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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the guest Chaplain, Rev. Edward T. Kelaher, of All Saints Church, Chevy Chase, MD.

The guest Chaplain offered the following prayer:

Let us pray.

Father God, You alone are the sovereign Lord of this great Nation. Send Your Spirit among the men and women of this Chamber that Your will on Earth may be done as it is in Heaven.

People suffer, children hunger, laborers strain under their burdens, and those without a voice cry out in silence. Yet we stand before You at risk of doing little or nothing to comfort and relieve them unless our hearts are yielded to You alone. There is nothing we can do without You.

Give our Senators wisdom beyond human understanding, courage beyond their human hearts, and a sense of urgency and benevolence that matches Your own. Lord, as You hear the cries and prayers of Your people, enable our leaders by Your Holy Spirit to hear likewise in humility and charity.

We pray these words in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BRIAN SCHATZ led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 14, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. SCHATZ thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Following my remarks, the Senate will resume consideration of the nomination of Senator Hagel to be Secretary of Defense.

Yesterday I filed cloture on the Hagel nomination. That vote will occur tomorrow morning.

HAGEL NOMINATION

Mr. REID. Mr. President, in less than 2 hours our country will be without a Secretary of Defense at a time when we have a war going on in Afghanistan and about 70,000 troops there. We have a nuclear weapon which was detonated in North Korea a few days ago. They are threatening, as they have publicly on other occasions, but after this bomb was set off, that they are doing it to attack us. We have this situation in Iran with all their very militaristic statements against us.

All over the world America is involved in matters dealing with our military. I met the night before last in my office with the man who killed Osama bin Laden. I talked to him about his 16-year career as a SEAL and the places he went around the world protecting the interests of the United States. It wasn't just in Afghanistan, not only in Pakistan, but all over the world.

To think we have now in the Senate a situation where we are going to wind up without a Secretary of Defense at this time. We had all the talk—you know, we have some questions about Senator Hagel.

Keep in mind he is a Republican. They say: We have some questions to ask. But publicly a significant number of Republican Senators have said they would not filibuster.

Remember, there has never in the history of the country been a filibuster of a Defense Secretary nominee—never.

I needed to file cloture. Not all the shows, but a number of shows, attacked me last night. They said: We told REID and all these people we shouldn't have agreed to the rules changes because this is what we have going on.

I am ignoring that, but it is shocking that my Republican colleagues would leave the Nation without a fully empowered Secretary of Defense during all the things we have going on in the world, including a war. Several of my colleagues requested a letter from the President. A letter was sent at their request to the chairman of the committee, which is standard procedure, with Senator LEVIN answering all their questions.

They said: We need that letter so we may vote. One stall after another. I am told now that the letter was sent to the chairman of the committee, and that is not good enough. They want it sent to individual Senators.

This isn't high school getting ready for a football game or some play that is being produced at high school, we are trying to confirm somebody to run the defense of our country, the military of

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

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our country. That letter was received yesterday about 4 o'clock, and now they have indicated they want something else.

A committee of jurisdiction, the Armed Services Committee, has extensive information on Chuck Hagel. They have as much information that is available on the Benghazi situation: testimony from administration officials, from multiple committees, and from an independent review board. Secretary Clinton testified; Secretary Panetta, who is going to be leaving his job in less than 2 hours; Chairman of the Joint Chiefs, Martin Dempsey; and others have all testified regarding the attack that claimed four American lives. Chuck Hagel had nothing to do with the attack in Benghazi. Stating the administration hasn't been forthcoming is outlandish.

There are serious consequences to this delay, consequences that are occurring right now.

The President is making some important decisions about Afghanistan. He announced to the world just a day or two ago that 34,000 troops will be coming home during the next year from Afghanistan. We are negotiating with the Afghan Government regarding how we will support them beyond 2014. Negotiations are going on right now.

I heard today from former Senator John Kerry that he is headed for the Middle East. Why? Syria. That is something else the Secretary of Defense has to be concerned about.

Next week while we are on recess—while we are on recess—they are having a NATO Defense Ministers meeting in Brussels about what to do to coordinate our approach on Afghanistan and the rest of our obligations as members of NATO. It is going to be somewhat unusual that the United States isn't represented by the Secretary of Defense. We will not have one if we don't get this done this week.

I am sure they are going to focus on how to end the war responsibly in Afghanistan, how our alliance will work together through the time of transition, and how we can ensure Afghanistan doesn't become a safe haven for al-Qaida again. We need a Secretary of Defense at that meeting. It sends a terrible signal to the hundreds of thousands of troops we have around the world and the military personnel in the United States that we are not going to have a Secretary of Defense.

