Whereas, the Navajo Code Talkers' heroic story of an ancient language, valiant people and a decisive victory that changed the path of modern history is the greatest story never told; and

Whereas, the Navajo Code Talkers ultimately envision a lasting memorial, the Navajo Code Talkers Museum and Veterans Center, on donated private land; and

Whereas, the Navajo Code Talkers' mission is to create a place where their legacy of service will inspire others to achieve excellence and instill core values of pride, discipline and honor in all those who visit; and

Whereas, through the lead efforts of the Navajo Code Talkers' Foundation and many partners and individuals, the Navajo Code Talkers' Legacy, History, Language and Code will be preserved to benefit all future generations: Now, therefore, be it

Resolved by the Legislature of the State of New Mexico, That the United States Congress, Department of the Interior, Department of Veterans Affairs, Department of Health and Human Services, Department of Defense, Department of Agriculture, Department of State and Department of Energy be requested to support the preservation of the Navajo Code Talkers' remarkable legacy; and be it further

Resolved, That copies of this memorial be transmitted to the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Interior, the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of State, the Secretary of Energy and the New Mexico Congressional Delegation.

POM–62. A resolution adopted by the Senate of the State of Michigan memorializing the President and the United States Congress to support continued funding of the United States Department of Defense STARBASE youth science and technology program; to the Committee on Armed Services.

SENATE RESOLUTION NO. 31

Whereas, Early childhood access to science, technology, engineering, and mathematics (STEM) education opportunities are critical to the future of the United States as an economic and technological leader of the global marketplace; and

Whereas, The STARBASE program utilizes military resources and technology not otherwise available to Michigan school districts to support STEM education; and

Whereas, The program strives to motivate children to explore STEM-related opportunities and provides vital exposure for traditionally underrepresented communities to technology professions; and

Whereas, Michigan is home to three successful STARBASE program locations based in Alpena, Battle Creek, and Mt. Clemens that annually serve more than 3,500 students; and

Whereas, The value of Michigan STARBASE education programs significantly exceeds the costs, as the fiscal year 2013 STARBASE budget requires as little as $200 per student in spending; and

Whereas, The STARBASE concept and pilot program originated in Michigan and now has a presence in 40 states through 76 program locations, with a waiting list of more than 35 qualified facilities nationwide: Now, therefore, be it

Resolved by the Senate, That we urge the President and the United States Congress to preserve full funding and support for the United States Department of Defense STARBASE youth science and technology program; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Defense, and the members of the Michigan congressional delegation.

POM–63. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to preclude or delay the increase in premium fees for the National Flood Insurance Program until further study can be done, in order to prevent unintended adverse consequences on the residents of St. Charles Parish and the value of their homes; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 60

Whereas, the National Flood Insurance Program provides important and necessary property coverage in the event of flooding for homeowners in St. Charles Parish; and

Whereas, President Barack Obama signed the Biggert-Waters Flood Insurance Reform Act into law on July 6, 2012; and

Whereas, St. Charles Parish is currently in the process of adopting the revised version of the Flood Insurance Rate Maps; and

Whereas, many homeowners of St. Charles Parish constructed and purchased homes in areas based on the existing version of the Flood Insurance Rate Maps which met or exceeded current base flood elevation requirements; and

Whereas, many homeowners of St. Charles Parish have benefitted from locally built and maintained flood control features, including functional levees, which have protected the residents of these areas from flooding for decades; and

Whereas, the existing version of the Flood Insurance Rate Maps took into consideration the benefits provided by the locally built and maintained flood control features; and

Whereas, the proposed revised version of the Flood Insurance Rate Maps do not account for this important source of functional flood protection; and

Whereas, the Biggert-Waters Flood Insurance Act includes provisions that permit the National Flood Insurance Program to increase premium rates for certain policyholders; and

Whereas, the increase of such risk-based premium rates is anticipated to result in a total premium increase of between twenty percent to twenty-five percent per year for certain homeowners, during each of the next five years; and

Whereas, certain areas of St. Charles Parish will experience extreme, sudden, and unaffordable increases in flood insurance premiums that may lead to personal bankruptcy and foreclosure; and

Whereas, the effects of the Biggert-Waters Flood Insurance Reform Act and the revised version of the Flood Insurance Rate Maps would have significant consequences on the housing market and economic health of St. Charles Parish; and

Whereas, the Biggert-Waters Flood Insurance Reform Act also includes provisions, located in Section 207 of such act, that eliminate the ''grandfathering'' of homes that were built after the existing Flood Insurance Rate Maps in accordance with then existing laws; and

Whereas, coverage by the National Flood Insurance Program is necessary for the affected homeowners; and

Whereas, the Biggert-Waters Flood Insurance Reform Act also includes provisions which require the Federal Emergency Management Agency to conduct a study on ways to educate consumers about the National Flood Insurance Program and flood risks and to encourage consumer participation; and

Whereas, such study shall also research the effects of increased premiums on low-income homeowners and ways to assist such homeowners to afford the increased premiums; and

Whereas, the Act directs the Federal Emergency Management Agency to conclude its study and to issue a report by April 6, 2013; and

Whereas, such study is currently still in progress; and

Whereas, the Federal Emergency Management Agency has yet to create a report based upon the findings of such study; and

Whereas, increased premiums as a result of the Biggert-Waters Flood Insurance Reform Act will have a significant effect on low-income homeowners; and

Whereas, congress should consider the amendment or repeal of Section 207 of the Biggert-Waters Flood Insurance Reform Act to take into account its effects on homes that were built after the adoption of existing Flood Insurance Rate Maps in accordance with then existing laws: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to direct the National Flood Insurance Program to delay increasing premium rates until such time as the Federal Emergency Management Agency has released its report and congress has had time to study such report, in order to prevent unintended consequences on the residents of St. Charles Parish and the value of their properties; and be it further

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to consider the amendment or repeal of Section 207 of the Biggert-Waters Flood Insurance Reform Act in order to take into account its effects on homes that were built after the adoption of existing Flood Insurance Rate Maps in accordance with then existing laws; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–64. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to pass the Strengthen, Modernize and Reform the National Flood Insurance Program Act and the Flood Insurance Implementation Reform Act of 2013; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 141

Whereas, the National Flood Insurance Act of 1968 was enacted to provide previously unavailable flood insurance protection to property owners; and

Whereas, the National Flood Insurance Program continues to provide important and necessary property coverage for home and business owners throughout various Louisiana parishes, as well as counties and communities nationwide; and

Whereas, the Biggert-Waters Flood Insurance Reform Act of 2012 was signed into law on July 6, 2012; and

Whereas, the act calls for a revision of the flood insurance rate maps; and

Whereas, such revised flood insurance rate maps do not include the discounts granted by the current rate maps to property owners who have taken action to mitigate property damage by installing and maintaining flood control features, in conformity with the most current federal law available to them, and in conformity with current flood insurance rate maps; and

Whereas, countless Louisiana property owners have built and purchased homes and businesses in accordance with the current flood rate insurance maps which, under the provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, will soon enter obsolescence; and

Whereas, the act also includes provisions, located in Section 207 of such act, that eliminate the ''grandfathering'' of homes that were built after the existing flood insurance rate maps in accordance with then existing laws; and

Whereas, by purchasing homes and businesses in accordance with the provisions of the former flood rate insurance maps and by investing in previously owned property to install flood mitigation features, Louisiana property owners relied on their strict compliance with federal and state law to protect their purchases and investments; and

Whereas, in light of the provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, the reliance on existing flood insurance rate maps that those property owners demonstrated is now to their personal and financial detriment; and

Whereas, the passage of the Biggert-Waters Flood Insurance Reform Act substantially and immediately devalued the investments made in all properties endowed with flood damage mitigation measures and to properties receiving subsidized insurance premium rates; and

Whereas, the Biggert-Waters Flood Insurance Reform Act also includes provisions that permit the National Flood Insurance Program to increase premium rates for many policyholders; and

Whereas, the elimination of these discounts combined with the certainty of general premium rate increases will result in a premium increase of up to twenty-five percent per year for certain Louisiana property owners over the next four years; and

Whereas, under the changes to the National Flood Insurance Program caused by the Biggert-Waters Flood Insurance Reform Act, Louisiana property owners will struggle to pay exorbitant amounts of money or will lose their flood insurance; and

Whereas, a change in the ability of Louisiana property owners to insure their homes from flood damage without bearing the burden of such a violent rise in cost may lead to financial distress for Louisiana residents and property owners and countless other property owners around this nation; and

Whereas, the premium increases to the National Flood Insurance Program, as mandated by the Biggert-Waters Flood Insurance Reform Act, will affect the entire nation's real estate market; and

Whereas, the premium increases to the National Flood Insurance Program, as mandated by the Biggert-Waters Flood Insurance Reform Act, will affect the nation's banking and mortgage industry; and

Whereas, the premium increases to communities and property owners who made their best efforts to comply with federal law by building property in accordance with soon to be outdated flood insurance rate maps will affect consumer confidence and the entire nation's economy; and

Whereas, on May 21, 2013, the Strengthen, Modernize and Reform the National Flood Insurance Program Act (SMART NFIP) was introduced by Senator Mary Landrieu to address the flaws of the Biggert-Waters Flood Insurance Reform Act; and

Whereas, SMART NFIP, if passed, would delay premium increases, repeal provisions preventing new owners of sold homes to continue subsidized rates, and allow the rebuilding of key community facilities destroyed in a disaster that lie in velocity zones; and

Whereas, on May 23, 2013, the Flood Insurance Implementation Reform Act of 2013 was introduced by Congressman Cedric Richmond in an effort to also address flaws of the Biggert-Waters Flood Insurance Reform Act; and

Whereas, the Flood Insurance Implementation Reform Act is co-sponsored by Congressmen Bill Cassidy, Rodney Alexander, Charles Boustany, and Congresswomen Doris Matsui and Maxine Waters; and

Whereas, the Flood Insurance Implementation Reform Act, would, if passed, in some cases delay, up to five years, major components of the Biggert-Waters Flood Insurance Reform Act, including delaying the increasing of rates previously ''grandfathered''; and

Whereas, these instruments would address many of the concerns addressed herein; and

Whereas, the United States Congress should consider the passage of the Strengthen, Modernize and Reform and National Flood Insurance Program Act and the Flood Insurance Implementation Reform Act of 2013, or, should neither of these acts pass, the United States Congress should consider the amendment or the repeal of Section 205, Section 207, and all such sections of the Biggert-Waters Flood Insurance Reform Act which provide for the increase of premium fees for policyholders of the National Flood Insurance Program, in order to prevent the unduly hazardous effects it will have on home and business owners who invested in property prior to the adoption of the new federal legislation and flood insurance rate maps: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to undertake the amendment or repeal of all relevant provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, including passage of the Strengthen, Modernize and Reform the National Flood Insurance Program Act and the Flood Insurance Implementation Reform Act of 2013; and be it further

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to, in the absence of the amendment or repeal of all relevant provisions of this Act, suspend adoption of new flood insurance rate maps in order to allow communities with a substantial percentage of participation in the National Flood Insurance Program to work with the Federal Emergency Management Agency and the National Flood Insurance Program to provide for the creation of new flood insurance rate maps which do not unjustly and inequitably dispose of the rights created under existing rate maps; and be it further

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to, in the absence of the amendment or repeal of all relevant provisions of this Act, provide for a one-year period during which time property owners, in conjunction with the Federal Emergency Management Agency and the National Flood Insurance Program, may enter a special enrollment period wherein property owners may sign up or renew their current National Flood Insurance Program policy using the current flood insurance rate maps on which they relied to purchase and build their homes and businesses; and be it further

Resolved, that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–65. A joint resolution adopted by the Legislature of the State of Maine memorializing the United States Congress to reinstitute the Glass-Steagall Act; to the Committee on Banking, Housing, and Urban Affairs.

JOINT RESOLUTION

Whereas, an effective monetary and banking system is essential to the proper function of the economy; and

Whereas, an effective monetary and banking system must function in the public interest without bias; and

Whereas, the federal Banking Act of 1933, commonly referred to as the Glass-Steagall Act, protected the public interest in matters dealing with the regulation of commercial and investment banks, in addition to insurance companies and securities firms; and

Whereas, the Glass-Steagall Act was repealed in 1999, permitting members of the financial industry to exploit the financial system for their own gain in disregard of the public interest; and

Whereas, many financial industry entities were saved by the United States Treasury at a cost of billions of dollars to American taxpayers; and

Whereas, within the hundreds of pages of the Dodd-Frank Wall Street Reform and Consumer Protection Act there are no prohibitions that prevent ''too big to fail'' financial services organizations from investing in or undertaking substantial risks involving trillions of dollars of derivative contracts; and

Whereas, the American taxpayers continue to be at risk for the next round of bank failures, as enormous risks are undertaken by financial services organizations; and

Whereas, Congresswoman Marcy Kaptur has introduced H.R. 129, known as the Return to Prudent Banking Act of 2013, to reinstate the provisions of the Glass-Steagall Act, which has gained major bipartisan support; and

Whereas, the Glass-Steagall Act has widespread national support from organizations such as the American Federation of Labor and Congress of Industrial Organizations, the American Federation of Teachers and the International Association of Machinists, as well as from prominent economic and business leaders, many of the major and respected national newspapers and many others: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress enact legislation that would reinstate the separation of commercial and investment banking functions that was in effect under the Glass-Steagall Act, the Banking Act of 1933, to prohibit commercial banks and bank holding companies from investing in stocks, underwriting securities or investing in or acting as guarantors to derivative transactions, in order to prevent American taxpayers from being again called upon to bail out financial institutions; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional Delegation.

