from 26 weeks to 40 weeks. If the State’s unemployment rate is between 6 percent and 7 percent, the State is eligible for 28 weeks, for a total of 54 weeks—still less than 1 year of unemployment insurance. If it is between 7 percent and 9 percent, as it is in Oregon, the total goes to 37 weeks. If the rate is between 9 percent and 12 percent, which means, with the 26 underlying weeks with the State, 63 weeks. If the unemployment rate is over 9 percent, then the amount is 10 weeks more, for a total of 43.

On December 28, just days from today, there will be about 17,000 Oregonians who will be completely cut off from their unemployment—not tartered, not a few at a time; all of those who have more than 26 weeks right now will instantly be cut off. So that is 17,000 families or, at an average of 3 individuals per family, 50,000 Oregonians who are going to get from the Republicans in this Chamber a big lump of coal in their stocking.

The lesson is that we shouldn’t keep this program in place because those folks should just go out and get jobs. I would remind them that this program was set up under a Republican administration, and it was set up to balance that in States where jobs are more readily available, the number of weeks of provided unemployment assistance is fewer, and in States with higher levels of unemployment, where it is virtually impossible to find a job, there are fewer applicants for any one job, then the number of unemployment weeks is greater.

This was a bipartisan plan, and this plan was implemented when the national unemployment rate was 5.6 percent. The unemployment rate today is 7.3 percent. The bipartisan emergency unemployment program that provided more than 26 weeks was implemented when there were 137.3 million Americans who were working than today.

So what was good enough under a Republican administration, under bipartisan support—that created a careful balance between unemployment; that is, the challenge of getting a job, and the bridge to the next job—if it worked then, why not now? Why throw 17,000 families in Oregon out in the cold? I hear silence in this Chamber. I don’t hear a reply. Why is it justified to terminate this program when unemployment is still high?

Some of my colleagues want to keep all the special tax breaks for the oil companies and all the special tax breaks for the coal companies. But what do they want to give to the families who are looking for work in high-unemployment areas, where it is virtually impossible to find a job? They want to give them a lump of coal. It is wrong.

Moreover, not only does this program help those families directly, but it helps the entire economy improve gradually because those benefits are immediately spent by these families. These benefits help families get through a hard time. They help them pay the mortgage, which solidifies not just this family but by preventing foreclosures solidifies the street and the community from the impacts of foreclosure, of empty homes. It has guarded the States from the Job of getting to the next job and ending up homeless.

I call upon my colleagues to come to this Chamber and pass immediately the extension of this carefully balanced program to help those directly beneficiaries families who are doing the hard work of finding the next job but provides a solid foundation for our economy.

This is no time to try to deflate our economy and throw more people out of work, but that is what happens when we cut this program.

I encourage my colleagues to think carefully about the fact that this program was neither a Democratic program nor a Republican program. Think carefully about the fact that it was developed during a Republican administration, that it was designed to carefully pull itself back in as employment improved. But what isn’t right is for it to be cut off completely in this period of ongoing high unemployment.

While the unemployment rate is between 7 percent and 8 percent unemployment, we have communities with far greater than 10 percent or 12 percent unemployment. So many families are wanting that next job. There is nothing better than a job in terms of any type of social program. It creates a sense of self-worth, it creates a sense of structure, and it creates a sense of satisfaction. The families in Oregon want jobs and they are applying, but there are not enough jobs to go around.

That brings me to my next point. This Chamber should be considering program after program to invest in infrastructure and invest in manufacturing to create jobs. But there were those who sought to paralyze this Chamber in every possible way, to prevent any improvements, in terms of trying to sustain partisan campaign warfare rather than problem solving. This is an abdication of responsibility as a Senator. The responsibility is to be here working hard to solve the problems for families across this Nation, not continuing the partisan politics of the last campaign.

The American people see this partisan campaign and they do not like it. They want to see problem solving. They want to see us coming together to fix things.

A few moments ago the colleague from Texas was on this floor. He was saying some things that were extraordinarily misleading. He said, basically, that all of the paralyzing strategies that his party has employed stem from a lack of amendments. We have seen those paralyzing tactics in every possible responsibility that this body has. We have seen those amendments in the comprehensive ocean of my business.

With that line, Dickens was advocating for those less fortunate and voicing his support for economic equality. Those words are most appropriate today at this time of year. It comes to the floor today with my friend, the Senator from Rhode Island Jack Reed to share our concerns about the weak labor market, those who have been unemployed for so long, and its impact on the Nation’s 11 million unemployed. Senator Reed and I are especially concerned about those who have been without work for an extended period of time.
Mr. REED. Madam President, first let me thank Chairman BAUCUS for his very kind words, but also salute the President of the United States for his wisdom in announcing that he intends to appoint the Senator from Montana to be our next ambassador to the People’s Republic of China. I can’t think of anyone whose integrity, intelligence, commitment to the Nation, and patriotism would so well serve and be so beneficial to this country as continuing in his public efforts after his days in the Senate in the embassy in Beijing.

I also thank the chairman because he has been an articulate and effective advocate for unemployment compensation benefits for hard-working Americans who are without work through no fault of their own. This economy has suffered a drastic contraction, beginning in 2007, 2008, and 2009. We are seeing some improvements. During this period, the chairman has been the key actor, the force driving for extended benefits.

Chairman BAUCUS has been the driving force as well in the context of trying to reform the program. He has implemented efforts such as work sharing, a proposal to him, that is a smart way to do business. It basically allows a company to retain their workers for part of the week and let them collect benefits for the rest of the week, so they keep the workforce together. In Rhode Island, it has been extremely beneficial. It is now a nationwide program because of Chairman BAUCUS.

He is working very hard—as he indicated, we are working together—to ensure that we do not see this cliff where 1.3 million Americans lose their benefits on December 28.

Yesterday, I came to the floor to discuss some of the economics behind the logic of extending these benefits. I believe the extent of economic research supports the very commonsense notion that I think the vast majority of our colleagues share: That Americans want to work. They are in an environment, however, where jobs are scarce. There are two workers for every job, and in some parts of the country that ratio is even much worse.

However, I hear other colleagues say: That might be true, but we have to fix this program because we have abuse and we have fraud. Chairman, in his efforts, has always demonstrated that we are committed to rooting out any type of fraud or abuse. In 2012, for example, we strengthened the requirement that one has to search for work to qualify for unemployment compensation. We also improved program integrity by having beneficiaries show up more frequently for in-person assessments to help them find a job quicker and ensure they receive the right benefit amount based on their past work history.

So we want the program to be efficient. We do not want the program to be subject to abuse. That means that more people can benefit correctly and not abuse the system. So I am sure the chairman and I are quite willing—I know I am, and I know he is too—to work hard if we need reforms. But we can’t do that in 10 days. We can’t do that.

So I have joined together with Senator HELLER to suggest a 3-month extension. That will allow us—and this is a bipartisan effort, and I thank the Senator from Nevada—to keep people from falling off the cliff December 28.

The average benefit in Rhode Island is about $350 a week. There are very few people who are going to give up a job to collect about $350 a week. By the way, that money is going right from the check to the local grocery store, to pay for heat or to pay for rent. That is why CBO has estimated that if we don’t extend unemployment benefits, we will see a situation in which we lose approximately 200,000 jobs next year which time we could have otherwise had, and that we will see our economic GDP growth shrink by about 0.2 percent, because the demand generated by unemployment checks going out in the mail will not. It is one of the programs that provides about $1.70, $1.60, for every dollar we invest. So this is about good economics, not just, as Senator BAUCUS said so eloquently, about our commitment to something beyond ourselves, to the welfare and the good faith of our neighbors in the spirit of Christmas, the true spirit of this holiday.

The other thing, too, is if we look at this argument: Well, we are not going to extend the program because of abuse—we can look at a lot of programs; we can look at the crop insurance program, for example. I don’t hear many people saying: Oh, let’s cut out that crop insurance program because of abuse. I don’t hear the crop insurance program because a large, significant case of widespread tobacco crop fraud spanning 6 years. A Federal district judge brought to justice an insurance agent and a farmer. The fine was was $45 million of restitution had to be paid, but no one is standing up and saying: Let’s cut crop insurance because of this case.

Let’s get realistic. We need to extend these benefits, and we need to do it promptly because the 28th is just upon us.

Shortly, I will make a unanimous consent request, but before that, I wish to recognize my colleague, Senator STABENOW. Then, I ask that at 2:30, if she could yield the floor back to me so that I may make my request.

With that, I yield to the Senator from Michigan.

Ms. STABENOW. Madam President, Federal emergency unemployment benefits are going to expire on December 28 unless we do something to stop it.

Right now, there are 11 million Americans out of work through no fault of their own.
They are trying to find work, and they rely on unemployment insurance to help them keep food on the table and keep a roof over their heads and their families’ heads, while they search for a new job.

And now, over 1 million people who are trying to find work stand to lose their unemployment insurance on December 28 because Congress has not acted.

Let me repeat that: Just 3 days after Christmas. Millions of people will lose a critical source of income while they look for work because of us.

Letting Federal unemployment insurance expire would be devastating for families all across the country.

I have heard from many of my constituents in Michigan on just how bad this will be, and how it will affect their families.

There are stories throughout Michigan and across our country.

It is astounding that Congress would even consider letting this expire, given that unemployment rates in many States are higher today than they were in 2008 when we passed this law.

In June of 2008, when the President signed this law, the national unemployment rate was under 6 percent.

Today, it is 7 percent.

Even though we are seeing a number of great things happening in Michigan, we are still struggling to create enough jobs for everyone who needs one.

And because of that, Michigan just moved back into a position where, as a State with a high percentage of people out of work, Federal emergency unemployment benefits have been extended to 36 weeks.

This means that people in Michigan who are trying to find a job get a few more weeks to find something before they lose this critical lifeline.

But not if we don’t act.

The story is the same in many States across the country.

Today, 46 out of the 50 states, including Michigan, have higher unemployment rates than they did when this law went into effect.

While we are seeing some positive signs in the economic numbers, there are still almost 11 million Americans out of work.

That is far too many. There are three people who are looking for work for every 1 job available.

And if we don’t act, if we don’t extend this critical lifeline, then over 43,000 people in Michigan—and over 1 million long-term unemployed people across the country—will face an uncertain future.

We are six days from Christmas; six days from our children waking up and running to the Christmas tree to see what Santa brought them.

And the question facing thousands of families in Michigan—facing Regina in Holland and Stephen in Dearborn—and over a million men and women across the country, is: Will there be anything under the tree on Christmas morning?

Will there be a house to sleep in on Christmas Eve?

Will there be food on the table tonight, or tomorrow night, or on Christmas night?

These are people who are out of work through no fault of their own.

People who have lost their jobs are already on the ropes.

They have already seen cuts to unemployment insurance that have made it harder to make ends meet.

And now Congress is threatening to pull the rug out from under them.

These are people who want to work, who are trying just now to find a job and just need help getting by while they find a new job. Giving them the benefits they earned isn’t a “disservice”—it is a lifeline.

This is what little money families have to get by—and they spend it at the grocery store and to pay their bills.

Without this help, they could lose their homes to foreclosure.

At such a critical time in our economic recovery, we cannot afford another wave of closures.

It is also important to note that this is unemployment insurance—people earned it by working, and in order to qualify for this assistance, you must be actively looking for a job every week.

Letting the Federal emergency unemployment benefits expire would hurt these families and would send a ripple effect through the economy.

Congress should be helping to create jobs, not pulling the rug out from under people looking for work.

There is no reason for this to happen.

We can pass a bill to extend this critical help.

In the past, both parties have always worked together to continue emergency unemployment insurance when the economy is struggling.

This is not the time to pull the rug out from people looking for work.

I urge my colleagues to come together in a bipartisan way to extend unemployment insurance so our families and the economy—do not suffer.

Again, I thank Senator REED who has been such a champion on this issue. I have been proud to partner with him on behalf of over a million people who are trying to find work and will lose their unemployment benefits three days after Christmas, on December 28.

I can’t think of anything more devastating to families trying to put food on the table and a roof over their heads.

I also thank Senator BAUCUS for his leadership on this issue and congratulate him on his new opportunity for the future.

Specifically, I will read letters that I think tell it all from people in Michigan.

Regina from Holland writes:

I am begging you to extend unemployment insurance. I have been unemployed since June. I am almost done with my first tier of unemployment. I have been trying to find work. I am 59 years old, and that does not help in finding a job.

Madam President, let me say we have way too many women—we have way too many people who are in their 50s and in their 60s trying to find work and having a very difficult time for a number of reasons.

She goes on to say:

If you don’t pass extensions, my family will have my husband’s Social Security check coming in, and we’ll lose our home. I am really scared we will not have this money coming in after December 28th, and I don’t know what we will do.

I also heard from Stephen in Dearborn who wrote me and said:

This December 28 deadline directly affects me and my family. I have been unemployed for 6 months. I have been struggling to keep things afloat for my wife and my two young children.

If these benefits cease at the end of the month, it will put us even closer to losing everything my wife and I have worked very hard for.

The reality is, even though the economy is getting better, we still have over 43,000 people in Michigan, over 1 million people are out of work. The story is the same in many States across the country.

The President signed this law, the national unemployment rate was under 6 percent.

In June of 2008, when the President signed this law, we are still struggling to create enough jobs for everyone who needs one.

As a State with a high percentage of people out of work, Federal emergency unemployment benefits have been extended to 36 weeks.

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While we are seeing some positive signs in the economic numbers, there are still almost 11 million people out of work.

That is far too many. There are three people who are looking for work for every 1 job available.

And if we don’t act, if we don’t extend this critical lifeline, then over 43,000 people in Michigan—and over 1 million long-term unemployed people across the country will find themselves in a devastating situation right after Christmas. It makes no sense. I urge my colleagues to join together and do what is right for America.

We all want the dignity of financial independence and work. But too many people are struggling in an economy they did not create, a global economy they did not create.

If we do not act—if we do not support Senator REED’s motion—over 43,000 people in Michigan, over 1 million long-term unemployed people across the country will find themselves in a devastating situation right after Christmas. It makes no sense. I urge my colleagues to join together and do what is right for America.

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That is far too many. There are three people who are looking for work for every 1 job available.

I also thank Senator REED for this critical lifeline.

As the President said, the critical lifeline, the critical lifeline, the critical lifeline—people earned it by working, and in order to qualify for this assistance, you must be actively looking for a job every week.

There is no reason for this to happen.

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would ask the Senator to amend his consent request to say that the pending cloture motions on executive nominations be withdrawn and that following the disposition of the Defense bill, the Senate proceed to consideration of S. 1845, the unemployment insurance extension, and that the majority leader and the minority leader be recognized to offer amendments in an alternating fashion so these important issues can be considered this week. I ask for that amended consent request. The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. REED. I do not modify my request. I would insist on my request since it is the only practical means of getting the measure passed.

The PRESIDING OFFICER. Is there objection to the request?

Mr. CORNYN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I believe I have a few minutes left—2 minutes. So before Senator MCCAIN takes the floor, let me make a few more points that I think are critical.

Last month, the economy did add jobs—203,000 jobs. But what we are facing is a length of unemployment is increasing. People are still out of work now an average of 36 weeks. That is more than 20 weeks longer than prerecession levels, and it is longer than the 26 weeks of State unemployment in the past.

That is why we are here asking for benefits. People now are averaging a much longer time without finding work. This is not a situation where they fall within the State program. They have to have these Federal benefits, because it is harder and harder to find work.

I would also suggest, too, that if you look at it another way, in 2008, when President Bush started this emergency unemployment compensation program, it took the average jobless American 5.6 months to find employment. Now, with the increased long-term unemployment, it takes about 9 months.

So again, this is a reason why these long-term extended benefits are absolutely necessary. I would hope our colleagues would join myself and Senator HELLER and Chairman BAUCUS and Senator STABENOW and others and continue to move aggressively forward and see it enacted, extend the benefits so that many Americans can continue to have some assistance and some sustenance as they continue to look for work.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona?

Mr. McCAIN. Madam President, I just watched again what is going on here on the floor of the Senate. Again there is a unanimous consent request to pass a major piece of legislation without an amendment, without debate, without the ability of those on this side of the aisle to even have an amendment considered and voted on, again completely shutting out this side of the aisle from the ability in any way to effect legislation.

So now I am sure those on the other side of the aisle are going to go out and say: Oh, the Republicans, look at them, they will not even agree to an extension of unemployment insurance.

Won't you let us have an amendment? Won't you let us at least have debate and vote on an amendment? Again, I think this program can be improved to help those who are unemployed. But, no, the way the Senate runs today it is either take it or leave it.

I will tell the Chair and I will tell my colleagues on the other side of the aisle, we are getting sick and tired of it. We are getting sick and tired of the dictatorial way the U.S. Senate is being run.

The Senator from South Carolina and I am the floor to talk about, among other things, the National Defense Authorization Act, the bill that has to do with this Nation's defense. Are we going to be able to have a single amendment? No. The bill has been out of the Senate Armed Services Committee since May.

So we are not going to address the issue of sexual assaults, protecting individual rights in light of revelations in NSA data collection. I would say to my colleagues, the President had a commission that just made some recommendations. Would it not be appropriate to take those commission recommendations, debate them here on the floor of the Senate, and amend the bill so that some of these recommendations by this commission could be enacted into law?

Do we believe that the issue of surveillance, of NSA data collection, is not an issue that should be debated on the floor of the U.S. Senate? We would be doing that—we would be debating, we would be amending, we would be making it better, we would be protecting the Americans' lives—if on this floor we were amending and debating the Defense authorization bill. But we are not. We are not.

Are we going to talk about this incredible issue which has permeated so much debate, both in and outside of the Congress of the United States, of sexual assaults in the military? No. Nope. We are not going to allow an amendment on the other side of the aisle by the Senator from New York, who has made it his legislative effort. We are not going to hear from this side of the aisle, where the Senator from Missouri has made it her major issue. No, we are not going to debate it. We are not going to amend it.

What about the issue of detainees? The Senator from South Carolina and I are not in complete agreement. I had looked forward to a debate with him about how we dispose of the situation of detainees, each of whom is costing a billion and a half dollars per year for their incarceration.

But, no, we are not going to do any of that today or tomorrow or next week or next month or maybe even next year if the majority leader of the Senate continues to run the Senate in such a way that we cannot even have debate and discussion.

I will tell my colleagues on the other side of the aisle that the U.S. Senate, but it is worse for the American people. We have an obligation to the American people to debate issues, to vote on them, to pass legislation that we think is the best outcome. There would be votes I would lose, there would be votes I would win, but we are not going to have any votes.

The galling thing about it is that the Defense bill passed through the Senate Armed Services Committee in May. So we went to June, July, August, September, October, November, and here we are finally maybe going out for the year and we are going to have an up-or-down vote—an up-or-down vote—on the Defense authorization bill. That is shameful. That is a perversion of everything that the bill was designed for by our Founding Fathers, and there is no doubt about it.

I came to the floor with my friend from South Carolina to talk about Iran sanctions. But have no doubt—have no doubt—my colleagues on the other side of the aisle, you are doing a great disservice to the American people, to the men and women who are serving this Nation, by not even fully debating and amending and voting on those amendments. You are doing a disservice to the men and women who are serving this Nation.

So you should not be proud of this process we are going through. Some time today or tomorrow, depending on how many hours go by, we will have a vote, and I will vote to pass the bill. I will vote that way because I cannot do this to the American people, to the men and women who are serving. There are too many provisions in it that add— detention, military construction, security—all kinds of issues that are obtained in this bill. So we cannot turn it down, but we cannot make it a bill that the American people should be proud of. In fact, we should be embarrassed at the process we are engaged in.

Frankly, I know the American people are not too interested or aware of the arcane promises of the U.S. Senate, but steps were taken early and not that long ago that have changed the entire way the U.S. Senate, and it has changed it for the worse.

I can assure my colleagues on the other side of the aisle that it will be very difficult—very, very difficult—for us to work with our colleagues on the other side of the aisle on any issue when we are being deprived of the fundamental rights of a U.S. Senator, and that is the right to propose an amendment, debate, and have a vote, if that U.S. Senator wishes it. No longer are 45 Members on this side of the aisle allowed what should be our right—not a privilege, our right—to amend this legislation in order to
make it better and make it a better and more effective way to defend this Nation.

I have been around this body for a long time. This may be one of the lowest points I have seen, particularly in light of what the Defense Authorization bill for 51 years has been brought to the floor of the Senate, it has been debated, it has been amended, sometimes for as long as 3 weeks, and now what are we going to do? Sometime tonight or tomorrow, at some hour, we are going to have the privilege of voting yes or nay on a bill that is vital to our Nation's security. Disgraceful.

I see my colleague from South Carolina on the floor, and I ask unanimous consent to engage in a colloquy with the Senator from South Carolina. The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN SANCTIONS

Mr. MCCAIN. Madam President, I am sure my colleague and friend saw the article in the Wall Street Journal this morning that says “France Doubts Iran Ready for Nuclear Pact.” Foreign Minister Laurent Fabius Questions Whether Tehran Is Willing to Abandon the Abl distinctive Atomic Bomb.

Really, in the first paragraph of this story—I would ask my colleague—is the fundamental problem. There are many issues concerning the Iranians lie, cheat for years and years about their continued progress toward the acquisition of a nuclear weapon. But I would ask my friend from South Carolina, isn’t it really about the most important—let me put it this way: The most important aspect of this whole process to be finalized. Six months seems to be a reasonable length of time to get that done.

Mr. GRAHAM. Well, the Senator is right. This interim agreement has not been implemented yet. They have 6 months to reach a final agreement but also an additional 6 months beyond that—a year, basically—to drag out these negotiations. The administration for putting together an international regime to take the sanctions that Congress has passed—over their objections, I might add—to really inflict pain on the Iranian regime—unfortunately, the people too. But that is the only reason they are at the table.

But here is the analysis, as I understand it. People in the administration believe there is a moderate element and a hard-line element. Iran is telling the United States and the P5+1: If you threaten us with any more sanctions, we will walk away. We are not going to negotiate with a gun to our heads.

Now, these are the people who have been using a lot of guns and have put a lot of guns to people’s heads. They actually pulled the trigger, killed hundreds of soldiers in Iraq, and have created chaos and mayhem in Syria. They are one of the biggest supporters of state terrorism. But that is an odd thing for them to say, when I believe the only reason they are at the table to begin with is because of sanctions.

So my belief is that new sanctions tied to the end game—and this is what we have been working on in a bipartisan fashion. It is not just keeping the sanctions alive for the next year; it is tying their relief to an outcome that we all want.

I want a peaceful resolution of the Iranian nuclear program. If they want a peaceful nuclear power program, they can have it; just control the fuel cycle. That has been my position.

If they want an enrichment capability that has to be monitored by the U.N. and it is robust and the only reason they will not break out to get a nuclear weapon is because of U.N. inspectors, that is North Korea.

The movie the Senator talked about is the movie called North Korea, where they would impose sanctions, you would relieve them, you would give them money, you would give them food, you would reinstate sanctions, and you would have U.N. inspectors to control the process. The program was never dismantled.

Don’t repeat the mistakes in Iran that were repeated in North Korea. Dismantle this program before it is too late.

To the administration, we are trying to help, not hurt. I do not believe there is a moderate element when it comes to the Iranian nuclear power program. I think that is a facade. The new President is a charming fellow on television, but he assassinated a nuclear negotiator in 2004 and 2005 for the Iranian regime and openly bragged about how much advancement they made during his time.
negotiating toward an enrichment program that could produce a bomb.

So this idea that there are hard-liners and moderates when it comes to the Iranian nuclear program is a miscalculation. So we are working on bipartisan sanctions to continue them, and they can only be relieved when we dismantle the enrichment program, when we dismantle the plutonium reactor, the heavy water reactor that has nothing to do with producing nuclear power for peaceful purposes, and remove the stockpile as the U.N. has recommended. The U.N. resolutions are in force today, are on the books today. This agreement is to the left of the U.N.

So the reason we are pushing sanctions in a bipartisan fashion is we want to avoid a conflict. The Iranian nuclear program has to be stopped one way or the other—through diplomacy and sanctions or through force, unless—that is the option. I cannot imagine a worse approach, to sit with the Iranians and create a nuclear arms race. The Senator just got back from Saudi Arabia, Sunni Arab nations would want their own nuclear weapon, and we would be on the road to Armageddon. Israeis and Jordanians would want their own nuclear weapons, and we would create a nuclear arms race. The Senator just got back from Saudi Arabia, Sunni Arab nations would want their own nuclear weapon, and we would be on the road to Armageddon. Israeis and Jordanians would want their own nuclear weapons, and we would create a nuclear arms race.

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Mr. GRAHAM. I think the whole Middle East is going in the wrong direction at warp speed. Congress has some obligation to speak up, to do something about it, and to try to help the administration when we can.