Republicans are telling our troops: Well, you may have a leader later. What is going on in Europe, the Brussels conference, doesn't really matter.

It sends a terrible signal not only to our military personnel but to the world.

He has answered exhaustive questions about his record. He has the support of the President of the United States.

I heard a lot of speeches from the other side saying the President should have the right to choose whomever he wants. He has the support of this body, the majority vote in this body, and this democracy. We are a nation at war. We are, whether we like it or not, the world's indispensable leader. We are.

For the sake of our national security it is time to put aside this political theater, and that is what it is. People are worried about primary elections. We know how the tea party goes after Republicans when they aren't conservative enough. Is that something they need to have on their resume: I filibustered one of the President's nominees? Is that what they want?

The filibuster of Senator Hagel's nomination is unprecedented. I repeat, not a single nominee for Secretary of Defense of our country has ever been filibustered—never, ever. As we all know, in a matter of days across-the-board cuts are going to take place, and it will affect defense to the tune of $600 billion. Wouldn't it be nice if we had a Secretary of Defense to work things out?

Leon Panetta, after more than 30 years of service to this country—Congress, chairman of the Budget Committee, OMB, the President's Chief of Staff, head of the CIA, Secretary of Defense—after all these years has gone home to his farm, his family in California.

We do not have, as of 12 o'clock today, a Secretary of Defense. These across-the-board cuts are going to be very difficult. The Pentagon needs a leader to oversee and manage historic cuts and ensure they are made in a responsible way.

A moment about Hagel. He was an enlisted man in the Vietnam war. He didn't have to go; he enlisted. The story of Senator Hagel is not a legend, it is true. He was a heroic warrior. He was an infantryman. He saved his brother's life.

When he was a Senator here the picture he had was of him and his brother in Vietnam on a personnel carrier. He is proud of his service. He should be. He was wounded two times, an infantry squad leader, and a man of integrity and dedication who has a deep understanding of our national security establishment. This came not only from his military service but as a Senator, a member of the Foreign Relations Committee, and a member of the Intelligence Committee. He has been a member of the President's Foreign Intelligence Advisory Board.

At a time when America faces so many threats—I have outlined just a few of them—all across the world our Nation needs a man of Senator Hagel's combination of strategic and personal knowledge. We need a Secretary of Defense. It is tragic that they have decided to filibuster this qualified nominee. It is really unfortunate.

RECOGNITION OF THE MINORITY LEADER

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

A FAMILIAR SCENARIO

Mr. MCCONNELL. In just 15 days significant across-the-board cuts are set to take effect unless the President and the Senate Democrats come up with a plan to replace them with smarter, targeted spending reductions. The President and the Senate majority have known about this deadline for more than a year. Yet here we are just days before the so-called sequester is set to hit, and a familiar scenario is playing out once again. It goes something like this:

Phase 1. Republicans identify a challenge and actually propose a solution.

Phase 2. Liberals sit on their hands until the last minute.

Phase 3. They offer some gimmicky tax hike designed to fail and then blame everybody else when it does.

Phases 1 and 2 have gone exactly according to plan. House Republicans proposed and passed plans to replace the sequester months ago. As if on cue, Senate Democrats have doggedly refused to consider any of them, much less offer any of their own. Here we are again at phase 3. That means it is now time for them to swoop in with the gimmick.

That is why our friends on the other side have been huddled behind closed doors with pollsters and PR spinmeisters. They have been busy devising the most appealing-sounding tax hikes they can think of.

Don't believe me? Just watch what happens now. Later today, Senate Democrats are expected to roll out the gimmick. Remember, this is not a solution. Even they know it can't pass. But that is the idea. It is a political stunt designed to mask the fact they have offered no solutions and don't plan to offer any solutions. It is a total waste of time.

For nearly 2 months, I have been coming to the floor to ask Senate Democrats to work with us on a bill that could pass both Houses of Congress. If they were the least bit serious about a solution, they have had more than a year to write a bill in committee, bring it to the floor, vote on amendments, get it to the House and fix this.

Instead, they have waited right up until the moment of crisis, just as they always do, and then they get together not with the goal of finding a solution but to hatch an escape plan aimed at making Republicans look like the bad guys. Their whole goal here isn't to solve the problem, it is to have a show vote that is designed to fail, call it a day, and wait for someone else to pick up the pieces.