POM–66. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to give ''qualified mortgage'' status to all balloon loans held in portfolio by a bank; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 143

Whereas, the Consumer Financial Protection Bureau recently released its ''ability-to-repay'' rule as mandated by the federal Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, which was passed by the United States Congress; and

Whereas, the ''ability-to-repay'' rule provides specific criteria for mortgage lenders to follow in order to make a good faith determination that a borrower has the ability to repay his mortgage loan; and

Whereas, as part of the rule, the Consumer Financial Protection Bureau created ''qualified mortgages'' which are mortgages with characteristics that are presumed to be in compliance with the ''ability-to-repay'' rule; and

Whereas, loans designated as ''qualified mortgage'' loans give lenders important legal protections by deeming those loans to have complied, or giving them a presumption of compliance, with the borrower ''ability-to-repay'' requirements contained in the Dodd-Frank Act; and

Whereas, mortgage loans made that do not receive the ''qualified mortgage'' status will be subject to increased scrutiny and subject those lenders making them to increased potential liability, possibly causing many lenders to stop making nonqualified mortgage loans; and

Whereas, it is vitally important that the Consumer Financial Protection Bureau and the United States Congress adopt proper criteria for qualified mortgage loans to ensure that lenders continue to make certain loans and to avoid a potential decrease in access to credit for some consumers that may already have few credit options and that want and need certain loan features; and

Whereas, Louisiana bankers, especially in rural areas, are very concerned with the narrow ''qualified mortgage'' designation provided by the Consumer Financial Protection Bureau for balloon loans held in portfolio by the bank and the effect this narrow definition will have on customers; and

Whereas, for various reasons, many consumers do not qualify for loans that can be sold into the secondary market and a balloon loan made and held in portfolio by the local bank may be one of the only options for those consumers; and

Whereas, community banks have prudently, consistently, and historically made balloon loans in order to serve the specific needs of customers; and

Whereas, balloon loans held in portfolio by a bank are generally acknowledged as very safely underwritten loans with lower default rates than other loans because the bank making the loan retains all of the credit risk; and

Whereas, the Consumer Financial Protection Bureau ''ability-to-repay'' rule provides that beginning January, 2014, only banks predominately in rural or underserved areas can qualify for balloon loan qualified mortgages; and

Whereas, only nineteen parishes in Louisiana will likely be considered ''rural'' areas under the definition used by the Consumer Financial Protection Bureau; and

Whereas, as provided in the Consumer Financial Protection Bureau definition, parishes excluded are those in metropolitan statistical areas, or micropolitan statistical areas adjacent to a metropolitan statistical area, as those terms are defined by the United States Office of Management and Budget; and

Whereas, the Consumer Financial Protection Bureau commentary states that counties (parishes) included in the definition of ''rural'' will only result in nine and seven tenths percent of the United States population being included in the definition; and

Whereas, if the United States Congress and the Consumer Financial Protection Bureau do not act to broaden the definition of ''rural'' currently being used in the rules, many bank customers in Louisiana could be negatively impacted by diminished access to credit: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to give ''qualified mortgage'' status to all balloon loans held in portfolio by a bank and to urge and request the Consumer Financial Protection Bureau to expand the definition of ''rural'' for balloon loan qualified mortgages; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America, to each member of the Louisiana congressional delegation, and to the director of the Consumer Financial Protection Bureau.

POM–67. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the Congress of the United States to study the causes, effects, prevention, and treatment of early mortality syndrome in the national and international shrimp industry; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 120

Whereas, early mortality syndrome (EMS) has been identified in the shrimp stocks in China, Vietnam, Malaysia, and Thailand, causing large losses among the shrimp farms in those countries; and

Whereas, EMS is characterized by mass mortalities during the first twenty to thirty days of culture in growout ponds along with the clinical signs including slow growth, corkscrew swimming, loose shells, and pale coloration; and

Whereas, affected shrimp consistently show an abnormal shrunken, small. swollen, or discolored hepatopancreas resulting in mortality; and

Whereas, Congress should fully utilize and bring to bear all available means of research and study to determine the causes, effects, prevention, and treatment of early mortality syndrome in the shrimp industry and take all appropriate actions necessary to fully protect the shrimp industry in Louisiana and other states from this disease; and

Whereas, throughout the Gulf of Mexico the shrimp industry in Louisiana and other states is a multibillion dollar industry of vital importance to the economic well-being of the region, and is still threatened by and suffering from the enormous impacts of recent natural and manmade disasters: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to study the causes, effects, prevention, and treatment of early mortality syndrome in the national and international shrimp industry and take all appropriate actions necessary to fully protect the shrimp industry in Louisiana and other states from this disease; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–68. A concurrent resolution adopted by the Legislature of the State of South Carolina memorializing the United States Congress to enact legislation that gives the State of South Carolina authority to manage its stock of Black Sea Bass in both state and federal waters; to the Committee on Commerce, Science, and Transportation.

CONCURRENT RESOLUTION

Whereas, the Public Trust Doctrine is a legal principal derived from English Common Law which has been affirmed repeatedly by state and federal courts interpreting the essence of the doctrine to mean that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation, and similar uses; and

Whereas, the amendment to Article I of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 3483 of 2009, having been submitted to the qualified electors at the General Election of 2010 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, added Section 25 which reads, ''the traditions of hunting and fishing are valuable parts of the state's heritage, important for conservation, and a protected means

of managing nonthreatened wildlife. The citizens of this State have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations promoting sound wildlife conservation and management as prescribed by the General Assembly. Nothing in this section shall be construed to abrogate any private property rights, existing state laws or regulations, or the state's sovereignty over its natural resources''; and

Whereas, with regard to the management of the state's Black Sea Bass (Centropristis Striata) population, South Carolina's Department of Natural Resources along with the state's commercial and recreational fishermen are prime examples of responsible resource stewards, as they place an extremely high value on the quality and existence of our nation's coastal waters and freshwater resources. The Department of Natural Resources, as well as commercial and recreational fishermen respect this species' marine and freshwater habitats because they know that in order for these ecosystems to sustain healthy populations of this species, these must be protected and carefully managed; and

Whereas, allowing the State of South Carolina to manage the state's Black Sea Bass (Centropristis Striata) population would provide the best protection for this population so that it may remain a natural resource for current and future generations: Now, Therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the members of the General Assembly memorialize Congress to enact legislation that gives the State of South Carolina authority to manage its stock of Black Sea Bass (Centopristis Striata) in both state and federal waters; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the South Carolina Congressional Delegation.

POM–69. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to adopt and enact the Fixing America's Inequities with Revenue Act; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 58

Whereas, offshore producing states face inequities in federal energy policies which allow onshore producing states to keep up to fifty percent of revenues generated from energy production generated within their states; and

Whereas, coastal energy producing states like Louisiana have a limited partnership with the federal government to keep revenues generated from their offshore energy production that is produced for the nation; and

Whereas, the FAIR Act shall address this inequity by authorizing a revenue percentage for all offshore energy producing states like Louisiana, regardless of the type of energy produced and gradually lift the congressionally mandated annual cap on revenue kept by Gulf Coast producing states; and

Whereas, offshore revenue sharing is an integral element to a comprehensive national energy plan, increasing revenue as well as creating additional jobs for the state of Louisiana: Now, therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to expedite such revenue sharing as outlined in the Fixing America's Inequities with Revenue (FAIR) Act; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–70. A joint memorial adopted by the Legislature of the State of Idaho urging the Secretary of the United States Department of Agriculture to declare the Frank Church-River of No Return Wilderness and adjacent national forest lands to be a Natural Resources Disaster Area; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL NO. 1

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-second Idaho Legislature, do hereby respectfully represent that:

Whereas, the State of Idaho and the vast Frank Church-River of No Return Wilderness and contiguous national forests have suffered numerous and frequent large destructive forest and range fires, most recently in 2012; and

Whereas, the fires have not only incrementally expanded the total burned acreage but have also reburned huge areas one or more times; and

Whereas, the cumulative effect of numerous large fires has resulted in tremendous damage and destruction to the watersheds, streams important to the recovery of anadromous fish, wildlife habitat, scenic values, recreational use, loss of native plant species, historic structures, public access and safety, air quality and public health, the trail network and other values and benefits for which the national forests and wilderness were established; and

Whereas, the cumulative and growing loss of wilderness values and attributes is also resulting in serious economic impact to surrounding communities, counties, the State of Idaho and the businesses dependent upon the natural resources inherent in wilderness and the national forests; and

Whereas, hundreds of miles of trails have been severely damaged, blocked, rendered unsafe for travel or simply wiped out by fire, and the continuing destructive aftermath of blowdown, washouts and landslides have not been opened, cleared, repaired or replaced. The backlog of critical restoration work is rapidly growing each year and far exceeds the work performed annually; and

Whereas, the cumulative impact of fires has resulted in the loss of soil and native vegetation and the replacement of native species with noxious and undesirable plants that will also prevent or retard reestablishment of desirable native plants; and

Whereas, the United States Forest Service has underestimated the huge cost of trail and resource restoration when making decisions on active fire strategies in the wilderness due to a decision bias toward minimizing suppression expenditures for wilderness fires at the expense of long-term restoration; and

Whereas, the United States Forest Service has not placed the necessary emphasis and priority on restoration of proper watershed and vegetative conditions within the wilderness, and has also not considered the negative effect of vegetative type conversion resulting from intense and/or repetitive burns; and

Whereas, the United States Forest Service has not placed emphasis and priority on training for forest supervisors, rangers and staff on the importance of safe and effective saddle and pack stock use and management, and the field conditions necessary for reasonable and safe public and employee access to and within the wilderness; and

Whereas, the United States Forest Service has not placed emphasis and priority on eliminating barriers to effective and streamlined contracting procedures and effective use of volunteers in order to respond to the crisis in the wilderness and maximize fieldwork accomplishment; and

Whereas, the Secretary of Agriculture and the Chief of the United States Forest Service have not placed the necessary emphasis and priority of the requirement of Section 5(b) of the Central Idaho Wilderness Act to clear obstructions from all trails within and adjacent to the wilderness on at least an annual basis; and

Whereas, the Chief of the United States Forest Service has not programmed on a continuing basis even normal repair, replacement and maintenance of the trail system and trail structures such as bridges, trail tread, drainage, associated signing and other essential actions to enable safe public use, full and unimpeded public access by foot and horseback and the public services that are vital to public use and enjoyment of the wilderness, in order to prevent cumulative deterioration of the system under even non-fire conditions; and

Whereas, the Chief of the United States Forest Service has not placed emphasis on efficient and economical methods of trail restoration and maintenance, and has in fact aggressively limited methods and tools by Forest Service crews, contractors and volunteers that would greatly increase accomplishment and lower costs without adverse effect on wilderness values or visitors; and

Whereas, use of outfitter and guide permittees, contractors and volunteers from various organizations to accomplish trail work is well below potential due to a lack of emphasis by the United States Forest Service on using innovative ways to offset permittee fees and streamline and simplify contracting procedures: Now, therefore, be it

Resolved, by the members of the First Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, That we urge the Secretary of the United States Department of Agriculture to declare the Frank Church-River of No Return Wilderness and adjacent national forest lands to be a Natural Resources Disaster Area; and be it further

Resolved, That we urge the Secretary of Agriculture and the Chief of the United States Forest Service to recognize the dire conditions prevailing within and adjacent to the Frank Church-River of No Return Wilderness and adjacent national forests, and further urge that the necessary priorities and emphasis be placed on prompt and practical actions to prevent further cumulative loss of the unique values of the wilderness; and be it further

Resolved, That we urge compliance with the specific requirements of the Central Idaho Wilderness Act mandating annual clearing of obstructions from the trail system; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States, the Secretary of the United States Department of Agriculture and the Chief of the United States Forest Service.

POM–71. A concurrent resolution adopted by the Legislature of the State of Michigan memorializing the President and the Congress of the United States to support the continued and increased development and importation of oil derived from North American reserves; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 6

Whereas, The United States relies—and will continue to rely for many years—on gasoline, diesel, and jet fuel, as well as renewable and alternative sources of energy. In order to fuel our economy, the United States will need more oil and natural gas while also requiring additional alternative energy sources; and

Whereas, The United States accounts for 20 percent of world energy consumption and is the world's largest petroleum consumer. The U.S. consumes more than 18 million barrels of oil each day, and forecasts suggest this will not change for decades. Current imports amount to over 8 million barrels each day, approximately 50 percent of the United States' requirements. Even with new technology, oil discoveries, alternative fuels, and conservation efforts, the U.S. will remain dependent on imported energy for decades to come. A secure supply of crude oil is not only needed for Americans to continue to heat their homes, cook their food, and drive their vehicles, but to allow the U.S. economy to thrive and grow free from the potential threats and disruptions of crude oil supply from less secure parts of the world; and

Whereas, The growing production of conflict-free oil from Canada's oil sands and the Bakken Formation in Saskatchewan, Montana, North Dakota, and South Dakota can replace crude imported from countries that do not share American values. However, additional pipeline capacity to refineries in the U.S. Midwest and Gulf Coast is required; and

Whereas, Increasing energy imports from Canada makes sense for the United States. Canada is a trusted neighbor with stable democratic government, strong environmental standards—equal to that of the U.S. and some of the most stringent human rights and worker protection legislation in the world; and

Whereas, Improvements in production technology have reduced the carbon footprint of Canadian oil sands development by 26 percent on a per-barrel basis since 1990. Oil sands production accounts for 6.9 percent of Canada's greenhouse gas (GHG) emissions and 0.1 percent, or one-thousandth, of global GHG emissions. Total emissions from Canada's oil sands sector was 48 megatons in 2010, equivalent to 0.5 percent of U.S. GHG emissions. Oil sands crude has similar carbon dioxide emissions to other heavy oils and is 9 percent more carbon-intensive than the average crude refined in the U.S. on a wells-to-wheels basis; and

Whereas, The 57 refineries in the Gulf Coast region provide a total refining capacity of approximately 8.7 million barrels per day (bpd), or half of U.S. refining capacity. In 2011, these refineries imported approximately 5 million bpd of crude oil from more than 30 countries, with the top four suppliers being Mexico (22 percent), Saudi Arabia (17 percent), Venezuela (16 percent), and Nigeria (9 percent). Imports from Mexico and Venezuela are declining as production from these countries decreases and supply contracts expire. Once completed, TransCanada's Keystone XL and Gulf Coast Expansion projects could displace roughly 40 percent of the oil the U.S. currently imports from the Persian Gulf and Venezuela; and

Whereas, The Keystone XL pipeline project has been subject to the most thorough public consultation process of any proposed U.S. pipeline. It has also been the focus of multiple environmental impact statements and several U.S. Department of State studies. These analyses have concluded that it poses the least impact to the environment and is much safer than other modes of transporting crude oil; and

Whereas, Pipelines are the safest method for the transportation of petroleum products when compared to other methods of transportation. The Keystone XL pipeline will replace the equivalent of 200 ocean tankers per year. This will reduce greenhouse gas emissions by as much as 19 million tons, or the equivalent of taking almost 4 million cars off the road; and

Whereas, The original Keystone pipeline, which spans across the northern part of Missouri, supplies over 435,000 barrels of North American crude oil to American refineries in the Midwest. The Keystone XL pipeline will, when completed, carry 700,000 barrels of North American crude oil to American refineries in the Gulf Coast region which will make its way back to Missouri in the form of gasoline, diesel, and jet fuel; and

Whereas, The Keystone XL project will create approximately 9,000 construction jobs. The Gulf Coast project is a $2.3 billion project that will create approximately 4,000 construction jobs. Combined, they support yet another 7,000 manufacturing jobs. Seventy-five percent of the pipe used to build the Keystone XL in the U.S. will come from North American mills, including half made by U.S. workers. Goods for the pipeline, valued at approximately $800 million, have already been sourced from U.S. manufacturers: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we:

1. Support continued and increased development and delivery of oil derived from North American oil reserves to American refineries;

2. Urge the United States Congress to support continued and increased development and delivery of oil from Canada to the United States;

3. Urge the President of the United States to support the continued and increased importation of oil derived from the Bakken Formation in Saskatchewan, Montana, North Dakota, and South Dakota, as well as Canadian oil sands; and

4. Urge the U.S. Secretary of State to approve the newly-routed pipeline application from TransCanada to reduce dependence on unstable governments, create new jobs, improve our national security, and strengthen ties with an important ally; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the U.S. Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–72. A resolution adopted by the House of Representatives of the Commonwealth of Kentucky urging the President of the United States to encourage oil and natural gas production off the northern coast of Alaska, and to approve the construction of the TransCanada Keystone XL pipeline project; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 122

A Resolution urging the President of the United States to encourage oil and natural gas production off the northern coast of Alaska, and to approve the construction of the TransCanada Keystone XL pipeline project.