No, I agree with him on a new round of sanctions, if we could more bipartisan support, would send a great message to the Iranians: We don’t see you the same as we do Syria.

There was a lot of confusion and differences in the body about what to do in Syria.

The Senate has been right for 3 years on this whole topic, but we are where we are. So a new round of sanctions, bipartisanly passed, would tell the Iranians that the American Congress and people look at them differently than the problem in Syria.

It would also be a statement in the international community: We are resolved to get this program dismantled by using sanctions. We are not backing off.

Finally, to our friends, to the Israelis, to the Sunni Arab States, wouldn’t it be welcome news to be tougher on Iran and to have the Congress reinforce the message to the Iranians that we are going to keep in place sanctions until they dismantle their program? Wouldn’t that be some welcome news in a region that is absolutely desperate for some good news from America?

Mr. MCCAIN. I think so.

I thank my colleagues for their forbearance. I agree with the Senator from South Carolina.

I think it is imperative for the Congress and our role in the U.S. Government that these sanctions be enacted. The administration has plenty of time to negotiate, but we want to be prepared for failure. There is no reason to make these preparations.

I began our conversation with the comments of the former minister of France, where he shared how many of our friends and allies both in and out of the region.

I note the presence of the Senator from Mississippi on the floor. I am sure he has some very important words that will be translated into English.

I yield the floor.

The PRESIDING OFFICER (Ms. WARREN). The Senator from Mississippi.

Mr. WICKER. It would be inconceivable for the senior Senator from Arizona to come up—by which I would find offensive or insulting, and I take no offense from his remarks.

I wish to be recognized. We are in morning debate; are we in debate on the pending question? The PRESIDING OFFICER. We are postcloture and the Senator is recognized.

Mr. WICKER. I understand that soon Senator LEVIN will come to the floor, and perhaps there will be an exchange between Senators CORNYN and Senator LEVIN about a matter that may be coming to a vote sometime in the next half hour, and that would be the motion to table the filling of the tree.

I wish to speak for a moment or two about that. I think sometimes we talk about these things in shorthand within the Senate, and perhaps our constituents don’t know what we are referring to when we say the majority leader has come in and filled the tree.

I know I don’t understand this, but what that means is the majority leader comes in and he offers all of the amendments that could possibly be ordered at one particular time and, therefore, doesn’t give anyone else the opportunity to offer amendments. That has really been a problem for us on the minority side.

We have that situation now, and perhaps the motion that will soon be made by Senator CORNYN will take care of that.

But on this important Defense bill, which has been brought to the floor in a shorthand manner, the majority leader has filled the tree, and there are five amendments offered on this.

The amendment amendment No. 2555 by Senator REID of Nevada, simply does this: Strike the words “3 days” and put “4 days.”

That is all the amendment does.

Another amendment: Strike the words “4 days” and insert “5 days.”

That is all the amendment does.

There is another amendment that says: The act shall be effective 3 days after enactment.

There is another amendment that helps fill the tree: Change the word “request” to “requested.”

In other words, not substantive amendments, but amendments designed to simply fill up the parliamentary tree and prohibit Members on our side or other Members from offering a substantive motion that might affect the defense policy of the United States of America.

I would simply point this out and reiterate what Senator CORNYN said earlier today. Since becoming majority leader, our current majority leader, Senator REID of Nevada, has filled the tree 79 times—in other words, offered all the amendments, prohibiting us from even getting a vote, getting a debate, on an idea that we might have.

By contrast, his 6 predecessors combined filled the tree only 49 times; in other words 79 times by this majority leader and 40 times by the other Democratic and Republican majority leaders.

Senate majority leader Bill Frist filled the tree 15 times during his 4 years. Democratic leader Tom Daschle filled the tree only once during his 1½ years.

Trent Lott was majority leader, and he did it 11 times in 5 years. George Mitchell from Maine, a very distinguished majority leader, filled the tree 3 times in 6 years; and Bob Dole, when he was majority leader, filled the tree 7 times in 3½ years.

The point I am making—and then I will sit down—is that this majority leader, in an unprecedented manner, has filled the tree over and over. Why?

To prevent other Senators from having an opportunity, as representatives of the 50 States, to offer ideas to improve bills and to get them on record on important issues.

I would hope that we could have a parliamentary motion just a few moments to allow this tree to be taken down and to allow the elected representatives of the 50 States to come before the President of the Senate and before the American people and offer different ideas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. In a moment I will offer an amendment, and I know the distinguished chairman of the Armed Services Committee is here, but I wish to lay 5 minutes of groundwork.

The majority leader was down here earlier today talking about all the “necessary votes” that we have to have before everyone leaves town before the holiday break. Of course, he was talking about a series of votes on nominees that he himself has set up since he is, in essence, the traffic cop for the Senate, and he gets to set the agenda unilaterally.

We all know that while the majority leader has set up this series of votes on nominations—one of which are urgent and couldn’t be done in January, and all of which are controversial—the majority leader is refusing to allow any vote on restoring pension benefits to the men and women of the U.S. Armed Services.

As we have talked about repeatedly over the last couple of days, the recent budget deal cuts their pension benefits by some $6 billion over 10 years, and we have learned that this agreement slashes the pension benefits of some of our wounded warriors, people who are medically retired.

Senator MURRAT from Washington, the distinguished chairman of the Senate Budget Committee, has called this a technical error—a technical error. She said it needs to be fixed, but we will do this next year.

Merry Christmas to our wounded warriors whose pensions, by virtue of the legislation that passed yesterday, have now been cut.

What makes matters worse is they have been discriminated against. No other Federal employee’s pension benefits were cut, only those uniformed military members’ pensions.

She calls it a technical error. I called it a mistake that needs to be fixed—not next month, not next year, but right now, today.

Why is it that the majority leader won’t let us fix this right now? Why is it that he is blocking a vote on the relevant amendment? Why does he want to keep our veterans and our active duty military, including our wounded warriors, in limbo during the Christmas holidays?

Does he have a good reason for it? Is it really more important to confirm some mid-level appointees than to
In just a few of these provisions are 30 types of bonuses and special pay. $25 million for supplemental impact aid to local education agencies with military dependent children, money to assist the Department of Defense in assisting veterans in their transition to civilian life, $9 billion for counter-IED efforts, a provision to require the Department of Defense to streamline the Department of Defense management headquarters at all levels by cutting the size of staffs and eliminating tiers of management, cutting functions that provide little or no added value, and a new land withdrawal provision that the Marine Corps has been working so hard on at 29 Palms, CA. This is the No. 1 legislative priority of the Marine Corps. The Commandant explained to us that the Marine Corps has spent 6 years analyzing and preparing for this expansion so the Corps can meet its minimum training criteria.

As General Dempsey, the Chairman of the Joint Chiefs of Staff, told us a few weeks ago, the authorities in this Defense bill “are critical to the Nation’s defense and are urgently needed to ensure the health of men and women, military and civilians, selflessly serving in our armed forces.”

Relative to the question of amendments which has been raised, we tried when this bill came to the floor to get consent to have amendments relate to the Defense authorization bill and we were unable to get that consent. We tried to get consent to adopt almost 40 cleared amendments as a managers’ package. We could not get consent to do that. We asked to lock in 13 additional amendments for votes on both sides of the aisle, but equally divided, without prejudice as to further amendments that could be brought up but, again, there was objection.

Now, at this point, here is where we are. With the House of Representatives having left for the year, the only way we are going to get a defense bill enacted is by passing the bill before us as it stands. If it is amended, the bill would have to go back to the House of Representatives and the result would be we would get nothing enacted, killing both amendments as well as the bill itself. It would put the Defense authorization bill in limbo.

We have faced situations similar to this 2 years of the prior 5. We have always managed to pass a National Defense Authorization Act for 51 straight years. We followed the process in 2 of those last 5 years, which is not dissimilar to this process which we are following this year.

Does that make this the best way to proceed? No. It is not the best way to proceed. But that is not the choice we face. Our troops and their families and lives deserve as they face the hardships that are imposed by continuing military operations around the world.

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is, it then has to go back to the House of Representatives, and then there would not be a defense bill, with all of the then-problems that would be created for our troops and their families. So this is the best we can do, but it is not ideal.

Mr. MCCAIN. Could I finally say to the Senator, I have never seen a process like this before. Maybe there have been some parallels, No. 1, No. 2, here we are on December 19 of 2013 and we passed through the committee in May. So here we are, many months later, taking up a bill because the majority's priorities were obviously not to bring up the Defense authorization bill until it was so late we are forced into this cramped procedure.

There is no doubt—and I thank the Senator and my distinguished chairman—that we haven't debated this bill. We haven't debated NSA. We haven't debated sexual assaults, with two different opinions here, the sanctions, the detainee issue—all of those issues.

I remember in the markup we said we will wait. It is so important, we will wait for a bill on the floor. So I don't think we have done the men and women who are serving in the military anything but a gross disservice in December, having a bill rammed through the Senate, and that is because of a lack of priorities on the part of leadership. We could have taken this bill to the floor of the Senate in June and we didn't. What a shame.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I know the distinguished ranking member of the Armed Services Committee is here. I would be glad to yield to him, if I can retain the right to the floor. I think he has a few comments he wanted to make in response to the chairman. If I can do that, I would ask unanimous consent to do so.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, let me make a couple of comments here. Oddly enough, I agree with everything the Senator from Arizona said, and the Senator from Texas. It is true. The process was terrible. I have been here—well, I guess being between the House committee and this committee for many years, and I don't think I have ever seen anything like it. But the effort was there to have a bill early on. I know, in working very closely with the chairman—and I have never had an opportunity to work that closely with someone in developing a bill, and I think that is what this disaster to have a bill, and it is still his desire to have a bill. The problem is we went through the option that everyone finds so offensive, and I find so offensive, and it has changed the Senate. The evidence of that is what happened in this bill.

We had people who wanted to have amendments. So what I did, I went on a Thursday—I recall that—to a Republican lunch, and I went there with 25 amendments and I said: Would you all agree to cut your amendment requests, which were over 100, down to 25? If I can take that and show it to the other side, I will see if that is acceptable. They agreed to that. I want to repeat that. The Republicans agreed to actually 25 amendments. So I went to the other side and I could not get an agreement on the other side. So that effort was there.

As far as I am concerned, the chairman has said several times that we considered these amendments. We did. To be specific, 79 amendments were put in this bill, of which over half were Republican amendments. So we tried our best to put everything in there, and it got down to the point of do we want a bill or do we not want a bill. So I want to emphasize this is not on the merits of the bill.

The bill is a good bill. My colleagues have heard us more than they want to hear us talk about what all is in this bill. It is a good bill. I think it might be better than the bill we passed out, and maybe even the House bill. But nonetheless, to that nothing. And it is for that reason I think we have the bill.

But I agree we have to keep talking about how bad the process was to make sure that it never happens again. We, as the committee, were entitled to have our amendments, the same as the other side, when they become a minority, are going to be entitled to have their amendments.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, to clarify, I believe the Defense authorization bill will pass this evening. That is not in any doubt. The problem is this isn't just about process, this isn't just about minority rights in the Senate, but this is about people getting hurt. And the people I am talking about are our Active-Duty military whose pensions have been cut by the vote we cast yesterday passing the budget deal. All we want to do is fix that.

There is bipartisan consensus this was a big mistake, and we could pass that, if the majority leader would allow us to have amendments, that would pass through the House, as I said yesterday, like a hot knife through butter. Everyone agrees this was a mistake, and that is what the process is supposed to do, to fix this kind of error before it happens; and now that it has happened, to remedy it through an amendment. But this is exactly what the majority leader is denying us the opportunity to do and why this is so important.

I mention again, so it not be forgotten, the 12 Americans who were killed at Fort Hood some 4 years ago by a domestic terrorist attack, along with 30 others whose lives were changed forever when they were shot by MAJ Nidal Hasan, who has become radicalized by the same cleric whom President Obama targeted on his kill list with a drone attack in Yemen, and appropriately so. He was an agent of al-Qaeda. To now call this workplace violence and not to give us a chance to analyze the loss of lives in the act of war and to make sure these patriots get the benefits they are entitled to is just wrong.

So this is not just about the process, it is not just about minority rights, it is about real people getting hurt and our ability to fix that today. That is being denied as a result of this process.

I would conclude by saying the distinguished Senator from Arizona is exactly right. The average number of amendments since 1996 on the national defense authorization bill is 138 amendments—138 amendments. The average number of recorded votes, 11½. The average number of days we are on the bill is 8½. So this is a big, important, profoundly significant piece of legislation, yet it is being jammed through here in about 24 hours without any opportunity to offer amendments.

Madam President, parliamentary inquiry. Is it correct that no Senator is permitted to offer an amendment to the House-passed Defense bill while the majority leader's motion to concur with a further amendment is pending? The PRESIDING OFFICER. The Senator is correct.

Mr. CORNYN. Further parliamentary inquiry. Madam President, if a motion to table the Reid amendment to concur with a further amendment is successful, would there be an opportunity to offer my amendment, No. 2602, the Fort Hood Purple Heart bill?

The PRESIDING OFFICER. The Senator is correct.

Motion to Table the Motion to Concur

Mr. CORNYN. Madam President, in order to offer that amendment and others that I believe would be in order and should be allowed to be offered, I move to table the pending Reid amendment to concur with a further amendment is successful, would there be an opportunity to offer my amendment, No. 2602, the Fort Hood Purple Heart bill?

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Roll Call Vote No. 283 Leg.]

YEAS—45

Alexander
Ayotte
Barrasso
Baucus
BenAMI
Burr
Chambliss
Coats
Coburn
Cochrane
Cornyn
Corker
Lee
Crus

Nunn
McCain
McConnell
Neben
Flake
Graham
Grassley
Hatch
Heller
Hoven
Inhofe
Insko
Johnson (WI)
Corker
辋
Risch
Sinema
Nunn
Sessions
Shelby
Scott
Thune
Toomey
Vargas
Wicker
The motion was rejected. Mrs. BOXER. I move to reconsider the vote, and I move to lay that motion on the table. The motion was agreed to. Mrs. BOXER. I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

ECONOMIC RECOVERY

Mr. FRANKEN. Mr. President, I rise to speak about some of the important work we can be doing to help strengthen our economic recovery and to get more Minnesotans and more Americans across the country into jobs.

During the government shutdown in October, I came to the floor to talk about how the shutdown was preventing us from doing the work that people sent us here to do. Every day we spent on the shutdown was a day we weren’t working together to create jobs and to rebuild the middle class. The budget deal we passed this week is far from perfect, but it is my hope it will enable us to stop lurching from crisis to crisis and focus on the work we were sent to do.

This agreement means businesses will have the stability and certainty they need to create jobs and strengthen our economy, and it allows us to focus on educating our kids, creating a 21st century workforce, and putting people back to work.

As I said, this budget deal is far from perfect; it is a compromise and, as with any compromise, it has elements I like, elements I don’t like, and elements others like and don’t like that may be different. In addition to providing some budgetary certainty for the next 2 years, the budget deal undoes some of the cuts to the board cuts of the sequester that will enable us to make more of the critical investments we need to make in education, research and development, and infrastructure.

We will make those investments while replacing the irrational cuts of the sequester with more responsible debt and deficit reduction. In fact, the bill ultimately reduces the debt by about $20 billion more than under the previous budget that included the full sequester. At the same time, the bill is troubled by the fact that the bill pays for undoing some of the extreme, across-the-board cuts of the sequester in part by reducing some military pensions.

That was something pushed for by the lead Republican negotiator, and I am not happy about it. I believe there are cuts we can make to defense spending, but cutting military pensions is not one of them. That is why I am cosponsoring a bill authored by Senator JENNA SHABEEB of New Hampshire that would replace those cuts to military pensions by closing an indefensible and wasteful corporate tax loophole, and I hope we can get that done before the cut to military pensions goes into effect.

I am also very troubled that the budget deal does not include an extension of critical emergency unemployment insurance. Extending this unemployment insurance is one of the things we need to be doing for the economy. Too many Americans remain unemployed, and those who have been unemployed the longest are facing the expiration of their unemployment insurance when they need it the most. There are 65,000 Minnesotans, and millions throughout our country who may need this extended unemployment insurance in 2014. These folks are struggling. They are struggling to find jobs and to support their families.

Not extending unemployment insurance will also put the brakes on our economic recovery. In 2011, the CBO wrote that aid to the unemployed is one of the policies with “the largest effects on output and employment per dollar spent in an average year.” An extension the Council of Economic Advisers estimates the economy will generate 240,000 fewer jobs by the end of 2014. That is why I have been working to extend unemployment insurance and I will keep pushing for the Senate to take up and pass an extension when we return in the new year.

Another thing we should do to strengthen the economy and help working families is increasing the minimum wage. We established a minimum wage because we believed that no one should work full-time, contributing to society, and live in poverty. Americans value work. We work more hours on average than citizens in other developed countries. The minimum wage is supposed to help guarantee that if a person works hard and plays by the rules, they at least will have a roof over their head and be able to put food on the table.

This year marks 75 years with a Federal minimum wage. However, today, because the minimum wage is too low, it is not doing what it is supposed to do. Today, a minimum wage worker making $7.25 an hour or about $15,000 per year falls below the poverty line, even though they work 40 hours a week, 52 weeks a year. Inflation has eroded the value of the minimum wage. If the minimum wage had simply kept pace with inflation—like it did in the past—it would be at $10.75 an hour today. That is a wage that would at least keep a family of three above the poverty line.

What has happened to the minimum wage is part of a larger trend for American workers. Over the past 50 years, American workers have increased their productivity by 135 percent—a 135-percent increase. But the value of their wages has not changed, and the real value of the minimum wage has dropped by 33 percent over that same time. Over just the past few years, costs have climbed. Americans are paying more for electricity, rent, auto re-airs, childcare, and all sorts of things. Yet most wages for workers have stagnated and the minimum wage has fallen.

That is why I think one of the most important ways we can boost our economy and help working families is to increase the minimum wage. Americans agree. Americans strongly favor boosting the Federal minimum wage to $10.10 an hour. In a recent survey, 63 percent supported raising the minimum wage to $10.10—up from just 35 percent support for a $7.25 rate. Moreover, the support for increasing the minimum wage is broad-based: The rich, the poor, Republicans and Democrats all believe we should raise the minimum wage.

Increasing the minimum wage will be good for Minnesota, and there is a parallel effort at the State level to increase the State minimum wage. If we increase the Federal minimum wage to $10.10, it will affect 462,000 Minnesota residents, that is over 5 percent of Minnesota’s workforce. It will increase our State’s GDP by $400 million. That is something we must fight for.

Extending unemployment benefits and increasing the minimum wage are crucial things we can be doing to support the American value that if you work hard, you should be able to support yourself and your family.

There is more we can be doing. I am part of the Manufacturing Jobs for America Act initiative with some of my colleagues in the Senate, and headed by the Presiding Officer, have undertaken. As part of that initiative, I wish to speak about an issue I have spoken about on the floor before—an issue I have heard about from manufacturers all over Minnesota—the skills gap. What is the skills gap? Recent studies have shown that between one-third and one-half of manufacturers in my State of Minnesota have at least one job they can’t fill. I have heard that they can’t find a worker with the right skills to fill that job. That is the skills gap in Minnesota, but it is not just Minnesota. This is a nationwide phenomenon. As I roam this
The thing is we know how to solve this problem. We are taking steps to solve it in communities in Minnesota and around the country through partnerships between businesses and community and technical colleges that are training up workers and getting them into jobs right away.

Let me talk briefly about an innovative program to bridge the skills gap in Minnesota. I recently visited the Right Skills Now Program at the Dunwoody College of Technology in Minneapolis and the Technical College in Mankato. Those two institutions are working on this together.

At South Central I sat with about 8 to 10 manufacturers who had helped fund and design their program that gives workers the skills they need to operate a computer numerical control, or CNC, machine. They told me that between 8 or 10 of them they had more than 50 job openings they could fill that instant. At Dunwoody, their current placement rate from the Right Skills Now Program is 91 percent. You will have a hard time finding a more effective program.

Dunwoody likes to emphasize that its students who come into the program after having just been laid off or that they are the long-term unemployed we hear about. After going through the program, they are placing 91 percent of them into good jobs in a growing industry here in this country.

They told me about a student who had a successful career as a massage therapist. He was doing just fine until he began to experience pain from pre-arthritis symptoms. That spells trouble for a therapist. So he researched technical programs and joined Right Skills Now, and after going through the program he relaunched his career as a machinist.

Careers are different from what they were a generation ago. Very few people can stay working in one job for one company for their entire life anymore. Whether it is because of changing life circumstances such as the massage therapist turned machinist, or because of new technologies, most workers have many different jobs over the course of their working life now, and those jobs require many different skills. We need a workforce development system that is agile enough to keep up with those changing demands.

That is essential not just so workers will be able to get the different skills they need over the course of their working lives; it is also going to be one of the keys to the United States remaining globally competitive. If our workers cannot adapt to the new industries that are constantly forming, we will lose those jobs to our global competitors. There is no better way to anticipate and react to those changes than to connect businesses directly with our schools to get workers exactly what they need.

This is also about college affordability. I have talked about Erick Ajax, the CEO of EJ Ajax and Sons, a metal stamping and sheet metal fabrication company in Fridley, MN, that was founded by Erick's grandfather in 1945. Erick and other manufacturers partnered with Hennepin Technical College in Hennepin County to develop a fast-track training program to get workers what they need for entry-level advanced manufacturing jobs.

Erick gave me an example of one of his workers that I found exciting. This is what happens once the skills gap is extraordinary; it is because it is something we can duplicate over and over in this country. When he hires employees from these business-technical college partnerships, the way he looks at it is they are on a career ladder that would otherwise not be available.

He told me about one such hire, who was really good at his job. So Erick sent him back to school to get his associate's degree. The guy came back to work, continued to be a star, and a few years later Erick paid for him to go to the University of Minnesota, where he got his bachelor's degree. The guy is now head of quality control for EJ Ajax, an incredibly high-skilled job at an affordable salary.

Now, understand, this guy graduated from college with no debt—zero debt—with a great job. When I think about college affordability, I think about that story.

As I have said, we have a skills gap problem in manufacturing and other industries, and we have these partnerships that are successfully working to close that gap. So where do we come here in Congress? Well, I have gone around Minnesota's community and technical colleges and talked to businesses, I have had roundtables, and I have talked to national experts in our State and from around the country, and the fact is we are not doing this fast enough. Sometimes these partnerships could do a lot more, train a lot more people, with some extra funding—maybe to buy a really sophisticated machine or to hire an instructor with very specialized skills.

So what I am proposing is a competitive grant program in a bill called the Community College to Career Fund Act. Under this program, businesses and community colleges would apply for grants based on how many jobs their partnership would create, what the value of those jobs would be to those hired, to their company, to the community, and how much skin do the businesses have in the game or maybe how much the community colleges and the businesses and the State have in the game.

We have millions of open jobs that cannot be filled because of a skills shortage, and we know these partnerships are the most direct way to fill those jobs. We know that existing partnerships are not doing enough and cannot do enough, and they need more resources in order to truly meet the need that exists. So that is exactly what my bill would address.

As we move forward with this budget deal, let's build on the progress it represents and set our sights a little higher. Let's support working families and help people who are struggling to find a job in today's slowly recovering economy. Let's help students and young people who have been held back by slow job growth get a foothold in the economy.

Let's support partnerships between businesses and community and technical colleges to fill the jobs that are out there. Let's make this coming year the year that Congress works for Americans and puts Americans back to work.

Thank you.

Mr. President, first let me commend my colleague from Minnesota and tell him that I proudly co-sponsored his legislation. I have had visits throughout my State with community colleges and have watched this work, where they literally bring employers and future employees together at a community college—an affordable community college—they get the very best training, really focused on the job opening, and when it is finished, they go right to work and they make a good salary.

I tell you, I think this is the future. This is an excellent idea. I was happy to support it. I have shamelessly stolen it and said it was my idea in a few places, but I will confess to the Senator on the floor.

Mr. FRANKEN. It is an honor for me to acknowledge that the Senator has stolen my idea.

Mr. DURBIN. Mr. President, first let me commend my colleague from Minnesota and tell him that I proudly co-sponsored his legislation. I have had visits throughout my State and tell him that I proudly co-sponsored his legislation. I have had visits throughout my State with community colleges and have watched this work, where they literally bring employers and future employees together at a community college—an affordable community college—they get the very best training, really focused on the job opening, and when it is finished, they go right to work and they make a good salary.

I tell you, I think this is the future. This is an excellent idea. I was happy to support it. I have shamelessly stolen it and said it was my idea in a few places, but I will confess to the Senator on the floor.

Mr. FRANKEN. It is an honor for me to acknowledge that the Senator has stolen my idea.

Mr. DURBIN. Mr. President, I want to tell him that I am going to admit this on the floor and give him credit but be happy to join him in this effort.