My message this morning is quite simple: There won't be any easy off-ramps on this one. The days of eleventh hour negotiations are over. Washington Democrats have gotten used to Republicans bailing them out of their own lack of responsibility. But those days have passed. Look, they run the Senate; they run the White House. It is time they started acting like it.

As a first step, Senate Democrats need to honor their pledge to return to regular order. Legislation that passes through this Chamber should be written with input from both parties. It should get a fair public vetting in committee, and Senators should get a chance to offer amendments. Just yesterday, the President's own Treasury nominee called for a return to regular order.

So it is time for the President and Senate Democrats to put the games and gimmicks aside. It is time they stopped waiting until the last minute to get things done around here. People are tired of it. I know my constituents in Kentucky are certainly tired of it. They have had enough of the political theater. It is time to put the stunts aside and actually work on real solutions. That is what we were sent here to do, and we should do it.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF CHARLES TIMOTHY HAGEL TO BE SECRETARY OF DEFENSE

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

The legislative clerk read as follows:

Department of Defense. Nomination of Charles Timothy Hagel, of Nebraska, to be Secretary.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, it has been suggested that the Senate should not move forward with Senator Hagel's nomination, alleging he has not complied with requests that he produce speeches. In fact, the standard committee questionnaire requires nominees to provide a copy of ''any formal speeches you have delivered during the last 5 years of which you have copies.'' Senator Hagel complied with this requirement before his hearing 2 weeks ago.

Before the hearing, a number of requests were received from Republican Members that Senator Hagel seek and obtain and provide to the committee some transcripts of additional speeches. In fact, hundreds of pages of transcripts were, in fact, supplied to the committee before the hearing, in addition to those he had submitted in response to the committee questionnaire.

Since then, we have received two additional requests for specific speeches, and in each case we forwarded to Senator Hagel the requests. He sought and provided transcripts of speeches for which he had no prepared remarks and of which he had no copies. So he has responded to those requests, and where he was able to obtain a transcript or a video of the speech from the organization he addressed, he provided a copy. Where no such materials existed, he told us that was the case.

Senator Hagel was informed that a video of his remarks existed in one of those cases but that the organization had been unable to find it. The organization has now located the video, and it will be provided to the majority and minority staffs of the committee today.

In the last few days there has been some finding of transcripts or videos that have surfaced on the Internet—a handful of 2008 and 2009 speeches that Senator Hagel did not recollect. So I ask unanimous consent that a list of links to the Web transcripts or Web videos and a list of Senator Hagel's potentially relevant Senate speeches that are a part of the CONGRESSIONAL RECORD from 2008 be printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. LEVIN. Mr. President, Senator Hagel stated in his financial disclosure that he received $200,000 from Corsair Capital, which is a private equity firm, and he was a member of its advisory board. It has been alleged that Senator Hagel failed to provide complete financial disclosure, despite the admitted lack of evidence of any kind, and a highly negative innuendo was dropped by one of our colleagues which said that, and I quote, ''it is, at a minimum, relevant to know if that $200,000''—referring to those fees from Corsair Capital—''that [Senator Hagel] deposited in his bank account came directly from Saudi Arabia, [or] . . . from North Korea. . . .'' Without any evidence of any kind, that kind of innuendo has been dropped here. It is inappropriate, unfair, untrue.

Senator Hagel has provided the same financial disclosure and met the same conflict of interest standards that the committee requires of all previous nominees. As I explained in a February 8, 2013, letter to my ranking member, Senator INHOFE:

Our committee has a well-defined set of financial disclosure and ethics requirements which apply to all nominees for civilian positions in the Department of Defense. . . . We have applied these disclosure requirements and followed this process for all nominees of both parties throughout the 16 years that I have served as Chairman or Ranking Minority Member of the [Armed Services] committee. I understand that the same financial disclosure requirements and processes were followed for at least the previous 10 years, during which Senator Sam Nunn served as Chairman or Ranking Minority Member.

And I added:

During this period, the committee has confirmed eight Secretaries of Defense (Secretaries Carlucci, Cheney, Aspin, Perry, Cohen, Rumsfeld, Gates, and Panetta), as well as hundreds of nominees for other senior civilian positions in the Department. . . . The committee cannot have two different sets of financial disclosure standards for nominees—one for Senator Hagel and one for other nominees.