Whereas, high oil prices are having a major detrimental impact on families, farms, and businesses in Kentucky and are likely to undercut the prospects for an economic recovery; and

Whereas, the United States currently imports almost half of its oil and petroleum products, making it dependent on foreign sources and subject to interruptions and price fluctuations stemming from geopolitical forces; and

Whereas, such instability has damaging consequences both for our economy and our national security; and

Whereas, the United States Geological Survey estimates a resource of up to 27 billion barrels of oil in the Chukchi and Beaufort Seas of Alaska, providing a vast domestic oil reserve, but opposition and regulatory hurdles are keeping energy producers from accessing these resources; and

Whereas, the TransCanada Keystone XL pipeline project seeks to link expanded oil production from the Canadian oil sands to refineries in the United States and to facilitate the flow of oil from the Dakotas to the Gulf Coast, thereby decreasing our dependence on oil from outside of North America; and

Whereas, Canada is a close friend and ally, with whom we share links of infrastructure and energy networks and other ties, so that dollars spent on Canadian oil will likely contribute to the success of the American economy; and

Whereas, the TransCanada pipeline project is projected to create construction and manufacturing jobs in the United States, adding billions of dollars to our economy: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives of the Commonwealth of Kentucky calls upon President Barack Obama and administration officials to support the increased importation of oil from Canadian oil sands and to approve the newly routed TransCanada Keystone XL pipeline to reduce our oil dependency on unstable governments, strengthen ties with an important ally, and create jobs for American workers.

Section 2. The House of Representatives of the Commonwealth of Kentucky calls upon President Barack Obama and administration officials to support and facilitate permitting for oil production off the northern coast of Alaska to decrease our dependence on foreign oil and spur investment in the American economy.

Section 3. A copy of this Resolution shall be sent to the President and Vice President of the United States of America, the Secretary of State of the United States of America, the Speaker of the United States House of Representatives, and each member of the Kentucky delegation to the United States Congress.

POM–73. A resolution adopted by the Legislature of the Virgin Islands petitioning the United States Congress to pass and adopt H.R. 92, which would authorize a grant of $100,000,000 to the Virgin Islands Water and Power Authority to alleviate the energy crisis in the Territory and for other purposes; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 1794

Whereas, the Virgin Islands Water and Power Authority (''the Authority'') generates electricity through the use of fossil fuel refined into diesel; and

Whereas, studies have shown that electricity generation accounts for approximately sixty eight percent of total energy usage in the Virgin Islands; and

Whereas, in the last decade the cost of fuel used by the Authority to produce electricity has risen from $32.06 per barrel in October 2003 to $138.50 per barrel in February 2013; and

Whereas, the current consumer cost of electrical power in the Virgin Islands, at $.52 per kilowatt hour for residential customers and $.58 per kilowatt hour for commercial customers, is the highest under the American flag; and

Whereas, the average monthly electricity bill for Virgin Islands households is $254, five times the national average; and Whereas, residential and commercial consumers are particularly ill-placed to absorb the high and rising costs of electricity as the per capita income in the Virgin Islands is approximately fifty three percent of the national average; and

Whereas, the increasingly unsupportable cost of electricity has resulted in an exodus of residents and the closure of businesses, including the territory's last remaining dairy operation; and

Whereas, the Virgin Islands Public Services Commission which regulates public utilities in the territory, has publicly stated that the high rates of electricity are depriving the local economy of between $150–250 million annually and that the current electrical rates cannot be sustained for a significant time without substantial harm to the economy of the Virgin Islands; and

Whereas, the Virgin Islands Water and Power Authority's (''the Authority'') efforts to convert to alternate fuels and renewable energy sources cannot be effectuated immediately but will require some years to implement; and

Whereas, the conversion of equipment to burn alternative fuels will cost the Authority millions of dollars; and

Whereas, the major supplier of fuel to the Authority closed its doors and is not refining fossil fuels; and

Whereas, the planned conversion of the Authority's generating plants to utlize less expensive fuels including Liquified Petroleum Gas and Liquified Natural Gas are not expected to result in lower electricity rates until at least mid 2014; and

Whereas, the Virgin Islands Delegate to Congress, Donna Christian-Christensen, has introduced legislation, H.R. 92 in the House of Representatives that would authorize a grant of $100,000,000 to the Authority should it apply and $15,000,000 for fiscal years 2013 through 2017 for the conversion of fuel oil (diesel) to liquefied natural gas or liquefied petroleum gas; and

Whereas, the fiscal stability and survival of the territory, including hotels, gifts shops, restaurants, bars and the average business is dependent on cost effective electricity to generate a profit and pay taxes which in turn keep schools, hospitals and government department and agencies running; and

Whereas, the territory's efforts at economic recovery and industry recruitment are severely hampered by the high rate of electricity, which discourages new investment and business development: Now, therefore, be it

Resolved by the Legislature of the Virgin Islands:

Section 1. The Legislature, on behalf of the People of the Virgin Islands respectfully urges the House of Representatives of the Congress of the United States to adopt H.R. 92 to authorized a one hundred million dollar grant to the Virgin Islands Water and Power Authority and a grant of fifteen million dollars to convert from fuel oil to natural gas.

Section 2. A copy of this Resolution shall be forwarded to the Honorable John Boehner, Speaker of the House, each member of the U.S. Congress, and the U.S. Virgin Islands Delegate to Congress, Donna Christian-Christensen.

Thus passed by the Legislature of the Virgin Islands on April 16, 2013.

POM–74. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to enact the Lyon County Economic Development and Conservation Act; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 14

Whereas, The Lyon County Economic Development and Conservation Act, H.R. 696, was recently introduced in the 113th Congress; and

Whereas, The intent of this proposed legislation is to promote the preservation of wilderness and develop a sustainable development plan to enable all persons to benefit from the use of land adjacent to the City of Yerington for potential commercial and industrial development, mining activities, recreational opportunities and expansion of community and cultural events; and

Whereas, The provisions of the Lyon County Economic Development and Conservation Act propose to convey federal land to the City of Yerington for the purposes of sustainable economic and industrial development; and

Whereas, Commercial and industrial development of the federal land would enable the community to benefit from the transportation, power and water infrastructure that would be put in place with the concurrent development of commercial and industrial operations; and

Whereas, The federal land proposed for conveyance to the City under the Lyon County Economic Development and Conservation Act is adjacent to the boundaries of the City and would be used to enhance recreational, cultural, commercial and industrial development opportunities in the City; and

Whereas, The provisions of the Lyon County Economic Development and Conservation Act propose to designate federal land as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Wovoka Wilderness''; and

Whereas, The proposed Wovoka Wilderness is named in honor of the Northern Paiute spiritual leader and founder of the Ghost Dance, and contains landscapes and wildlife habitat that have been enjoyed by hunters, outdoor enthusiasts and explorers since John C. Fremont camped along the East Walker River in 1844; and

Whereas, The Lyon County Economic Development and Conservation Act will create an estimated 1,300 jobs and provide much needed economic development for the City of Yerington and Lyon County; and

Whereas, The designation of the proposed Wovoka Wilderness will preserve invaluable prehistoric cultural and natural resources, thereby preserving those resources for future generations: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the members of the 77th Session of the Nevada Legislature hereby urge Congress to enact the Lyon County Economic Development and Conservation Act; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–75. A joint resolution adopted by the Legislature of the State of Utah declaring and asserting the jurisdictional right of the State of Utah and its political subdivisions to respond to and take action when conditions on federally managed land in the state adversely affect, or may adversely affect, the health, safety, or welfare of the people; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION 15

Whereas, in its Patient Protection and Affordable Care Act decision, released June 2012, the United States Supreme Court reaffirmed the position of the states as ''separate and independent sovereigns'';

Whereas, the court made it clear that the federal government ''must show that a constitutional grant of power authorizes each of its actions'';

Whereas, in contrast, the Supreme Court further explained that ''the same does not apply to the States, because the Constitution is not the source of their power. . . . The States thus can and do perform many of the vital functions of modern government . . . even though the Constitution's text does not authorize any government to do so'';

Whereas, the Supreme Court added, ''Our cases refer to this general power of governing, possessed by the States but not by the federal government, as the 'police power.' . . Because the police power is controlled by 50 different states instead of one national sovereign, the facets of governing that touch on citizens' daily lives are normally administered by smaller governments closer to the governed. The Framers thus ensured that powers which 'in the ordinary course of affairs, concern the lives, liberties, and properties of the people' were held by governments more local and more accountable than a distant bureaucracy'';

Whereas, the Supreme Court also highlighted a vital role of states' authority in relation to the federal government, stating, ''The independent power of the States also serves as a check on the power of the Federal Government: 'By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power . . . In the typical case we look to the States to defend their prerogatives by adopting ''the simple expedient of not yielding'' to federal blandishments when they do not want to embrace the federal policies as their own;

Whereas, the Supreme Court, concluding this line of logic, declared, ''The States are separate and independent sovereigns. Sometimes they have to act like it'';

Whereas, in 1917, the Court, in Utah Power and Light v. United States, held that ''The power of the United States to protect its property by its own legislation from private trespass and waste does not, and cannot, imply a general police power over the vacant public lands within a State. The section in the Constitution relating to the admission of new States, and the concomitant disposition of the public lands, excludes, by its express terms, any construction by which the United States may claim any additional governmental or police powers within the States in which such public land is situated'';

Whereas, Article 1, Section 8, Clause 17, of the United States Constitution states that the federal government will ''exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of Particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings'';

Whereas, the domain of exclusive jurisdiction by the federal government is limited to the District of Columbia and other Places purchased by the Consent of the State Legislatures for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings incidental to the powers expressly granted within the Constitution;

Whereas, ''other needful Buildings'' did not include vast acres of undeveloped land;

Whereas, although Section 3 of the Utah Enabling Act states, in part, ''That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof,'' the state of Utah did not disclaim its jurisdiction;

Whereas, during the Eisenhower Administration, the United States government published a report entitled ''Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States'' in which four basic areas of federal jurisdiction were identified:

1. Exclusive Legislative Jurisdiction: This term is applied when the federal government possesses, by whichever method acquired, all of the authority of the State, and in which the State concerned has not reserved to itself the right to exercise any of the authority concurrently with the United States except to serve civil or criminal process in the area for activities that occurred outside the area;

2. Concurrent Legislative Jurisdiction: This term is applied in those instances wherein by granting to the United States authority—which would otherwise amount to exclusive legislative jurisdiction over an area—the State concerned has reserved to itself the right to exercise, concurrently with the United States, all of the same authority;

3. Partial Legislative Jurisdiction: This term is applied in those instances wherein a state has granted authority to the federal government to legislate over an area of the state but the State has reserved to itself the right to exercise, by itself or concurrently with the United States, other authority constituting more than merely the right to serve civil or criminal process in the area, or the right to tax private property;

4. Proprietorial Interest Only: This term is applied to those instances wherein the federal government has acquired some right or title to an area in a state, but has not obtained any measure of the State's authority over the area. In applying this definition, recognition should be given to the fact that the United States, by virtue of its functions and authority under various provisions of the Constitution, has many powers and immunities not possessed by ordinary landholders with respect to areas in which it acquires an interest, and of the further fact that all its properties and functions are held or performed in a governmental, rather than proprietary, capacity;

Whereas, the report also stated, ''It scarcely needs to be said that unless there has been a transfer of jurisdiction pursuant to clause 17 by a Federal acquisition of land with State consent, or by cession from the State to the Federal Government, or unless the Federal Government has reserved jurisdiction upon admission of the State, the Federal Government possesses no legislative jurisdiction over any area within a State, such jurisdiction being for exercise by the State, subject to non-interference by the State with Federal functions. . . . The consent requirement of Article I, Section 8, Clause 17, was intended by the framers of the Constitution to preserve the State's jurisdictional integrity against federal encroachment. The Federal Government cannot, by unilateral action on its part, acquire legislative jurisdiction over any area within the exterior boundaries of a State'';

Whereas, an Inventory Report On Jurisdictional Status of Federal Areas Within the States, compiled by the United States General Services Administration, categorizes all United States Forest Service (USFS) and Bureau of Land Management (BLM) land in the state of Utah as #4, Proprietorial Interest Only;

Whereas, the USFS and the BLM have caused a public nuisance and safety issue for the people of the state of Utah and Utah's political subdivisions by not removing the condition, persistently in the National Forest and BLM system lands, of imminent fire and not mitigating the effects of recent fires;

Whereas, Utah's 2012 Shingle Creek Fire was human caused on USFS land;

Whereas, the fire was one-third contained by the operation of one bulldozer;

Whereas, four bulldozers were ready for use by 6 p.m. on the day of the fire, but since the fire was on USFS land, only one bulldozer was allowed to operate until 10 p.m. and was only allowed to operate one blade wide and to dig no deeper than two inches;

Whereas, as a result, the fire burned more than 8,000 acres, damaged and altered the local watershed, created future risks of debris and mudslides, and will require costly repairs;

Whereas, Utah's 2012 Seeley Fire, which was started by lightning, eventually destroyed over 48,000 acres, or 76 square miles;

Whereas, debris flow and sediment from the Seeley Fire will be a major issue in the surrounding watershed for the next two to five years, impacting local municipalities, power plants, local businesses, homes, roads, bridges, and farms;

Whereas, in one instance, the USFS chose to bulldoze a portion of private land, claiming it was the best place to fight the wildfire;

Whereas, these are just two examples of conditions at the community level that have been made worse by the federal government's mismanagement of federal lands;

Whereas, the jurisdictional right of states and their political subdivisions to mitigate potential risks to the health, safety, or welfare of the state or a political subdivision should not be fettered by the federal bureaucracy; and

Whereas, states should assert their rights to mitigate potential risks to the health, safety, or welfare of the state or a political subdivision and not allow their authority to be eroded by federal government claims of authority: Now, therefore, be it

Resolved, That the Legislature of the state of Utah declare and assert its jurisdictional right, and the right of its political subdivisions, to respond to and take action when conditions on federally managed land in the state adversely affect, or may adversely affect, the health, safety, or welfare of the people without the intrusion and interference of the federal government on its efforts to respond to the needs of their citizens; and be it further.