Mr. FRANKEN. I thank the Senator. And in Illinois the Senator is free to say it is his idea.

Mr. DURBIN. I thank the Senator very much.
months ago, we passed a comprehensive immigration reform bill. It had been 25 years in the making.

We know our immigration system is broken. We know it is unfair. We know people are suffering because of it. And we know we can do better. So we came together and 68 of us voted on the floor of the Senate, about 6 months ago, to pass comprehensive immigration reform.

I worked on that bill with seven colleagues—at, four Republicans. We came up with a good bill, not a bill I agree with in all of its specifics, but one that I think is a good, fair compromise.

We sent it to the House of Representatives. They have done nothing—nothing. They made some statements—some encouraging, some discouraging. The fact is, they never called this bill.

Mr. President, 2014 is another opportunity for the House of Representatives to rise to this challenge, and I hope they do.

There are many parts of that bill that are so essential—strengthening our border, a very important issue to all Americans, particularly on the other side of the aisle: a pathway to citizenship, a matter of simple, elemental justice, which is a passion on our side of the aisle. We brought those two concepts together to make the bill work.

But included in those concepts is an idea which I introduced into legislation about 13 years ago. It was called the Dream Act. It basically said if you came to the United States as a child, were brought here in undocumented status or overstayed a visa and were here undocumented, finished high school, had no serious criminal background, we would give you a chance, a chance to earn your way to citizenship—legality and citizenship.

Last week, I visited a group on the Mall who were fighting for immigration reform. Since the middle of November, these immigration, faith, and labor leaders have been fasting, urging the House of Representatives to take up this responsibility and pass the immigration bill.

Their commitment to fighting for immigration reform has inspired people all across this Nation to join the movement and to tell stories about families torn apart by the broken immigration law in America. We cannot ignore the injustice of this system and the suffering that millions of people in our own country are living with.

I want to urge Speaker Boehner to move forward on immigration reform in 2014. I understand there is a small, very vocal, very negative minority of his caucus that refuses to support any change in immigration law. But that is nothing new. In our Nation of immigrants, there has always been that force at work. In the time of Abraham Lincoln’s Presidency, they even had a political party. It was the Know-Nothing Party. They opposed immigrants.

They opposed Catholics. They were virtually against everything. Lincoln campaigned against them, and eventually they disappeared from the American political scene. But their sentiments can always be found at every point in our history.

The one part of this immigration bill, as I mentioned earlier, that is near and dear to me is the Dream Act. I fought to pass it for 12 years. There were times when we called the Dream Act on the floor of the U.S. Senate, and I wondered if it would ever get to the Senate floor and if it would be filled with young people, men and women wearing graduation gowns and mortar boards, to remind people that they were undocumented, officially unwelcome in America, and yet their heart was here and their lives have been spent here and they were just asking for a chance to be part of our future. Some heartbreaking moments when the amendment was defeated on the floor of the Senate and I made the statement that would be encouraging moments when the comprehensive bill passed and included the strongest Dream Act language that we have ever written.

For most of their lives, these young people... have been trapped in the shadows, fearing they could be deported at any moment and facing obstacles to developing their talents in this country. Isn’t it ironic that we have invested so much already in their lives—educating them, giving them an opportunity to thrive in this Nation, right at that moment when they are ready to go to college or go into a job—we tell them: Leave. We do not want you. That is not right. It is not fair. It does not make any sense.

Last year, President Obama did something that was significant. He announced his administration would grant temporary legal status to these immigrant students who grew up in the United States. This historic program is known as Deferred Action for Childhood Arrivals. It gave the DREAMers a chance to come out of the shadows and be part of America. In the last year, more than 567,000 people have applied for this DACA status; 460,000 have received it. Later today or tomorrow, the Senate will vote on the nomination of Alejandro Mayorkas to be Deputy Secretary of the Department of Homeland Security, which I will support.

As Director of U.S. Citizenship and Immigration Services, Mr. Mayorkas has been charged with implementing DACA, the President’s Executive order. It was a complicated job, but Mr. Mayorkas did it in an outstanding way. Earlier this week my colleague and friend Senator Grassley of Iowa spoke on the floor about Mr. Mayorkas and the DACA program. I wish to take a moment to respond to some of the things he said in the Congressional Record.

Senator Grassley initially questioned the legality of this DACA program. I want to be clear. DACA is entirely appropriate and legal. Throughout our history, our government has decided which persons should be prosecuted and which ones would not be prosecuted based on law enforcement priority and available resources. Past administrations of both political parties have stopped low-priority cases. Courts have long recognized their authority to do that.

In a decision last year striking down Arizona’s immigration laws, the Court reaffirmed that the Federal Government has broad authority to bar anyone who is going to be deported. Republican-appointed Justice Anthony Kennedy, who wrote the opinion, said: “A principle feature of the removal system is the broad discretion exercised by immigration officials.”

The President’s action is not just legal, it is smart. It is realistic. Today there are millions of undocumented immigrants in the United States. The government has to set priorities. Those with criminal records, serious criminal records should be deported—no excuses. Under the Obama administration’s policy, that is a high priority. That is the way it should be.

Senator Grassley also claimed on the floor that the immigration service has not released adequate information about the DACA program. I disagree with my colleague and friend. USCIS has been transparent about this process, publishing data on its Web site that shows the number of applicants who applied and those who have been accepted and rejected.

For the past few years I have come to the floor of the Senate regularly to tell real-life stories of those DREAMers. I have done it over 50 times. We actually had a reunion of the DREAMers I have spoken of on the floor of the Senate. I want to take some time today to update the story of one of those DREAMers.

This is a photograph of two brothers, Carlos and Rafael. They are siblings who were brought to the United States by their parents when they were kids. Carlos grew up in suburban Chicago, graduated from Palatine High School, where he was an honors student. In high school Carlos was captain of the tennis team, a member of the varsity swim team. He volunteered with Palatine’s Physically Challenged Program, where every day he helped feed lunch to special needs students.

Listen to what one of Carlos’s high school teachers said about him:

Carlos is the kind of person we want among us because he makes the community better. This is the kind of kid you want as a student, the kind of kid you want as a neighbor, the kind of kid you want as a friend to your child and, most germane to his present circumstance, the kind of person you want as an American.

It is good news. Last week Carlos graduated from Loyola University in Chicago, majoring in education. His lifelong dream was to be a teacher. It almost did not come true. You see, last...
year Carlos and his brother Rafael were placed in deportation proceedings. They were going to be expelled from the United States. I asked the Obama administration to reconsider. They decided to suspend the deportation. That was the right thing to do. After graduating the University of Chicago, Carlos was offered a teaching position starting in just a few weeks. Carlos will be teaching at Schurz High School, a Chicago public school on the northwest side. In addition to his teaching duties, Carlos will be helping with the school’s DREAMers organization and the tennis team, a sport he knew well from high school.

There is no question that we need the best and brightest to teach in our schools. We need people like Carlos who are committed to the next generation of tomorrow’s leaders.

Teach for America knows that great teachers can come from all walks of life, from graduating seniors in our Nation’s high schools, to former investment bankers and veterans. Last week Teach for America announced that it plans to actively recruit DREAMers who have received DACA deferment, so more DREAMers like Carlos will have a chance to give back to the country they know. They will be in classrooms not only teaching the important subjects, but with their very lives they will be teaching the next generation of Americans what immigration has always meant to this country.

I ask my colleagues who stand on the floor of this Chamber to consider how we would make America stronger. I am confident that wiser voices will prevail in the House of Representatives.

Just the other day I had a conference call with Catholic bishops. They have made this a special effort on their part to support comprehensive immigration reform. They were from all over the United States. In addition to their prayers, I asked them to reach out to their congregations, tell stories like Carlos’s story and Rafael’s story, and tell people this is really very fundamental and basic when it comes to issues of justice.

FOR-PROFIT COLLEGES AND UNIVERSITIES

Mr. President, I have come to the floor I cannot tell you how many times to talk about an industry in America—the for-profit college and university industry—and the basic facts.

Most people could not tell you what for-profit colleges are or which ones are for-profit. Well, the major colleges—I will start with the top with the Apollo Group, the University of Phoenix, and DeVry out of Illinois is second. Kaplan, which was owned by the Washington Post, is third. There are a lot of others.

What is interesting about these colleges and universities is they could not exist without generous subsidies from the Federal Government. Here is what happens. They lure students into enrolling in their schools. The students, often because they are low income, qualify for Pell grants and student loans. The Pell grants and student loans flow from the government through the student into the for-profit schools.

It turns out there is a 90-10 rule. Imagine this. These for-profit schools cannot take more than 90 percent of the student money from the Federal Government—90 percent. They are 10 percent away from being a total Federal agency. But they make amazing amounts of money, huge amounts of money. They pay their CEOs millions of dollars because this is a very lucrative undertaking.

But there are three things you should remember about for-profit schools—three numbers. You will know what the challenge is if you remember these three numbers.

Twelve. Twelve percent of all the graduates of high school go to for-profit schools.

Twenty-five. Twenty-five percent of all the Federal aid for education goes to these schools.

Forty-seven. Forty-seven percent of all the student loan defaults are with students who have enrolled in these for-profit schools.

There are three numbers. You will know what the challenge is if you remember these three numbers.

Why are these students defaulting? There are several reasons. One reason is that the diplomas from these schools are not worth much. I will tell a few stories in a moment. The other reason is that once the school enrolls these students and brings in their student loans, they really do not care that much as to whether they finish. It is not that they do not care, but the money has already flowed to the school. A third reason, of course, is that many of these students finish school, and with their questionable or worthless diplomas, they cannot find jobs. What happens then? They cannot make their student loan payments.

I will tell some specific stories when I talk about one of these for-profit schools, a for-profit operations, Corinthian Colleges, which is a publicly traded corporation that owns for-profit schools in the United States and Canada. It is now in the spotlight for engaging in manipulative marketing and deceptive job-placement practices.

Earlier this week, a Huffington Post article called attention to these abuses. It was entitled “How a For-Profit College Created Fake Jobs to Get Taxpayer Money.” The headline says the whole story. The article reports that Corinthian has been encouraging the manipulation of job-placement rates to entice students to sign up for programs and to avoid the scrutiny of the government and the accreditors.

Corinthian College subsidiaries—Everest College is one of them—have been criticized in the past for having high dropout rates and some of the highest 3-year loan default rates in America even while its tuition rates are higher than community colleges and flagship State schools for an equivalent degree. In spite of the bad press, Corinthian Colleges—such as Everest—have managed to come out on top, increasing enrollment, increasing profit margins, and increasing payments for their executives. It would appear these gains were at least in part due to the manipulative marketing practices and a corporate culture of deceit toward its students.

According to this article, Eric Parms enrolled in Everest College’s heating, ventilation, and air-conditioning repair program in the summer of 2011. Eric had been laid off from his job. He was attracted to Everest because of the promise from its advertisements and recruiters that their HVAC program would lead to a good job and a decent living. So Eric picked up his family—his wife and two sons—and he moved from Ohio to Georgia to enroll in this Corinthian school, the Everest College program. He was a good student. Eric received all A’s, only missing one class on the day his 7-year-old son was diagnosed with leukemia. After completing the 9-month program, Eric Parms was left with a $17,000 student loan debt and could not find a job.

What Eric did not know was Everest College was paying more than a dozen local employers what they called an on-boarding allowance of $2,000 a head to secure 30 days of employment for their graduates. These were not real jobs; these were jobs which Corinthian Colleges—Everest College—were frankly bankrolling so it looked as if their graduates were going to work. The money was purportedly a fee to help local employers pay for things such as training and uniforms. In reality, by paying companies to take graduates for temporary jobs, the Everest College was able to boost
its official job-placement rate unrealistically. This helped Everest College continue to fly under the radar of its accreditors.

However, Corinthian paid companies for jobs without considering the long-term effects. They signed up students to get them into their program, but then turned them loose. The situation often ended in 30 days. Then they would sign them up for 30 days and then turn them loose really did not mean that much to Corinthian; they just had to show that they went to work at some point.

Well, after his graduate Eric had to beg the school’s career service counselor to even set up interviews. Even then, he would arrive at interviews supposedly set up for him, and the potential employers would tell him they had never heard of Everest College. Remember, Eric Parmes was on the hook for $17,000 in student loans for this course he took.

Finally, Eric was set up by career services to work in a contract position with ADG Enterprises, laying electrical wires. After less than 2 months on the job, he was laid off and cut off from career services from Everest. Everest had used him to get $17,000 in student loans and turned him loose without a job, without a future.

In fact, managers discouraged career counselors at Everest from re-placing people who had already been placed in a job. They were instead encouraged to send graduates to companies with high turnover rates, to provide temporary positions even if they could show that their graduates went to work even if it was just for a few days. The school had effectively placed Eric in a short-term internship program. Once it was over, there was no incentive for them to keep him. They turned him loose to vacate a space for another graduate and another $2,000 check. Then Everest would shuffle another graduate into the same position to artificially maintain that they were placing students in jobs. This was fraud—not just a fraud on the public, not just a fraud on the students, but a fraud on American taxpayers by Corinthian Colleges.

Eric lost out on the deal—a $17,000 debt for a training degree he could not use. To get a Georgia HVAC contractor license, he needed to have significant work experience and references, and no one would hire him because they did not take his degree from Everest—part of the Corinthian College system—seriously.

The practice of paying employers to hire graduates from this Everest campus ended in 2011, but it was not the only Corinthian school engaging in these practices. The California attorney general recently filed suit against Corinthian for using fraudulent marketing, paying companies to temporarily hire graduates, and using other tactics to meet accreditation standards and job-placement rates. These other tactics included paying temporary agencies for graduates for temporary positions while basically counting a 1-day volunteer event for dental assistant graduates as a job placement and, worse yet, “placing” graduates at nonexistent businesses they created as part of a class project to design business cards.

It was a big game for Corinthian, and they got paid off handsomely by Federal taxpayers and these unsuspecting students. Corinthian has also outright misrepresented job placement rates to students by advertising numbers substantially higher than their actual rates. These deceptive practices give the illusion that this is a successful undertaking. Go to Everest and get a job. It turns out that it is a charade.

In addition to manipulation of job placement rates, recruiters for Corinthian colleges and schools withhold pertinent information from students to get them to enroll.

Lindsay Ryan, another student at Everest College who contacted my office, studied criminal justice online and was 12 weeks away from graduation when she learned that Everest was not regionally accredited and that she wouldn’t be able to find a job in her field in the State of Illinois.

One would think that a college offering courses to people in Illinois would have to tell them whether or not a degree or certificate from that school could lead to a job in that State?

In Lindsay’s case it didn’t.

Do you know what Everest College suggested to Lindsay after she had been duped into this so-called education? They suggested she move to Florida where she might be able to use an Everest College degree. That wasn’t an option for Lindsay and her family.

Now she sits, unemployed, supporting three children, her husband, and a $24,000 student loan debt to this Corinthian college, Everest College, for a worthless degree.

Over the past decade Corinthian colleges have received from the Federal Government nearly $10 billion in student aid—$10 billion. That makes up more than 80 percent of the total revenue of this college. These schools, these for-profit schools, are sucking on the Federal Treasury to come up with billions of dollars to get rich at the expense of taxpayers and these poor exploited students.

Corinthian grew during our recession, reaching a peak enrollment of 90,000 students. Their revenues grew up to $1.7 billion in 2011. This is in part due to a persuasive but deceptive marketing plan promising a better career to people such as Eric and Lindsay who were looking for a way out during difficult times.

Toya Smith, a former Everest career counselor who was interviewed by Huffington Post, recognized that for-profit schools burden students with large debts, a questionable degree, and poor job prospects while the company was putting its dollars forward.

She said: “You’re selling a dream to a student that you know, in reality, they are not ever going to realize.”

Mr. ISAKSON. Merry Christmas to the President Officer and to all those who might be watching C-SPAN.

We are getting close to the big holiday, and it is a time when I come to the well to pay tribute to a great newspaperman in Georgia who is retiring after 40 years in television on the Georgia beat: Paul Yates, with WAGA-TV, Fox 5, in Atlanta. He has served for 35 consecutive years at the same station.

In fact, when I ran for Governor in Georgia in 1990, he covered all of my Senate races. He has covered all of my Senate races. When we were in the legislature...
and in session, he covered every day of the Georgia legislature and has for over three decades.

He has made a tremendous contribution to our State and the level, quality, and respect for the very best that journalism can expect. As Paul Yates represented the people of Georgia for years of service to the people of Georgia at WAGA-TV, and as one who he has covered—both good and bad—I wish to pay tribute to a great journalist, a great friend, and a man who has done a great service to the people of my State of Georgia.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. CARDIN. Mr. President, let me first comment about the National Defense Authorization Act. It is an important bill that we pass, and I wish to thank Senator Levin and Senator INHOFE for the manner in which they worked on this legislation, bringing it together in the committee. It was a bipartisan bill. As it came to the floor it maintained that focus on helping our troops and preserving our national security. As we were starting to consider amendments, I think some cooperation was there. Unfortunately, we lost track of being able to consider amendments in a somewhat normal course.

But the bill before us represents a bipartisan effort to make sure we provide the men and women who are defending our Nation the tools they need in order to carry out their mission, and we give them the support they deserve for serving their country. So this bill is a critically important bill, and I am glad that with the earlier vote, we are on track to send this to the President for his signature before the end of the year. It is very important. The bill provides many important provisions for the health care of our military personnel and many of the other issues. I am glad to see the committee did incorporate some of the concerns that had been expressed.

Two specific amendments I had noted during the amendment process have been incorporated into the bill before us. One deals with health care and the other deals with parity between our civilian workforce for the Department of Defense and our contract workforce. I appreciate that those two amendments that I had been incorporated into the bill we have before us.

Similar to many of my colleagues who have come to the floor, I am disappointed. On any bill that comes forward that is a bipartisan bill there are compromises and there will always be disappointments about not being exactly everything you want it to be.

That is understandable. What is very disappointing is that we didn't have a chance to offer many amendments that were not only very useful but an amendment could get on after it came through the committee was through aclearing process, and I think there are many other amendments that could have gotten into this bill that would have been important, but I will look for other opportunities.

I had three amendments that I will mention now that I will look for other opportunities to advance. One comes directly out of the subcommittee I chair, and that deals with maritime security issues in the China seas. That is a powder keg, where China most recently took steps in regard to airspace that only made that situation even more tense. The maintaining of maritime security is critically important to the United States. It is the major shipping lane for commerce not only in that region but globally, and it is an area that could bring about unfortunate conflicts between many countries in that region which could mushroom into something which on maritime security is a very important issue, and the United States has taken a very active position on that to say: Look, these matters have to be talked about directly by the countries involved in a peaceful manner, not in an intimidating manner. The amendment I offered would have furthered the Senate in supporting that position.

I was also disappointed not to be able to offer an amendment which dealt particularly with the conflict of the Assad in Syria but also of those who have committed war crimes in Syria. The Presiding Officer knows of the testimony we have had in regard to the gross violation of human rights by government officials in Syria and the numbers of people who have been killed and have suffered as a result.

The War Crimes Tribunal at The Hague should have the ability to deal with these types of issues, and the amendment I offered asked that the United States work for full accountability for those who have violated international standards in regard to war crimes.

A third amendment I had offered that did not get in because of reasons I just mentioned was an effort that many are working on to form a partnership between the United States and Vietnam in regard to education programs—higher education. We have a way to do that. Senator McCAIN was very helpful to me in trying to advance this, and we will look for another opportunity to get that done because I think it is critically important.

Many of us understand we have to improve the relationship between the United States and Vietnam, but Vietnam needs to deal with its human rights violations. It needs to deal with its good governance. One way we can help this is by dealing with institutions that promote democracy, and that is, of course, higher education.

So while I am looking forward, with regard to all those areas, to finding other vehicles where we can deal with the issues we were not able to deal with through the amendment process, I would ask our colleagues to get this bill to the President so he can sign it before the end of the year.

THANKING ELISE MELLINGER

Mr. President, I would also like to make a few comments about Elise Mellinger. As I mentioned earlier, Elise is a Pearson Foreign Service officer fellow, and let me explain what that means. She is an experienced member of the Department of State's Foreign Service. She served in India, Indonesia, and Singapore. She is a person who has served our country for many years, and she is a career diplomat at the State Department.

For the past year, she has been assigned to my Senate office and has acted as a valuable member of my staff. That helps our career diplomats understand the congressional process better, but it also gives us the opportunity to have an experienced individual who truly understands the workings of diplomacy to be in our offices and help us carry out our responsibilities.

In Elise's case, that was particularly helpful to me because at the beginning of this year I took on the new responsibility as the chair of the East Asian and Pacific Affairs Subcommittee. Throughout my career in Congress, I have spent a lot of time in Europe. I have chaired the U.S. Helsinki Commission, and I have traveled extensively to Europe, but it was a new venture to come to Asia and Pacific Affairs Subcommittee. Elise Mellinger brought me the expertise so we could—the Senate and the Committee on Senate Foreign Relations—carry out our responsibility in regard to congressional oversight and initiatives in regard to that region of the world.

As a result of her hard work, we were able to have numerous hearings in 2013 on the rebalance to the Asia initiative. Pacific Affairs Subcommittee, and to talk about many of the issues in that region of the world, from the maritime security issues I have already
talked about to environmental issues, to dealing with North Korea, a huge problem with not only their nuclearizing the Korean Peninsula, which is unacceptable, but the human rights violations in that country and how the people are being treated as far as economic growth, and the list goes on and on.

Vietnam is a major country of interest. We have been able to be involved in that. We had a hearing on the typhoon in the Philippines that Elise Mellinger was extremely important in helping put together in a matter of days so we could become knowledgeable as to what was happening with one of our allies in that region—the Philippines—and what we could do and what the international community and the private sector could do in order to help the people of the Philippines. I traveled to that region, and Elise Mellinger was extremely important in preparing me for that trip.

So I wanted to share with my colleagues this program we have where we have executive employees, career diplomats who come and work in our offices so we can work together and advance foreign policy in the United States. There should not be a difference between the executive and legislative branches in regard to our objective with foreign policy. Of course, we have oversight; of course, we have separation of powers; and for the entire year Elise Mellinger was in my office she was the most intelligent and loyal person among our staff to carry out that responsibility. As I said to her earlier, I hope it does not affect her career when she goes back to the State Department, which is unacceptable, but the human rights violations in that region—the Philippines—lies in that region—the Philippines—lies in that region.

I was very fortunate, indeed the Senate and I believe the American people were very fortunate, that Elise spent the year in service to her country through the Senate. She will be leaving before Christmas. She will have probably gone through a fairly good vetting process. I served on the Armed Services Committee for 6 years. I think they did then and now do a good job of prioritizing when they come to the floor. But we have to remember, there are only probably 25 or so members of the Armed Services Committee, which means there are 75 Senators who haven’t had an opportunity to have their voices heard on such a big piece of legislation.

The Defense bill, when it comes to the floor, will have probably gone through a fairly good vetting process. I served on the Armed Services Committee for 6 years. I think they did then and now do a good job of prioritizing when they come to the floor. But we have to remember, there are only probably 25 or so members of the Armed Services Committee, which means there are 75 Senators who haven’t had an opportunity to have their voices heard on such a big piece of legislation.

The same thing with the budget. The budget conference really consisted of a couple people. In fact, I am told by conferees who were members of the Budget Committee and were supposed to be members of that conference, they really didn’t vote on it. There was no vote on it when it left the conference. It was negotiated by a couple of people and brought to the floor to be voted on—something that is pretty darned important to the future of this country but not open to amendment, no opportunities for Senators here to have the opportunity to improve upon. Perhaps we could improve upon it; maybe we couldn’t. But we at least should have had the opportunity to bring issues to the forefront that rightly should be debated when we are talking about something like a 25-page budget act and a defense bill which spends enormous amounts of the American people’s tax dollars.

So no debate. Shut down here in the Senate by the majority leader. Why? I guess because it is really critically important we get to some of these nominations that need to be voted on—voted on before the Christmas holiday. Why? Well, because Congress has to fund the government for the next couple of years, and we also are going to be voting on amendments voted on and have those amendments debated. In the House of Representatives, those of us who have served there, know there is a rules committee, and the rules committee decides what comes to the floor, what amendments may be made in order, and how much time is allowed for debate on each amendment. It is a very structured process.

What the Founders conceived for the Senate was something different. They wanted us to have an opportunity to openly debate the big issues of the day. And there are no bigger issues, I would argue, than the budget proposal which will fund the government for the next 2 years and spend literally billions and billions of the American people’s tax money; and the Defense authorization bill, which will authorize in this case over half a trillion dollars of spending of the American taxpayers’ money.

So these are big, consequential pieces of legislation brought to the floor of the Senate but not open to the debate, not open to the amendment process.

We just heard the Senator from Maryland talk about amendments, which, if he had the chance to offer, he would have offered. That applies to a lot of us.

