

Washington State has a proud history of supporting our Nation's Armed Forces. From Fairchild Air Force Base in eastern Washington to Joint Base Lewis-McChord in the Puget Sound region, our State is home to thousands of military families.

In addition to those active-duty servicemembers, Washington State is also home to thousands of civilian defense employees who work at these various military installations. Under sequestration, these men and women have borne the brunt of these across-the-board budget cuts. This month, weekly furloughs began for nearly 10,000 of these civilian employees in my home State of Washington. So now, once every week, they can't go to work. That amounts to a pay cut for them of 20 percent.

These are men and women—many of them veterans—with mortgages and medical bills and tuition costs, just like the rest of us. And thanks to the gridlock here in Congress, their lives have become 20-percent tougher. One of those people who is impacted is Will Silva. He lives in Tacoma, WA, and he works at Joint Base Lewis-McChord. We call it JBLM. Will is a former marine, he is an amputee, and he is a fire inspector at the base. Thanks to sequestration, he is one of 6,700 people in that community who won't be going to work tomorrow because Friday is furlough day at JBLM.

So tomorrow, Friday, in my home State of Washington, the 911 call center and fire departments will be understaffed, air fields will be shuttered except for emergencies, the military personnel office and the substance abuse center will be closed, the Madigan Army Medical Center will be forced to close clinics, and even the wound care clinic is going to be understaffed. All of this is because of the cuts we all agree are hurting our country.

Jennifer-Cari Green is another person who won't be going to work at JBLM tomorrow. Jennifer happens to be a single mother of a 6-year-old boy. She works at the Madigan Army Medical Center in the neurosurgery department. Her job is to care for servicemembers, many of whom are undergoing serious brain operations.

Jennifer was here in Washington, DC, on Tuesday to testify at our Budget Committee hearing about the impacts of sequestration. It is impossible to forget her story. Jennifer works very hard. She started there as a volunteer in the surgery center but has worked her way up. She doesn't make much money to support herself and her young son, and so she budgets every month right down to the dollar. She has no luxuries, and in her only spare time she cares for her son and works toward an associate degree at the community college.

Jennifer told me that because of these furloughs her take-home pay will be almost exactly \$1,000 a month—\$1,000 a month. That isn't enough for her to pay her most basic expenses. But

even with all of the challenges she faces, Jennifer came here to talk about what those cuts will mean for others, for the people she cares for at the army hospital where she works.

Because she has been furloughed—by the way, along with doctors and technicians and other employees at the hospital—servicemembers and veterans aren't going to get the care they need. These furloughs mean that everything from routine checkups to brain surgeries is being delayed for these men and women who served our country. Let me repeat that: brain surgeries at military hospitals are being delayed because of cuts from sequestration. That is unacceptable and, unfortunately, it is very real.

The impacts on our civilian defense employees are just the tip of this iceberg. Sequestration has resulted in dramatic cuts to countless other programs throughout our country. Head Start facilities have been forced to shut their doors. Meals-on-Wheels Programs—vital to our Nation's seniors—are serving less needy seniors, and even our judicial system has been forced to let go of prosecutors and public defenders. The cuts are clear and they are, across the board, impacting so many people in this country in our communities and in our families.

I understand many of us have different opinions here on how to address our Nation's financial challenges, but before we do that, all of us have to understand the devastating impact sequestration has already had on our Nation. I want to remind all my colleagues that it doesn't have to be this way. It doesn't have to be this way. It is now 124 days since the Senate passed a budget that fully replaced the sequestration, and 17 times my colleagues and I have stood here and asked to go to conference with the House to fix these ridiculous cuts. But 17 times now our Republican colleagues have said no. They have refused.

So I am here today absolutely committed to replacing sequestration. If some of my colleagues think this is about politics or this is some kind of game, I would ask them to talk to Will or Jennifer or any of the thousands of families who suddenly today can't pay their bills, because, for them, these cuts are very real and they need a solution now.