Resolved, That the Legislature urges the states to declare and assert their jurisdictional rights, and the rights of their political subdivisions, to respond to and take action when conditions on federally managed land in the states adversely affect, or may adversely affect, the health, safety, or welfare of the people without the intrusion and interference of the federal government on efforts to respond to the needs of their citizens; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Forest Service, the commissions of each county in the state of Utah, the Council of State Governments, the National Conference of State Legislatures, and the members of Utah's congressional delegation.

POM–76. A concurrent resolution adopted by the Legislature of the State of Utah supporting the transfer of administration of the Utah Navajo oil and gas royalties to the Utah Dinéh Corporation; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 11

Whereas, in 1933, Congress enacted 47 Stat. 1418, which expanded the boundaries of the Navajo Reservation north of the San Juan River, in San Juan County, Utah, referred to as the ''Aneth Extension,'' and directed that 37.5% of all royalties from oil and gas extracted from certain portions of the Aneth Extension ''shall be expended by the State of Utah in the Tuition of Indian children in white schools and/or in the building or maintenance of roads across the [Aneth Extension], or for the benefit of the Indians residing therein'';

Whereas, in 1968, Congress enacted Public Law 90–306, 82 Stat. 121, which expanded the beneficiary class to include all Navajo residing in San Juan County, Utah, (Utah Dinéh), and which redefined the purposes of the Utah Navajo Trust Fund (UNTF) to include the beneficiaries' ''health, education and general welfare'';

Whereas, the 1933 act and the 1968 expansion of the beneficiary (Federal Acts) class effectively created a common law discretionary trust whereby the United States is the settlor, Utah is the trustee, and all Utah Dinéh residing in San Juan County, Utah, are beneficiaries;

Whereas, pursuant to the Federal Acts, Utah is directed to administer the oil and gas royalties for the health, education, and general welfare of the Navajo Indians residing in San Juan County;

Whereas, oil and gas were first extracted in paying quantities from the Aneth Extension during or about the late 1950s;

Whereas, in 2008, the Legislature of the state of Utah enacted H.B. 352, Amendments Related to Monies Derived from Navajo Nation Reservation Lands in Utah, which in part declared, ''It is the purpose of this chapter to provide for a transitional process until congressional action designates a new recipient of the Utah Navajo royalties'';

Whereas, H.C.R. 4, Concurrent Resolution Encouraging Congressional Action to Designate a New Recipient of Royalties from Navajo Reservation Lands in Utah, also passed by the Utah Legislature in 2008, noted that ''the state first received monies from the 37.5% of the oil and gas royalties in 1959 and litigation related to those royalties began almost immediately'' and that ''the litigious environment surrounding the state's administration of the oil and gas royalties harms the relationship between the state and the San Juan Navajos and complicates all parties' ability to meet the needs of the San Juan Navajos'';

Whereas, H.B. 352 incrementally reduced expenditures under the trust duties;

Whereas, H.B. 352 resulted in the establishment of what became known as the Navajo Royalty Holding Fund (NRHF) no later than July 1, 2008, into which all oil and gas royalties monetary assets and future royalty payments would be placed;

Whereas, Utah law, established by H.B. 352, was amended in 2012 by S.B. 155, Transition for Repealed Navajo Trust Fund Act, to allow expenditures from the NRHF for the education of certain beneficiaries up to January 1, 2014;

Whereas, on June 30, 2010, net assets then being held by the state of Utah in the NRHF totaled $51,352,590;

Whereas, this includes a $33,000,000 court settlement, the final installment of which is to be paid by the state of Utah in 2013;

Whereas, litigation is now pending in United States District Court seeking to force the state of Utah to resume active administration of the oil and gas royalties for the health, education, and general welfare of the beneficiaries;

Whereas, the health, education, and general welfare of the beneficiaries would be improved by continuing projects previously

funded, wholly or partially, with oil and gas royalties funds, including housing, water development, range improvement, delivery of education, healthcare, and other social services;

Whereas, beneficiaries seeking secondary education are currently unsure whether college financial aid will continue to be available through the NRHF;

Whereas, in certain carefully selected instances, and in partnership with other governmental and private financial institutions, the beneficiaries would benefit from the expenditure of oil and gas royalty money for economic development in San Juan County;

Whereas, the oil and gas royalties should be actively administered in these areas of need for the health, education, and general welfare of the beneficiaries;

Whereas, the Federal Acts provide no mechanism for the state of Utah to resign as trustee of the oil and gas royalties;

Whereas, legislation to amend the Federal Acts to name a successor trustee was introduced in the 111th and 112th Congress, but did not become law;

Whereas, no legislation to amend the Federal Acts to name a successor trustee has been introduced in the 113th Congress;

Whereas, the Legislature of the state of Utah and the Governor stated in H.C.R. 4 that the ''removal of the state as a go-between provides an opportunity for Navajos'';

Whereas, the Utah Diné Corporation (UDC) is a nonprofit organization formed under the Utah Revised Nonprofit Corporation Act;

Whereas, the UDC is organized exclusively for charitable, religious, educational, and scientific purposes, including the making of distributions to organizations that qualify as exempt organizations under IRC Section 501(c) of the Internal Revenue Code;

Whereas, UDC's proposed amended bylaws ensure transparency and accountability at every level of corporate administration and prohibits real and apparent conflicts of interest, including nepotism, at every level of corporate administration;

Whereas, the UDC's proposed amended bylaws position the Utah Diné to play important roles in oil and gas royalties administration and oversight, require that the overall value of the oil and gas royalties' assets, currently estimated at approximately $55,000,000, be maintained and, if consistent with applicable law and oil and gas royalties' purposes, grown;

Whereas, the UDC's proposed amended bylaws require that any oil and gas royalties' assets made available for economic development be limited in amount, comprise only a minor portion of any single funding package, be partnered with loans from other chartered financial institutions, be offered only as loans at current market rates for any amount over $300, and occur only after it is expressly determined that the expenditure will actually promote the beneficiaries' health, education, or general welfare;

Whereas, the UDC's proposed amended bylaws provide that if all oil and gas royalties administrative and fiduciary obligations are transferred to the Utah Diné Corporation, a Request For Proposals addressed to large, chartered financial institutions will be issued immediately, and every three years thereafter, for performing fund management, investing, and auditing services;

Whereas, the members of each Utah chapter of the Navajo Nation have previously resolved to support the UDC's effort to become the trustee of the oil and gas royalties;

Whereas, this support will again be ensured by means deemed reasonable and reliable prior to any transfer of oil and gas royalties administration to the UDC;

Whereas, the San Juan County Board of Commissioners unanimously supports transfer of administrative and fiduciary obligations for the oil and gas royalties to the UDC;

Whereas, the UDC Board of Directors will include representatives elected from each Utah chapter of the Navajo Nation and from one chapter organized to represent Utah Diné that currently do not reside within Navajo Reservation boundaries;

Whereas, the UDC intends to administer the oil and gas royalties pursuant to all applicable laws and regulations, including the common law of Indian trusts that imposes strict and exacting fiduciary obligations upon any trustee administering the property of Native Americans; and

Whereas, any transfer of oil and gas royalties administrative and fiduciary obligations to the UDC must ensure that the state of Utah is indemnified and held harmless for any liability, damages, or litigation costs resulting from oil and gas royalties administration: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, expresses its support for the transfer of all oil and gas royalties administrative and fiduciary obligations to the Utah Diné Corporation conditioned on removal of the state as trustee, by an act of Congress or a federal court order that can then be used to encourage congressional action and that indemnifies and holds harmless the state of Utah from any and all legal and equitable claims; and be it further

Resolved, That the Legislature and the Governor declare that any transfer of the oil and gas royalties administrative and fiduciary obligations to the Utah Diné Corporation by Congressional act or federal court order must also indemnify and hold harmless the state of Utah from any and all legal and equitable claims arising from future oil and gas royalties administration by the Utah Diné Corporation and for litigation costs related to any claims; and be it further

Resolved, That the Legislature and the Governor declare that any transfer of oil and gas royalties administrative and fiduciary obligations to the Utah Diné Corporation should require that the value of fixed and monetary oil and gas royalties assets remain at least at current levels so that funds will be available to promote future generations of oil and gas royalties beneficiaries' health, education, and general welfare and that the Utah Diné Corporation should operate under bylaws that have the protections described in this resolution; and be it further

Resolved, That the Legislature and the Governor declare that, if the foregoing objectives are ensured, the Legislature and the Governor support action by Congress or federal court order to transfer the oil and gas royalties administrative' and fiduciary obligations to the Utah Diné Corporation; and be it further

Resolved, That a copy of this resolution be sent to the Navajo Utah Commission, the President of the Navajo Nation, the Speaker of the Navajo Nation Council, the elected secretary of each Utah Diné chapter, the San Juan County Board of Commissioners, the current administrator of the Navajo Royalty Holding Fund, the secretary of the United States Department of the Interior, the United States Attorney General, and the members of Utah's congressional delegation.

POM–77. A concurrent resolution adopted by the Legislature of the State of Utah expressing appreciation for the completion of the Provo Reservoir Canal Enclosure Project; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 8

Whereas, the Provo Reservoir Canal Enclosure Project is substantially complete;

Whereas, the benefits of the Enclosure Project are vital and significant, including realizing environmental benefits by saving 8,000 acre-feet of water annually, improving the safety of thousands of people who live near the canal, and providing a significant public recreational benefit;

Whereas, due to the great work of the Utah Congressional Delegation, Congress passed the Provo River Project Transfer Act (P.L. 108–382) in October 2004 that authorized the transfer of title of the Provo Reservoir Canal to the local sponsor, the Provo River Water Users Association;

Whereas, much work has gone into planning the title transfer of the Provo Reservoir Canal and corridor to the local sponsor;

Whereas, one of the main purposes of seeking title transfer from the United States to the Provo River Water Users Association was to take advantage of the managerial benefits of private sector ownership and control; and

Whereas, enormous time and consideration have gone into the completion of the Enclosure Project in preparation for title transfer by the local sponsor, the other participating entities, including Central Utah Water Conservancy District, Metropolitan Water District of Salt Lake and Sandy, and Jordan Valley Water Conservancy District, as well as all the local communities, the Utah State Legislature, the Governor, and the many residents in the affected area: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, recognizes that substantial completion of the Provo Reservoir Canal Enclosure Project is a tremendous accomplishment and expresses support for transfer of title to the Provo Reservoir Canal from the United States to the Provo River Water Users Association, as authorized by the Provo River Project Transfer Act (P.L. 108–382); and be it further

Resolved, That the Legislature and the Governor urge the United States Bureau of Reclamation to work with the parties to expeditiously complete the transfer of title; and be it further

Resolved That copies of this resolution be sent to Utah's Congressional Delegation, the Provo River Water Users Association, Central Utah Water Conservancy District, Metropolitan Water District of Salt Lake and Sandy, Jordan Valley Water Conservancy District, the United States Bureau of Reclamation, and the Governor.

POM–78. A concurrent resolution adopted by the Legislature of the State of West Virginia urging the United States Congress to update the Renewable Fuel Standard to allow a broader range of domestic fuel sources, such as natural gas and coal, to be used to make liquid ethanol; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 76

Whereas, The United States needs a balanced and sensible domestic energy policy; and

Whereas, Reducing dependence on foreign oil is not only a matter of national security, but a significant opportunity to enhance economic prosperity and job growth in West Virginia; and

Whereas, Today there are multiple routes to ethanol, including traditional fossil fuels such as natural gas and coal, which are plentiful in West Virginia and several other states in the country; and

Whereas, West Virginia is committed to being a leader in development of a sustainable national energy policy: Now, therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby Urges Congress to update the Renewable Fuel Standard

to allow a broader range of domestic fuel sources, such as natural gas and coal, to be used to make liquid ethanol; and be it further

Resolved, That the Legislature of West Virginia urges Congress to pass legislation that promotes growth of domestic alternative fuel sources and reduces dependence on foreign oil; and be it further

Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to members of the United States Senate representing West Virginia; to members of the West Virginia Congressional delegation; to the President of the United States Senate; and to the Speaker of the United States House of Representatives.

POM–79. A joint resolution adopted by the Legislature of the State of Maine memorializing the President of the United States and the United States Congress to protect the Clean Air Act and fund the infrastructure that ensures healthy air for Maine families and businesses; to the Committee on Environment and Public Works.

JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-sixth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

Whereas, Maine families and businesses need healthy air to grow and succeed because when people are healthy, children do better in school, workers are more productive and businesses can add jobs because their health care costs are lower; and

Whereas, air pollution does not respect state borders, and Maine's geographic location puts us on the receiving end of life-threatening air pollution produced in states to the south and west of us; and

Whereas, air pollution can lead to asthma attacks, heart attacks, strokes, diabetes, cancer, reproductive and developmental harm and even premature death; and

Whereas, dangerous air pollution levels can increase hospital admissions and emergency room visits as well as missed days of school and work; and

Whereas, unhealthy air can be particularly dangerous for children, the elderly and people with chronic diseases, including the more than 22,700 children and 92,700 adults with asthma and other lung diseases, who may require expensive medical care on unhealthy air days in the State; and

Whereas, air pollution can cause serious health effects at levels once deemed safe and almost half of the people in Maine live in counties with fair to poor air quality; and

Whereas, for more than 4 decades the federal Clean Air Act has protected public health by reducing levels of smog, soot and other air toxins; and

Whereas, the Clean Air Act is a Maine tradition, having been established and subsequently updated and improved under the leadership of Senator Edmund S. Muskie, Senator George J. Mitchell and Senator William S. Cohen; and

Whereas, nationally the Clean Air Act has prevented an estimated 160,000 premature deaths, more than 130,000 heart attacks and over 1.7 million asthma attacks in 2010 alone; and

Whereas, reducing air pollution through the Clean Air Act will provide the United States with $2 trillion in benefits and prevent 230,000 deaths in 2020; and

Whereas, it is not necessary to choose between improving public health and helping our economy innovate and grow, as evidenced by data showing that between 1970 and 2009 total emissions of the 6 principal air pollutants fell by 63 percent, while private sector jobs and our nation's gross domestic product increased by 86 percent and 210 percent, respectively; and

Whereas, the United States Environmental Protection Agency has concluded that the Clean Air Act has produced economic benefits valued at 30 times the cost of regulation; and

Whereas, the Clean Air Act is continually threatened by attempts to weaken, block, delay or underfund its important public health safeguards: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress support the Clean Air Act and fund its enforcement and fund the infrastructure that reduces the dangerous air pollution that crosses into Maine and that ensures the it is safe to breathe for Maine children and adults; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, the President of the United States Senate and the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–80. A joint resolution adopted by the Legislature of the State of Maine memorializing the President of the United States and the United States Congress to not require the use of E15 gasoline; to the Committee on Environment and Public Works.

JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-sixth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

Whereas, federal laws and regulations, including the Clean Air Act, the Energy Policy Act of 2005 and the national renewable fuel standard program, have contributed to changes in fuel standards, such as the removal of methyl tertiary butyl ether, or MTBE, as an oxygenate in fuel, leading to the use of ethanol as a replacement for MTBE; and

Whereas, only reformulated gasoline is now available for purchase at public fuel pumps and typically contains a 10 percent corn ethanol blend, known as E10, and in June 2012 the United States Environmental Protection Agency approved the sale of E15, a mixture of 15 percent ethanol and 85 percent gasoline; and

Whereas, using the fuel blend has been promoted as a method of reducing greenhouse gas emissions and our Nation's dependence on foreign oil but these claims are disputed by several automakers and others, such as AAA, which also claims EIS will damage fuel lines and void vehicle warranties; and

Whereas, in addition, AAA claims that automotive engineering experts believe that sustained use of EIS, both in newer and older vehicles, could cause accelerated engine wear and failure, fuel system damage and false ''check engine'' lights for vehicles not approved by manufacturers to use EIS; and

Whereas, EIS also has 5 percent less energy than gasoline and about 2 percent less than E10 and therefore could ultimately cost consumers more as a result of reduced fuel economy; and

Whereas, the production of corn ethanol is wasteful of fossil fuel resources and does not increase energy security and with this production, which uses 10 percent of all arable land in the United States, we see increased degradation of vital land and water resources; and

Whereas, corn ethanol's impact on food prices is huge and corn is now trading at an all-time high and this affects food manufacturing and other industries such as animal feed businesses; and

Whereas, the burning of corn ethanol increases the emissions of gases and hazardous air pollutants that are probable carcinogens and are the causes of numerous health issues such as asthma, chronic bronchitis and other respiratory problems; Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and members of the United States Congress realize the major problems of corn ethanol as a fuel additive and the numerous negative effects it has on not only Maine citizens but all Americans and we urge and request that the President of the United States and the United States Congress consider reversing the decision of the United States Environmental Protection Agency to move forward with the use of E15; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the Inspector General of the United States Department of Energy, to the United States Environmental Protection Agency, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–81. A concurrent resolution adopted by the Legislature of the State of Michigan urging the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 5

Whereas, Over the past four decades, nuclear power has been a significant source for the nation's production of electricity. According to the U.S. Nuclear Energy Institute, nuclear power provided 19.2 percent of the electricity produced in the United States in 2011. The Michigan Public Service Commission estimates that 22 percent of the electricity generated for use in Michigan is from nuclear energy; and

Whereas, Since the earliest days of nuclear power, the great dilemma associated with this technology is how to deal with used nuclear fuel. This high-level radioactive waste demands exceptional care in all facets of its storage and disposal, including its transportation; and

Whereas, In 1982, Congress passed the Nuclear Waste Policy Act of 1982. This legislation requires the federal government, through the Department of Energy, to build a repository for the permanent storage of high-level radioactive waste from nuclear power plants. This act, which was amended in 1987, includes a specific timetable to identify a suitable location and to establish the waste repository. The costs for this undertaking are paid from a fee that is assessed on all nuclear energy produced; and

Whereas, In accordance with the federal act, customers of Michigan electric utilities have paid $763 million through September 30, 2010, into the federal Nuclear Waste Fund for construction of the federal nuclear waste repository. Every year, the total Nuclear Waste Fund balance grows by approximately $750 million in direct ratepayer payments; and

Whereas, There are serious concerns that the federal government is not complying

with the timetables set forth in federal law. Every delay places our country at greater risk for a catastrophe to occur. The large number of temporary storage sites at nuclear facilities across the country make us vulnerable to potential problems. The events since September 11, 2001, clearly illustrate the urgency of the need to establish a safe and permanent high-level nuclear waste repository as soon as possible. The Department of Energy, along with the Nuclear Regulatory Commission, must work diligently to meet its obligation as provided by law. There is too much at stake; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Energy, the Nuclear Regulatory Commission, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–82. A resolution adopted by the Senate of the State of Michigan memorializing the Congress of the United States to enact legislation to ensure that amounts credited to the Harbor Maintenance Trust Fund are used solely for the dredging, infrastructure, operation, and maintenance of federally-authorized ports, harbors, and waterways; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 20

Whereas, Domestic shippers and importers using Great Lakes and coastal ports pay more than a billion dollars per year in federal harbor maintenance taxes. Congress established the tax to fund harbor operation and maintenance, particularly dredging, at these ports; and

Whereas, Despite a nearly $6.4 billion balance in the Harbor Maintenance Trust Fund, our nation's dredging needs are not being met. Throughout our nation and particularly in the Great Lakes region, the lack of dredging has forced shippers to operate inefficiently and carry lighter loads, costing them millions of dollars each year; and

Whereas, The Obama Administration has only budgeted about half of the revenue collected through the harbor maintenance tax for maintaining our nation's harbors. Last year, nearly $1.6 billion were collected from shippers, but only $860 million has been allocated for dredging harbors in Michigan and other coastal states; and

Whereas, During the current turbulent economic conditions, we must make every effort to support economic activity by maintaining the infrastructure necessary for commerce. In essentially using harbor maintenance taxes placed in the Harbor Maintenance Trust Fund to finance and balance other portions of the federal budget, we are breaking our promise to the shippers paying the tax and hurting our nation's economic recovery; and

Whereas, Current congressional legislation (H.R. 335 and S. 218) would ensure that harbor maintenance taxes are only used for their intended purpose to maintain our nation's harbors: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to ensure that amounts credited to the Harbor Maintenance Trust Fund are used solely for the dredging, infrastructure, operation, and maintenance of federally-authorized ports, harbors, and waterways; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–83. A concurrent resolution adopted by the Legislature of the State of Utah urging the United States Fish and Wildlife Service to exempt or exclude private properties in San Juan County from designation as critical habitat in the proposed listing of the Gunnison sagegrouse under the Endangered Species Act; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 7

Whereas, the United States Fish and Wildlife Service (USFWS) has announced a proposal to add the Gunnison sagegrouse in the Gunnison Basin of southwest Colorado and southeastern Utah, specifically Grand and San Juan Counties in Utah, to the list of species that are candidates for Endangered Species Act Protection;

Whereas, following the USFWS's proposal to list the Gunnison sagegrouse as endangered under the Endangered Species Act, the agency will designate critical habitat for the species, which contains the physical and biological features essential to the conservation and recovery of the species;

Whereas, the USFWS has proposed that 1,704,227 acres be designated as critical habitat in Utah and Colorado;

Whereas, in the Monticello area of San Juan County, the USFWS is proposing that 145,500 acres be designated as critical habitat;

Whereas, of these proposed acres, 95% are private, 4% are Bureau of Land Management lands, and 1% are state lands;

Whereas, San Juan County has approximately 5.2 million acres, making it the largest county in the state of Utah;

Whereas, the federal government owns, controls, or manages approximately 84% of the land base within San Juan County, with 2.1 million acres or 41% of that land base being managed by the Bureau of Land Management;

Whereas, the Navajo Reservation makes up approximately 1.2 million acres, or 23% of the county, while the National Park Service controls 587 acres, or 11% of the county, and the United States Forest Service manages 450,000 acres, or 9%, of San Juan County;

Whereas, the state of Utah has control over 406,000 acres, or 8%, and the Division of State Parks manages approximately 3,000 acres, or less than 1%, of the county;

Whereas, private ownership makes up a fraction of the 5.2 million acres cited above for a total of 406,000, or just under 8%, of county land ownership;

Whereas, according to the 2007 Census of Agriculture, San Juan County has 758 farms and ranches covering 1,546,914 acres, including private, state, and federal lands, for an average farm and ranch size of 2,041 acres;

Whereas, according to the same census, San Juan County farmers and ranchers raised and sold $10,299,000 in crop and livestock commodities;

Whereas, the proposed area of critical habitat designation has a high potential for oil and gas development, and private landowners have leased their mineral rights for millions of dollars;

Whereas, the result of the proposed listing of the Gunnison sagegrouse and the accompanying designation of critical habitat will negatively impact approximately 35% of the private property base in the Monticello area of San Juan County, potentially jeopardizing these landowners' ability to generate millions of dollars in products and jobs critical to the survival of the residents of rural San Juan County;

Whereas, under Section 4 of the Endangered Species Act, the secretary of the United States Department of the Interior may exclude habitat from designation based on economic impact;

Whereas, under the Regulatory Flexibility Act, the USFWS must prepare a regulator flexibility analysis describing the effects of the proposed rule on small entities, including small businesses, such as farm and ranch operations, and small government jurisdictions; and

Whereas, Executive Order 12630, titled Governmental actions and interference with constitutionally protected private property rights, states that the USFWS must analyze the potential implications of designating critical habitat in a takings assessment: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, strongly urges the United States Fish and Wildlife Service to recognize and protect private landowner rights and their ability to make viable economic use of their land by exempting or excluding private properties in San Juan County from designation as critical habitat in the proposed listing of the Gunnison sagegrouse under the Endangered Species Act; and be it further

Resolved, That a copy of this resolution be sent to the San Juan County Commission, the Grand County Commission, the United States Fish and Wildlife Service, the San Juan County Chamber of Commerce, the Grand County Chamber of Commerce, the secretary of the United States Department of the Interior, the Bureau of Land Management, and the members of Utah's congressional delegation.

POM–84. A joint resolution adopted by the Legislature of the State of Utah declaring that claims of the United States Forest Service on state waters originating on public lands undermine state sovereignty; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 14

Whereas, water is essential to life, health, safety, and welfare, especially in Utah and throughout the West;

Whereas, in its Patient Protection and Affordable Care Act decision released June 28, 2012, the United States Supreme Court reaffirmed that jurisdiction over matters that ''concern the lives, liberties, and properties of the people'' are ''possessed by the States but not the Federal Government'';

Whereas, in the exercise of its jurisdiction over water resources within the state, the state of Utah has long established the recognition of water rights to ''first in time'' users of the water who can demonstrate the ability to put the water to ''beneficial use'';

Whereas, in short, ''beneficial use'' means water use that includes domestic use, irrigation, stock watering, manufacturing, mining, hydropower, municipal use, aquaculture, recreation, and fish and wildlife, among others;

Whereas, in disregard for and disrespect of the long-established state jurisdiction over water resources, the federal government, principally by and through the United States Forest Service (USFS), has engaged in a persistent pattern and course of conduct to exert control and influence over water resources within the state and throughout the West;

Whereas, various federal agencies are acting to negatively impact the water resources of Utah and other western states by unilaterally and substantially reducing the number of grazing permits and severely restricting timber harvesting;

Whereas, these federal policies, which overly restrict timber harvesting and grazing, build up dangerous wildfire fuel loads and result in inordinate water absorption for unhealthy vegetation densities;

Whereas, these federal agencies are also threatening to not renew often long-held grazing permits unless the permittee signs a water right change application over to the federal agency, closing roads and access to water resources, diminishing water recreation opportunities, and imposing onerous permit requirements;

Whereas, some specific examples of the disregard for and disrespect of state jurisdiction over water resources by federal agencies include:

1. In the spring of 2012, agents of the USFS coerced Tooele County livestock producers to sign change applications on private livestock water rights under compulsion of prohibiting the livestock producers from turning out their cattle onto their Forest Service allotment if the producers did not comply with the federal agency demand.

2. Near Scipio, the USFS based its diligence claim filings on use by nineteenth century settlers and then used the filings, and the threat of protracted litigation, to dispossess direct descendants of the settlers from their legitimate water rights.

3. For many years, the United States Forest Service and the Bureau of Land Management actively sought to reduce or eliminate the livestock and watering rights of a Nevada rancher. This action resulted in protracted litigation before United States District Court Judge Robert C. Jones, which concluded in the 2012 criminal convictions of two public servants employed by the USFS and the Bureau of Land Management. Both public servants were found guilty of contempt of court and witness intimidation charges. At trial, the regional forester in charge of Utah was found to have lied to the court when asked about the agency's antigrazing plan, which sought to eliminate cattle grazing on public lands.

4. From 2011 to the present, federal agents have barred city of Tombstone officials from accessing their water resources established in the Huachuca Mountains as early as 1881, which were washed out by monsoon rains on the heels of devastating wildfires exacerbated by unmitigated fuel loads. Local officials were at first denied access to repair their water lines, but were then allowed by USFS agents to only use ''horses and hand tools'' to ascend the mountain on foot in an obviously futile attempt to restore their water services. In attempting to ascend the road they had used for decades to repair their water resources with modern machinery, Tombstone officials were met by armed Forest Service agents and turned back at the threat of arrest and confiscation of expensive, rented heavy machinery. The city of Tombstone is now engaged in protracted litigation with the federal government over its water resources and has been reduced to using arsenic-laced wells that lack the pressure and capacity to withstand any serious fire danger to the wooden town in the middle of a desert in the middle of a drought.

5. The United States Forest Service filed suit in Idaho against the Joyce Livestock Company, arguing the livestock water rights were the property of the United States, based on federal ownership and control of the public lands coupled with the Bureau of Land Management's oversight of the public lands under the Taylor Grazing Act. Through protracted litigation, the Joyce Livestock Company proved its water rights to have been in place since 1898. The district court found no evidence that the United States had appropriated any water by grazing livestock. Upon appeal, in Joyce Livestock Company vs. United States, the Idaho Supreme Court unanimously held that the United States did not actually apply the water to beneficial use under the constitutional method of appropriation and, therefore, had no water right.

6. USFS efforts to exert control over the water rights of Colorado's ski industry were recently delayed on procedural grounds in a lawsuit brought by the ski industry. The USFS, through a new policy clause in the land use permitting process, seeks to require ski industry interests to provide joint ownership of state water rights, relinquish water rights held jointly with the federal government if the use permit is terminated, and grant ''limited'' power of attorney to the United States to execute documents pertaining to jointly held water rights with the promise that the ski industry will waive any claim against the United States for compensation of water rights lost as a result of the new permit language.