The Defense bill, when it comes to the floor here, will have probably gone through a fairly good vetting process. I served on the Armed Services Committee for 6 years. I think they did then and now do a good job of prioritizing when they come to the floor. But we have to remember, there are only probably 25 or so members of the Armed Services Committee, which means there are 75 Senators who haven’t had an opportunity to have their voices heard on such a big piece of legislation.

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So the very notion, as the majority leader came out here and said repeatedly now, that we would have next week on one of the most important Christian holidays of the year voting on nominees that can be voted on a week later after the first of the year when Congress comes back into session, it seems to me to be sort of stunning in terms of its audacity.

I think the American people would conclude the same thing; that we would take a defense authorization bill, that we would take a huge budget bill and actually try and sweep them under the carpet, fill the tree so we don’t have an opportunity to debate amendments or vote on amendments, but then have to rush to get these nominations through, nominations which can be considered early next year and approved now with a 51-vote majority.

So think about that. We have had these threats here on the floor. The majority leader has come to the floor and said: We are going to be here Christmas Eve because we have got to do these nominations. Yet we don’t have any time to do the important work, such as having a chance to debate votes on amendments to bills such as the Defense authorization bill.

So that is where we are. Again, I think it is pretty stunning that this is what the Senate has deteriorated into. And it is regrettable. But hopefully, when they can be approved with 51 votes, that might make sense and might be a reasonable approach to take with all this.
I hope most Members here, like most Americans, next week at least have an opportunity to celebrate the Christmas holiday with their families. And as they do, a lot of Americans will use that opportunity to reflect upon the past year—whether cases that will mean life changes which occurred in the last year. For many Americans it might be a marriage in the family, it might be a graduation, events that we celebrate. It might be something we look on with reflection and mourn the loss of a loved one. But this is a time when normally people around this country reflect on significant changes in their lives in the last year and start thinking in anticipation about what the next year might bring.

Some things people can’t control in their lives. Some changes people don’t like and they can do nothing to control. And as they start thinking about last year and start thinking about next year, people is going to be the impact that ObamaCare is going to have on their lives. People are thinking about the fact that they have these skyrocketing premiums that are now coupled with these outrageous deductibles. The sticker shock is forcing millions of Americans to pay more for health care.

President Obama promised the American people: ObamaCare will cut costs and make coverage more affordable for families and small businesses. Well, the reality is that family premiums have already skyrocketed since ObamaCare became law. American approval of this law won’t work, he relies on his executive discretion to correct problems which will grow the economy, and just 23 percent expect the quality to get better.

Unfortunately, that is not how our country was founded and not what our forefathers established in our system of governance. As the Federalist Paper No. 47, authored by James Madison, says:

"The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

The American people are rising up to this abuse of power, and I believe this President must respect the rule of law, despite his clear self-interest to act otherwise. I believe it is only a matter of time before the President continues to abuse executive discretion to correct problems with his law. Instead of being forthcoming with the American people and Congress and explaining why parts of this law won’t work, he relies on his administrative agencies to issue last-minute orders to the media, to announce delays in portions of his signature law.

Another way this administration is trying to fix problems is to put the burden of fixing problems on others. Last month the President tried to fix the problem of cancelled plans by kicking the can to State insurance regulators to determine whether, in 48 days from the date of his announcement in November, they can change their State insurance regulation policies quickly enough to lift the ban. They continued to announce delays in portions of his signature law.

As we begin 2014, this President and administration should commit to abandoning their power grabs and complete disregard for the rule of law. This law was passed, hurriedly rushed through Congress, and now, as the American people are finding out, they are the ones impacted.

We are seeing all the adverse, harmful impacts which come with it: higher premiums, cancelled coverage, lower quality, higher deductibles, and a less promising future for the American people. We can and we should do better.

I hope that as Americans this Christmas season reflects on the past and thinks to the future, we will resolve to do what is necessary to give them a brighter future by putting in place policies which will grow the economy,
create jobs, increase the take-home pay of middle-class Americans, rather than give them another gut punch which makes it that much harder for them to provide for themselves and their families.

Mr. GRASSLEY. Mr. President, I rise for two purposes. No. 1, to discuss the National Defense Authorization Act and the fact that I suppose some amendments to it and the process that has deteriorated in the Senate for deliberation. Second, I will speak very shortly about the nomination of Mayorkas, one of the first nominees we will be voting on this week.

The Senate is poised to vote on a final National Defense Authorization Act after considering only two amendments. The Senate has not been functioning like it should for some time, and the National Defense Authorization Act has been handled is one example. I have served in the majority and the minority, with Democratic Presidents and Republican Presidents. So I have seen it operate from every perspective. What is unique about it that the rules as well as the traditions force Senators to work together. That leads Senators to understand where the other side is coming from, resulting in mutual respect and scrutiny.

I hear from a lot of Iowans who are upset at the tone they hear in Washington and the lack of bipartisanship. I have often said that the Senate functions best when no party has more than about 55 seats. If you have much more than that, there is less of a tendency to want to work in a bipartisan fashion. That was true for most of my time in the Senate but not now. Despite a current margin of just 5 seats in the Senate, there has been very little bipartisan cooperation. I suppose some Democratic Senators really believe it when they say that this is all Republicans’ fault. I think anyone who remembers how the Senate used to operate and has paid attention to how the current majority leadership has been running things in fact knows better.

In fairness, quite a few Members of the Senate do not remember how the Senate is supposed to operate because it has been dysfunctional ever since they were in the House. Some Senators previously served in the House of Representatives, where the majority party controls everything that happens. In the House of Representatives, the Rules Committee sets out the terms of debate for each bill. If you want to offer an amendment, you have to go down the line and offer an amendment that only one first-degree and one second-degree amendment can be pending. Bipartisanship should provide giving individual Senators a voice regardless of party. When Senators are only allowed to vote on items that are preapproved by the majority leader, those Senators lose the ability to effectively represent their State. In the end, become more of a party tool of leadership. It is no wonder Americans are so cynical about government right now.

In the last decade, when I was chair of the Finance Committee and Republicans controlled the Senate, we wanted to actually get things done. In order for that to happen, we knew that we had to accommodate the minority. We had to have patience, humility, and respect for the minority—attributes that they showed us much more than we did. We had some major bipartisan accomplishments, from the largest tax cut in history to a Medicare prescription drug program to numerous trade agreements. Those kinds of major bills do not happen anymore.

The Senate rules provide that any Senator may offer an amendment regardless of party affiliation. Each Senator represents hundreds of thousands or millions of Americans, and each has an individual right to offer amendments for consideration. The principle here is not about political parties having their say but duly elected Senators participating in the legislative process, as imagined by the Constitution. Again, as part of our duty to represent the citizens of our respective States, each Senator has an individual right to offer amendments. This right cannot be outsourced to party leadership.

The longstanding tradition of the Senate is that Members of the minority party, as well as rank-and-file Members of the majority party have an opportunity to offer amendments for a vote in the Senate. That has historically been the case with the annual National Defense Authorization Act, the very bill that we are debating now. But not this year. It typically takes a couple of weeks to consider the National Defense Authorization Act. This year the majority party leadership chose to wait until a week before the scheduled Thanksgiving recess to bring it up, leaving little time for the customary open debate and amendment process.

Once the Defense bill was brought up, rather than promptly starting to process amendments, the majority leader immediately blocked amendments so that he could control what came up for vote. Obviously, this led to a halt, wasting time that we did not have when we could have been considering amendments from both sides of the aisle.

The process, as everyone here in the Senate knows, is called filling the tree, where the majority leader offers blocker amendments that block any other Senator from offering their own amendment unless the majority leader agreed to set aside his blocker amendment so other amendments can be offered.

Filling the tree does not appear anywhere in the Senate rules. It is based upon combining two precedents, the precedent that the majority leader has the first right of recognition by the Presiding Officer and the precedent that only one first-degree and one second-degree amendment can be pending at any one time. Basically, the majority leader abuses his prerogative to cut off debate and offer an amendment that does nothing more than simply change the enacting date by 1 day, for instance. That then blocks any other Senator from exercising his right to offer an amendment.

This so-called filling-the-tree tactic used to be relatively rare, but it has become routine under current leadership. This way the Democratic leadership can prevent other Senators from offering amendments they do not want to have to vote on. Then, with amendments blocked, the majority leader makes a motion to bring debate to a close. Around here that is called cloture. When cloture is invoked, it takes two-thirds of the Senate for a final vote must take place. By keeping amendments blocked while running out the clock, the majority leader can force a final vote on a bill without having to consider any amendments other than those that the majority leader might approve.

It should not be a surprise to anyone that Members of the minority party...
who wish to offer amendments will vote against a motion to end debate until their amendments have been considered. When Republicans vote against the Democratic leader’s motion to end debate, we are accused of launching a filibuster, even though we have not given up our right to participate fully in the legislative process, the other side says that we are filibustering.

Does that really count as a filibuster? No. The nonpartisan Congressional Research Service answers this question, and has a very helpful report on cloture motions and filibusters that make this point very clear. The CRS report is entitled, “Cloture Attempts on Nominations: Data and Historical Development,” by Richard S. Beth. It contained an entire section called “Cloture Motions Do Not Correspond With Filibusters.” It starts out:

Although cloture affords the Senate a means for overcoming a filibuster, it is erroneous to say that filibusters occur when cloture was sought. The raison d’être for cloture motions is usually only a handful or so. Then he goes on to explain various scenarios to illustrate this point. Several Members of the majority have made a point of trying to confuse cloture motions with filibusters. We hear constantly that there have been an unprecedented number of Republican filibusters. They often point to a chart that purports to tally the number of filibusters and say that this is evidence of abuse of the Senate rules by the minority. The number they quote is the number of cloture motions, not the number of filibusters. It is true that there have been a record number of cloture motions, and I also agree that the number amounts to an egregious abuse of Senate rules, but, again, there is a very significant difference: Cloture motions are filed by the majority party leadership, not by the minority party. This abuse of cloture is a major cause of the Senate’s current dysfunction.

Again, this abuse of cloture, often combined with the blocking of amendments also prevents all Senators from doing what they were sent here to do, not just Members of the minority party.

It has gotten even worse. Even where the majority leader has decided he is going to be open to amendments, he has created out of whole cloth new restrictions to limit Senators’ rights. First, he normally only opens the amendment process if there is an agreement to limit amendments. This is usually only a handful or so. Then he has magically determined that only germane or relevant amendments can be considered.

Of course, nowhere do the Senate rules require this, other than postcloture. Senators elected in the last few years appear to be ignorant of that fact. You will hear some Senators here argue against an amendment saying it is nongermane or nonrelevant. They have totally fallen for the creative rulemaking of the majority leader, thus giving up one of their rights as a Senator with which to represent their State. You do not count on how many nongermane or nonrelevant amendments I had to allow votes on when I processed bills when Republicans were in the majority. They were usually tough political votes, but we took them in order to get things done. We wanted the Senate to function.

You do not see that nowadays. The current majority leader avoids tough votes at all costs and that is why we don’t get much done around here. The American people sent us here to represent them. That means voting, not avoiding tough votes.

We sometimes hear this is a question of majority rule versus minority obstruction. I believe that ignores that each Senator is elected to represent their State, not simply to be an agent of the other party. While the majority of Senators may be from one party, they represent very different States, and the agenda of the majority party will not always be consistent with the interest of their States.

When one individual, the Senate majority leader, controls what comes up for a vote, that is not majority rule. In fact, there are policies that have majority support in the Senate that have been denied a vote.

What happened during Senate debate on the budget resolution this year seems to prove that point. The special rules of the budget resolution limit debate so it can’t be filibustered but allow for an unlimited number of amendments.

A Republican amendment to support repealing the tax on lifesaving medical services in the Affordable Care Act’s health care law passed by an overwhelming 79-to-20 vote, with more than half of the Democrats voting with Republicans rather than with their party leader.

A Republican amendment supported the approval of the Keystone XL Pipeline to bring oil from Canada and passed 62 to 37.

These are two examples, because votes such as these that split the Democrats and hand a win to the Republicans is exactly what the majority leader has been trying to avoid by blocking amendments.

That is why the Senate didn’t take up a budget resolution for more than 3 years. Still, the budget resolution isn’t a law, so unless legislation on those issues is allowed to come up for a vote, nothing will happen despite the support of the vast majority of the Senate as demonstrated by those two rollcall votes I just mentioned.

As a case in point, how we are on the National Defense Authorization Act, and one of the amendments the majority leader blocked would have imposed sanctions on the Iranian regime. Everyone knew this amendment enjoyed broad bipartisan support and would have passed easily had a vote been allowed to take place. It had majority support. But the Senate was not allowed to work its will.

What if the Iran sanctions amendment was blocked because the President opposed it and it would have been a tough vote that divided the majority party. Is that a valid reason for shutting down the traditional open amendment process for the Defense bill? I don’t think so.

Until we put an end to the abuse of cloture and the blocking of amendments, the Senate cannot function properly and the American people will continue to lack representation that they are entitled to.

As I said, I have a few short remarks on the Mayorkas nomination. I spoke at great length on this yesterday and I won’t speak at great length today, but I have concern with Mr. Mayorkas’ nomination, so I have additional information today for my colleagues.

Today the Office of Inspector General for the Department of Homeland Security released an embargoed version of its audit of the EB-5 immigrant investor visa program. The report states that the U.S. Citizenship and Immigration Service has difficulty ensuring the integrity of the program and does not always ensure that regional centers meet all eligibility requirements. Specifically, the report states that the U.S. Citizenship and Immigration Service did not always enforce its own regulations and procedures to assist with managing the regional center program.

Another quote:

Until improvements are made, U.S. Citizenship and Immigration Service is unable to prevent fraud and national security threats.

Another quote:

If it cannot report the results of the program accurately or ensure the EB-5 program is benefiting the U.S. economy and creating jobs for U.S. citizens as created by Congress. We understand Mr. Mayorkas is in charge of these programs. The IG said the agency needed to improve coordination and rely on the expertise of other agencies.

The IG had several recommendations for the U.S. Citizenship and Immigration Service that, frankly, should have been in place before now. If the Director was doing his job. In his comments on the draft report, Mr. Mayorkas claimed that he was already addressing the issues the inspector general raised. He said his agency had “dramatically enhanced collaboration with key government partners,” meaning he was cooperating with the FBI. He also wrote that when his agency has concerns with EB-5 cases, it doesn’t decide the cases until it has “fully coordinated its approach with enforcement and intelligence partners.”

I have seen examples of this so-called coordination that Mr. Mayorkas talks
about. But, again, his words don’t com-
port with the actual practice.
When Homeland Security’s law en-
forcement database, TECS, has a hit on
someone applying for a regional center,
the Citizenship and Immigration Serv-
ice sends an email to the law enforce-
ment agency that put the record in.
But the problem is that the Citizenship
and Immigration Service isn’t waiting
for law enforcement to make an inves-
tigation. In fact, information has come
to my attention that CIS employees are
told to move forward if law enforce-
ment doesn’t respond within 5 days.
That is just 5 days to find out what
sensitive security or fraud information
caused that person to be flagged. If law
enforcement doesn’t get back to the
Citizenship and Immigration Service
soon enough, then that agency goes
ahead and the person’s application is
approved.

That is not coordination. That co-
ordination is a sham. That should be
simple to anyone of us who are
concerned about the national secu-
ritv of our country. It is not the sort of
way to run a program with national se-
curity vulnerabilities. Everybody
should wait until law enforcement re-
sponds. Now they are trying to take
Mayorkas and his management re-
sisted. Now they are trying to take
credit for it.

More important is what his agency
has not done. They refused to kick out
regional centers that invite national
security problems. Mr. Mayorkas
claims he doesn’t have statutory au-
thority, but the inspector general audit
recommended that Mr. Mayorkas
should make clear on his own that
fraud and national security concerns
are a reason for regional centers to be
kicked out of the program.

The bottom line is Mr. Mayorkas has
not taken the steps that were within
his power to guard against security
vulnerabilities in the EB–5 program.
The inspector general’s audit report
concludes:

Currently, U.S. Citizenship and Immi-
gration Service cannot administer and
manage the EB–5 regional centers program effec-
tively.

Mr. Mayorkas has had ample notice
of these problems for years. He has
failed to take adequate action.

I yield the floor.

The PRESIDING OFFICER. The Sen-
ator from North Carolina.

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

The PRESIDING OFFICER. Without
objection, the unanimous consent is
ordered.

UNEMPLOYMENT BENEFITS

Mrs. HAGAN. Mr. President, at the
time of this year, 1.3 million Americans
will be cut off from their Federal un-
employment benefits. At the hardest
time of the year, 1.3 million people will
lose the lifeline they have relied on to
support their families while they strug-
gle to find jobs in this challenging eco-
nomic climate.

Unfortunately, for 170,000 North
Carolini ans, this has already been a re-
ality. Earlier this year, the North
Carolina General Assembly slashed un-
employment benefits, making North
Carolina the only State in the Nation
to actually stop receiving Federal
eergency unemployment insurance—
the funds that help the Nation’s ir-
responsible and cold-hearted action by
the general assembly has been dev-
estating to the thousands of individ-
uals and families across my State who
are already struggling to make ends
meet.

Sydney Houston is one of 170,000 job-
less North Carolini ans who would have
received Federal unemployment bene-
fits were it not for this new State law.
A month after the law was enacted and
Sydney no longer had her benefits, she
told a North Carolina TV station that
she was ironing her clothes in prepara-
tion for a job interview when her elec-
tricity was cut off because she couldn’t
pay her bills. “It’s been excruciating,”
she said, adding that she feared her
landlord knocking on her door to evict
her at any moment.

People have to understand that these
extended Federal unemployment insur-
ance benefits help these families pay
for their rent, pay for their food, and
pay for their electricity, just as in Syd-
ney’s case.

I also received a letter from Sherrie
Harmon, another North Carolina
woman. Let me tell my colleagues
what she said. Her letter stated:

I have lived in North Carolina my entire
life and I’ve felt proud of my State. This has
changed drastically.

Sherrie was laid off from her job at a
law firm and her husband Rick lost his
job a month later. Sherrie was drawing
the unemployment benefits searching for
work and attending classes at Central
Piedmont Community College in Charl-
lotte. She was in her third semester of
school when she found out that her un-
employment would end.

She said:

We are at risk of losing everything we’ve
worked for in the 24 years we’ve been mar-
rried. I am completely lost.

We have heard so many stories such
as these from Sydneys and Sherries
across North Carolina.

What is more, North Carolina tax
dollars are going to unemployed work-
ers in every other State across the Na-
tion except for North Carolina. Our
citizens are paying their Federal tax-
payer dollars for Federal unemploy-
ment benefits to 49 other States, even
though our citizens cannot rely on the
same safety net. This is not only un-
fair, it is hurting my State, which con-
tinues to have the highest unem-
employment rates in the country at 8 per-
cent, with some of the rural counties in
North Carolina as high as 14.5 percent.

As the Senate considers an extension
of the emergency unemployment insurance, I
believe it is crucial that right is wrong
that has been done to North Caro-
linians through no fault of their own.
For this reason, I come to the floor
today to express my thanks to my col-
leagues, especially Majority Leader
Reid, Senator Max Baucus, and Sen-
antor Jack Reed, for working with me
to ensure that North Carolina’s needs
will be addressed as we work to extend
unemployment insurance benefits into
2014.

I also urge my colleagues not to
lose sight of their constituents. We
are concerned about the national secu-
ritv of our country, and to swiftly pass the Emergency Unem-
ployment Compensation Extension Act. This bipartisan legislation, introduced by Senators Jack Reed and Dean
Heller, would extend Federal unem-
ployment insurance benefits, and it
would restore North Carolina’s eligi-
bility to participate in the program.

We must continue to work on bipar-
tisan policies that will boost job cre-
ativc and get Americans back into our
workforce. We need educational insti-
tutions, local employers, and job train-
ing centers to join forces to ensure
unemployed workers are being trained
for the job opportunities that are
available right now.

I have a bill called the America
Works Act that would do just that. It
would close the skills gap that has
been plaguing our country and it would
take the guessing game out of hiring.
The America Works Act would ensure
that community colleges and job train-
ing programs develop curricula that
will lead to portable, industry-recog-
nized credentials that will help train
our unemployed workers so they would
be outstanding applicants for jobs that
are available in their local commu-
nities right now.

In the meantime, as the unemployed
struggle to get by while they look for
jobs, we should not cut them off from
the safety net that has served as their
last lifeline for taking care of their
families and putting food on the table.
We should make it clear that the un-
employed in North Carolina have that
same opportunity once again in spite of
the action taken by the North Carolina
General Assembly.

I am glad to be joining my colleagues
in pushing to extend the unemploy-
ment insurance for North Carolina
Caro-
linians and people across our country.
There is no reason to wait any longer
to pass this critical legislation.

I yield the floor.
In July 2013 the Pentagon decided to build a 64,000-square-foot command headquarters for the U.S. military in Afghanistan that will not be utilized or even occupied. Even though the $34 million project was deemed unwanted by military commanders 3 years ago, the military moved ahead with construction. That is one example.

Another example. According to a report released by the Department of Defense inspector general this year, the Pentagon has been paying contractor Boeing $11 million for a piece of hardware they could have purchased from their own hardware store, the Defense Logistics Agency, for $15.42. It seems to me it would be a pretty good deal to get a product for $15 that you are paying over $3,000 for, but that is the way the Pentagon runs.

Furthermore, another issue, the July 2013 Special Inspector General for Afghanistan Reconstruction report includes the purchase of over $771 million worth of equipment that the Afghans will be unable to operate and maintain. The Afghan Special Mission Wing has only one-quarter of the personnel needed to maintain and operate the fleet, and there are no existing DOD plans to reach full strength. The Pentagon is moving forward with purchases. Most of that money—$553 million—has been awarded to a Russian company that also sells weapons to Syria.

These are just a few examples. Needless to say, there are many more.

According to the Washington Post: Since 2001, the base defense budget has soared from $227 billion to $530 billion—and that's before accounting for the primary costs of the Iraq and Afghanistan wars.

In addition to the trillions spent on the war in Iraq and what seems to be a never-ending war in Afghanistan, the Department of Defense consistently engages in wasteful, inefficient, and often fraudulent spending.

At my request several years ago the Department of Defense issued a report detailing the breadth of fraud that exists within the Pentagon—the simple issue of massive fraud. The report showed that the Pentagon paid over $573 billion during the past 10 years to more than 300 contractors involved in civil fraud cases that resulted in judgments of more than $1 million—$398 billion of which was awarded after settlement or judgment for fraud. When awarded, parent companies are counted, the Pentagon paid more than $1.1 trillion during the past 10 years just to the 37 top companies engaged in fraud.

The bottom line is that almost every major defense contractor in this country has in one way or another been involved in fraudulent dealings with the taxpayers of this country and the Department of Defense.

Further, above and beyond fraud, the waste at the Pentagon is rampant, and we can go on for many hours just documenting the waste, but let me give just a few—a few—of the kinds of waste that the Pentagon regularly engages in. These are just a very few examples.

I would ask all of my colleagues to remember what Eisenhower said and understand that today, when we have this bloated and huge military budget, there are people who are talking about massive cuts in food stamps, massive cuts in education, massive cuts in affordable housing, cuts in Social Security, cuts in Medicare, cuts in Medicaid. I would argue very strongly that before we cut from the elderly and the children and the sick and the poor, we take a hard look at this bloated military budget.

That is my view, but let me mention what the Cato Institute has to say—not Bernie Sanders but the Cato Institute, one of the most conservative organizations in this country. Here is what the Cato Institute said on May 3, 2013. By the way, as I think most people know, my views are as far apart as possible from the Cato Institute on most issues. This is what the Cato Institute said. Some of my conservative Republican friends might want to pay attention to this quote:

"U.S. military spending is far too excessive for any legitimate defense needs even after sequestration we will still spend more [on defense], against much less severe threats, than at the peak of the Cold War. . . . The U.S. spends nearly as much on the military as the rest of the world combined; 20 percent of the U.S. federal budget is devoted to military spending, while the average— and this is an important point made by both the Cato Institute and for our NATO allies is a mere 3.6 percent. Five percent of U.S. annual GDP is allocated to the military, but for the NATO countries, Japan and China, it is well below 2 percent.

Today the amount Washington spends on the military each year is $2,300 a person on average. . . . For China it is less than $200 a person.
been engaging in what I consider to be unconstitutional activities—the widespread collection of American citizens’ data—I think we can find the ability to make some cuts in what they are doing.

I support a strong defense for our country and a robust National Guard and Reserve that can meet our domestic and foreign challenges. The National Guard provides a well-trained, disciplined, and operationally ready force for a fraction of the cost that Active-Duty soldiers require. The Reserve Forces do not require nearly the same level of overhead in terms of full-time employment and infrastructure costs. So as we move forward trying to develop how we have a cost-effective defense, I think we should put a great deal of emphasis on our National Guard and the Reserve.