As required by the Senate Armed Services Committee and by the Ethics in Government Act, Senator Hagel has disclosed all compensation over $5,000 that he has received in the last 2 years. As required by the Armed Services Committee, he has received letters from the Director of the Office of Government Ethics and the Acting Department of Defense General Counsel certifying that he has met all applicable financial disclosure and conflict of interest requirements.

As required by the Armed Services Committee, he has answered a series of questions about possible foreign affiliations. Among other questions, the committee asks whether during the last 10 years the nominee or his spouse has ''received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government.'' And Senator Hagel's answer was ''No.''

Mr. LEAHY. Mr. President, will the distinguished chairman of the Armed Services Committee yield for a question?

Mr. LEVIN. I will be happy to.

Mr. LEAHY. Mr. President, I have listened to the recitation. Basically what the Senator is saying is that all the rules that were in place for nominees to the Department of Defense under Republican Presidents are being followed for Senator Hagel. But there are some who want to go beyond those and create new rules beyond those for Vice President Cheney when he was Secretary or Donald Rumsfeld or Gates or any of the other Secretaries of Defense. The Senator is saying some now want to do something different for this nominee of President Obama's than the practices they found totally acceptable for the nominees of President Bush?

Mr. LEVIN. The Senator is correct. A number of our colleagues have made that demand, and it is simply not something on which we are going to set a precedent. It is not the way to proceed in this body.

Mr. LEAHY. I stand with the Senator from Michigan. In the Judiciary Committee, we follow the same procedure for our judicial nominees regardless of the party of the President who nominates them. If we begin switching the rules depending upon who is President—well, if we think the American public holds Congress in low esteem right now, it is going to get even

worse. So I compliment the Senator for sticking to the rules.

Mr. LEVIN. Mr. President, I thank my good friend from Vermont.

Just to complete my statement on the financial part, this is relative to the fees he received when he was on the advisory board of Corsair Capital.

This is a company he does not control. He is not in a position to require that it disclose anything. The other members of the advisory board—all of whom are identified, by the way, on the company's Web site—include the chairman of JPMorgan Chase International, who is a laureate of the 2002 Israel Prize in Economics and a recipient of the Scopus Award from Hebrew University. Other members of the advisory board: the former director of investments for Yale University and the former chairman of the Financial Services Authority, which is responsible for regulating the insurance industry in the United Kingdom. So the innuendo that Corsair Capital is somehow a puppet entity that is funneling tainted money to members of its advisory board is unfair. It is totally inappropriate.

Senator INHOFE said yesterday that he is not filibustering this nomination. He is just insisting on a 60-vote requirement for Senate approval. And he said it is not unusual to insist on 60 votes for the approval of a nominee and this was done during the Bush administration for the nomination of Stephen Johnson to be EPA Administrator and the nomination of Dirk Kempthorne to be Secretary of the Interior.

Well, the Senate rules do not provide for 60-vote approval of nominations or any other matter. These rules establish a 60-vote requirement to invoke cloture and end debate. If 60 votes are required here, it is because there is filibuster. There is no 60-vote requirement for the approval of a nomination, and the two examples cited by Senator INHOFE actually prove this point. On the nomination of Stephen Johnson, cloture was invoked by a 61-to-37 vote on April 29, 2005. On the nomination of Dirk Kempthorne, cloture was invoked by an 85-to-8 vote on May 26, 2006. But—and this is the point—after the debate was ended by those votes on cloture, the nominations were confirmed by regular votes of this body. And those regular votes are either a voice vote or a majority vote on a rollcall vote.

So that history is, again, an example of how the Senate operates. Sixty votes is not required to approve a bill or approve a nomination. If a matter is being filibustered, 60 votes is required to end the debate, and then, if the debate is ended, there is a vote on a nomination or a bill.

No nomination for the position of Secretary of Defense has ever before been filibustered. This filibuster breaks new ground. The filibuster of a nomination for Secretary of Defense is the first one under any circumstances, and it is unwise. The Department is facing a budget crisis that was described as a 10 on a scale of 1 to 10 by the Chairman of the Joint Chiefs of Staff. So a filibuster at this time of a budget crisis is exceptionally ill-advised. Leaving the Department of Defense leaderless at a time when we are in an Afghan conflict, when North Korea has just exploded a nuclear device is exceptionally ill-advised. And perhaps most important, having a Department of Defense that does not have a new Secretary confirmed is unfair to the men and women in uniform. It sends them exactly the wrong message, as it does to our friends and our adversaries around the world.

Mr. President, I yield the floor.