Whereas, John Dickinson, one of the Founding Fathers of this nation, warned, ''It will be their own faults, if the several states suffer the federal sovereignty to interfere in the things of their respective jurisdictions'';

Whereas, the United States Supreme Court also highlighted a vital role of states' authority in relation to protecting the liberty and property of their citizens by curbing federal government overreach, stating, ''The Independent power of the States also serves as a check on the power of the Federal Government: 'By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power' '';

Whereas, in its recent Patient Protection and Affordable Care Act decision, the United States Supreme Court further admonished states of their jurisdiction to protect matters of health, safety, and welfare, such as the critical life-sustaining issue of water in the West, stating, ''Our cases refer to this general power of governing, possessed by the States but not by the Federal Government, as the 'police power.' . . . Because the police power is controlled by 50 different states instead of one national sovereign, the facets of governing that touch on citizens' daily lives are normally administered by smaller governments closer to the governed. The Framers thus ensured that powers which 'in the ordinary course of affairs, concern the lives, liberties, and properties of the people' were held by governments more local and more accountable than a distant federal bureaucracy'';

Whereas, after recounting these fundamental principles and the states' inherent powers as ''separate and independent sovereigns,'' the United States Supreme Court admonished, ''In the typical case we look to the States to defend their prerogatives by adopting 'the simple expedient of not yielding' to federal blandishments when they do not want to embrace the federal policies as their own. The States are separate and independent sovereigns. Sometimes they have to act like it'';

Whereas, the USFS Intermountain Region Guidance Document states that the federal government will not invest in livestock water improvements, ''nor,'' according to the Intermountain Region Director, ''will the agency authorize water improvements to be constructed or reconstructed with private funds where the right is held solely by the livestock owner'';

Whereas, when the USFS allows improvements, including developing, redeveloping, and maintaining a livestock permittee's water rights, all improvements are claimed as the property of the United States, even when the investments are made by individual livestock permittees to allow the permittees to put their livestock watering rights to beneficial use as prescribed under state law;

Whereas, the USFS has used pressure tactics to gain control of livestock water rights by seeking change applications from the permittees or joint ownership in water with the federal agency;

Whereas, the USFS has threatened to not allow livestock permittees onto its Forest Service grazing allotments until permittees comply with the request;

Whereas, pre-existing water rights for livestock permittees on federal lands are protected in both the 1934 Taylor Grazing Act and the 1976 Federal Land Policy and Management Act;

Whereas, these actions by federal agencies infringe on recognized state jurisdiction and sovereignty, state law, and water rights established through historic livestock watering on public lands, and Utah's beneficial use doctrine;

Whereas, it is the apparent intention of the federal government to further expand its water holdings in the West, including Utah, through the USFS as provided in 16 U.S.C. Sec. 526, which states, ''There are authorized to be appropriated for expenditure by the Forest Service such sums as may be necessary for the investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests'';

Whereas, the United States, by and through its various agencies and departments, appears intent upon undermining, or at the very least disregarding, state sovereignty and jurisdiction over water rights and resources, as outlined in the USFS Intermountain Region Guidance Document, which states, ''until the court issues a decree accepting these claims, it is not known whether these claims will be recognized as water rights'';

Whereas, in seeking to expand the federal government's interest in the Utah water rights portfolio and exert greater control over the natural resources of the state, the USFS has filed more than 16,000 water rights claims of ownership on livestock watering rights located across the state;

Whereas, water rights claimed by the United States, based on its control of public lands, coupled with the Bureau of Land Management's comprehensive management of public lands under the Taylor Grazing Act, do not constitute the application of the water right to beneficial use under Utah's constitutional method of water appropriation and beneficial use;

Whereas, these waters are the property of the citizens of the state of Utah under its constitution, and the control falls under the stewardship and jurisdiction of the Utah State Legislature;

Whereas, it is recognized and understood that the United States cannot obtain sovereign water rights, nor can it obtain historic livestock water rights established on public lands, through federal laws;

Whereas, the consequence of allowing the federal government to exceed its authority over water rights is clearly illustrated by the great difficulty in getting the federal government to acknowledge its encroachment and relinquish its hold on that which the states should have by right;

Whereas, it is the sovereign right of the state of Utah, the second most arid state in

the nation, to exercise its obligation to protect the scarce water resources within its borders for the health, safety, and welfare of its citizens; and

Whereas, to do otherwise would be an abrogation of the Legislature's constitutional responsibility and obligation on behalf of the citizens of Utah, would weaken state authority, and would relinquish to the federal government more control over the water, natural resources, and lands contained within the borders of Utah: Now, therefore, be it

Resolved, That the Legislature of the state of Utah affirms the rights established in the Utah Constitution related to the citizens' water and Utah's sovereign ownership, jurisdiction, and control over its water; and be it further

Resolved, That the Legislature of the state of Utah declares that 191 the actions related to United States Forest Service claims on state waters originating on public lands undermines state sovereignty and jurisdiction and demands action by the state of Utah to protect its sovereign, recognized water ownership and rights on behalf of the citizens of Utah; and be it further

Resolved, That the Legislature of the state of Utah calls on state, county, and local governments to protect, preserve, and defend their jurisdiction and exercise their constitutional obligation to protect the health, safety, and welfare of the citizens of the state of Utah, particularly in defending and maintaining jurisdiction over the water resources of this state; and be it further

Resolved, That a copy of this resolution be sent to the United States Department of the Interior, the United States Forest Service, the United States Department of Agriculture, the Bureau of Land Management, the Utah Department of Natural Resources, each county commission in the state of Utah, each municipality in the state of Utah, and the members of Utah's congressional delegation.

POM–85. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to pass the ABLE Act; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 54

Whereas, the Achieving a Better Life Experience Act, also known as the ABLE Act, has been introduced as S. 313 and H.R. 647 in the One Hundred Thirteenth United States Congress; and

Whereas, the ABLE Act would create tax-advantaged savings accounts known as ''ABLE accounts'' for persons with disabilities and provide that funds may be withdrawn from such accounts to cover costs of health care, employment support, housing, transportation, assistive technology, and lifelong education for those persons; and

Whereas, ABLE accounts would be subject to the same tax treatment as the popular education savings accounts commonly called ''529 plans'', as they would be created in the same section (Section 529) of the Internal Revenue Code; and

Whereas, the ABLE Act would create a powerful incentive for individuals and families to save private funds for the purpose of supporting persons with disabilities in maintaining health, independence, and quality of life; and

Whereas, a vital component of the ABLE Act is a provision which stipulates that funds held in an ABLE account do not count toward any maximum limit on a person's assets upon which eligibility for a means-tested federal program may be contingent; and

Whereas, savings in an ABLE account would thereby not jeopardize a person's eligibility for programs such as Medicaid and the Supplemental Nutrition Assistance Program (formerly known as food stamps), the asset limits of which currently force low-income persons into the difficult decision of whether to spend what resources they may have down to two thousand dollars in most cases in order to become eligible for needed assistance; and

Whereas, the ABLE Act includes a fiscal safeguard for states by providing that if the ABLE account beneficiary dies or their disability ceases and assets remain in the account, the assets will be distributed first to any state Medicaid plan that provided assistance to the person; and

Whereas, as evidenced by the party affiliations of its seventy-eight original cosponsors being almost perfectly balanced, the ABLE Act legislation enjoys broad bipartisan support; and

Whereas, the ABLE Act embodies sound economic policy by encouraging savings and asset building; and by providing that every citizen living with a disability has the opportunity to attain independence and an improved quality of life, promotes important values that our nation holds dear: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to pass the ABLE Act; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–86. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to repeal that portion of the federal health care reform legislation which imposes a health insurance tax; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 53

Whereas, beginning in 2014, Section 9010 of the Patient Protection and Affordable Care Act (P.L. 111–148), as amended by Section 10905 of that Act and Section 1406 of the Health Care and Education Reconciliation Act (P.L. 111–152), will impose an unprecedented new tax on health insurance that numerous policy experts agree will be passed on to individuals, working families, employers, and seniors, contradicting a primary goal of health care reform by making health care more expensive; and

Whereas, Congressman Charles Boustany (R-LA) and Congressman Jim Matheson (D-UT) have already sponsored bipartisan legislation, H.R.763 of the First Session of the 113th Congress, in the United States House of Representatives, to repeal Section 9010 of the Patient Protection and Affordable Care Act which imposes an annual fee on health insurance providers; and

Whereas, similar legislation, S. 603 of the First Session of the 113th Congress, has also been introduced in the United States Senate by Senator John Barrasso (R-WY); and

Whereas, it has been estimated that the health insurance tax will cause premiums on the individual market to rise an average of two thousand one hundred fifty dollars for individuals and an average of five thousand eighty dollars for families nationally over a ten-year period; and

Whereas, it has also been estimated that, in Louisiana over the next ten years, an individual will pay an average of two thousand one hundred twenty-eight dollars more for single coverage and an average of four thousand five hundred twelve dollars more for family coverage, a small group employer will pay an average of two thousand five hundred eighty-nine dollars more for single coverage and an average of six thousand three hundred ninety-one dollars more for family coverage, and a large group employer will pay an average of two thousand eight hundred thirty dollars more for single coverage and an average of six thousand eight hundred thirty-six dollars more for family coverage; and

Whereas, it has been further estimated that a Medicare policyholder in Louisiana will pay on average four thousand one hundred eleven dollars more for coverage, all within the same time period; and

Whereas, estimates additionally indicate that the health insurance tax will also impact the national economy over the next ten years by reducing future private sector jobs by as much as one hundred twenty-five thousand, with approximately fifty-nine percent for small businesses, and reducing potential sales by at least eighteen billion dollars, with approximately fifty percent for small businesses; and

Whereas, higher premiums are a disincentive for everyone to obtain insurance coverage, particularly younger, healthier people, who are likely to drop their policies if they become too expensive, further eroding the risk pool and making coverage even less affordable: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to repeal Section 9010 of the Patient Protection and Affordable Care Act (PL. 111–148), as amended by Section 10905 of that Act and Section 1406 of the Health Care and Education Reconciliation Act (P.L. 111–152), which imposes a health insurance tax, in order to make health care more affordable for working families, individuals, and businesses; and be it further.

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–87. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving benefits from federal, state, or local government retirement or pension systems, plans, or funds; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 40

Whereas, the Congress of the United States of America has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor Social Security benefit, and the Windfall Elimination Provision (WEP), reducing the earned Social Security benefit for any person who also receives a public pension benefit; and

Whereas, Congress enacted these reduction provisions to provide a disincentive for public employees to receive two pensions; and

Whereas, the GPO negatively affects a spouse or survivor receiving a federal, state, or local government retirement or pension benefit who would also be entitled to a Social Security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor Social Security benefit by two-thirds of the amount of the federal, state, or local government retirement or pension benefit received by the spouse or survivor, in many cases completely eliminating the Social Security benefit even though their spouses paid Social Security taxes for many years; and

Whereas, the GPO often reduces spousal benefits so significantly it makes the difference between self-sufficiency and poverty; and

Whereas, the GPO has a harsh effect on thousands of citizens and undermines the

original purpose of the Social Security dependent/survivor benefit; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement or pension benefits, in addition to working in employment covered under Social Security and paying into the Social Security system; and

Whereas, the WEP reduces the earned Social Security benefit using an averaged indexed monthly earnings formula and may reduce Social Security benefits for affected persons by as much as one-half of the retirement benefit earned as a public servant in employment not covered under Social Security; and

Whereas, the WEP causes hardworking individuals to lose a significant portion of the Social Security benefits that they earn themselves; and

Whereas, in certain circumstances both the WEP and GPO can be applied to a qualifying survivor's benefit, each independently reducing the available benefit and in combination eliminating a large portion of the total Social Security benefit available to the survivor; and

Whereas, because of the calculation characteristics of the GPO and the WEP, they have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, teachers, and state employees; and

Whereas, Louisiana is making every effort to improve the quality of life of its citizens and to encourage them to live here lifelong, yet the current GPO and WEP provisions compromise their quality of life; and

Whereas, individuals drastically affected by the GPO or WEP may have no choice but to return to work after retirement in order to make ends meet, but the earnings accumulated during this return to work can further reduce the Social Security benefits the individual is entitled to; and

Whereas, retired individuals affected by both GPO and WEP have significantly less money to support their basic needs and sometimes have to turn to government assistance programs; and

Whereas, the GPO and the WEP penalize individuals who have dedicated their lives to public service by taking away benefits they have earned; and

Whereas, our nation should respect, not penalize, public servants; and

Whereas, the number of people affected by GPO and WEP is growing every day as more and more people reach retirement age; and

Whereas, the GPO and WEP are established in federal law, and repeal of the GPO and the WEP can only be enacted by Congress: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States of America to review the Government Pension Offset and the Windfall Elimination Provision Social Security benefit reductions and to consider eliminating or reducing them; and be it further

Resolved, That the Legislature of Louisiana does hereby memorialize Congress, in the alternative, to repeal the Government Pension Offset and to consider applying the less stringent Windfall Elimination Provision to spousal and survivor benefits; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–88. A joint resolution adopted by the Legislature of the State of Maine memorializing the President of the United States, the United States Congress and the United States Trade Representative regarding the use of trade promotion authority in international trade policy; to the Committee on Finance.

JOINT RESOLUTION

Whereas, the State strongly supports international trade when fair rules of trade are in place and seeks to be an active participant in the global economy, and the State seeks to maximize the benefits and minimize any negative effects of international trade; and

Whereas, existing trade agreements have effects that extend significantly beyond the bounds of traditional trade matters, such as tariffs and quotas, and can undermine Maine's constitutionally guaranteed authority to protect the public health, safety and welfare and its regulatory authority; and

Whereas, a succession of federal trade negotiators from both political parties over the years have failed to operate in a transparent manner and have failed to meaningfully consult with the State on the far-reaching effect of trade agreements on state and local laws, even when obligating the State to comply with the terms of these agreements; and

Whereas, Article II, Section 2 of the United States Constitution empowers the President of the United States ''. . . by and with the advice and consent of the Senate, to make treaties, provided two thirds of Senators present concur . . .''; and

Whereas, the trade promotion authority implemented by the United States Congress and the President of the United States with regard to international trade and investment treaties and agreements entered into over the past several years, commonly known as fast-track negotiating authority, does not adequately provide for the constitutionally required review and approval of treaties; and

Whereas, the United States Trade Representative, at the direction of the President of the United States, is currently negotiating or planning to enter into negotiations for several multilateral trade and investment treaties, including the Trans-Pacific Partnership Agreement and the Trans-Atlantic Trade and Investment Partnership; and

Whereas, proposals are under consideration to review these and future trade and investment agreements pursuant to a fast-track model; and

Whereas, the current process of consultation with states by the Federal Government on trade policy fails to provide a way for states to meaningfully participate in the development of trade policy, despite the fact that trade rules could undermine state sovereignty; and

Whereas, under current trade rules, states have not had channels for meaningful communication with the United States Trade Representative, as both the Intergovernmental Policy Advisory Committee on Trade and the state point of contact system have proven insufficient to allow input from states, and states do not always seem to be considered as a partner in government; and

Whereas, the President of the United States, the United States Trade Representative and the Maine Congressional Delegation will have a role in shaping future trade policy legislation: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that future trade policy include reforms to improve the process of consultation both between the Executive Branch and Congress and between the Federal Government and the states; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the fast-track model of consultation and approval of international treaties and agreements be rejected with respect to pending agreements and agreements not yet under negotiation; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States, the United States Congress and the United States Trade Representative seek to develop a new middle ground approach to consultation that meets the constitutional requirements for treaty review and approval while at the same time allowing the United States Trade Representative adequate flexibility to negotiate the increasingly complicated provisions of international trade treaties; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States, the United States Congress and the United States Trade Representative seek a meaningful consultation system that increases transparency, promotes information sharing, allows for timely and frequent consultations, provides state-level trade data analysis, provides legal analysis for states on the effect of trade on state laws, increases public participation and acknowledges and respects each state's sovereignty; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that each instance in which trade promotion authority is authorized by the United States Congress be limited to a specific trade agreement to help ensure the adequate review and approval of each international trade treaty; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the United States Trade Representative and to each Member of the Maine Congressional Delegation.