Let me conclude by saying in America today our middle class is struggling. We have more people living in poverty right now than at any time in the history of our country. Real unemployment is over 13 percent; youth unemployment, 20 percent; African-American youth unemployment, close to 40 percent.

We have an infrastructure which is crumbling. We have large numbers of young people graduating from college deeply in debt. We have others who cannot even afford to go to college because of the high cost of college. In other words, this country faces monumental challenges.

One of the priorities we should be getting our priorities straight. One of the priorities we should be getting our priorities straight is that we cannot give the Department of Defense all they want. It is time to take a very hard look at that budget in a way we have not done up to this point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. COBURN. Madam President, I ask unanimous consent that the Senator from Massachusetts be recognized for 5 minutes and that I follow with my comments until I complete them.

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

The Senator from Massachusetts.

Mr. MARKAY. I thank the Senator from Oklahoma.

This final couple of days that we are going to be in session are very important because they are the days preceding the expiration of the wind energy tax break. It expires on December 31. There are energy efficiency tax breaks that expire on December 31. These breaks benefit those industries that are rapidly growing.

But let’s take note here. If you are the oil industry or other older fossil fuel industries, your tax breaks are not expiring on December 31. For the wind industry, for the renewable energy industry, for the industries trying to compete, those breaks every year and try to get those tax breaks renewed. Each year as we reach this December 31 date, we talk about a Congress adjourning without completing it, sending total corporate unpredictability out into the marketplace, knowing that we need to have a robust, competitive marketplace.

Honesty, Adam Smith is spinning in his grave tonight. Senator adjourn without continuing the tax breaks for wind, as the tax breaks for all of its competitive industries continue on year after year. They are permanent tax breaks. Actually, Adam Smith is spinning in his grave so rapidly that he would qualify for a permanent tax break, because he would be generating so much energy, wondering how can you have such inconsistency?

How can you have one source of energy have to come in almost like a mendicant each year begging, and then having the year expire, after having added 13,000 megawatts of new electricity to the grid last year, knowing that the nuclear industry only added 100,000 in 60 years?

Here we are again. Those tax breaks are going to expire. We are going to leave here. We could not get unanimous consent in order to take them up here today to extend these tax breaks.

Once again, the energy sources of the future, the innovative new energy sources, pay the price. They are not allowed to be given permanent status or, as we leave here, any status at all as of the end of this year.

Young people in our country, the green energy generation, looked and they asked: Well, why can’t we have our era’s energy technologies given permanent tax breaks or at least year to year before you go home? Why can’t you have that kind of a debate out there? Why is there a debate at all, to be honest with you, given the fact that there is $7 billion a year that is going to be given to the oil industry, a permanent tax break?

We are not looking for that for wind. We are looking at much smaller amounts of tax benefits. So from my perspective, I look at the warming of the planet, I look at jobs and others who are targeting wind sources. I was in China in 2009. We rode by a wind factory with wind turbines, hundreds of them. They were all, in a lot of ways, pointing right at the American economy, in the same way that those Cuban missiles were pointing at our country in 1962—pointing right at us, a threat to us. But in the 21st century, it is a threat to our economy because we are not investing in these new technologies in the way we continue to invest in the old.

The least it could be and should be is a level playing field. Let’s see who wins. Let’s let capitalism work. Let’s have this type of competition, this paranoia-inducing capitalism that allows for winners to be selected based upon the same kind of tax breaks for everyone. If that is the case, I think everyone would be happy. But that is not the way it is going to be this year. That is not the way it is most years.

Permanent tax breaks for the older technologies, and the kind of halting, questioning, capitalism-killing, corporate-questioning tax breaks for the nascent but growing and vibrant new technologies that the Chinese and the Germans and the Danes and others see as their job-creating sectors in their economy.

Let me thank the Senator from Oklahoma for this opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, to comment on my colleague from Massachusetts, he is correct that the tax credits for wind energy are expiring, but he is incorrect in his ascertain-ment that all tax credits are the same. The tax credits in the oil and gas industry are deferred tax payments, and the $7 billion they collect this year, in terms of deferred payments, in terms of intangible drilling costs, will, in fact, buy up for those payments from 10 years ago. So the net-net is zero, whereas the wind industry has a tax credit which the American consumer subsidizes to the tune of a significant amount, the value of the electricity that we get there. So it is very unfair for us to put the wind energy tax credit the same as we have in the oil and gas industry. I would happily support it, where it was a delayed capture of later revenues flowing back to the Treasury. But that is not what we want. We want a refundable tax credit directly to wind energy. It is not the same. The apples are not the same.

I came to the floor this evening regretfully having to come and make this statement I am making. In the last month we have seen a lot of things happen in the Senate, which have led to other things happening in the Senate. I do not think anybody is happy about it. But today, the leader is taking the unprecedented step—I say that underlining the word unprecedented—of having the Senate vote on a nominee who is currently under active investigation.

I have no premonitions or knowledge about the specific facts of that investigation. But what I do know, in checking with the Senate historian, the Senate library, and from the history of the Senate, is that it has never been done before. It has never been done. So my question is coming to No. 1. Do we want to defend my position and what should be the position of the Senate, and to make the case to my colleagues that we are doing a disservice both to this nominee and to the position he will fill. By all letters of recommendation, Alejandro Mayorkas is an honorable man. President Obama is nominating him to be Deputy Secretary at the Department of Homeland Security. Under the new Senate rules, the minority has essentially no right to stop the major- ity. Let the minority, who possibly, just possibly, may be unfit for office on the basis of this investigation. Nobody is saying he is.
They are not saying no. They are saying wait. This is, in fact, the very act the Republicans were afraid of when Leader Reid facilitated the change in the Senate rules by breaking the Senate rules.

The Senate is going to cast this vote without knowledge, full knowledge, of advice and consent on his fitness for his position. We can do nothing to stop that. We realize that.

The precedent we are talking about is historic, holding this vote in light of an active investigation into serious allegations of misconduct by any nominee appears to be virtually without any precedent in this body. We searched extensively for any precedent, for the decision to hold a vote on this nomination.

The Congressional Research Service studied this. It has never happened before. Never. In fact, they discovered the opposite. The Senate has established a history and followed a practice that should have been transparent. This is a progression of the precedent of any nominee under investigation. Here are some examples they found.

In January of 2005, President George Bush nominated Tomlinson, the Chairman of the Broadcasting Board of Governors. An active inspector general’s investigation into allegations of unethical behavior by Mr. Tomlinson led the Senate panel to delay action on the nomination for over 18 months. He was never confirmed.

Later that same year, President Bush nominated Roland Arnall to the post of U.S. Ambassador to The Netherlands. At the time Mr. Arnall’s firm was being investigated by regulators in 30 States for predatory lending. Then-Foreign Relations Committee chairman Republican Senator Richard Lugar consented to a request by Democrats that October to delay voting on the nominee because of the investigations. The Senate and Protestant spoke out in favor of the delay, as did Senator Paul Sarbanes, who cited longstanding precedent for delaying a vote until the nominee was “clear.” Mr. Arnall was eventually voted out of committee, after Republicans concluded the investigation did not target the nominee personally, but he was not confirmed by the full Senate until the following February, 7 months after he was nominated, when his company agreed to end workplace violence policies as subordinate agencies had alleged.

All of this advises us strongly to delay a vote on Mr. Mayorkas until the OIG investigation into his alleged actions is complete. I would suggest that we should learn from history and not move forward with this nomination. If it was true for the Senate then, and if we could use precedent as stakeholders here, I believe it was true for Senator Obama, if it was true for their colleagues and many Senators who maintain this precedent until today, it should be true for us now.

Last week, when Mr. Mayorkas was considered by the Senate Homeland Security and Governmental Affairs Committee, my chairman justified moving forward with the nomination by asserting that the DHS OIG had not identified any criminal wrongdoing by Mr. Mayorkas. At present, it is only considering allegations of conflicts of interest, misuse of position, mismanagement, and appearance of impropriety. In none of those situations I identified were the nominees under criminal investigation. Yet the Senate delayed its vote until each investigation was finished. Since the DHS OIG has not completed its investigation, we do not know if there will ultimately be any criminal findings. I doubt that there will.

We do know, based on the precedent that I cited, an investigation into any potential wrongdoing, whether criminal or not, is enough for the Senate to delay a vote on an important nominee, or at least it used to be.

Of course, the Senate recently changed. The majority leader exercised the so-called nuclear option, changing the rules by breaking the rules, granting my colleagues the new power to push administration nominees through the confirmation process with a simple majority.

The leader is attempting to use this new power to push through scores of nominees in the last few days of this session. But scrutiny and judgment should not be diminished in a partisan rush to get one’s way. Forget the rest of the nominees; this is one where an open investigation is currently underway. With this nominee before us, Mr. Mayorkas might do well to wait for all the facts.

As we all know, the DHS OIG is also currently under investigation. This office is reviewing the leader who recently resigned. They are reviewing allegations of conflict of interest, misuse of position, mismanagement of EB-5 investor visa program, and an appearance of impropriety. They are all serious concerns. I hope they aren’t true, but right now we don’t have all of the facts.

While I understand OIG is not currently aware of any criminal activity, since the investigation is still open and several interviews remain, that could possibly change.

As I understand, however, the OIG plans to complete its investigation and release its findings in a few short months. Until then, we won’t know what is only an allegation and what will be proven by evidence and facts.

Most concerning to me is the fact that the White House failed to alert me or the committee chairman to the fact that Mr. Mayorkas was under investigation, which they had an obligation to do. In fact, the letter from White House counsel conveniently doesn’t confirm that. If President was aware Mr. Mayorkas was even under investigation. It is unclear to me why Chairman CARPER wasn’t troubled by the White House being less than honest with him about a nominee he was expected to fast track for nomination.

I have spoken to a number of whistleblowers within DHS who have concerns about Mr. Mayorkas’ fitness for position. These whistleblowers have made serious allegations about how Mr. Mayorkas has overseen and influenced the EB-5 program. They are only allegations, but they do raise questions. They raise questions about his allegiance to DHS’s core mission to prevent terrorism and enhance security.

A number of the allegations extend well beyond the EB-5 program and raise concerns about the fitness for the No. 2 position in DHS. They include the following: attempts by Mr. Mayorkas to obstruct the investigations by Congress; allegations of preventing program integrity measures requested by the Federal Bureau of Investigation; intimidation of employees who questioned agency policies; susceptibility to political influence; failing to properly enforce program integrity mechanisms, resulting in potential threats to national security.

Whistleblowers who spoke to the Wall Street Journal said that Mr. Mayorkas fast-tracked approvals of certain EB-5 applications over objections regarding the suspicious source of capital for the Las Vegas which, in fact, was noted in a recent article by the Washington Times.

I ask unanimous consent to have printed in the RECORD the article by the Wall Street Journal.

There being no objection, the material was ordered to be printed in the RECORD as follows:
VEGAS RULES: HARRY REID PUSHED FEDS TO CHANGE RULING FOR CASINO’S BIG-MONEY FOREIGNERS

(By John Solomon and David Sherfinski)

The Obama administration overruled career Homeland Security officials and expedited visa applications for about two dozen foreign investors for a politically connected Las Vegas casino hotel after repeated pressure from Senate Majority Leader Harry Reid and his staff, according to internal government documents obtained by The Washington Times.

The emails, obtained by The Times from government officials concerned that the EB-5 investor visa program has become too politicized, detail how the SLS Las Vegas project was fast-tracked by phone shouting matches, turning a normally bureaucratic review process inside the Homeland Security Department into a politically charged drama that worried career officials.

“This one is going to be a major headache for all of us because Sen. Reid’s office/staff is just so dead-set on getting a call back from Homeland Security, including on the phone,” one official wrote. “This is not a normal process. It is an expedited visa process that is processed by phone and the phone call is to push a file to the front of the queue. This is a program that is being administered carefully with the appropriate in-house expertise.”

“I strongly encourage you to consider this request and the impact the project will have on Nevada’s economy.” Reid wrote, under the assumption that the petitions were still being processed. “I assure you that helping to advance Nevada’s economy would be strongly supported by this project.”

A aide to Reid, wrote a letter on the matter to USCIS California Service Center on December 19, 2012.

“I strongly encourage you to consider this request and the impact the project will have on Nevada’s economy.” Reid wrote, under the assumption that the petitions were still being processed. “I assure you that helping to advance Nevada’s economy would be strongly supported by this project.”

But that simply prompted Mr. Reid to personally call the top official at USCIS, Alejandro “Ali” Mayorkas, setting into motion a process that consumed top political officials inside the Homeland Security and Commerce departments and ultimately resulted in a ruling that granted expedited status to the hotel over the objections of career officials.

“The phone call with Sen. Reid on these I-526 cases on Tuesday of this week,” Mr. Rodriguez wrote top officials on Jan. 11, “was not a guaranteed phone call. We have no guarantees on the call. Ali did promise to write a letter to USCIS on the project but the USCIS would take a ‘fresh look’ at the expedited request.”

Government officials did a lot more than give the hotel a green light coming from Mr. Reid’s office the names of people involved with the hotel project that could help the federal agency change its mind on the expedited visa process. Mr. Reid’s staff said they changed the way the request was submitted. They placed the request in a call log, raising the priority of the petition to the top of the list of people requiring action from USCIS. The request was then spotted by the officials reviewing the project, which resulted in a decision to expedite the petition.

“While no guarantees were made on the call, the call certainly does not end with the promised letter,” Reid’s aide to Mr. Reid, wrote Homeland Security officials at one point in the emails.

The hotel needed the foreign investors’ visas to be approved so that their money could be brought into the country and paired with the $200 million in financing the company needed to redevelop the site. The hotel was a shell of a building. The developer, Lotus Development Company, was looking for at least $375 million to get the project completed.

Within a few short weeks of Mr. Reid’s personal involvement, the decision not to expedite the visas was reversed, allowing the hotel to secure major funding from JP Morgan Chase.

“Applications approved for expedited processing move to the front of the processing queue but otherwise go through the same robust eligibility and security review utilized for all EB-5 decisions,” the spokesman said.

A spokeswoman for Mr. Reid said the senator “has supported and will support the SLS Las Vegas project.”

“Sen. Reid believes it is his job to do all he can to promote economic growth and development in the state, and he makes no apologies for helping to Nevada,” spokesman Kristen Orthman said.

Hotel officials did not respond to a request for comment.

The emergence of the documents comes at a sensitive time for the Obama administration and Mr. Mayorkas, whose nomination to be secretary of DHS is being considered Wednesday by the Senate.

Mr. Mayorkas and his agency are already under investigation for visa application decisions made in ways that appear to benefit certain business clients. Immigration and Customs Enforcement, the border patrol and other agencies of the Department of Homeland Security, which together are the largest in government, are managing a backlog of more than 1 million applications.

The emails referencing Mr. Reid’s interventions were obtained through a Freedom of Information Act suit filed by the Center for Public Integrity. The project was apparently struggling to secure that last bit of funding. Adam Horowitz of Lever Capital Partners wrote to the director of the U.S. Citizenship and Immigration Services—proof that they’re employing careful policy decisions involving EB-5 visas. The emails were part of a larger FOIA request by the Center for Public Integrity discuss the goal of the EB-5 program is to “stimulate the U.S. economy through job creation and capital investment by foreign investors.”

Almost all foreign investments in the EB-5 program are channeled through special Regional Centers approved by the Department of Homeland Security. By providing a way for foreign investors to become green card eligible in return for a minimum $500,000 investment in an American business, the EB-5 program is a critically important revenue stream for states and localities, particularly in the Northeast.

The project was ultimately approved, but USCIS said in a statement that it was a sensitive time for the Obama administration and Mr. Mayorkas, whose nomination to be secretary of DHS is being considered Wednesday by the Senate.

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“Sen. Reid believes it is his job to do all he can to promote economic growth and development in the state, and he makes no apologies for helping to Nevada,” spokesman Kristen Orthman said.

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They have also heard Members of this Senate dismiss their serious allegations. For example, the Senator from Delaware referred to the whistleblower allegations as rumor and innuendo. If you were an official who had come forward with serious concerns about inappropriate or criminal activity, would you feel comfortable speaking with somebody who has already dismissed your allegations as rumor and innuendo?

So we will leave it to the inspector general to consider whistleblower allegations and all of the evidence to determine whether any inappropriate or criminal activity took place. Again, we will know that judgment in a short 2 months.

However, we do have other information that raises serious concerns about this nomination. The committee’s business meeting last week to consider Mr. Mayorkas is a perfect example of why the Senate should wait for the OIG’s investigation to be completed. At that meeting the chairman gave a lengthy opening statement that made a number of concerning and inaccurate statements which served to denigrate the 650 employees at the Office of Inspector General for Homeland Security.

The office deserves some criticism, that is for sure, as our Subcommittee on Financial and Contracting Oversight has determined. Rather than rely on their insights, he came up with some of his own. There are actual misstatements of fact, and they only serve to further obscure a complicated and difficult situation.

For example, the chairman claimed that 3 days before the confirmation hearing on July 25, information about the OIG investigation was leaked to Congress and the media in a highly irregular manner. As he knows, and his own committee record should indicate, the existence of the investigation was not leaked to Congress in a highly irregular manner, it was emailed to his staff, as well as mine, as an official communication by the DHS OIG congressional liaison office. If there was anything irregular about the situation, it was that the White House had not already confirmed there was an investigation ongoing. We had a right to that information, and it had been improperly kept from us.

In the face of the White House’s inappropriate omission, the OIG chose to inform itself, but I am sure it was a hard choice, but I believe it was the right one. If they had not done so, we would not have known of the investigation of the sort which the Senate, in normal times, would have given great weight to and not moved forward on.

As DHS often tells us: If you see something, say something.

The chairman also repeatedly faulted the OIG for refraining from interviewing Mr. Mayorkas until the end of its investigation. This appears to be a criticism borne from a lack of experience and knowledge of the investigative process.

Quoting: To my amazement, Director Mayorkas has never been contacted by this EB-5 investigation.

Later he said:

I cannot understand why they [OIG] have not talked to Mr. Mayorkas.

It is completely improper to investigate the central figure in an investigation closer to the end of an investigation after evidence has been reviewed and collected. There are many reasons for this practice. One is that you do not know what to ask the subject until you have gathered all the information you can about his or her alleged misconduct. Another is that it minimizes the impact of the investigation on the subject, which can be an understandable concern when investigating a busy top official such as our present nominee. Early meetings can result in having to hold several interviews with the same official, asking questions about topics or allegations which could eventually be dismissed without their testimony by not identifying exculpatory evidence beforehand.

While the scheduling for this interview was upsetting to the chairman, it should not be to Mr. Mayorkas. He is a seasoned prosecutor and familiar with the process of investigations, and he knows what to expect.

The chairman also claimed at the committee vote that the OIG has repeatedly given him deadlines and had missed them. The chairman inferred that he could not trust their word on when this investigation could be completed.

Specifically he said: “I was... informed that the investigation was likely to conclude in October. Later he added: ‘We have no guarantee this investigation will simply not drag on and on... it has already slipped several times.”

I urge him to correct the RECORD or his staff to consider such investigative resources. It is common practice to investigate and weaken the public confidence that is counting on the Department to help protect them."

The truth is it is uncommon for investigations of senior officials to last a year or longer and is not a matter which should be rushed by anyone, certainly not the chairman of the authorizing committee.

This is the kind of rhetoric which concerns me in some quarters that the chairman and others are applying inappropriate pressure on an agency’s internal processes and deliberations. Political pressure is simply not helpful to anyone. In fact, it can actually hinder the investigation and weaken public acceptance for the findings, particularly if they exonerate Mr. Mayorkas. People may allege, as they have already, that the Office of Inspector General waters down and weakens its findings in response to political pressures such as this.

If the OIG investigation results in a clean bill of health for Mr. Mayorkas, how many Americans, how many DHS employees, will wonder if the chairman’s repeated disparaging remarks were indicative of a political pressure applied which improperly swayed the results? No one is served by his comments. What is more, they are not a reflection of the shared concern he voiced with me in our joint correspondence to the inspector general. I simply do not understand why he would intervene in such a vocal, public way, which could cast doubt and suspicion on the results of the investigation.

The other thing about this vote is it is unfair to Mr. Mayorkas. I have
talked a lot about process and the need to know the findings of the DHS OIG report before we vote on Mr. Mayorkas. But no one seems to understand just how unfair this vote is to the nominee. By pushing his nomination through both the committees and the full Senate, Senate Republicans and Democrats have denied Mr. Mayorkas a chance to win bipartisan support.

I have only voted against one nominee who has come through our committee—Mr. ASIC on Oct. 20. I would like to be able to vote for Mr. Mayorkas if, in fact, OIG shows him a clean bill. The reason it is sad that he can’t win bipartisan support is that under the new Senate rules it is possible for my colleagues to confirm him without a single Republican vote. When they do that, they will be delivering to the Department a nominee who arrives with only his party’s support, and he will be trounced by a cloud of doubt and discontent.

The allegations against Mr. Mayorkas relate mainly to his management of the EB–5 immigrant visa program in his role as Director of the U.S. Citizenship and Immigration Services. As I understand it, the investigation into Mr. Mayorkas began in an unconventional way by one person speaking out after their heavily documented concerns were dismissed. To me, this only adds validity to the allegations.

In the course of its investigation, the DHS OIG discovered other allegations of impropriety, including conflicts of interest, misuse of position, mismanagement, and the appearance of impropriety. Those allegations could speak to a candidate’s fitness for public service, especially if he is not fully cleared to help lead the Department of Homeland Security. It is wholly unreasonable to ask Senators to endorse the nominee’s fitness for service until those questions are answered.

In discounting the investigation, some people have cited the problems plaguing leadership in the DHS OIG office, the inspector general in particular. In fact, the Financial and Contracting Oversight Subcommittee of the Committee on Homeland Security and Governmental Affairs is currently conducting and will release soon their bipartisan investigation into a number of allegations.

While I agree those allegations surround other leadership, the problems of one person do not invalidate the work done by an office of over 650 people. OIG work in every agency should be taken seriously.

In January of this year, Senator CARPER joined me and members of the Homeland Security and Governmental Affairs Committee in sending a letter to President Obama urging him to fill the vacant inspector general positions at a number of key agencies, including DHS. In that letter, we said, “Inspectors General are an essential component of government oversight.” We do a disservice to that statement when we preclude the opportunity to, at a minimum, review the work done by the DHS OIG, draw our own conclusions, and then vote accordingly without all the facts before us.

Even more concerning, by denigrating the open DHS OIG investigation, the Senate is sending a message to other OIGs that their investigations don’t matter. Obviously, that is incredibly significant given our dependence on these watchdogs to oversee the huge government agencies and bureaucracies created by this body. We must respect and work to support inspectors general. In my opinion, the damage being done to the DHS OIG and the respect of IGs throughout the government by holding this vote is far worse than any damage done by the office’s current leadership.

The results of this investigation are not the only unknown regarding Mr. Mayorkas’s service as Director of U.S. Citizenship and Immigration Services. Despite a number of concerns regarding national security and criminal vulnerabilities in the EB–5 program, we know the program expanded drastically under the nominee’s hand and we have not yet seen evidence that he pursued significant regulatory changes to address the weaknesses that were known.

Two months ago I personally asked DHS and other agencies for an answer on how the administration is dealing with the concerns, and I have received no response as of yet. These include an October 18 letter in which I requested information from Acting Secretary Rand Beers on EB–5 national security concerns identified by the agency itself in a draft report. I received no response.

The same day, I also asked Acting ICE Director John Sandweg for the same information. I received no response.

I also requested information from National Security Adviser Susan Rice regarding known national security concerns created by the EB–5 program. To date, I have received no response.

Just last month, on November 1, Senator GRASSLEY and I requested information from Acting Secretary Beers on how the agency is addressing the known national security concerns with EB–5. Again, silence. No response.

I ask unanimous consent to have printed in the RECORD these letters requesting information.

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

WASHINGTON, DC. October 18, 2013.

Acting Secretary RAND BEERS,
U.S. Department of Homeland Security,
Washington, DC.

DEAR ACTING SECRETARY BEERS: I write to request certain information related to the EB–5 “investor visa” program operated by the Department of Homeland Security’s U.S. Citizenship and Immigration Services (USCIS).

It has recently come to my attention that the Secretary’s office may have concerns regarding the EB–5 program, which it communicates to USCIS, Immigration and Customs Enforcement (ICE) and Homeland Security Investigations (HSI) several months ago by allegedly issuing a tasking titled “Request for Information Implications of ICE Case Against Procurement Agent.” I understand the tasking requested ICE identify any gaps in procedure and information in the EB–5 program and recommend mitigating steps. In response, ICE allegedly counted several vulnerabilities, all relating to criminal and/or national security threats.