I hope other Members of the Senate will come and talk about these cuts. We can fix this. We can replace sequestration. We can manage our country responsibly. We can be much smarter about what we are doing, but we need the will of the Senate to allow us to go to conference to fix this and move forward and tell Will and Jennifer we, as a country, can work for them.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF DEREK ANTHONY WEST TO BE ASSOCIATE ATTORNEY GENERAL

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

The assistant legislative clerk read the nomination of Derek Anthony West, of California, to be Associate Attorney General.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour of debate equally divided and controlled in the usual form prior to a vote on the nomination.

Mr. LEAHY. Mr. President, today the Senate considers President Obama's nomination of Tony West to be the Associate Attorney General, the No. 3 position at the Justice Department. He is a superbly qualified veteran of the Department of Justice who has been serving in this position in an acting capacity for over a year. He had previously been confirmed by the Senate to be the Assistant Attorney General for the Civil Division.

Before his work in the Justice Department, Mr. West spent 8 years in private practice in San Francisco, where he was a partner at a well-respected law firm and specialized in complex commercial litigation. He also served as a special assistant attorney general in the California Department of Justice, as an assistant U.S. attorney for the Northern District of California, and as a special assistant to two Deputy Attorneys General at the U.S. Department of Justice. Mr. West earned his B.A. from Harvard, and his J.D. from Stanford University Law School, where he was elected president of the Stanford Law Review.

The Judiciary Committee received dozens of letters in support of Tony West from various individuals and organizations, including the International Association of Chiefs of Police, the U.S. Conference of Mayors, the National Association of Attorneys General, the National Sheriff's Association, and Taxpayers Against Fraud. The National Association of Black Law Enforcement Executives wrote that "throughout Mr. West's career, he has proven to be an effective partner to law enforcement. With this experience, we believe him to be well-qualified to serve as Associate Attorney General and look forward to working with him on a broad range of law enforcement and public safety issues. It is our hope that the Senate will confirm Mr. West promptly to serve as the Associate Attorney General of the United States."

This endorsement is typical of the many letters sent in support of Mr. West. I ask unanimous consent that a list of all 36 letters of support for Mr. West's nomination be printed in the RECORD at the conclusion of my statement.

I am confident that Tony West is well-qualified to be Associate Attorney General, and I hope he will be confirmed without further delay.

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

LETTERS RECEIVED FOR TONY WEST

May 14, 2013—Esta Soler, President and Founder, Futures Without Violence

May 14, 2013—Ann Harkins, President and CEO, National Crime Prevention Counsel

May 14, 2013—William J. Bratton, President and CEO, The Bratton Group LLC

May 15, 2013—Randy I. Bellows, Circuit Court Judge, Fairfax County

May 15, 2013—Gregory P. Suhr, Chief of Police, San Francisco

May 15, 2013—Robert Wolf, CEO, 32 Advisors, LLC

May 15, 2013—Anthony W. Batts, Police Commissioner, Baltimore Police Department

May 15, 2013—Charlie Beck, Chief of Police, LAPD

May 16, 2013—Christine Varney, former AAG (Antitrust)

May 16, 2013—Aaron D. Kennard, Executive Director, National Sheriff's Association

May 16, 2013—Richard Parsons, Senior Advisor, Providence Equity

May 16, 2013—Kim J. Raney, President, California Police Chiefs Association

May 16, 2013—Scott R. Seaman, Chief of Police, Los Gatos/Monte Sereno Police Department

May 16, 2013—Jamie S. Gorelick, former DAG

May 17, 2013—Luis G. Fortuño, Former Governor, Puerto Rico

May 17, 2013—Alejandro J. Garcia-Padilla, Governor, Puerto Rico

May 17, 2013—National Organization of Black Law Enforcement Executives

May 20, 2013—Jefferson Keel, President, National Congress of American Indians

May 20, 2013—MARCIA L. FUDGE, Chair, Congressional Black Caucus

May 20, 2013—David S. Kris, former AAG (National Security)

May 20, 2013—NAACP

May 20, 2013—William M. Lansdowne, Chief of Police, San Diego

May 20, 2013—Bill Lee, former AAG (Civil Rights)

May 20, 2013—Ken Salazar, former Secretary of the Interior

May 21, 2013—Mai Fernandez, Executive Director, National Center for Victims of Crime

May 21, 2013—Bernard K. Melekian, former director, DOJ Office of Community Policing Services

May 22, 2013—State Attorneys General

May 22, 2013—Craig T. Steckler, President, International Association of Chiefs of Police

May 22, 2013—Leadership Conference

May 22, 2013—Michael A. Nutter, Mayor of Philadelphia, President of the U.S. Conference of Mayors

May 22, 2013—Mark L. Shurtleff, former Utah Attorney General

May 22, 2013—Catherine W. Sanz, President, WIFLE Foundation, Inc.