POM–89. A joint resolution adopted by the Legislature of the State of California urging the President and the Congress of the United States to exclude social security, Medicare, and Medicaid from being a part of any legislation to reduce the federal deficit; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 7

Whereas, Social security and Medicare are the foundations of income and health security for older Californians and those with severe work disabilities, providing monthly cash benefits and health insurance to over 5 million Californians, including 3.4 million retirees and nearly 700,000 disabled workers; and

Whereas, Social security is the single most important source of life insurance protection for California's children and provides a vital guaranteed income to 370,000 children throughout the state; and

Whereas, Social security prevents more than 1.1 million Californians from living in poverty; and

Whereas, Social security provides benefits to more than 9 million veterans nationwide, which is roughly four out of 10 veterans; and

Whereas, Social security annually contributes nearly $67 billion dollars to California's economy by paying benefits to over 5.1 million residents in the state; and

Whereas, Social security's funding is independent of that of the rest of the federal government, and has never contributed to, and by law can never contribute to, the federal deficit; and

Whereas, Social security in fact has a surplus of $2.7 trillion dollars today that is expected to grow to $3.1 trillion dollars by 2020; and

Whereas, Social security is not in crisis and has sufficient resources to meet all of its

obligations through 2032 and has dedicated revenues that would—even in the absence of Congressional reforms—meet three-quarters of promised benefits thereafter; and

Whereas, Social security's funding shortfall after 2032 is modest: about one-half of the cost of the Bush tax cuts of 2001 and 2003; and

Whereas, There are many policy options available to close social security's funding shortfall without cutting benefits, including eliminating the cap on earnings subject to the payroll tax, which would eliminate about 80 percent of the 75-year shortfall, or raising the payroll tax rate from 6.2 to 7.2 percent gradually over 20 years, which would eliminate one-half of the shortfall; and

Whereas, Americans prefer raising payroll taxes to cutting social security benefits by a margin of 53 percent to 36 percent; and

Whereas, Social security's modest but vital benefits, averaging just $12,930 per year in California, are critical to the economic security of those who receive those benefits; and

Whereas, Losses of pensions, 401(k) balances, home equity, and earnings have greatly diminished the retirement income prospects of Californians; and

Whereas, The social security benefit cuts imposed in 1983 will, when fully phased in, cut benefits by roughly 25 percent; and

Whereas, Forty-seven percent of elderly Californians are struggling just to make ends meet and more than one-half of working Californians will not have saved enough to be able to maintain their standard of living in retirement; and

Whereas, Proposals to increase the social security retirement age to 69 would cut benefits by an additional 13 percent on top of the 13 percent cut that occurred when the retirement age increased from 65 to 67; and

Whereas, The physical demands of a job differ from industry to industry and, on average, the longevity of the lives of individuals differ significantly according to their level of income, education, race, and access to health care; and

Whereas, Social security belongs to the people who have worked hard all their lives and contributed to the program, and it is based on a promise that if you pay in, you and your family can collect your money when you retire, experience a severe disability, or die; and

Whereas, Medicare insures almost 4 million California seniors for health care at a fraction of the administrative costs of private plans; and

Whereas, Medicare has controlled its costs better than private insurance plans; and

Whereas, Although increasing the eligibility age for Medicare would save the federal government some money, it would add billions of dollars to what we as a country spend on health care and shift costs onto other governmental entities, businesses, and many individuals who cannot afford those costs; and

Whereas, Medicaid is a critical source of protection for over 11 million low-income children, adults, and elderly Californians, many of whom have severe disabilities or are in need of long-term care; and

Whereas, Our social security, Medicare, and Medicaid systems are fundamental to protecting against risks to which all Californians are subject; and

Whereas, Our social security, Medicare, and Medicaid systems give expression to widely held values, including caring for our families, our neighbors, and ourselves, personal responsibility, hard work, and dignity: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the California State Legislature urges the President and the Congress of the United States to exclude social security, Medicare, and Medicaid from being a part of any legislation to reduce the federal deficit; and be it further

Resolved, That the California State Legislature opposes cuts to social security, Medicare and Medicaid, and calls on our state's representatives in Washington, D.C. to vote against any cuts and consider improving those systems in ways that will strengthen their protections; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, of South Dakota, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 534. A bill to reform the National Association of Registered Agents and Brokers, and for other purposes (Rept. No. 113–82).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 783. A bill to amend the Helium Act to improve helium stewardship, and for other purposes (Rept. No. 113–83).

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. HELLER:

S. 1379. A bill to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 1380. A bill to direct the Secretary of Transportation to ensure that on-duty time does not include waiting time at a natural gas or oil well site for certain commercial motor vehicle operators, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BLUMENTHAL (for himself, Mr. SANDERS, and Mr. BROWN):

S. 1381. A bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CARPER (for himself, Mr. COBURN, Mr. PRYOR, Mr. BEGICH, Mr. TESTER, and Mr. PORTMAN):

S. 1382. A bill to require the Federal Government to expedite the sale of underutilized Federal real property; to the Committee on Environment and Public Works.

By Mr. BLUMENTHAL (for himself, Mrs. GILLIBRAND, and Mr. MURPHY):

S. 1383. A bill to provide subsidized employment for unemployed, low-income adults, provide summer employment and year-round employment opportunities for low-income youth, and carry out work-related and educational strategies and activities of demonstrated effectiveness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. MURPHY, Mr. BLUMENTHAL, and Mr. MERKLEY):

S. 1384. A bill to help ensure that all items offered for sale in any gift shop of the National Park Service or of the National Archives and Records Administration are produced in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 314

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 314, a bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life.

S. 338

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 338, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 360

At the request of Mr. UDALL of New Mexico, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 360, a bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.

S. 411

At the request of Mr. ROCKEFELLER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 425

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 425, a bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing maternity care quality measures and supporting maternity care quality collaboratives.

S. 429

At the request of Mr. NELSON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 429, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve,

maintain, and develop markets for concrete masonry products.

S. 488

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 488, a bill to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy.

S. 489

At the request of Mr. THUNE, the name of the Senator from Arizona (Mr. MCCAIN) 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. 491

At the request of Mr. UDALL of New Mexico, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 491, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions relating to grants, and for other purposes.

S. 534

At the request of Mr. TESTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 534, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 557

At the request of Mrs. HAGAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 557, a bill to amend title XVIII of the Social Security Act to improve access to medication therapy management under part D of the Medicare program.

S. 621

At the request of Mr. MANCHIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 621, a bill to amend the Controlled Substances Act to make any substance containing hydrocodone a schedule II drug.

S. 783

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 783, a bill to amend the Helium Act to improve helium stewardship, and for other purposes.

S. 933

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 933, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2018.

S. 972

At the request of Mr. COBURN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 972, a bill to prohibit the Secretary of Health and Human Services replacing ICD–9 with ICD–10 in implementing the HIPAA code set standards.

S. 1038

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1038, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1066

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

S. 1072

At the request of Ms. KLOBUCHAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1072, a bill to ensure that the Federal Aviation Administration advances the safety of small airplanes and the continued development of the general aviation industry, and for other purposes.

S. 1158

At the request of Mr. WARNER, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Michigan (Ms. STABENOW) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1181

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

S. 1195

At the request of Mr. BARRASSO, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1195, a bill to repeal the renewable fuel standard.

S. 1204

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

At the request of Mr. COBURN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1204, supra.

S. 1320

At the request of Mr. DONNELLY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1320, a bill to establish a tiered hiring preference for members of the reserve components of the armed forces.

S. 1341

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1341, a bill to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

S. 1360

At the request of Mr. CARPER, the names of the Senator from Montana (Mr. TESTER) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1360, a bill to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes.

S. 1378

At the request of Mr. BLUNT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1378, a bill to amend title 5, United States Code, to provide for investigative leave requirements with respect to Senior Executive Service employees, and for other purposes.

AMENDMENT NO. 1792

At the request of Mr. MURPHY, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of amendment No. 1792 intended to be proposed to S. 1243, an original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1813. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table.

SA 1814. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1815. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1816. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1817. Mr. INHOFE submitted an amendment intended to be proposed by him to the

bill S. 1243, supra; which was ordered to lie on the table.

SA 1818. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1819. Mr. REID (for Mrs. FEINSTEIN) proposed an amendment to the resolution S. Res. 167, reaffirming the strong support of the United States for the peaceful resolution of territorial, sovereignty, and jurisdictional disputes in the Asia-Pacific maritime domains.

SA 1820. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table.

SA 1821. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1822. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1813. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, line 10, after the colon insert the following: ''*Provided further*, That no funds made available under this Act, or any other Act in any fiscal year, shall be available to performance-based contract administrators that have been selected after January 1, 2013, through a process other than the solicitation and award of procurement contracts subject to full and open competition among public housing agencies and their instrumentalities under the Competition in Contracting Act (41 U.S.C. 3301 et seq.) and the Federal Acquisition Regulations:''

SA 1814. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 13, insert '', of which such sums as may be necessary shall be made available for the establishment, not later than 60 days after the date of the enactment of this Act, of an academic center of excellence to conduct research related to the privacy, safety, policy, and technology challenges associated with integrating unmanned aerial systems into the national air space independent from the process established under section 332 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95)'' after ''2016''.

SA 1815. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____.

(a) No funds made available for any fiscal year beginning before, on, or after the date of enactment of this Act, under this Act or any other Act, may be used by a covered agency to require the disclosure by a provider of electronic communication service or remote computing service of the contents of a wire or electronic communication that is in storage with the provider (other than a communication with respect to which the provider or an agent or employee of the provider is the originator, addressee, or intended recipient) unless the covered agency obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure by a court of competent jurisdiction directing the disclosure.

(b) For purposes of this section—

(1) the terms ''court of competent jurisdiction'' and ''remote computing service'' have the meaning given those terms in section 2711 of title 18, United States Code;

(2) the term ''covered agency'' means an Executive agency, as defined in section 105 of title 5, United States Code, to which funds are made available under this Act; and

(3) the terms ''electronic communication'', ''electronic communication service'', and ''wire communication'' have the meaning given those terms in section 2510 of title 18, United States Code.

SA 1816. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____.

(a) No funds made available for any fiscal year beginning before, on, or after the date of enactment of this Act, under this Act or any other Act, may be used by the Internal Revenue Service or the Bureau of Consumer Financial Protection to require the disclosure by a provider of electronic communication service or remote computing service of the contents of a wire or electronic communication that is in storage with the provider (other than a communication with respect to which the provider or an agent or employee of the provider is the originator, addressee, or intended recipient) unless the Internal Revenue Service or the Bureau of Consumer Financial Protection, respectively, obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure by a court of competent jurisdiction directing the disclosure.

(b) For purposes of this section—

(1) the terms ''court of competent jurisdiction'' and ''remote computing service'' have the meaning given those terms in section 2711 of title 18, United States Code; and

(2) the terms ''electronic communication'', ''electronic communication service'', and ''wire communication'' have the meaning given those terms in section 2510 of title 18, United States Code.

SA 1817. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, line 14, after ''2014'', insert '', of which up to $100,000 shall be made available to the Secretary of Transportation to encourage States to prioritize vehicles defined in section 30D(d)(1) of the Internal Revenue Code of 1986 and vehicles that operate solely on compressed natural gas for purposes of section 166(b)(5)(B) of title 23, United States Code''.

SA 1818. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 17 and 18, insert the following:

SEC. 1_____. The Secretary of Transportation shall submit to Congress an annual report that lists the total amounts made available to carry out—

(1) section 213 of title 23, United States Code; and

(2) as applicable, each eligible project type under that section.

SA 1819. Mr. REID (for Mrs. FEINSTEIN) proposed an amendment to the resolution S. Res. 167, reaffirming the strong support of the United States for the peaceful resolution of territorial, sovereignty, and jurisdictional disputes in the Asia-Pacific maritime domains; as follows:

Insert after the third whereas clause of the preamble the following:

Whereas although the United States does not take a position on competing territorial claims over land features and maritime boundaries, it does have a strong and longstanding interest in the manner in which disputes in the South China Sea are addressed and in the conduct of the parties;

Insert after the ninth whereas clause of the preamble the following:

Whereas, on June 21, 2013, the Governments of the People's Republic of China and Vietnam announced that they had agreed to set up and use an emergency fishery hotline to inform each other of any detainment involving fishermen or boats within 48 hours, to help quickly resolve disputes and as part of efforts to prevent future incidents from derailing ties, and the Governments of the People's Republic of China and Indonesia on May 2, 2013, agreed to establish a hotline for incidents in their disputed waters;

In the thirteenth whereas clause of the preamble, strike ''declaring the Senakaku Islands a ''core interest'',''.

Insert after the thirteenth whereas clause of the preamble the following:

Whereas, on April 27, 2013, Chinese Foreign Ministry spokeswoman, Hua Chunying, was quoted as saying, ''The Diaoyu Islands are about sovereignty and territorial integrity. Of course it's China's core interest.'';

In the seventeenth whereas clause of the preamble, strike ''; and'' and insert a semicolon.

In the eighteenth whereas clause of the preamble, strike the colon at the end and insert a semicolon.