I would like to learn more about any program vulnerabilities identified by the ICE assessment.

Please provide my office with the following documents and information:

1. A copy of the tasking referenced above;
2. A copy of the ICE/HSI response referenced above;
3. An explanation of what issues and concerns led to the issuance of the tasking;
4. An explanation of how the ICE/HSI response was received, including the date of receipt, whether a briefing occurred, and if any follow up information was requested; and
5. An explanation of what issues and concerns led to the tasking.

I request your response by October 31, 2013. Should you have any questions, please contact Keith Ashdown on my committee staff.

Thank you for your consideration and assistance.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

WASHINGTON, DC. October 18, 2013.

Acting Director JOHN SANDWEG,
U.S. Immigration and Customs Enforcement,
Washington, DC.

DEAR DIRECTOR SANDWEG: I write to request certain information related to the EB–5 investor visa’ program operated by the Department of Homeland Security’s U.S. Citizenship and Immigration Services (USCIS).

It has recently come to my attention that the Secretary’s office may have concerns regarding the EB–5 program, which it communicates to USCIS, Immigration and Customs Enforcement (ICE) and Homeland Security Investigations (HSI) several months ago by allegedly issuing a tasking titled “Request for Information Implications of ICE Case Against Procurement Agent.” I understand the tasking requested ICE identify any gaps in procedure and information in the EB–5 program and recommend mitigating steps. In response, ICE allegedly counted several vulnerabilities, all relating to criminal and/or national security threats.

I would like to learn more about any program vulnerabilities identified by the ICE assessment.

Please provide my office with the following documents and information:

1. A copy of ICE/HSI’s response to the tasking; and
2. A copy of any other reviews or requests for information that ICE or HSI conducted of the EB–5 program after this tasking.

In addition, I ask that you arrange for the appropriate officials at ICE or HSI to provide a briefing to my staff about the ICE/HSI review of the EB–5 program.

I appreciate your urgent attention to this matter. I request your response by October 31, 2013. Should you have any questions, please contact Keith Ashdown on my committee staff.

Thank you in advance for your consideration.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.
Hon. SUSAN RICE, 
National Security Advisor, The White House, 
Washington, DC.

Dear Ms. Rice: I am writing to request your assistance in understanding potential criminal and national security weaknesses in the EB-5 “investor visa” program operated by U.S. Citizenship and Immigration Services.

My office obtained a copy of a document entitled, “Forensic Assessment of Financial Flows Relating to EB-5 Regional Centers,” which appears to have been prepared at the request of National Security Staff (NSS). This document, marked draft, focuses on financial flows related with the program. It references an additional review: “Vulnerabilities relating to possible infiltration by terrorist groups or foreign operatives and are also being addressed separately by the interagency.”

I am writing to request information about these assessments and any actions taken in response to their findings.

Please provide my office with the following documents and information:

A briefing from the appropriate officials on the National Security Council staff who can speak to the process of these interagency assessments, their findings, and any actions that have been taken to address any vulnerabilities;

Any direction provided to DHS or USCIS to address potential vulnerabilities identified in these assessments;

A copy of the final forensic assessment;

A copy of any document or memorandum summarizing the findings of the NSS or interagency relating to possible infiltration or foreign operatives; and

A summary of any steps the National Security Council has taken to inform Congress of these interagency reviews.

I appreciate your urgent attention to this matter and look forward to your response by October 31, 2013. Should you have any questions, please contact Keith Ashdown on my committee staff.

Thank you for your consideration and assistance.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator

Washington, DC, November 1, 2013.

HON. RAND BEERNS,
Acting Secretary, Department of Homeland Security, Washington, DC.

DEAR ACTING SECRETARY BEERNS: We write today to request records from the EB-5 immigrant investor program operated by U.S. Citizenship and Immigration Services (USCIS). We have significant concerns about the fraud and national security vulnerabilities of this program. Further information is critical to Congress’s understanding of the program, especially at a time when permanent reauthorization of the program is under consideration by Congress.

It is our understanding that the Department’s Office of Intelligence and Analysis has conducted a review of security issues related to the program within the last year or two. Therefore, we respectfully request the following:

1) Please make a copy of the Office of Intelligence and Analysis review available to us and our staff to review. A classified setting is available through Senate Security, if necessary.

Additionally, please provide the following information:

2) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved for individuals who had a (b)(10) designation in the Treasury Enforcement Communications System (TECS), or had immediate family members with such a designation, at the time of the approval. Please describe in detail the reason for the (b)(10) designation.

3) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved for individuals who have ever had a (b)(10) designation in TECS, or had immediate family members with such a designation, but did not at the time of approval. For each instance, please describe in detail the reason for the (b)(10) designation.

4) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved for individuals who had a NIC/T designation in TECS, or had immediate family members with such a designation, at the time of the approval. For each instance, please describe in detail the reason for the NIC/T designation.

5) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved for individuals who had a CIQ designation in TECS, or had immediate family members with such a designation, but did not at the time of approval. For each instance, please describe in detail the reason for the CIQ designation.

6) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved for individuals who have ever had a CIQ designation in TECS, or had immediate family members with such a designation, but did not at the time of approval. For each instance, please describe in detail the reason for the CIQ designation.

7) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved for individuals who have ever had a CIQ designation in TECS, or had immediate family members with such a designation, but did not at the time of approval. For each instance, please describe in detail the reason for the CIQ designation.

8) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved for individuals who have ever had a NIC/T designation in TECS, or had immediate family members with such a designation, but did not at the time of approval. For each instance, please describe in detail the reason for the NIC/T designation.

9) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved despite derogatory Financial Crimes Enforcement Network (FinCEN) data involving the applicant or any immediate family members. For each instance, please describe in detail the derogatory FinCEN data.

10) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved despite derogatory Financial Crimes Enforcement Network (FinCEN) data involving the applicant or any immediate family members. For each instance, please describe in detail the derogatory FinCEN data.

11) In an unclassified manner, please provide the number of immigrant investor petitions USCIS has approved after another agency expressed concern about the investor or any immediate family members involving fraud or national security issues, but the other agency was unwilling to disclose or declassify information such that the petition could be denied. For each instance, please describe in detail the concerns as expressed to USCIS.

12) What guidance does USCIS follow with regard to using classified information in immigration proceedings or adjudications? Please provide a copy of any training, memos, or other written guidance on this issue.

13) In an unclassified manner, please provide the number of regional center applications USCIS has approved despite the presence of derogatory information on the applicant or associated parties from TECS, FinCEN, CFIUS, or any other source. For each instance, please describe in detail the concerns as expressed to USCIS.

14) Without regard to pending legislation, what authority does USCIS currently have to terminate regional center applications or terminate their status based on fraud or national security concerns?

15) What regulations has USCIS developed or proposed with regard to derogatory national center applications or terminating their status based on fraud or national security concerns? Please provide a copy of any such regulations.

16) Without regard to pending legislation, what authority does USCIS currently have to deny immigrant investor petitions based on fraud or national security concerns?

17) What regulations has USCIS developed or proposed with regard to denying immigrant investor petitions based on fraud or national security concerns? Please provide a copy of any such regulations.

Given the seriousness of the potential security implications of any vulnerability in the EB-5 visa program, we would appreciate your urgent assistance and a response by no later than November 8th. If you have any questions regarding this letter, please contact Tristan Leavitt of Ranking Member Grassley’s staff or Keith Ashdown of Ranking Member Coburn’s staff.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate.

Mr. COBURN. Given that we are considering promoting Director Mayorkas to be second-in-command at DHS, it is appropriate that we consider how he managed this program and whether he addressed criminal and national security concerns, including the EB-5 regional center program by terrorists, spies, and other threatening actors. These weaknesses were apparently the subject of repeated examinations by the administration.

I have repeatedly pressed the administration for more information regarding the weaknesses in the EB-5 program under Director Mayorkas and what actions it has taken to remedy those weaknesses. The chairman has declined to join in this inquiry. Why is that? Why would the chairman decline to join in finding out the truth? I have not received documents or any of the information I have requested.

At the same time, there is no public record of steps Director Mayorkas has taken to address EB-5 concerns. For example, to date, USCIS has failed to promulgate any regulations shutting down regional centers being exploited by criminals or terrorists. This raises serious concerns with me.

When Congress created the EB-5 program in 1990, the goal was to stimulate
the U.S. economy through job creation and capital investment by foreign investors. To that end, the original program—called the basic immigrant investor program—required immigrant investors to invest $1 million in a commercial enterprise that would create or preserve at least 10 jobs. The investor was initially granted conditional permanent residency, but after 2 years and proving the creation of 10 jobs, they were eligible to become a permanent resident.

In 1992 Congress authorized a second EB-5 pilot program allowing immigrants to pool investments through DHS-approved regional centers. In seeking approval from DHS, the regional center submits a proposal to DHS detailing how it plans to promote economic growth in that region. By investing in a regional center, immigrant investors can take advantage of relaxations to reside in our country. Yet, the draft report noted the high risk associated with the investment.

Draft report noted the high risk that EB-5 program participants may attempt to use the program as a tool or a channel for money laundering, tax evasion, or other illicit financial activity. This type of activity was aided by the fact that known criminals are not statutorily prohibited from owning, managing, or recruiting regional centers. We just saw that.

This national security staff draft review also references another interagency review looking at the national security threats associated with the EB-5 program, stating that the vulnerabilities relating to possible infiltration by terrorist groups or foreign operatives are also before the NSS and are being addressed by the interagency task force.

Understanding we have only seen a draft of the national security staff's forensic audit and have not seen information about the interagency review of possible infiltration by terrorist groups or foreign operatives, I wrote to Susan Rice, the National Security Adviser, on October 18 requesting that information. She has not addressed any concerns. She has not answered our letter.

The Department of Homeland Security also conducted its own internal assessment of the EB-5 regional center program—called the basic immigrant investor program—required immigrant investors. To that end, the original program is vulnerable to inappropriate responses, giving the appearance the program was vulnerable to inappropriate influence.

This is all under the guise of a nomination we will vote on late tonight.

Since the program is so poorly run by USCIS, the draft DHS OIG determined USCIS is limited in its ability to prevent fraud or national security threats that could harm the United States, nor could USCIS see where the EB-5 program was improving the U.S. economy and creating jobs for U.S. citizens, as intended by Congress. This draft report also outlines a number of recommended actions for the Director.

Last week Senator CARPER asserted it was Congress’s fault that the EB-5 program was susceptible to fraud and national security threats because it hadn’t provided the proper statutory authority and that new statutory authority which was included in S. 744, the immigration bill, have not solved the problem. But the draft DHS OIG report makes clear that under its existing authority, the agency has the ability to issue regulations to deny and even terminate regional centers identified as fraudulent as national security risks but has failed to do so.

They also recommended that the Director provide USCIS with the authority to deny and terminate EB-5 regional center participants at any phase of the EB-5 process. They also recommended that foreign operatives are identified; that they should make explicit that fraud and national security concerns can constitute a cause for revocation; that he should give USCIS the authority to verify that foreign funds were invested in companies that create U.S. jobs and to ensure requirements for the EB-5 regional center program are applied consistently to all participants. None of these recommendations request any additional congressional authority; therefore, it is at least arguable that the action could have been taken by Director Mayorkas to prevent national security vulnerabilities in the EB-5 program. That hasn’t happened.

The draft report also recommends that other corrective action should be taken by Director Mayorkas as well. Since USCIS failed to properly apply its existing EB-5 policies and procedures, the draft DHS OIG report recommended developing a memorandum of understanding with the Departments of Commerce, Labor, and the SEC “to provide expertise and involvement in the adjudication of applications and petitions for the EB-5 regional center program.”

A third recommendation in the draft report related to the failure of the agency to maintain any metric as to whether the program was actually achieving its intended purpose. The draft report recommended that Director Mayorkas should “conduct comprehensive reviews to determine how EB-5 funds have actually stimulated growth in the U.S. economy in accordance
Finally, the draft report directs Mr. Mayorkas to "ensure quality assurance steps to promote program integrity and ensure that Regional Centers comply with the Code of Federal Regulations." The implication there is that they don’t.

All of these recommendations raise serious concerns about the way Director Mayorkas was overseeing the 5 program and, in turn, should be considered as a qualifying factor to determining his fitness to be second in command in charge at the Department of Homeland Security.

To summarize, we know the national security staff and the Department of Homeland Security conducted reviews of the investor visa programs Mr. Mayorkas has been overseeing since 2009. These reviews found that the programs were a danger to national security—including the threat of exploitation by spies, criminals, and other national security threats. I and others have asked for more information about the potential national security vulnerabilities in the EB-5 regional center program, and we have received no answers.

What we do know is that Director Mayorkas dramatically expanded a program that the administration and even DHS itself apparently believes to be a threat to national security. And according to a draft report by the inspector general, he did not take all of the actions which he should have taken and which were at his disposal to fix these vulnerabilities and to make sure this visa program wasn’t bringing spies, terrorists, or other terror threats into the country.

Finally, I would say this vote is not fair to the Department of Homeland Security. DHS is the agency we trust to secure our borders, make our skies safe, and to help our Nation protect us from terrorism. We know the Department has faced many challenges and has struggled to execute responsibilities over the past 10 years since its inception. And DHS has some of the lowest morale in the government.

This week the Senate voted with strong bipartisan support to approve Jeh Johnson’s nomination to be Secretary of the DHS. I was proud to support his nomination. He is the kind of leader DHS needs to help it address its many challenges and to fully realize its mission of making our Nation safe. He needs a strong second-in-command in whom he and all employees can have full confidence.

It is this body’s job to vet those leaders and ensure they are beyond reproach. With the cloud of this investigation and with many of our unswerved questions about Director Mayorkas’s tenure as the Director of USCIS, we do not have full confidence that he should be in second command at DHS.

By voting on him now, this body is sending the wrong message to all DHS employees. Right now, we cannot—let me repeat—we cannot determine whether Mr. Mayorkas is fit or unfit for this important position.

Finally, I would say this vote is not fair to the American people in context of the high importance of the position. I mentioned once before but a lot of people have not recognized, and this has come from the leaders on the Democrat side, including the President of the United States; that is, the ultimate goal of ObamaCare would be a single-payer system. A single-payer system is socialized medicine.

It is kind of interesting. I remember watching the HealthCare.gov website back in the early 1990s, and we asked the question, if it doesn’t work in Denmark, it doesn’t work in Canada, it doesn’t work in the U.K., why would it work here? They never said it, but they were the ones who were running it, it would work here. So that is the ultimate goal.

I will share a personal experience, and then I will yield to the rest of the Members who wish to talk about their States.

I had a personal experience 2 months ago. I went in for a colonoscopy, just a routine thing. After checking me and going through, they said: I have good news and bad news.

I said: All right. What is it?

The good news is your colon is fine. The bad news is you are about to die because you have 100 percent obstruction in two valves, 90 percent in two arteries and 75 percent in the other arteries.

So I had as an emergency four bypasses at that moment.

I say that because if I had been in the U.K., at my age there would be a mandatory 6-month waiting period and I wouldn’t be standing here today. If I had been in Canada, it is like 2 years. And I have heard our good friends, the doctors who are Members of the Senate, such as Senator BARRASSO, talking about what is happening in these other countries.

A few minutes ago I was visiting with Jackie Davidson, who is scheduled for open heart surgery on Monday. I was talking about, quite frankly, how it was much easier than I thought it was going to be, and the same thing happened with my wife.

But the point is that if you are in these countries, at a certain age it doesn’t work. You are denied the opportunity to have surgery. So that needs to be in the back of our minds as we talk about the current problems we are having with ObamaCare and what the ultimate goal is.

Lastly, I will say I have been contacted by two of my good friends who are members of Parliament in the U.K., with this question: Why is it you and your country are now trying to adopt something that we are trying to get away from over here in the U.K.?

So let’s keep in mind there is one big overriding problem that, if we cave in now, we will be reaching.

With that, I yield to my colleagues who wish to speak.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, a number of my colleagues have come down here, and we have done so on a number of occasions because most of us
I'm feeling very upset & stressed. This is unfair and hurting working families.

This law is hurting us, be our voice. We need your help. I guess we are the collateral damage?

Why are they trying to destroy us in the process? We are scared.

We are hearing the voice of the American people. We are hearing the voice of Wisconsinites. The Senate must hear the voice of the American people and act. The sooner the better. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, like my colleagues, and as I have done several times before, I come to the floor to share the voice of one of many Iowans who have contacted me over the stickler shock that they are experiencing under the Affordable Care Act. This time I quote a constituent from Sioux County, IA, northwest Iowa. That constituent writes:

I am a pastor in rural Iowa and early this past summer, trusting naively in the integrity of our President’s repeated promise that “if you like your health insurance you can keep it. Period[,]” I made a change in my policy, moving to a higher deductible to save the church money. Now I have been informed that because of the change, my policy is no longer grandfathered and therefore I will be forced out of it in a year and compelled to purchase a much more expensive (un)Affordable Care Act compliant policy.

I am young, male, healthy, and will not qualify for any subsidy. In effect, because of legislation Democrats supported, my government is kicking me off from health coverage that I carefully researched, chose and like a lot—and is forcing me to buy coverage that I do not need at a price I scarcely can afford. And the Government has the audacity to resort to Orwellian doublespeak and call such a draconian policy the “Affordable Care Act.”

Please convey to your Democratic colleagues that I grew up on a dairy farm and now pastor a church of farmers. I am the epitome of middle class America that they claim to champion.

This bill is unjust. It is based on lies to doctors that would not be available.

Mr. BURR. Madam President, I came to thank the Senator from Wyoming.

Mr. BARRASSO. Mr. President, I join my colleagues here on the floor to hear them tell stories that we are hearing from our constituents at home. I saw the newspaper from the State of the President, the New York Times, front-page story, “Uninsured Skeptical of Health Care Law in Poll.”

This whole law was passed to try to deal with issues of the uninsured. This article on the front page of today’s New York Times says 53 percent of the uninsured disapprove of the law. Then through some of the numbers and it looks as though for the same number of people who think they will be helped, an equal number of people who are uninsured think they will actually be hurt by this law.

Another headline, Wall Street Journal, “Errors Continue to Plague Health Site.” But the health care Web site is just the tip of the iceberg. Sure, there have been Web site failures but the thing that is hurting Americans all around the country is the higher premiums the Senator from Iowa talked about, the canceled coverage the Senator from Iowa talked about, people who cannot keep their doctor in spite of the President’s lies and identity theft, and higher copays and deductibles which we now know are actually going to be higher, after the law has been passed, specifically for the bronze policies, than they were all last year until the law came into effect.

I would like to share a letter from a woman in Carbon County, WY, who writes about the harmful effect of the health care law for her life and for her health care.

She says:

I currently have health insurance through my husband’s employer, but the reality is that the current health insurance that we are fortunate to have will soon be gone longer. This is scary to me, since I recently did some insurance shopping for my mother.

She said her mother is 63 years old and in good health. She said:

I was only able to get two quotes. The cheapest quote was for $756 a month with a $6,000 deductible.

So we see higher premiums and we see higher copays and deductibles.

The prescription deductible for that particular plan was $500, and then the copay for prescriptions was still around $35. The other quote seemed like a better plan and had better co-pay on prescriptions, but that premium was $965 a month. And that is also with a $6,000 deductible. What the heck. Who can afford these kind of premiums? That is more than most mortgage payments.

Yet the President of the United States said if you like your coverage, you can keep your coverage; if you like your doctor, you can keep your doctor.

I went on national TV, talked with Bill Clinton a few days before the Web site was opened, and he said it will be easier to use than Amazon, cheaper than your cell phone bill, and if you like your doctor, you can keep your doctor.

It is fascinating, the President was so clueless about his own law and here we are today, people suffering all around the country, and the President doing nothing about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I came to thank the Senator from Wyoming.

Mr. JOHNSON. Mr. President, like my colleagues, and as I have done several times before, I come to the floor to share the voice of one of many Iowans who have contacted me over the stickler shock that they are experiencing under the Affordable Care Act. This time I quote a constituent from Sioux County, IA, northwest Iowa. That constituent writes:

I am a pastor in rural Iowa and early this past summer, trusting naively in the integrity of our President’s repeated promise that “if you like your health insurance you can keep it. Period[,]” I made a change in my policy, moving to a higher deductible to save the church money. Now I have been informed that because of the change, my policy is no longer grandfathered and therefore I will be forced out of it in a year and compelled to purchase a much more expensive (un)Affordable Care Act compliant policy.

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Please convey to your Democratic colleagues that I grew up on a dairy farm and now pastor a church of farmers. I am the epitome of middle class America that they claim to champion.

This bill is unjust. It is based on lies to doctors that would not be available.
at CMS were saying at the time. Hospitals were going to close, doctors were not going to take patients under the new plan. More important, the premiums and deductibles were going to become unaffordable, not affordable. I am too old to read a letter from Donna Hulcher from Clemons, NC, right in the middle of the State.

We own a small automotive repair shop and have had continuous health insurance coverage, either through our company or for the past several years on the individual market. We learned that our high deductible plan with an HSA was not grandfathered into it—a lot of older people now ask me—4 months ago. Of course at that time, no pricing was available. We were paying $79.00 per month, and felt that we were protected from catastrophic sickness/injury, and we liked the flexibility the HSA provided in meeting our other expenses like dental and optical. We checked with Blue Cross once the cost for the new silver plans they are mapping us to was available, and it is going to cost $179 per month. What a shock to the system and I am not at all sure it has as much coverage. We are losing $100 and I am pretty much a deer in the headlights, not knowing where we are going to turn, afraid to go onto the ACA website and give my information because I trust its security. It is totally foreign to me to apply for government subsidies for something we have always paid for and never depended on the government to help us. We go against everything we believe in as being hard working, independent people. There are problems with health care and with costs, no doubt but this is not the answer and from what I am hearing, doctors are retiring early or not taking this new policy. I feel like I am spinning the wheels of my brain trying to find out what is the right way to go. This has pulled the rug from under our family!

We are now within 3 days of what was the cutoff. We have now extended the enrollment period to the end of March. But the insurance is required, April 1 to April 27 of 2014, to submit their pricing for 2015. I have heard the folks talk about this is only about 8 percent of the American people that this applies to in 2014. In 2015 it is all of the American people. It is big business, it is small business. You know what is going to happen when they price this product with no experience of the risk pool this year. Prices are going to go up. Deductibles are going to go up. If you think it is unaffordable this year, wait until you see what hits the 90 percent of the American people in 2015.

It is time for us to change this. It is time for us to fix it. It is time for us to get a workable health care policy in place in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. CARPER. Madam President, I had not anticipated coming to the floor tonight to talk about health care in the country, but I do do so after listening to a number of our colleagues share with us letters and messages from folks whose lives have been adversely affected apparently because of changes made in the coverage of their health care through the Affordable Care Act.

I regret any of the consequences that have been shared with us here this evening. My hope is that we will find ways over the next coming weeks and months to address the kinds of concerns that have been raised.

I just wish I heard some of that concern in past years as we prepared to take up the Affordable Care Act. As a member of the Finance Committee, I wish I heard that kinds of concerns about the tens of millions of people in this country who really don’t have any health care coverage any longer—something 40 million. For a lot of them, this health care is a chance for them to go to the emergency room of a hospital. When they are really sick, they can be admitted to the hospital and get the care they need. Without health care coverage, it is hugely expensive ultimately for the rest of us because we pay for it. Where is the outcry on behalf of those tens of millions of people?

Where was the outcry 4 years ago when we had several million people who signed up for the Medicare prescription drug program and found that when their purchases of prescription medicines reached a certain level—$3,000 or $4,000 a year—instead of Medicare paying 75 percent of the cost for their medicines beyond that in a year, Medicare paid nothing, which is known as the doughnut hole? A lot of people fell into it—a lot of older people fell into it—and they could not afford the medicines they needed to stay well or stay out of the hospital. Where was the outcry on behalf of fixing that problem?

Where was the outcry on behalf of the millions of young people who were dropped off of their parents’ health insurance plans when they aged out at 22? Where was the outcry in those cases?

We have had Republican and Democratic Presidents who have had a chance for years—for decades to do something about the fact that we spend twice as much money for health care as the rest of the world but don’t necessarily get better results and don’t necessarily cover everybody. Frankly, I didn’t hear a lot of outcry from our friends on the other side of the aisle during all those years.

As much as we feel for the people who tell us they shared with us here tonight, I wish those same sympathy and empathy had been extended to some of the people who now don’t fall into that doughnut hole when their
prescription drugs exceed a certain amount during a year.

Now we have people who are 22, 23, 24, 25 years old who don’t age off of their parents’ health care coverage. They are covered until their 26th birthday.

We have a number of people who have health care coverage. Somewhere between 5 and 10 million people will have health care coverage either because they are able to qualify under the Medicaid Program or because they will get coverage through one of our State exchanges across this Nation.