May 23, 2013—National Association of Attorneys General

May 23, 2013—Janet Murguia, President and CEO, NCLR

May 28, 2013—Neil Getnick, Chairman, Taxpayers Against Fraud

May 28, 2013—Michael Brune, Executive Director, Sierra Club

Mrs. FEINSTEIN. Mr. President, I am pleased that the Senate is considering Tony West's nomination to be Associate Attorney General of the United States today. I have a great deal of respect for Tony. As a fellow Californian, I know he will serve the position of Associate Attorney General with distinction.

The role of the Associate Attorney General—the third-highest ranking position at the Department—is to help lead the Justice Department and to oversee the Department's civil units, such as the Civil Division, Antitrust Division, and Tax Division, as well as the Office of Justice Programs, which provides grants, including to State and local law enforcement.

Mr. West's qualifications for this position are unquestionable. He has served as Acting Associate Attorney General since March 2012. He also spent 3 years as Assistant Attorney General of the Civil Division, so he is no stranger to the responsibilities and demands of leadership in the Justice Department.

From 2001 to 2009, Mr. West was a partner at Morrison & Foerster LLP, where he represented major corporations in securities litigation, antitrust cases, and white-collar criminal defense.

From 1994 to 1999, he served as assistant U.S. attorney in the Northern District of California for 5 years. He prosecuted high-tech crimes, bank robberies, fraud schemes, and sexual exploitation offenses.

He received his bachelor's degree from Harvard University and later earned his law degree at Stanford Law School, where he was president of the Stanford Law Review.

Simply put, Tony West brings a great deal of experience in Justice Department leadership, private practice, and criminal prosecution to this position.

I am confident he will do an outstanding job, and I urge my colleagues to support his nomination.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the time under the quorum call be divided equally.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

THUD APPROPRIATIONS

Mr. VITTER. Mr. President, I rise to propose and support two amendments to the appropriations bill that is on the

floor today and will continue into next week. They both have a common theme, and that theme is to keep faith with the American people; to not put ourselves here in Washington, here in Congress, in a different, higher class than middle-class Americans but to be one of them; to truly represent them; to truly fight for them here in Washington.

The two amendments address this in different ways. One is to block a pay raise that would otherwise happen for Members of Congress even in the midst of this very sluggish economy, barely getting out of the recent recession. There is an automatic pay raise in the law. This was done years ago, really behind closed doors in a bit of a smoke-filled room, to put an automatic pay raise for Members of Congress in the law so that almost every year it just happens automatically. There is no inconvenience of having to propose it, actually having to come to the Senate floor and come to the floor of the House of Representatives and justify it and, God forbid, have to vote for it. It just happens.

I disagree strongly with that system. I think that entire system and premise is offensive. For that reason, Senator CLAIRE McCASKILL of Missouri and I have a bill, a proposal to undo that and require that any future pay raise has to be proposed, justified on the floor of the Senate and the floor of the House, and actually voted on. This amendment is not that entire bill. This amendment is focused on the here and now, to block the automatic pay raise that would happen this year if we do not act.

You will hear from members of the committee, handlers of this appropriations bill, that this amendment is not relevant, is not germane to this bill. The folks who set up the automatic pay raise system several years ago were very clever. They figured out a way that an amendment such as this would not be germane to any appropriations bill, would not be germane to any bill. That is why we need to act on this bill—because this may be one of the few appropriations bills, spending bills we actually deal with on the floor of the Senate this year.