EXHIBIT 1

ADDITIONAL SPEECHES AND EVENTS BY CHUCK HAGEL THAT ARE AVAILABLE ON THE INTERNET

December 4, 2008	Israeli Policy Forum Annual Event: ''In His Own Words: Sen. Chuck Hagel on the Middle East''.	http://mycatbirdseat.com/2012/12/35795-senator-chuck-hagel-keynote-speech-israel-policy-forum-annual-event/
May 16, 2009	Georgetown University Commencement Speech	http://commencement09.georgetown.edu?p=620
September 23, 2009	2009 McCarthy Lecture—College of Saint Benedict/Saint John's University	http://www.csbsju.edu/McCarthy-Center/McCarthy-Lecture/McCarthy-Lecture-Archieve/2009-Lecture-htm
October 2009	Gerald R. Ford School of Public Policy—University of MIchigan	http://www.fordschool.umich.edu/events/calendar/148/
May 28, 2012	50th Anniversary of the Vietnam War Commemoration	http://www.vietnamwar50th.com/media_center/the_honorable_chuck_hagel_memorial_day-2012_speech/

SPEECHES THAT SENATOR GAVE ON THE SENATE FLOOR IN 2008 THAT COULD BE RELEVANT TO HIS NOMINATION

February 28, 2008	Senate Floor Speech re: GI Bill
May 8, 2008	Senate Floor Statement re. Chief Master Sergeant Glenn Freeman
May 20, 2008	Senate Floor Speech—Feingold-Hagel bill establishing an independent Foreign Intelligence and Information Commission
May 20, 2008	Senate Floor Speech re. GI Bill
June 12, 2008	Senate Floor Speech—233rd Birthday of the United States Army
October 2, 2008	Senate Floor Speech—Farewell to the Senate

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

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

The assistant bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I applaud what Senator LEVIN has said about Senator Hagel. If you made a list of the qualifications of the perfect Secretary of Defense, it would look like the resume of Chuck Hagel. If you look past the partisan posturing of some, I think the American public supports his confirmation as Secretary of Defense.

I worry that this partisan posturing adds to the low opinion Americans have of both the House and Senate. This is not the way we should be doing the country's business.

I strongly support the nomination of Chuck Hagel to be Secretary of Defense and urge all Senators to support him. We are at a time of fiscal austerity. We all understand that. But we need a leader at the Pentagon, one who understands what it takes to maintain the strongest military force in the world.

Senator Hagel is a former enlisted soldier. He understands defense policy and practice from the ground up. He is the leader we need as Secretary of Defense. He is experienced by any measure. Like thousands of people he will lead at the Pentagon, he has earned a combat infantryman's badge. These qualifications are not abstract. He has two Purple Hearts from combat service in Vietnam. He still carries shrapnel in his body from those injuries.

On any issue having to do with the U.S. military, I have long valued the firsthand experience of Chuck Hagel. But this service alone is not what makes him qualified. He has been a leader in the public and private sectors. He cofounded Vanguard Cellular Systems, a successful cellular carrier in the 1980s and 1990s. He was president and CEO of the USO and the chief operating officer of the 1990 G7 Summit. He served as president of an investment bank, on the boards of some of the world's largest companies, and as a two-term U.S. Senator. He is clearly a qualified nominee.

Since his nomination was announced last month, some have questioned Senators Hagel's position on a number of issues—notably, his support for Israel. Well, as recently as his confirmation hearings, he has reaffirmed his long record of support for Israel. In January, Danny Ayalon, the Israeli Deputy Foreign Minister and former Israeli Ambassador to the United States, affirmed what he sees as Senator Hagel's commitment to the unique U.S.-Israeli relationship. As a member of the Foreign Relations Committee, Senator Hagel supported the authorization of almost $40 billion in aid to Israel. In a 2008 book, Senator Hagel wrote that, ''there will always be a special and historic bond with Israel exemplified by our continued commitment to Israel's

defense.'' He also wrote that that there can be no compromise on Israel's identity as a Jewish state. He has affirmed the U.S. commitment to Israel's security and Israel's right to defend itself against aggression. These are just a few examples, but by any objective measure, Senator Hagel is committed to the mutual interests of the United States and Israel.