Is the Affordable Care Act perfect? No. Are there problems with it? Sure. Anything that is this big and this difficult to do, there will be problems. I think the implementation of the start-up in October and November was totally unacceptable. We are trying to work our way through it and provide the kind of access and explanation for this coverage that people deserve, and eventually we will get this right.

The outcry was also attributed to the implementation of the Affordable Care Act reminds me a lot of the outcry we heard—I want to say 2006 and 2007—when we were beginning to implement the Medicare prescription drug program. Bluntly, it didn’t work. People were confused by it. The information technology didn’t work. The headlines in the newspaper looked a lot like the headlines in October and November and even now. But a year or two later, we fixed the program with everything but the doughnut hole. And now we fixed the doughnut hole—it started about 4 years ago—through the Affordable Care Act. People don’t fall off that cliff anymore the way they used to.

So rather than simply criticizing the provisions of the Affordable Care Act that are troublesome or problematic, why don’t we fix them? That is what we did with the prescription drug program with Medicare, and that is what we should do here.

I did not come here tonight to respond to our colleagues. I just felt somebody needed to say something, and I am pleased I had that opportunity.

MAYORKAS NOMINATION

Madam President, I rise tonight to speak again in strong support of the nomination of Alejandro Mayorkas to serve as the Deputy Secretary of the Department of Homeland Security. I spoke about Mr. Mayorkas’ impeccable credentials and experience that has prepared him for this important position. My colleague from Louisiana Senator LANDRIEU did the same yesterday.

Today I would like to address some of the concerns about Director Mayorkas that have been raised by our friends on the other side of the aisle and seek to set the record straight.

I understand that some of our Republican colleagues believe we cannot move forward with consideration of Director Mayorkas’ nomination until the Office of Inspector General finishes its investigation that it began—get this—in September of 2012. There was an investigation as to his management of the complex EB-5 program some 15 months ago.

Well, I must say I disagree with my Republican colleagues. I think we have waited long enough, and let me explain why.

As I said before, the Department of Homeland Security has been without a Deputy Secretary since April of this year—8 full months—and 6 months have passed since Director Mayorkas was nominated. For many of those months, we did not have a Senate-confirmed Secretary of the Department of Homeland Security.

Three days before Mr. Mayorkas’ confirmation hearing in July, information about the OIG investigation was leaked to Congress and the media in a highly irregular manner. The information that was leaked indicated that in September of 2012, the Office of Inspector General at the Department of Homeland Security had received allegations about conflicts of interest, misuse of position, and an appearance of impropriety by Director Mayorkas and other agency officials. We also know that Director Mayorkas did not actually begin investigating these allegations for almost 1 year after receiving them.

Importantly, the OIG confirmed that this was not in any way a criminal investigation. Let me say that again because some of our friends on the other side of the aisle seem to be confused about this. The OIG confirmed in July of this year and reconfirmed in December of this year, earlier this month, that this is not and never has been a criminal investigation.

To my amazement, Director Mayorkas has never been contacted nor interviewed by the OIG about this investigation. There was no phone call, no letter, no email. There was nothing in 15 months. Director Mayorkas only learned of this investigation after its existence had been leaked to the Congress in July, just days before our committee hearing on his nomination.

Even then, Director Mayorkas ably and vigorously disputed the allegations in his interviews with committee members who would meet with him and staff who would meet with him as well at his confirmation meeting in July.

Unfortunately, rather than question the allegations from Mr. Mayorkas, our colleagues boycotted his interviews with committee members. They acted with a disregard for the agency that sent him in August to meet with Senator GRASSLEY or other Senate colleagues. 

I am perplexed that an even better option—speaking to Director Mayorkas himself—was not taken advantage of by Senator GRASSLEY. In fact, I offered to fly to Iowa with Director Mayorkas in August to meet with Senator GRASSLEY face to face so that Senator GRASSLEY could have his questions answered face to face, but, sadly, Senator GRASSLEY declined.

So I think the record shows that Director Mayorkas has been eager to meet with Senators on both sides of the aisle to answer their questions—not to duck them but to answer them. But our colleagues on the other side of the aisle have been unwilling to give him what seems to me should be a common courtesy.

Is the Affordable Care Act perfect? Of course, we are not talking about a criminal investigation. We are talking about the mismanagement of a program and allegations brought by people whom, again, my staff has never been able to interview.

I respect that the OIG must do its job, but we have to do our job too, and I thought it would be.

First, let me make it clear to all that there is no improper about the chairman of a committee asking for an update on the status of a pending investigation. There is nothing improper about that. Accordingly, in July Dr. COBURN joined me in inquiring about the status of this investigation. I was told it would be completed in October. Again, this investigation started a year earlier—in September of 2012.

In October of this year, I inquired again about the status and was told it would be completed in December.

On December 2 a bipartisan group of committee staff participated in a telephone call with the head of investigations at the Office of Inspector General at the Department of Homeland Security to receive a status update. They were told it would likely take 2 or 3 more months to complete the investigation. In fact, every time we have spoken with the IG staff, we have been told they are just 2 or 3 months away from completing an investigation that began some 15 months ago.

I respect that the OIG must do its job, but we have to do our job too, and the President has to do his job. We cannot wait another 2 months—every other month—especially for a position as critical as this one.

Let us forget, the Department of Homeland Security is charged with helping to protect our Nation and its citizens from all kinds of attacks, foreign and domestic—terrorists from abroad, homegrown terrorists from within—securing our borders, our aircraft, you name it. They respond to all kinds of natural disasters whether they
The fact is that Director Mayorkas has been proactively addressing national security and fraud concerns in the EB-5 program for years. Soon after being confirmed, he took a number of administrative and operational steps to address national security concerns. Where he lacked the administrative authority to improve the EB-5 program, he repeatedly appealed to Congress for the legislative authority he needed.

Unfortunately, Congress dealt Director Mayorkas and his entire agency a bad hand when we authorized the EB-5 program in 2012. We failed—we failed—to give the agency any of the legal authorities that Director Mayorkas and his team at CIS had specifically requested in order to enable them—and they just requested in 2012, made a request—in order to enable them to address the national security and fraud vulnerabilities they could not address on their own. It said: Congress, we would like to do this. We need the authority; please give it to us. They started asking for that in June of 2012.

Earlier this year, during the Judiciary Committee’s debate on S. 744, the immigration reform bill, Senator Leahy introduced an amendment that made virtually all the national security fixes that Director Mayorkas had requested. While the comprehensive immigration reform bill that passed the Senate with strong bipartisan support, it is unfortunately stalled in the House.

Fortunately, Senate Committee Chairman Patrick Leahy is working on a stand-alone bill to address these national security and fraud concerns, much of what Director Mayorkas and his team asked for in June a year ago. I urge all of my colleagues concerned about security issues in the program to join me as a cosponsor of that bill.

I agree with Dr. Coburn. We don’t have any facts pointing to any sort of wrongdoing by Director Mayorkas at all, as best I can tell. None of the anonymous sources or so-called whistleblowers have presented information to the majority regarding their concerns, something I think is unprecedented in these types of circumstances for our committee. We have been unable to question those bringing these anonymous concerns on the majority side, and our Republican friends on the committee—and maybe largely in the Senate—have refused to talk to the accessed, and he has not been accused of any criminal wrongdoing. That doesn’t add up to me. Maybe it does to some people. That just doesn’t add up. We don’t get to talk to the people who raised these concerns and our Republican friends won’t talk to the accused who has not been accused of any criminal wrongdoing.

On the other hand, not one person—not one—has stepped forward publicly opposing Director Mayorkas. Some of the people who have written in strong support of Director Mayorkas include the last Deputy Secretary of the Department of Homeland Security, Jane Holl Lute; the last Senate-confirmed inspector general of the Department of Homeland Security, Richard Skinner, who is a Bush appointee; and the three most senior border security officials in the George W. Bush administration, Robert Bonner, Al Ralph Basham, and Jason Ahern.

Mentioned previously that the OIG completed an EB-5 audit, and although that report has not been publicly released yet, some of my colleagues have
been discussing the OIG’s findings earlier today. In light of that, I think this is a good time to get some facts straight because this audit, remarkably, misses some key facts.

First of all, the report says the EB–5 program failed to address national security risks and that the legislation that created the program makes it difficult to fully address those risks. That is something that has been well-known by Congress and the administration long before this report and long before Director Mayorkas took over the U.S. Citizenship and Immigration Services in August of 2009. The emails I just discussed demonstrate that Director Mayorkas did not take national security and fraud matters lightly. In fact, a review of the legislative history of the last year and a half might suggest that we take them lightly.

Despite the widespread knowledge about the national security and fraud vulnerabilities in the EB–5 program—and municipal and non-profit organizations that fund a whole other agency—CIS did not and does not have the authority that it asked Congress for in order to adequately police regional centers and the EB–5 program. I find it incredible that the OIG audit report makes no mention of Director Mayorkas’ efforts to get Congress to pass legislation to address this problem since June of 2012.

In the absence of being granted those authorities by Congress, Director Mayorkas himself has implemented other reforms. Yet many of these reforms took place before or during this audit—and yet, incredibly, those reforms are not even mentioned in the audit report.

One of his first actions as the Director was to elevate the Fraud Detection and National Security Office to a director reporting directly to Mr. Mayorkas. This ensured that national security professionals had a seat at the management table and a voice in all major decisions.

He expanded reporting requirements and security checks for regional centers, which led CIS to increase the number of national security investigations in the EB–5 program by more than 50 percent in the last 4 years.

He increased EB–5 staffing from 9 people in 2009 to more than 80 today, and hired senior economists and national security officers to work side by side with immigration specialists.

He positively engaged other agencies such as the Securities and Exchange Commission, the FBI, and the Treasury Department to help police the program. In fact, Senator Grassley himself noted this week that Director Mayorkas took it on himself to lead a staff working group to examine the problem last year.

The actions I have described are not the actions taken by someone who does not care about national security and the actions taken by someone who does not care about national security.

The audit report says the EB–5 adjudication process is ambiguous. CIS has recognized there was a need for a consolidated adjudication manual and they published one in May of this year—one more fact that was not even mentioned in the audit report.

The audit report says the program is fraught with the perception of outside influence. There is no denying the fact that this program gets a lot of attention from Congress and from Congress—Congress—Cong—Congress—Congress, in fact. The USCIS receives 1,500 queries about the EB–5 program each year from Congress, from Senators, from U.S. Representatives—1,500. As it turns out, almost half of our Senate colleagues have asked the Director or the people at the aisle have inquired about the EB–5 program since 2009. That is an enormous amount of interest from Congress in this one program. In many cases—most cases—that interest was provided or demonstrated to CIS on behalf of our constituents, from States from one corner of America to the other.

But let me be clear: The fact that this program garners a lot of attention from a lot of Members of Congress and the public is not new. It is not new. From all parties about the frequency and status of pending applications does not mean that the Citizenship and Immigration Services adjudicators are swayed by the attention. Perception is not reality. Contrary to what some have suggested or assumed, the OIG reported that all the files they reviewed in their audit—including the ones associated with Terry McAuliffe’s company—appear to support the final decision.

Let me say that again. The OIG audit concluded that the evidence it reviewed in these cases supported the final decision.

Based on the evidence we have before us, I believe it is clear that Director Mayorkas has taken strong steps to improve the EB–5 program. These are the actions of a dedicated, thoughtful, and committed public servant. They are the actions of a leader who is willing to take hard decisions in order to shake things up and improve a program that needed improving.

That is exactly the kind of leadership we need at the Department of Homeland Security. I think we need it across the Federal Government.

I also believe we need leaders who are committed to doing what they believe in their heart is the right thing to do. At his confirmation hearing in July, I specifically asked Director Mayorkas about the allegations raised by some of the anonymous sources. Director Mayorkas testified before this committee under oath that he has never put his finger on the scale of justice, and I have seen no evidence since then that would lead me to question his veracity.

I do not believe that we can allow rumors spread by anonymous sources to rule the day.

Some of our colleagues have been very critical of some shortcomings and they are quick to point out its failures. However, one of the major reasons the Department fails to live up to expectations more than they and the rest of us might like is because their top leadership ranks have been riddled with vacancies for much of this year, and the same is true of many other agencies. Again, it is not fair to criticize the agency on the one hand and yet seem content on the other to leave them without a Senate confirmed Deputy Secretary for months on end. We can’t have it both ways. We have some responsibility here as well.

It is time to stop playing political games. It is time to vote to confirm Ali Mayorkas to the Deputy Secretary position at DHS.

There is something else that came to my attention today that I thought was interesting. It is not from an anonymous source. It is not rumor or innuendo. It is actually a report from the Partnership for Public Service. One of the things they do at the partnership is issue, I think maybe on an annual basis, the rankings of the best places to work in the Federal Government in terms of employee morale. That is something that has been well-covered in the press. That is something that is linked to the kind of study or data that was done in terms of employee morale—last. It is not the first year. It has happened for a number of years in a row. However, although the Department ranked last among all the Departments, the U.S. Citizenship and Immigration Services, led by Director Mayorkas, was one of the highest ranked components within DHS, coming in at, I think out of 300 Federal agencies, No. 76, which, if my math is good, that puts them in the top 25 percent of all agencies.

After Mr. Mayorkas took over in 2009, employee satisfaction with senior leadership there increased by over 20 percent. It has increased by over 20 percent since he took over in 2009. Every now and then, in driving on my way to the train station in Wilmington to catch a train to come down here to start our day, I listen to the news. Usually I arrive at 7 o’clock. About a year ago I heard a report on NPR of an international study that was done involving thousands of people across the country. In the international study, they asked the same question of thousands of people from all walks of life with different kinds of jobs in different locations. The question was asked of each of those thousands of people was, what is it about your job that you like? What is it about your job that you like the most? Not surprisingly, those people who were asked the question had different responses. Some people said they liked getting paid. Some people said they liked getting a pension. Some people said they liked having a vacation or having health care. Some people said they liked the environment in which they worked. Some people said they liked the people they work with. But do you know what most people said? Most people said the thing they like most about their job is they actually
felt the work they were doing was important and they felt they were making progress. Think about that. The reason most people cite for liking their job, the work they do, is because they know it is important and they feel they are making progress.

It is ironic to me—if you rely on the anonymous sources the majority side has not been permitted to talk with, it is ironic to me that in a department where morale has been low and a problem and a concern for years, at this agency, Mr. Mayorkas himself has been doing that for 4 years, employee morale is, by comparison, fairly high. He does not get any credit for that. But if employees really do care that the work they are doing is important and they are making progress, maybe that belief is reflected in these numbers. Maybe that is reflected in these numbers on behalf of the leadership that Mr. Mayorkas has provided for Citizenship and Immigration Services.

Let me have if I could. My friend from Kansas has arrived.

There are a couple things I want us to keep in mind. This is one that is hard for me to understand. People whom we do not know, whom we on the majority side have not talked to and whom we have never had an opportunity to hear from to hear their story—it is maybe unprecedented for that opportunity to be denied the majority or for the majority to deny that to the minority in a case like this. We have been denied that opportunity.

I think the person who is maybe best able to provide or to rebut or to respond to concerns that have been raised by these anonymous folks whom we have not been able to talk to is Mr. Mayorkas himself, but our Republican colleagues have refused to talk to him. Even though there is no evidence of criminal wrongdoing, they refuse to talk to him to give him a chance to rebut or to respond to the anonymous sources we have never heard from. That one just blows my mind.

If the shoe were on the other foot, if Democrats were in the majority and Republicans were in the minority, if I were the ranking member on the minority side and we had a Republican President who nominated somebody for office and the chairman of our committee asked me as the ranking minority member to meet with someone whom the Republican President had nominated, I would meet with them in a heartbeat. I would want to hear that person’s story. That is what I would want to hear.

If the anonymous sources were talking just to us, I would encourage them to talk to the other side as well.

By the way, the one person we did talk to—and we got this person, Mr. Rhee—I think we got his name out of a statement given by Senator Grassley. He is gone. He is not here. We talked to him. He set the record straight. He set the record straight. I have already cited that in my comments. But we have never had the chance to talk to any other.

The other thing I would say is that there is nothing inappropriate about the staff of a committee chairman inquiring of an OIG about the pace and the resources provided to conduct an investigation. This is just not any Department that has lacked Senate-confirmed leaders from us; this is the Department of Homeland Security. Mr. Mayorkas himself agreed that the Department doing their job well. They need senior leadership, and they have not had the kind they need.

But despite the repeated efforts to get the OIG to expedite their efforts, it began in September 2012—a joint letter from Dr. Coburn and me to the OIG in July of this year; 2 months later, get a response, that, oh, maybe we will have something in October. Two months later, it is December, and bipartisan staff—Democratic, Republican; majority, minority—have a chance to be briefed by the OIG, and rather than say, well, this investigation we started 15 months ago is done, is ready to wrap up, they said, in 2 or 3 more months, maybe 2 or 3 more months.

Are we supposed to continue to wait? We have the leadership we need at the Department of Homeland Security. At some point you just say: Enough already.

What we have learned is that in terms of full-time people working on this—I think there are about 650 full-time equivalent people at the Office of Inspector General, about 650, and as I understand it, 3 full-time people—one investigator and 2 research assistants—have been devoted to this investigation. No wonder it is taking 15 months.

I would ask us to keep in mind our failure—our failure—to act on the recommendations made to Congress for reforms in the EB-5 program to address national security concerns and to address concerns about fraud. Mr. Mayorkas did the right thing. He and his staff pulled together a long list of changes they need, legislative changes they need and they would be authorized to address his concern. We dropped the ball. We did not include those changes when we reauthorized the EB-5 program for 3 more years—a straight reauthorization. We did not make any reforms. We did not make any changes despite the fact that he had suggested them months before we acted.

Finally, those changes ended up in the immigration bill. We passed it here. Most Democrats voted for it, some Republicans. It is over in the House. It is not moving. If we are really concerned about giving this agency, CIS, the tools they need, the authority they need to address these security concerns, fraud concerns, why don’t we join Senator Leahy in the legislation he is going to introduce that largely is taken from the immigration reform bill? When he introduces it, let’s cosponsor that bill.

Finally, if we are going to accept as gospel criticism about the way the person has run a particular agency—and not of a criminal nature but criticisms about the way it has been run—why not give that person a chance to defend himself? Why not give him a chance to respond? Why not give him a chance to respond to this story or maybe there is not, but at least give him that opportunity.

Lastly, the morale at the Department of Homeland Security—they do some great work, important work, the Department of Homeland Security. And they do a lot better work. I will mention a couple things, if I can.

Remember the response of FEMA, which is part of the Department of Homeland Security? Remember their response to Katrina? It was deplorable. How about the response of FEMA to Hurricane Sandy? All around—for the most part, all around kudos were won.

How about TSA? TSA has been a whipping boy for a lot of folks. All of us have the TSA, to do it, market it commercially, we have seen TSA make changes. They have taken criticism they have taken to heart. Among other things, they have created the Trusted Traveler Program so a lot of people do not have to take off their shoes or their belts or do all kinds of things to get through a security check. The TSA has done a number of things. Some of the technology they are using is not intrusive, as it was before. Security is actually strong.

For 10 years, our friends at GAO, the Government Accountability Office, have, every 2 years, on their high-risk list at the beginning of every Congress, cited that the Department of Homeland Security needs to be able to earn a clean financial audit of its books. They said: 10 years; that is enough time.

Well, it turns out the Department of Defense, which has been around for, gosh, about 70 years—over 60 years—is still not auditable. The Department of Defense is not auditable, much less to have a clean audit.

Last week the Department of Homeland Security, for the first time in their existence, received a clean financial audit. They did it in 10 years. DOD, also a big operation—it is 60 years and counting, and they are not even audited yet.

So for those who want to constantly criticize the Department of Homeland Security, I would just say that the people who work there work hard. They have tough jobs. They need our help. One of the things they need our help in doing is securing the kind of leadership they have not had, and that is Senate-confirmed leadership.

We have had some very good people who have been acting as the Secretary, acting as the Deputy Secretary, but friends, it is not the same. They need leadership that is going to be there with not just the blessing of the President but the blessing of this body and that is going to be there tomorrow, tomorrow, next month, next year, and provide the leadership that is needed.
The most important element I have ever seen in my time in the Navy—23 years Active and Reserve—my time as Governor, my time here in the Senate, the most important element I have ever seen in any organization to determine whether it is going to be successful is leadership. Show me a school with a great principal, I will show you a school that is on the way up. Show me a business with a strong leader, and the same thing is true. Show me a body like this or a military unit, leadership is always the key. And it is the key at the Department of Homeland Security.

If the improvement that I have noted, that I mentioned here just a minute ago, is to continue and actually be strengthened, they need Senate-confirmed leadership. We will have the opportunity in a couple of hours to give Jeh Johnson, the newly confirmed Secretary of Homeland Security, a key player in the leadership team that he is trying to build at that Department. He deserves our support, and so do the people at that Department. And if they get it, they will provide the support we need in this country to be safer in the days ahead.

With that, Madam President, I thank you for allowing me to give this statement.

I see my friend from Kansas on the floor. I thank him for his patience, and I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

HONORING OUR ARMED FORCES
FALLEN FORT RILEY SOLDIERS

Mr. MORAN. Madam President, CWO2 Joshua B. Silverman, age 35, Scottsdale, AZ; SGT Peter C. Bohler, age 29, Willow Spring, NC; SPC Terry K.D. Gordon, age 22, Shubuta, MS; SFC Omar W. Forde, age 28, Marietta, GA; CWO2 Randy L. Billings, age 34, Heavenier, OK; SSG Jesse L. Williams, age 29, Withers, KY are names of soldiers who lost their lives in this past week. They lost their lives in a helicopter incident in Afghanistan, and five of those soldiers were from my home State based at Fort Riley, KS—the Big Red One.

Our Nation is forever indebted to these young men for their service and their sacrifice. This evening I ask the Senate to pay tribute to these six soldiers who, in serving their country, lost their lives. If we here in Washington, DC, need a reminder about our responsibilities, we need only look to our service men and women who, for no partisan reason—nothing to do with Republicans or Democrats—volunteer to serve their country, and recognize there are things much more important than even life itself.

These soldiers were committed to preserving the freedoms and liberties guaranteed Americans by our Constitution. Our Nation, I am sure, is grateful that they every day to make certain Americans have the opportunity to pursue the American dream.

I once heard a hymn that has stayed with me ever since the first time I heard it. It was sung at the funeral service of President Reagan. It is called “Mansions of the Lord.” It was performed by the U.S. Armed Forces Chorus at the National Cathedral here in Washington. The words of that hymn are these:

To fallen soldiers let us sing Where no rockets fly nor bullets wing Our broken brothers let us bring To the mansions of the Lord No more bleeding, no more fight No prayers pleading through the night Just divine eternal light In the mansions of the Lord Where no mothers cry and no children weep We will stand and guard though the angels sleep Through the ages safely keep The mansions of the Lord

We honor these six soldiers who this week were welcomed into the mansions of the Lord.

I am grateful for the blessings these brave men afforded us with their service to our country, and we thank God for giving us these heroes. We remain committed to preserving this Nation for the sake of the next generation by honoring that sacrifice.

We Americans are indebted to every member of our military. We are indebted to do nothing less than to preserving America’s freedom and to make certain the bright shining star for the world.

I would ask that God bless these service men and women, to bless our veterans, to bless our country.

This coming week, in a few short days, families will gather around dining room tables across our Nation to celebrate the holidays. In the instance of these six families, there will be an empty chair at the Christmas table.

For those of us who are Christians, we celebrate Christmas as the arrival of the Prince of Peace. I would ask you, with this song, that we have peace in our land, peace in our world, and no more wars. And I would ask that these families find peace knowing that their son, their husband, their father, sacrificed for something more important than life itself—they sacrificed for others. May they find peace in knowing what worthy lives their loved ones lived.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, there has been considerable controversy in recent days over a provision in the recently passed spending package that became known as the Bipartisan Budget Act which cuts pensions for military members, including wounded warriors.

There was bipartisan agreement. People on both sides of the aisle believe that it ought to be fixed, that it was an error and should not go forward, and that we needed to find the money—if you have to have money to spend somewhere else—then taking it from military retirees.

But Majority Leader Reid and every single Member of his conference save one stood together to block an effort which I proposed to restore the pensions for the military and also find better offsets. They blocked us from making any alteration to this spending package that included the bipartisan amendment, including my amendment to close an egregious tax welfare loophole—a tax credit, a payment directly from the United States of America to illegal aliens—that could pay for these cuts itself.

Indeed, the traditional of President Obama’s Treasury Department has said this loophole needs to be closed and would save a substantial sum of money. It is an open gate, allowing massive fraud and illegality.

So we simply wanted to close that loophole. We asked to pay for this new spending by closing this loophole that the Treasury Department asked us to close instead of reducing the retirement benefits by as much as $70,000 for a sergeant who served to age 42 in the U.S. military.