To the credit of Congress, in the midst of the recent recession Congress denied itself these automatic pay raises, so they have not happened since 2009. But we are not into healthy growth. The American middle class is not doing just fine. Unemployment is still over 7.5 percent—7.6 percent, which is well above the 5 percent promised when Congress and President Obama passed a \$1 trillion stimulus. In fact, we have had 53 straight months with unemployment above 7.5 percent. That is not a healthy economy. That is not recovery.

As Americans continue to suffer, continue to look for work, continue to look for full-time work as part-time becomes more the norm, particularly in the era of ObamaCare, we need to relate to them and not set ourselves

apart. We need to be a fighter for them, not a member of a higher, different class in Washington. One simple but important way to do that is to say no pay raise when we are in the midst of this very sluggish nonrecovery.

Again, Senator CLAIRE MCCASKILL of Missouri has joined me in this effort. I appreciate her partnership on the broader bill, and I appreciate her partnership on this amendment, the Vitter amendment No. 1746. I urge all my colleagues, Democrats as well as Republicans, to adopt and support this commonsense amendment.

This is an important message. This is an important statement. The question and the choice is simple: Are you going to be a true representative of the folks back home, relate to them, be one of them, or did you really come to Washington to put yourself in a different, higher class? The answer needs to be the first answer provided. We need to represent the folks back home, not put ourselves in a different, higher class. This pay raise amendment is one way to do that. Say no to any congressional pay raise in the midst of this horribly slow economy.

My second amendment also continues this theme. It relates to our health care benefits, but it is really the same issue, the same theme. Are we one with the folks we were elected to represent or are we trying to set ourselves out as a different, higher class here in Washington?

This amendment is Vitter amendment No. 1748. It would ensure that all Members of Congress, all congressional staff, and all executive appointees deal with ObamaCare in the same way ordinary Americans do. They have to go in the exchange; they have to deal with their health care that way. They do not get special treatment.

In the midst of the ObamaCare debate, that issue came up. I brought up the issue. I brought an amendment to the floor. My Louisiana colleague JOHN FLEMING did the same thing in the House. Because of the attention we focused on that issue, there was a limited provision in the law that said Members of Congress and their direct staffs would be in the exchanges. However, very conveniently, some of the details were jiggered around so that Members of the leadership and their staffs and committee staffs would somehow be in a different, higher category and they would not be subject to the same ObamaCare rules. They would benefit from the very generous and very lucrative Federal Employees Health Benefits Plan that Congress has traditionally been under.

I think we should undo that. I think we should be one of the American people, relate to the American people, and get the same treatment through the exchanges that the great majority of them will get under ObamaCare. The problem is that here on Capitol Hill, again behind closed doors, the effort is largely in the opposite direction.

The Wall Street Journal unveiled this on April 25 of this year. It reported

that Senator REID and Congressman STENY HOYER had initiated some behind-closed-doors secret discussions to actually fix the problem, as they saw it, and put all Members of Congress and all of our staffs back in that select category—not with the American people, not in the exchanges, but in that select higher category and be granted preferential treatment. Because that hit the press, because that word got out, I am hopeful that those secret negotiations have stopped. We need to make sure we do not move in that direction.

ObamaCare is a train wreck. Implementation is causing dramatic problems for millions upon millions of Americans. But the solution is not to fix it selectively for us; the solution is to fix it for everybody, to fix it for average middle-class Americans. If we do that we would benefit as well.

So this amendment not only blocks the effort by Senator REID and STENY HOYER and others to move Members of Congress and our staffs back into a select category and protect us from the train wreck of ObamaCare implementation, the solution is to broaden that pool and actually have that same treatment, along with ordinary Americans, for every Member of Congress, for all of our staffs, for leadership, for committee staffs, and also for President Obama's appointees.

My amendment, Vitter amendment No. 1748, on which DEAN HELLER is a cosponsor, would do just that. It would ensure that all bureaucrats, all Obama appointees, all congressional staff, all Members, leadership and otherwise, all of our staffs, committee and otherwise, are subject to ObamaCare and are not put into a select higher class and offered preferential treatment—again, the common theme with my other amendment. That is how we relate to the folks we represent. That is how we are truly one of them.