Insert after the eighteenth whereas clause of the preamble the following:

Whereas ASEAN and China announced on June 30, 2013, that official consultations on a Code of Conduct in the South China Sea will commence at the 6th Senior Officials' Meeting and the 9th Joint Working Group on the Implementation of the Declaration of Conduct of the Parties in the SCS, to be held in China in September 2013; Chinese Foreign Minister Wang Yi reaffirmed that China was willing to advance talks on a code of conduct as part of a ''continual, gradual and deepening process''; and Secretary of State John F. Kerry, participating in the ASEAN Regional Forum Ministerial Meeting on July 2, 2013, expressed the hope that announcement of official consultations between ASEAN and China would be the beginning of sustained and substantive official engagement between the two on developing the new Code of Conduct; and

Whereas, from June 17–20, 2013, the 10 ASEAN members and their dialogue partners Australia, China, India, Japan, New Zealand, Russia, South Korea, and the United States jointly participated in the First ASEAN Defense Ministers' Meeting Plus Humanitarian Assistance and Disaster Relief (HADR) and Military Medicine (MM) exercise, helping to establish a new pattern of cooperation among the militaries of the Asia-Pacific:

SA 1820. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 6, insert ''and to make grants to States to offset a portion of the operating costs of passenger rail services,'' after ''Code,''.

SA 1821. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 19, strike ''$40,000,000'' and insert ''$37,500,000''.

On page 84, line 10, strike ''$78,000,000'' and insert ''$80,500,000''.

On page 85, line 21, after the semicolon insert ''*Provided further*, That not less than $2,500,000 of the amounts provided under this paragraph shall be used by the Secretary of Housing and Urban Development, in consultation with the Secretary of Veterans Affairs, to provide rental vouchers to veterans residing in States with a population of less than 1,000,000:''.

SA 1822. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 21, after the semicolon insert ''*Provided further*, That the Secretary of Housing and Urban Development and the Secretary of Veterans Affairs shall, in administering and distributing rental voucher assistance funded under this paragraph, give consideration to the unique challenges of identifying homeless veterans in rural areas during point in time counts, and adjust their rental voucher assistance allocations accordingly: *Provided further*, That in accord with the previous proviso that the Secretary of Housing and Urban Development and the Secretary of Veterans Affairs shall in distributing rental voucher allocations during any round of HUD-Veterans Affairs Supportive Housing (HUD–VASH) vouchers that no State shall receive less than 0.5 percent of all such vouchers made available during such round:''

SUPPORTING PEACEFUL RESOLUTION OF DISPUTES IN THE ASIA-PACIFIC MARITIME DOMAINS

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 97, S. Res. 167.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 167) reaffirming the strong support of the United States for the peaceful resolution of territorial, sovereignty, and jurisdictional disputes in the Asia-Pacific maritime domains.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I further ask that the resolution be agreed to; the Feinstein amendment to the preamble which is at the desk be agreed to; the preamble, as amended, be agreed to; and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 167) was agreed to.

The amendment (No. 1819) was agreed to, as follows:

Insert after the third whereas clause of the preamble the following:

Whereas although the United States does not take a position on competing territorial claims over land features and maritime boundaries, it does have a strong and long-standing interest in the manner in which disputes in the South China Sea are addressed and in the conduct of the parties;

Insert after the ninth whereas clause of the preamble the following:

Whereas, on June 21, 2013, the Governments of the People's Republic of China and Vietnam announced that they had agreed to set up and use an emergency fishery hotline to inform each other of any detainment involving fishermen or boats within 48 hours, to help quickly resolve disputes and as part of efforts to prevent future incidents from derailing ties, and the Governments of the People's Republic of China and Indonesia on May 2, 2013, agreed to establish a hotline for incidents in their disputed waters;

In the thirteenth whereas clause of the preamble, strike ''declaring the Senakaku Islands a ''core interest'',''.

Insert after the thirteenth whereas clause of the preamble the following:

Whereas, on April 27, 2013, Chinese Foreign Ministry spokeswoman, Hua Chunying, was quoted as saying, ''The Diaoyu Islands are about sovereignty and territorial integrity. Of course it's China's core interest.'';

In the seventeenth whereas clause of the preamble, strike ''; and'' and insert a semicolon.

In the eighteenth whereas clause of the preamble, strike the colon at the end and insert a semicolon.

Insert after the eighteenth whereas clause of the preamble the following:

Whereas ASEAN and China announced on June 30, 2013, that official consultations on a Code of Conduct in the South China Sea will commence at the 6th Senior Officials' Meeting and the 9th Joint Working Group on the Implementation of the Declaration of Conduct of the Parties in the SCS, to be held in China in September 2013; Chinese Foreign Minister Wang Yi reaffirmed that China was willing to advance talks on a code of conduct as part of a ''continual, gradual and deepening process''; and Secretary of State John F. Kerry, participating in the ASEAN Regional Forum Ministerial Meeting on July 2, 2013, expressed the hope that announcement of official consultations between ASEAN and China would be the beginning of sustained and substantive official engagement between the two on developing the new Code of Conduct; and

Whereas, from June 17-20, 2013, the 10 ASEAN members and their dialogue partners Australia, China, India, Japan, New Zealand, Russia, South Korea, and the United States jointly participated in the First ASEAN Defense Ministers' Meeting Plus Humanitarian Assistance and Disaster Relief (HADR) and Military Medicine (MM) exercise, helping to establish a new pattern of cooperation among the militaries of the Asia-Pacific:

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 167

Whereas the maritime domain of the Asia-Pacific region includes critical sea lines of communication and commerce between the Pacific and Indian oceans;

Whereas the United States has a national interest in freedom of navigation and overflight in the Asia-Pacific maritime domains, as provided for by universally recognized principles of international law;

Whereas the United States has a national interest in the maintenance of peace and stability, open access by all to maritime domains, respect for universally recognized principles of international law, prosperity and economic growth, and unimpeded lawful commerce;

Whereas although the United States does not take a position on competing territorial claims over land features and maritime boundaries, it does have a strong and long-standing interest in the manner in which disputes in the South China Sea are addressed and in the conduct of the parties;

Whereas the United States has a clear interest in encouraging and supporting the nations of the region to work collaboratively and diplomatically to resolve disputes without coercion, without intimidation, without threats, and without the use of force;

Whereas the South China Sea contains great natural resources, and their stewardship and responsible use offers immense potential benefit for generations to come;

Whereas in recent years, there have been numerous dangerous and destabilizing incidents in this region, including Chinese vessels cutting the seismic survey cables of a Vietnamese oil exploration ship in May 2011;

Chinese vessels barricading the entrance to the Scarborough Reef lagoon in April 2012; China issuing an official map that newly defines the contested ''nine-dash line'' as China's national border; and, since May 8, 2013, Chinese naval and marine surveillance ships maintaining a regular presence in waters around the Second Thomas Shoal, located approximately 105 nautical miles northwest of the Philippine island of Palawan;

Whereas the Association of Southeast Asian Nations (ASEAN) has promoted multilateral talks on disputed areas without settling the issue of sovereignty, and in 2002 joined with China in signing a Declaration on the Conduct of Parties in the South China Sea that committed all parties to those territorial disputes to ''reaffirm their respect for and commitment to the freedom of navigation in and over flight above the South China Sea as provided for by the universally recognized principles of international law'' and to ''resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force'';

Whereas Japan and Taiwan reached an agreement on April 10, 2013, to jointly share and administer the fishing resources in their overlapping claimed exclusive economic zones in the East China Sea, an important breakthrough after 17 years of negotiations and a model for other such agreements;

Whereas other incidences of the joint administrations of resources in disputed waters in the South China Sea have de-escalated tensions and promoted economic development, such as Malaysia and Brunei's 2009 agreement to partner on exploring offshore Brunei waters, with drilling in offshore oil and gas fields off Brunei beginning in 2011; and Thailand and Vietnam's agreement to jointly develop areas of the Gulf of Thailand for gas exports, despite ongoing territorial disputes;

Whereas, on June 21, 2013, the Governments of the People's Republic of China and Vietnam announced that they had agreed to set up and use an emergency fishery hotline to inform each other of any detainment involving fishermen or boats within 48 hours, to help quickly resolve disputes and as part of efforts to prevent future incidents from derailing ties, and the Governments of the People's Republic of China and Indonesia on May 2, 2013, agreed to establish a hotline for incidents in their disputed waters;

Whereas the Government of the Republic of the Philippines states that it ''has exhausted almost all political and diplomatic avenues for a peaceful negotiated settlement of its maritime dispute with China'' and in his statement of January 23, 2013, Republic of Philippines Secretary of Foreign Affairs Del Rosario stated that therefore ''the Philippines has taken the step of bringing China before the Arbitral Tribunal under Article 287 and Annex VII of the 1982 Convention on the Law of the Sea in order to achieve a peaceful and durable solution to the dispute'';

Whereas, in January 2013, a Chinese naval ship allegedly fixed its weapons-targeting radar on Japanese vessels in the vicinity of the Senkaku islands, and, on April 23, 2013, eight Chinese marine surveillance ships entered the 12-nautical-mile territorial zone off the Senkaku Islands, further escalating regional tensions;

Whereas, on May 8, 2013, the Chinese Communist Party's main newspaper, The People's Daily, published an article by several Chinese scholars questioning Japan's sovereignty over Okinawa, where key United States military installations are located which contribute to preserving security and stability in the Asia-Pacific region;

Whereas the Government of the People's Republic of China has recently taken other unilateral steps, including ''improperly drawing'' baselines around the Senkaku Islands in September 2102, which the 2013 Annual Report to Congress on Military and Security Developments Involving the People's Republic of China found to be ''inconsistent with international law'', and maintaining a continuous military and paramilitary presence around the Senkaku Islands;

Whereas, on April 27, 2013, Chinese Foreign Ministry spokeswoman, Hua Chunying, was quoted as saying, ''The Diaoyu Islands are about sovereignty and territorial integrity. Of course it's China's core interest.'';

Whereas although the United States does not take a position on the ultimate sovereignty of the Senkaku Islands, the United States Government acknowledges that they are under the administration of Japan and opposes any unilateral actions that would seek to undermine such administration, affirms that the unilateral actions of a third party will not affect the United States acknowledgment of the administration of Japan over the Senkaku Islands, remains committed under the Treaty of Mutual Cooperation and Security to respond to any armed attack in the territories under the administration of Japan, and has urged all parties to take steps to prevent incidents and manage disagreements through peaceful means;

Whereas, on August 3, 2012, a Department of State spokesperson expressed concern over ''China's upgrading of the administrative level of Sansha City and the establishment of a new military garrison there,'' encouraged ASEAN and China ''to make meaningful progress toward finalizing a comprehensive Code of Conduct,'' and called upon claimants to ''explore every diplomatic or other peaceful avenue for resolution, including the use of arbitration or other international legal mechanisms as needed'';

Whereas the United States recognizes the importance of strong, cohesive, and integrated regional institutions, including the East Asia Summit (EAS), ASEAN, and the Asia-Pacific Economic Cooperation (APEC) forum, as foundation for effective regional frameworks to promote peace and security and economic growth, including in the maritime domain, and to ensure that the Asia-Pacific community develops rules-based regional norms which discourage coercion and the use of force;

Whereas the United States welcomes the development of a peaceful and prosperous China, the government of which respects international norms, international laws, international institutions, and international rules; enhances security and peace; and seeks to advance a ''new model'' of relations between the United States and China;

Whereas ASEAN plays an important role, in partnership with others in the regional and international community, in addressing maritime security issues in the Asia-Pacific region and into the Indian Ocean, including open access to the maritime domain of Asia;

Whereas ASEAN and China announced on June 30, 2013, that official consultations on a Code of Conduct in the South China Sea will commence at the 6th Senior Officials' Meeting and the 9th Joint Working Group on the Implementation of the Declaration of Conduct of the Parties in the SCS, to be held in China in September 2013; Chinese Foreign Minister Wang Yi reaffirmed that China was willing to advance talks on a code of conduct as part of a ''continual, gradual and deepening process''; and Secretary of State John F. Kerry, participating in the ASEAN Regional Forum Ministerial Meeting on July 2, 2013, expressed the hope that announcement of official consultations between ASEAN and China would be the beginning of sustained and substantive official engagement between the two on developing the new Code of Conduct; and

Whereas, from June 17–20, 2013, the 10 ASEAN members and their dialogue partners Australia, China, India, Japan, New Zealand, Russia, South Korea, and the United States jointly participated in the First ASEAN Defense Ministers' Meeting Plus Humanitarian Assistance and Disaster Relief (HADR) and Military Medicine (MM) exercise, helping to establish a new pattern of cooperation among the militaries of the Asia-Pacific: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the use of coercion, threats, or force by naval, maritime security, or fishing vessels and military or civilian aircraft in the South China Sea and the East China Sea to assert disputed maritime or territorial claims or alter the status quo;

(2) strongly urges that all parties to maritime and territorial disputes in the region exercise self-restraint in the conduct of activities that would undermine stability or complicate or escalate disputes, including refraining from inhabiting presently uninhabited islands, reefs, shoals, and other features and handle their differences in a constructive manner;

(3) reaffirms the strong support of the United States for the member states of ASEAN and the Government of the People's Republic of China as they seek to develop a code of conduct of parties in the South China Sea, and urges all countries to substantively support ASEAN in its efforts in this regard;

(4) supports collaborative diplomatic processes by all claimants in the South China Sea for resolving outstanding maritime or territorial disputes, in a manner that maintains peace and security, adheres to international law, and protects unimpeded lawful commerce as well as freedom of navigation and overflight, and including through international arbitration, allowing parties to peacefully settle claims and disputes using universally recognized principles of international law;

(5) encourages the deepening of efforts by the United States Government to develop partnerships with other countries in the region for maritime domain awareness and capacity building; and

(6) supports the continuation of operations by the United States Armed Forces in the Western Pacific, including in partnership with the armed forces of other countries in the region, in support of freedom of navigation, the maintenance of peace and stability, and respect for universally recognized principles of international law, including the peaceful resolution of issues of sovereignty and unimpeded lawful commerce.

RECOGNIZING THE 200TH ANNIVERSARY OF THE BATTLE OF LAKE ERIE

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 153.

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

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 153) recognizing the 200th anniversary of the Battle of Lake Erie.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. I ask unanimous consent that the resolution be agreed, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 153) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of May 23, 2013, under ''Submitted Resolutions.'')

MEASURE READ THE FIRST TIME—H.R. 2218

Mr. REID. Mr. President, I understand there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (H.R. 2218) to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.

Mr. REID. I now ask for a second reading and, in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, JULY 30, 2013

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, July 30, 2013, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to executive session to consider Calendar No. 223, Kent Yoshiho Hirozawa, of New York, to be a member of the National Labor Relations Board, under the previous order.

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

PROGRAM

Mr. REID. Mr. President, at about 10:15 a.m. tomorrow, there will be a cloture vote on the Hirozawa nomination.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Tuesday, July 30, 2013, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 29, 2013:

DEPARTMENT OF JUSTICE

JAMES B. COMEY, JR., OF CONNECTICUT, TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION FOR A TERM OF TEN YEARS.