How can this blockade be defended? How did it happen? Why would we be in such a position? Is there any Member in the majority who would really defend the practice of endlessly and utterly taking where legislation that clearly needs an amendment to fix a problem in it is not allowed to have amendments, and the legislation is rammed through the Senate?

This has been the pattern around here for far too long. The majority leader is eroding the Senate’s historic role as the great Chamber where the issues are debated and changes and amendments are voted on, and he is being enabled and supported by his conference.

Consistently, time and again, when objections are made to try to stop this practice and get amendments and votes on important bills, his conference has simply said, ‘This is not our process. We do not accept amendments. We will not allow for amendments, even if the objection is made to try to stop this Senate practice and get amendments and votes on important bills, his conference is saying: We choose to stand with Majority Leader Reid and his procedural actions which block other colleagues; we choose to stand against even our own Members having amendments and against the right of individual Americans to have their Senator be held accountable—to stand up and be able to offer amendments to legislation to improve it. And if you don’t do that, you are accountable for voting for the final bill—which is important and should have bipartisan support.

That is the way the voters hold us accountable. They need to be able to see us vote and look at our voting records and decide whether we are serving their interests, some Wall Street interest, some special interest, or some political group instead of the national interest. That is what this whole system is about.

Now we have before us the Defense bill that is so important for America. I serve on the Armed Services Committee. I have been on that committee for nearly 17 years. We moved this bill out with a big majority. I voted for it.
in committee, although I expressed great concern about its budgetary problems that needed to be fixed. Unfortunately these problems have not been fixed. But I wanted to see the bill move forward, and I tried to be cooperative.

The bill moved to the floor. The budget problem hasn’t been fixed, and there are other problems with the legislation that need to be refined. The bill before us, the Defense bill, spends approximately $500 billion—for the United States would not allow a defense bill. So by filing cloture immediately, he contends that Republicans are filibustering a bill; he counts 51 votes needed; there are too many filibusters in the Senate. You are obstructioning the business of the Senate. In truth, Majority Leader Reid is the one who is obstructing the Senate. He is the one who is blocking debate and amendments.

And then if the Republicans resist and say, we are not going to vote to end debate because we haven’t had any amendments, he says, you are obstructionist.

This is the pattern that has been going on. He files cloture virtually immediately with the filing of the bill, and he claims that is a filibuster by the Republicans. So by filing cloture immediately, he contends that Republicans are filibustering a bill; he counts 51 votes needed; there are too many filibusters in the Senate. You are obstructioning the business of the Senate. In truth, Majority Leader Reid is the one who is obstructing the Senate. He is the one who is blocking debate and amendments.

If you ask a schoolchild somewhere in America, if you ask a senior citizen, a World War II veteran who loves this country and has studied the great principles of this country, if you say there is a piece of legislation on the floor of the Senate and there is something in it that is wrong—they want to cut benefits for wounded warriors, veterans who served and have been wounded in combat, and you ask them, what do they do that want to happen, what would you do? Why, they would all answer, you would file an amendment to the bill to fix this problem.

But not in the Senate today. That is the classical understanding of the way this body ought to operate. That is what James Madison, I am sure, conceived and the way it has worked for so many years. But not any longer. This bipartisan Budget Act is just like the Defense bill—no amendments. No matter how important the bill is, no matter how many problems there are in it, no amendments.

Oh, you want to go back to that old Senate of yesteryear, you could actually debate and have amendments and offer changes and improve it? No longer. That is obstructionist. That is delaying tactics. We won’t have it anymore. You are slowing us down. It is unacceptable.

When I vote not to end debate on this Defense bill that is before us, I am not voting to not have a defense bill. That is so obviously wrong it is hard to believe you have to explain it. But we are not voting to do that. We are voting to maintain the classical principle of the Senate where individual Senators from the states hold the power and the process. We have spoken in the Senate about how we ought to conduct business here. He did so by breaking the rules of the Senate.

This is what happened. U.S. Senate rule XXII says in order to bring debate to a close, three-fifths of the Senators present would have to vote to end the debate. There were not sufficient votes to end the debate on the DC Circuit because they were not needed. The average caseload for those judges was 149. Of the 8 judges who are there now, there are authorized 11 judges. So 8 judges there now have 149 cases per judge, whereas my circuit, the 11th Circuit, sitting in Atlanta, has over 700 cases per judge. The national average is around 350 cases per judge.

We do not need to fill three judgeships for which the caseload is not there. The caseload for the DC Circuit is almost half that of the next lowest circuit in the country. So we do not need these judges. The caseloads continue to decline. So the Senate refused to give cloture, refused to confirm those judges. So in an act of pique or calculation or deliberateness, the majority leader altered the rule of the Senate about how we ought to conduct business here. He did so by breaking the rules of the Senate.

This is what happened. U.S. Senate rule XXII says in order to bring debate to a close, three-fifths of the Senators present would have to vote to end the debate. There were not sufficient votes to end the debate on the DC Circuit because they were not needed. This irritated the majority leader. So he petitioned the Presiding Officer of the Senate, and he asserted that it only takes 51 Senators to vote to end debate. But rule XXII explicitly says it takes three-fifths, 60 Senators, to end debate. It goes on to say, except when you change the rules of the Senate, and that takes two-thirds, 67. So it takes 67 votes to change the rules of the Senate and 60 votes to end debate.
What did Senator Reid do? He asked the Parliamentary to say it only took 51. The Presiding Officer, the President pro tempore of the Senate, Senator Leahy, our longest serving Member, and the Parliamentary said no, Senator Reid, the rule is it takes 60 votes to bring a motion to the floor. So what did Senator Reid do? He used the ability to appeal the ruling of the Chair and he asked his colleagues to overrule the ruling of the Chair, which any party prevailing on the rules of the Senate would be without dispute requiring 60 votes to shut off debate, but he wanted it to be 51 and his colleagues supported him. His colleagues supported him, they supported him and he overruled the Chair, his own Parliamentary whom he selected and the Presiding Officer that he put in the Chair. They voted to change the rules of the Senate. It is in plain language—with 51 votes, not 67.

This is dangerous, colleagues. This is the reason on the floor that we see in Third World republics or would-be republics. This is the kind of lawlessness that will endanger the American system of government at its most fundamental basis. It is endangering us. The President—he wants to—you can keep your doctor, the President says your plan is going to save you $2,000 a year, the President says all these things and he gets his bill passed and none of it is true.

I demanded on the floor who voted on the floor who voted for this bill, ObamaCare, down here apologizing to the American people, saying I am sorry, the bill that I voted for did not do any of the things I promised you it would do and I am willing to have an amendment process on the floor to fix it. No, we are not going to get a vote on ObamaCare. They are going to block that too. If any attempt is ever made, he will fill the tree and block that vote. So we are not able to the Senate War and require Senators to vote on serious issues involving health care for millions of Americans because Senator Reid doesn’t believe in it and he is backed by his colleagues.

I guess the President probably says, oh, let’s them vote on ObamaCare, they might change some of it. You know, they are finding out what is in it. We don’t want them to actually think they have enough muscle to actually pass a law to fix it or change it or allow the tree to be terrible. Who do they think they are? Do they think this is a democracy or something?

That is where we are. This is huge and significant. We have to confront what is happening. It is very important that we cool down and we get some sort of work going on, but I am not confident at all on that. This effort should result in a retreat from this breaking the rules to change the rules, this nuclear option.

The removal of a nuclear option was called that is because once you do that, it blows up the entire Senate. Senator Levin explained the problem very succinctly, one of two Democrats who voted against Senator Reid’s attempt to execute the nuclear option and to change the rules of the Senate. He said if a majority can change the rules of the Senate, there are no rules. It is simply a yes or no vote. There are no standards, there are no rules, there are no procedures. If we can change them whenever we are frustrated by a majority vote in the Senate, there are no rules, there are no protections. Who would we be?

That is why what has happened here is so significant. I believe this late-night work and this process to consider nominations is healthy, because it requires us to go through a pain period of introspection as to what is happening to us and how we ought to conduct this great Senate. This afternoon we did not have the support for Senator Cornyn’s resolution, which by any plain reading of the rules requires us to go through a pain period of introspection as to what is happening in plain language—what we ought to do.

This is dangerous, colleagues. This is the reason you see in Third World republics or would-be republics. This is the kind of lawlessness that will endanger the American system of government at its most fundamental basis. It is endangering us. The President—he wants to—you can keep your doctor, the President says your plan is going to save you $2,000 a year, the President says all these things and he gets his bill passed and none of it is true.

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This is dangerous, colleagues. This is the reason you see in Third World republics or would-be republics. This is the kind of lawlessness that will endanger the American system of government at its most fundamental basis. It is endangering us. The President—he wants to—you can keep your doctor, the President says your plan is going to save you $2,000 a year, the President says all these things and he gets his bill passed and none of it is true.

I demanded on the floor who voted for this bill, ObamaCare, down here apologizing to the American people, saying I am sorry, the bill that I voted for did not do any of the things I promised you it would do and I am willing to have an amendment process on the floor to fix it. No, we are not going to get a vote on ObamaCare. They are going to block that too. If any attempt is ever made, he will fill the tree and block that vote. So we are not able to the Senate War and require Senators to vote on serious issues involving health care for millions of Americans because Senator Reid doesn’t believe in it and he is backed by his colleagues. I guess the President probably says, oh, let’s them vote on ObamaCare, they might change some of it. You know, they are finding out what is in it. We don’t want them to actually think they have enough muscle to actually pass a law to fix it or change it or allow the tree to be terrible. Who do they think they are? Do they think this is a democracy or something?

That is where we are. This is huge and significant. We have to confront what is happening. It is very important that we cool down and we get some sort of work going on, but I am not confident at all on that. This effort should result in a retreat from this breaking the rules to change the rules, this nuclear option.

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around the globe and allow Congress and the Department to gather additional information about our Nation’s future ISR needs. Such information would allow the best possible decision about the Global Hawk.

Unfortunately, H.R. 3304 only extends the prohibition on Global Hawk retirement through the end of Fiscal Year 2014. This decision could allow DOD to follow through on previous efforts to prematurely cancel the Block 30 version of Global Hawk, which represents the largest group of Global Hawk platforms. DOD’s own findings show that the Block 30 Global Hawk represents a more efficient platform for high-altitude ISR needs than platforms which perform the same missions, such as the U-2.

It doesn’t seem wise to allow the potential termination of the largest part of the Global Hawk program before Congress fully understand the capabilities and the costs of this system and how it can fit into larger DOD plans. I strongly support many of the provisions in H.R. 3304, such as its improvement in how the military approaches its sexual assault epidemic. My amendments I worked on to protect our ICBM forces and ensure our Nation moves forward in an effective way regarding unmanned aerial system integration in the national air space and the use of Reserve component units for cyber missions. However, I will continue to work with my colleagues to improve the DOD’s approach to ISR and ensure our military retains the ISR it needs to keep our citizens and service members safe.

Mrs. BOXER. Mr. President, I am so pleased that the National Defense Authorization Act includes important reforms to article 32 of the Uniform Code of Military Justice, UCMJ, which are based on an amendment I authored with Senator GRAHAM.

I thank Senator GRAHAM for working with me on this issue. I also thank Chairman LEVIN and Ranking Member INHOFE, the amendments and compensating innocent civilians and war criminals for human rights by aiding international efforts to prosecute war criminals and compensating innocent civilians who fall victim to combat operations. Both provisions have significant support, and I remain committed to continuing to work to see them enacted in the new year. But despite the best efforts of Chairman LEVIN and Ranking Member INHOFE, the amendment process in the Senate was derailed by irrelevant proposals, which prevented provisions like these from receiving consideration. Nonetheless, I will support this compromise.

The bill before the Senate authorizes the activities of the Department of Defense, the single largest U.S. Government entity. As a result, manufacturers and service providers across the United States will keep Americans employed making and doing things for the Department. It means that the U.S. Armed Forces can take the steps needed to address threats to our security. Most importantly, it means that members of the Armed Forces and their families can count on having the equipment and support they need while selflessly serving to keep us safe.

The Defense authorization bill before us also contains important changes that will help the administration transfer more individuals out of the detention facility at Guantanamo Bay. It includes a provision that relaxes the current onerous certification requirements that must be satisfied before transferring detainees to countries. These requirements have proven to be unnecessary and counterproductive.
Regrettably, the compromise bill retains two limitations that were included in the House-passed version of the authorization. The legislation extends the current prohibition on constructing facilities in the United States for good-soldiers, as well as the ban on transferring detainees to the United States for detention or trial. I strongly believe that the executive branch must have all options available in handling terrorism, but I also believe that they must do so while preserving both our reputation as a nation of law and our commitment to ensuring that we do not lose our moral authority.

Although I would have preferred the more favorable detention-related provisions contained in the underlying Senate bill, this compromise represents an improvement over existing law.

Military justice system in this compromise also accomplish an improvement of the status quo. This bill includes roughly two dozen changes to the Uniform Code of Military Justice and Defense policy that enhance victims’ rights and protections and amend the investigative and prosecutorial process. Among the measures included in the bill is the removal of a commander’s ability to overturn jury convictions, and a secondary review of any decision allowing sale of a servicemember. Additionally, the 5-year statute of limitations on trial by court-martial for additional offenses involving sex-related crimes is eliminated, and those accused of certain sex-related offenses are required to receive dishonorable discharges or dismissals if convicted.

These important accountability measures will be supported by the removal of the “good-soldier” defense for the accused, and victims will be further protected by changes that prevent them from being forced to testify at article 32 proceedings and at trial. Though more can be done, these and other provisions adopted represent a significant improvement and merit the Senate’s support.

There are many other provisions in this bill that are worthy of highlighting, but as cochair of the Senate Armed Services Committee, I am pleased that this bill does not compromise on supporting the National Guard. As an essential part of U.S. security at home and abroad, the National Guard is an integral part of the Armed Forces today and will remain so in the future. Among the many provisions that demonstrate the strong commitment to the National Guard felt by Members of Congress in both Chambers, two are most important. First, the authorization effectively ends the process of “off-ramping,” wherein a service member is replaced at the last minute by another service member, preserving both career and operational readiness for our National Guard personnel and families.

Second, it requires congressional budget justification documents to specifically enumerate funding levels for embedded mental health providers in National Guard and Reserve units. For too many years, men and women in the Guard and Reserves have come home from war to inadequate mental health resources. This is the important step of embedding mental health providers in units, but resources disproportionally moved towards the large, active military bases, while our hometown heroes at small drill centers around the country went without. With specific enumeration, we can take a better look at resource allocation and the Congress can make sure members of the Guard and Reserve get similar access to their Active counterparts.

The authorization before the Senate is the result of compromise. The Senate will close this session of Congress on the heels of two bipartisan votes that passed budget and this important authorization bill. I hope that this bodes well for further cooperation and compromise in the new year.

Mr. BLUMENTHAL, Mr. President, I support the compromise National Defense Authorization Act for Fiscal Year 2014 (NDAA). Though this bill has shortcomings, it will be good for our country and for Connecticut, and it will allow us to keep faith with the brave men and women who serve and sacrifice each day in our military.

As a member of the Senate Armed Services Committee, I have the privilege and the important responsibility to honor our men and women in uniform by providing for them while they are training, when they are deployed, and if they are wounded. I voted for the NDAA in committee this year, and I will vote for it on the Senate floor because I know our servicemembers throughout their time in uniform and beyond. This bill funds the training and equipment our troops need to go into battle. It funds the critical weapons systems that they need to protect our Nation. And it provides for them after they return home—albeit less robustly than it should—through medical care and opportunities to build skill sets for civilian careers.

This bill is good for Connecticut as it supports both our Connecticut National Guard and Reserve and our State’s hard-working defense manufacturers. Specifically, it funds two submarines a year. The NDAA maintains robust funding for the Ohio Replacement Program, the Virginia Class Submarine, the Heavy Lift Replacement Helicopter Program, and the Joint Strike Fighter. It funds advanced procurement for the Army’s UH-60 Blackhawk M Medium, which will be used by the Connecticut National Guard, and it rightly does not authorize a costly and unnecessary round of base realignments and closures.

The NDAA will strengthen our commitment to eliminating the scourge of sexual assault from our military. It includes provisions from my bill to provide victims of an offense under the Uniform Code of Military Justice with the same rights to counsel and other protection afforded victims in civil courts. It rightly eliminates the ability of a commander to dismiss a court martial or reduce a sentence, and it establishes minimum sentencing guidelines in cases of sexual assault. The bill also strengthens rights for victims of sexual assault at pretrial article 32 proceedings and ensures that they will have counsel present when interviewed.

I have been very concerned with properly providing for those wounded warriors who suffer the so-called signature wounds of these recent wars: post-traumatic stress and traumatic brain injury. Just this year, I was saddened by the loss of Connecticut veterans who fought long battles with these illnesses. Though I believe our efforts are needed, the NDAA will help to provide improved outreach on suicide prevention to Reservists in Connecticut and across the country to hopefully reach additional wounded warriors in need of help.

I have also been very concerned with the lack of interoperability between Department of Defense and VA medical records. Right now, when someone separates from the military, the VA has those records. Defects in interoperability have contributed to the unconscionable backlog of veterans’ claims. I have worked with Senator NELSON on a bill to mandate interoperable medical records between the Department of Defense and the VA, and I am pleased that provisions on this subject are in the NDAA. These provisions require the Department of Defense and the VA to ensure the Departments’ electronic health record systems are interoperable with integrated display of data, or a single electronic health record, and that each is compliant with national standards.

Additionally, I am pleased that the NDAA includes provision-enhancing mechanisms to correlate skills and training for military occupational specialties with skills and training required for civilian defense licenses or IT credentials. By prioritizing training and certification, not only do we ensure that our military personnel have the appropriate skills to carry out their duties, but we also ensure that our veterans have a path to translate those skills to civilian life and find work that fits their skills once they leave the service.

Finally, this bill strengthens our commitment to ensuring that we do not contract with the enemy. It includes provisions I championed giving combatant commanders greater authority to terminate or void a contract with anyone supporting our enemies, etc.
and it prohibits funding to enter into contracts with Rosoboronexport—a Russian company financing Assad’s cruel war against the Syrian people.

Overall, I am pleased to support this bill to keep our country safe and our military strong. I look forward to working in a bipartisan manner to continue to work with my colleagues in a bipartisan manner to support our national defense.

Ms. MIKULSKI. Mr. President, I rise to commend the work of my colleagues, especially the chairman, Senator, and the committee, especially the chairman, Senator, in support of the National Defense Authorization Act for Fiscal Year 2014. I commend the work of my colleagues, especially the chairman, Senator, in support of the National Defense Authorization Act for Fiscal Year 2014. I commend the work of my colleagues, especially the chairman, Senator, in support of the National Defense Authorization Act for Fiscal Year 2014.


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Mayorkas nomination, the Senate proceed to a period of morning business for debate only, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. Reed). The objection is sustained.

Mr. REID. Mr. President, for the information of all Senators, there will be two rollcall votes tonight at 11:15 p.m. on the motion to concur in the House message to accompany H.R. 3304, the National Defense Authorization Act, and cloture on the Mayorkas nomination. If cloture is not invoked there will be a series of six rollcall votes tomorrow beginning at about 10 a.m.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 10 p.m. and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FIRST SESSION OF THE 113TH CONGRESS REFLECTIONS

Mr. LEAHY. Mr. President, as the first session of the 113th Congress comes to a close, it is appropriate to reflect on some of the accomplishments of the year, while acknowledging that so much more could have been done had Republicans in both the Senate and the House cooperated. We have passed some commonsense, good-government legislation. As chairman of the Senate Judiciary Committee, I am proud of the work of the Senate Judiciary Committee this year. While there remains much work to be done, these accomplishments illustrate what we can do when we set aside partisan politics and put the good of the American people first.

My first legislative priority at the beginning of this Congress was to complete our work to improve and reauthorize the Violence Against Women Act. VAWA, Vermont has been a national leader in addressing domestic and sexual violence. In Vermont, VAWA funding has helped the National Network Against Domestic and Sexual Violence provide services for more than 7,000 adults and nearly 1,400 children in 2013 alone. The Burlington-based Women Helping Battered Women and Middlebury-based WomenSafe have supported thousands of children and adults by offering emergency shelter, transitional housing, counseling, and legal assistance. These dedicated service providers help victims recover from unspeakable trauma and abuse, but the need for VAWA remains. Three women are killed every day by abusive husbands or boyfriends. In Vermont, 51 percent of all homicides are related to domestic violence. After months of work, the Senate came together in the best tradition of the institution to reauthorize VAWA with a strong bipartisan vote. This bill, which I drafted with Senator Mike Crapo, a conservative Republican from Idaho, proved that when we put people before politics there is much we can accomplish. Our bill was supported by the input of survivors and the advocates who work with them every day, law enforcement personnel, judges, and State and local leaders. It was drafted to meet the real needs of real victims. Although it faced early resistance to some of the commonsense changes it included should have been controversial. Eventually, the House listened to the experts in the field and followed the Senate’s example and passed this inclusive, lifesaving legislation. At a time when we face gridlock and stonewalling on even the most compelling issues, I was heartened to see that we could find a way to cut through all of that to help victims of violence.

I am proud of this new law. As a result of this passage, for the first time, VAWA guarantees that all victims can receive needed services, regardless of their sexual orientation or gender identity. The Leahy-Crapo Violence Against Women Reauthorization Act strengthens protections for vulnerable immigrant victims. It ensures that colleges and universities will do more to protect students from domestic and sexual violence. Our reauthorization also took important new steps to combat the scourge of domestic, gang, and cross-border violence on tribal lands and to ensure that no perpetrators of this terrible crime are above the law. I was happy to work with Representative Tom Cole, a Republican from Oklahoma, to preserve this provision in our bill. I thank him for his leadership.

To help support the important work of Vermont’s domestic and sexual violence advocates, I included all-State minimum funding allocations in the VAWA grants for victim services and violence prevention. The bill that the President signed also included the Trafficking Victims Protection Reauthorization Act, the first reauthorization of the Trafficking Victims Protection Act, to help us take on the scourge of human trafficking, both here at home and around the world. It is unacceptable that 150 years after the Emancipation Proclamation, the evils of sex trafficking and labor trafficking, forms of modern-day slavery, still exist. It has been needlessly difficult, but I am glad that the Senate adopted my amendment to add the Trafficking Victims Protection Act to our Violence Against Women Reauthorization Act to address the horrors of human trafficking.

My work across party lines did not end with passage of VAWA and TVPRA. It continued on a number of other smaller, yet nonetheless important, pieces of legislation. As chairman of the Senate Judiciary Committee and the Appropriations Committee’s Subcommittee on State, Foreign Operations, and Related Programs, I worked with Senators Shaheen and McCain to obtain a continuation of the Iraqi Special Immigrant Visa, SIV, Program. H.R. 3233. Congress created the program in 2008 to afford some of the bravest and most dangerous Iraqis who served alongside U.S. troops the opportunity to seek safety and a new beginning in the United States. It was set to expire at the end of October despite the fact that after 5 years fewer than 6,000 of the 25,000 available visas had been distributed to those Iraqis who risked their lives to be our translators and guides. They were a critical resource to our troops, helping them navigate complex cultural, political, and geographic terrain. Letting the program expire would have meant leaving many well-deserving Iraqi allies in danger and undermining American credibility for decades to come.

Although our initial efforts fell short to include the extension in the continuing resolution, which was blocked, we were able to work together to honor our commitment and renew this critical program by passing bipartisan legislation at the final hour. Among the many lessons of the Vietnam War is that we must not abandon those who risked their lives to help us.

Over the summer, I also worked with Representatives Kline and Miller on the House Education and Workforce Committee, and with Ranking Member Grassley to pass the Missing Children’s Assistance Reauthorization Act of 2013, H.R. 3092. This important measure ensures that the National Center for Missing and Exploited Children, NCMEC, can continue its critical and important work on behalf of the most vulnerable children in our communities. Congress has now renewed its obligation to support vital efforts to locate missing children and to protect all children from being victimized by predators.

The National Center for Missing and Exploited Children was first launched nearly three decades ago. In that time, NCMEC has helped law enforcement in the recovery of more than 188,000 missing children. The National Center for Missing and Exploited Children, NCMEC, has helped law enforcement in the recovery of more than 188,000 missing children. In that time, NCMEC has helped law enforcement in the recovery of more than 188,000 missing children.

The bill passed by Congress in September extends the center’s obligation to support vital efforts to locate missing children and to protect all children from being victimized by predators.

The U.S. Parole Commission is an important public safety entity responsible for granting or denying parole for Federal and District of Columbia prisoners sentenced before parole was abolished. It also has jurisdiction over parole for more recent DC offenders who are on supervised release from prison. The Commission’s charter was set to expire...