ObamaCare is a problem. Implementation is a train wreck. But the solution is not to put ourselves in a higher class, divorced from that problem; the solution is to live that problem ourselves, and hopefully that will promote us and motivate us to solve that problem for all of the American people.

This is not a partisan amendment. This should not be a partisan fight. This is about are we truly part of the States we represent? Do we truly relate to those citizens who sent us to Washington or do we come here and put ourselves in a select, different class, give ourselves preferential treatment under law, after law, after law—in this case, ObamaCare?

Again, this is Vitter amendment No. 1748. I urge all my colleagues—Republicans, Democrats, Independents, everyone—to support it, to tell your constituents: No, I did not come here to put myself in a special class. I did not come here to get preferential treatment. I came here to fight for you.

And, yes, ObamaCare has major issues, major problems. Implementation is, as one of my Democratic col-

leagues has forthrightly said, a train wreck. But the solution is not to fix it behind closed doors selectively for us; the solution is to fix it—which personally I think means delay or repeal it—for the American people.

I yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Madam President, am I in order to speak about the nomination of Tony West?

The PRESIDING OFFICER. The Senator is in order.

Mr. GRASSLEY. Madam President, today the Senate will vote on the nomination of Tony West to be Associate Attorney General. Although I will be supporting Mr. West's nomination, I have some concerns about his record that I want to share with my colleagues.

This is a very important position. The Associate Attorney General is the third highest ranking official within the Department of Justice. Mr. West is currently serving as Acting Associate Attorney General, and as far as I can tell he has generally done a pretty good job. However, before serving as Acting Associate Attorney General, Mr. West was confirmed as Assistant Attorney General for the Civil Division. My concerns are with his record while serving in that position.

Specifically, while heading the Civil Division, Mr. West was involved in and even defended the quid pro quo deal between the Department of Justice and the City of St. Paul, MN. That scheme was orchestrated by Tom Perez, who headed the Civil Rights Division and was recently confirmed by the Senate to be Labor Secretary.

My colleagues have heard me on the floor of this body many times talking about this quid pro quo, most often emphasizing Tom Perez's involvement with it, but not too much about Mr. West.

The quid pro quo involved the Department agreeing to decline two False Claims cases pending against the City of St. Paul. Remember, if successful, those two False Claims cases were estimated—and they were pretty good cases—to bring \$200 million back into the Federal Treasury. In exchange, the City of St. Paul would agree to drop a case pending before the Supreme Court.

As I have said, I have spoken at length on the St. Paul quid pro quo as it relates to the nomination of Mr. Perez to be Secretary of Labor.

As my colleagues know, I have been a major supporter of whistleblowers and their protection under the laws of this country. Whistleblowers are a very important source of information in helping us if laws are not being abided by

or money is being misspent. Of course, that is why I authored the 1986 amendments to the False Claims Act. It was to protect whistleblowers, but it also gives a resource for getting money back into the Federal Treasury if it is misspent.

Those amendments—meaning the False Claims Act amendments—revitalized the law by empowering individual qui tam whistleblowers to come forward and file suits on behalf of the Federal Government to recover taxpayer dollars lost to fraud. Since those amendments were enacted, over \$40 billion has been recovered.

Under Mr. West's tenure as head of the Civil Division, that Department has been successfully utilizing the tools of qui tam whistleblowers' information. Of course, they are not shy about saying so, and as far as I am concerned it is their right to do that. The more publicity we can have about recovering money under the False Claims Act, the more we may encourage more whistleblowers to come forth and recover even more money.

The False Claims Act is within the purview of the Civil Division, which Mr. West oversaw at that time, not the Civil Rights Division. However, in the quid pro quo, the evidence uncovered by my investigation suggests that Mr. West allowed Tom Perez to take control of the Civil Division in order to cut this deal that saved Mr. Perez's favored legal theory referred to as the "disparate impact" theory. As I have discussed previously, Mr. Perez was concerned the Supreme Court was going to strike down this theory as unconstitutional.

In doing so, the Department undercut a viable case against St. Paul and, in the process, left the whistleblower who filed the suit to fight the City on behalf of the American taxpayers all alone—left him out there twisting in the wind.

This is not how I expect the Department to treat good-faith whistleblowers. They are patriotic people. They are people who probably destroyed their opportunity of livelihood because they know something is wrong and they want to report it, just as patriotic people ought to do. In fact, I believe it is contrary to the assurances Mr. West gave me during his confirmation hearing in 2009 when he indicated he would protect whistleblowers and vigorously enforce the False Claims Act.

Let everybody understand there is not a single individual subject to Senate confirmation in the Justice Department who comes before the committee or to my office for an interview that I don't ask them their view of the False Claims Act, because I don't want anyone serving in the Justice Department who doesn't support vigorous enforcement and use of the False Claims Act.

As I have said, ultimately Mr. Perez was the architect of this ill-advised quid pro quo that left Frederick Newell, a good-faith whistleblower, hanging

out there to dry. In my view, Mr. Perez bears the most responsibility in this whole matter. He was the one who was manipulating the process and he did so at times behind the back of Mr. West.

Nonetheless, Mr. West was the individual in charge of the Civil Division, and as head of that division the decision regarding whether to join those False Claims cases fell to Mr. West.

It is troubling to me that Mr. Perez, who at the time was head of the Civil Rights Division, would be the one who was so clearly orchestrating the deal, and acting as de facto head of the Civil Division. Unfortunately, Mr. West let him get away with it. So that concerns me as it relates to the nomination of Mr. West to be the third highest ranking official at the Department of Justice.

We need individuals serving in these positions who are willing to stand up to those who are trying to advance a political agenda; and that is exactly what Mr. Perez was trying to advance. In this instance, at least, it doesn't appear that Mr. West stood up to Mr. Perez as he should have.

On the contrary, the record appears to indicate Mr. West allowed Mr. Perez to orchestrate this deal on behalf of the Civil Division even though Mr. Perez was head of the Civil Rights Division.

However, notwithstanding these concerns, I am willing to give Mr. West the benefit of the doubt and vote for his nomination. Part of the reason I am willing to do so is because the Civil Division, under the leadership of Mr. West, has established a respectable record in utilizing the tools available under the False Claims Act amendments that I got passed in 1986 and that have brought back into the Treasury approximately \$40 billion.

And, as an instance of the use of the False Claims Act by Mr. West, the Civil Division secured approximately \$4.9 billion coming back into the Federal Treasury in the single year of 2012. Taken together over the last several years, the Civil Division has secured a total of approximately \$13.3 billion.

Obviously, this is not an insignificant amount of taxpayer dollars coming back. Although the Department's recovery of this money, on the one hand, does not excuse their behavior in the quid pro quo matter, I do believe Mr. West deserves a certain degree of credit for his leadership in this area.

So, as I said, I will support his nomination, and I expect he will be confirmed. It is my sincere hope he will perform his job well and not let somebody undercut him as he let Mr. Perez undercut him in regard to the quid pro quo and the False Claims cases involving St. Paul, MN. But I want him to know, and everybody else to know, that I plan to conduct aggressive oversight of the Department to ensure the mistakes that occurred as part of the quid pro quo that potentially cost the taxpayers nearly \$200 million lost to fraud are not repeated.

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.

The PRESIDING OFFICER. The Senator from Montana.

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Derek Anthony West, of California, to be Associate Attorney General?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 186 Ex.]

YEAS—98

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

NAYS—1

Coburn
NOT VOTING—1
Moran

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

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 by title.

The 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) 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.

AMENDMENT NO. 1760, AS MODIFIED

Mrs. MURRAY. Madam President, I call for the regular order with respect to Amendment No. 1760 and to modify it with the changes which are at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1760), as modified, is as follows:

On page 38, between lines 17 and 18, insert the following:

SEC. 127. Funding made available under the heading "FEDERAL HIGHWAY ADMINISTRATION LIMITATION ON ADMINISTRATION EXPENSES" shall be made available to submit to Congress a report describing the percentages of lane miles and highway bridge deck in each State that are in good condition, fair condition, and poor condition, and the percentage of Federal amounts each State expends on the repair and maintenance of highway infrastructure and on new capacity construction.

Mrs. MURRAY. I understand my colleague is here to offer an amendment. I yield to him at this time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Madam President, I ask unanimous consent to call up amendment No. 1783.

The PRESIDING OFFICER. Is there objection?

Objection is heard.

Mrs. MURRAY. It is my understanding the Senator from Connecticut was going to call up an amendment. There was an objection?

The PRESIDING OFFICER. The Senator is correct.

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

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

AMENDMENT NO. 1783

Mr. MURPHY. I call up amendment No. 1783 and ask that it be pending.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. MURPHY] proposes an amendment numbered 1783.

Mr. MURPHY. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Secretary of Transportation to assess the impact on domestic employment of a waiver of the Buy American requirement for Federal-aid highway projects prior to issuing the waiver)

On page 34, line 23, after "shall" insert "assess the impact on domestic employment if such a waiver were issued and".

Mr. MURPHY. Mr. President, there is a broad consensus among the people of this country that when we spend dollars through the Federal Treasury, when we spend taxpayer dollars, they should be used to fund American jobs. In fact, that has been a law on the books since the early part of this century. For a long time the Buy American Act has required that when we buy things, whether it be through the military or through the Department of Transportation, we buy things from American contractors. That makes more sense today than ever before because as we struggle to try to get our economy back up and running, one of the sectors that is hurting more than others is the construction sector. Every time we violate the Buy American provisions of our law, we lose the opportunity to try to alleviate great stress that is currently upon our construction industry.

Thankfully, the DOT has been one of the best agencies, actually, when it comes to making sure American-made material goes into construction projects. The \$41 billion the Highway Administration receives in this bill to be spent on roads and bridges is an important engine of job growth throughout the country. I have to say they generally do a pretty good job, as opposed to some other agencies—the Department of Defense at the top of the list—in making sure those dollars go to American companies.

There are circumstances in which the Buy American provisions are waived. There are a number of ways you can waive those provisions, but it is important for us to have full transparency and disclosure when the Department of Transportation and FHWA are considering awarding a major project funded by American taxpayers to a foreign company.

When the Buy American statute is waived, the requirement that American-made material be used is null and void. What this bill says is that when the FHWA provides public notice that they are considering waiving the Buy American clause for a particular project, they include in that public notice a consideration of the impact on American jobs. It is worth knowing whether a waiver is simply going to result in the loss of 10 American jobs or the loss of 500 American jobs.

This amendment very simply says that when a waiver to the Buy American law is pending, we should know from the Department of Transportation and from the FHWA how many American jobs are at risk. That gives us the opportunity to weigh in and try to make sure that waiver is not granted. This, frankly, gives American companies a little bit better information to use when they are trying to make the case that they can actually do the work that may be being considered for a foreign company.

We all know what is happening to jobs in the building trades. In some parts of the country unemployment is hitting 20 percent when it comes to carpenters, operating engineers, plumbers, and sheet metal workers.

I wish to applaud the DOT for being one of the models when it comes to trying to make sure taxpayer dollars are kept here at home. This amendment would make sure that in those limited cases where the DOT is sending work overseas, we get a chance to understand what the real impact will be.

We have a lot of work to do when it comes to tightening our Buy American laws. We are talking about the DOT, but the real problem is another agency we will hopefully have a chance to talk about later on the Senate floor; that is, the Department of Defense. Seventy percent of Federal purchasing comes through the Department of Defense. They have been expediting the offshoring of defense work at a rate that should make every single Senator on this floor shudder.

This is an important amendment that I hope will get bipartisan support. I thank Senator COLLINS for allowing it to become pending on the floor. I think it is just the beginning of a lot of work we have to do when it comes to enforcing a very simple principle. When our constituents send their hard-earned tax dollars to Washington, DC, and they are used to buy things or build things for the U.S. Government, we need to hire U.S. companies and American workers to do the job.

I ask unanimous consent that there be a period for debate only until 2:15 p.m. today.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.