Attacks suggesting that Senator Hagel is soft on Iran are also baseless. Through all my conversations with Senator Hagel, I have never once doubted his belief in the President's responsibility to build alliances and exhaust all available means to achieve our foreign policy goals through diplomacy. But he also believes that aggressive actions by us against a foreign government should be strategic. There is not a shred of evidence to support claims that he supports a nuclear Iran, or that he does not support the President's efforts—unilateral or multilateral—to bring Iran to the negotiating table over its nuclear program. He has reaffirmed that he believes in keeping all options on the table, including force if necessary, to prevent Iran from obtaining a nuclear weapon. Senator Hagel supports the sanctions against Iran already in place. He has affirmed the need to keep military action on the table. He supported the Iran Missile Proliferation Sanctions Act of 1997, the Iran Nonproliferation Act of 2000, and the Iran Freedom Support Act of 2006. Any assertion that Senator Hagel accepts Iran's nuclear program is false.

Then there are the bogus, inflammatory claims that Senator Hagel is soft on terrorism. Nothing could be further from the truth. He has not hesitated to call Hezbollah and Hamas what they are—terrorist organizations. He condemned Iran's support of Hezbollah and cosponsored the Senate resolution demanding that Hamas recognize Israel's right to exist. He also supported the Palestinian Anti-Terrorism Act of 2006, a multilateral effort to force Hamas to recognize Israel, renounce violence, disarm itself, and accept prior agreements with Israel.

I have traveled with Senator Hagel to different parts of the world, combat areas and areas of great security concern to the United States. I have sat in meetings with him as he spoke with our military and intelligence officials. Please excuse me if I am somewhat vague, since most of these meetings were of a highly classified nature, but I can say this: he asked tough questions and always kept the security interests of the United States foremost at hand with both U.S. security officials and also with the leaders of other countries. Senators who were with us of both parties commented to me afterward how impressed they were with the way Senator Hagel conducted these meetings.

In this time of talk of across the board budget cuts, some have suggested that Senator Hagel would recklessly weaken the defense budget. Nothing in Chuck Hagel's record supports that. He resigned as Deputy Administrator of the Veterans Administration over what he considered to be inappropriate budget cuts.

He opposes cuts that would weaken our security. He vigorously opposes sequestration, which has been rightly compared to cutting with a meat cleaver. Like Secretary Panetta and Secretary Gates, Chuck Hagel believes the Pentagon has a role to play in deficit reduction but not at the expense of keeping our military the preeminent fighting force in the world. He says that reductions must be smart and strategic. I agree. I am confident that our men and women in uniform will have no stronger advocate and that our Nation will have a solid defender in Chuck Hagel.

Senator Hagel, who has seen combat from the perspective of an enlisted member of our Armed Forces, sees our military as the last resort, not the first resort in international relations. Those who have been in combat, from President Eisenhower on until today, have taken that same position. No matter what any detractor may say, his is sound policy.

Matters of war and peace are matters of life and death. Those who sit in boardrooms or in easy chairs and say: Let's commit our soldiers here and our soldiers there—they are not the ones going. By and large, it is not their family members risking their lives. We need a Secretary of Defense who knows what it is like to go and to face combat and to be wounded. Should we commit our troops when it is necessary for our defense? Of course. That is why we have troops. But let's recognize that such decisions come at great human cost.

Senator Hagel, a decorated veteran who still walks with the shrapnel from his wounds in Vietnam, understands that a decision to go to war is a decision to send our sons and daughters, husbands and wives, fathers and mothers into harm's way. It is his deep, visceral understanding of this fact, his record of experience, his patriotism, and his dedication to this Nation that qualify him to be the next Secretary of Defense.

We should have the vote and confirm this patriotic American hero. Let's not hide behind a filibuster. Let's have the courage to vote yes or vote no. Do not hide behind parliamentary tricks. Do not vote maybe. The American people elected us to vote yes or vote no. When you want to set up a filibuster rule on something, you are basically saying: Let's vote maybe. That is hardly a profile in courage and certainly not the kind of courage we would expect from a Secretary of Defense. So vote yes or vote no. But however you vote, let's do it without delay. I will vote yes.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

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

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

MANDATORY SPENDING

Mr. COATS. Mr. President, earlier this week I outlined four main topics that I hoped to hear the President discuss in his State of the Union Address. Today, I would like to talk in more detail about one of those items and perhaps the most challenging—restructuring Medicare, Medicaid, and Social Security to preserve them for current and future generations.

In Washington, these three programs fall into the category of mandatory spending, meaning they are not contingent on annual congressional review or funding. Instead, they are based on formulas that have already been written into law, and therefore this spending occurs automatically, as if it is on autopilot. So, anyone who becomes eligible for the program based on the requirements in the law automatically qualifies for the benefits. We do not have the ability on a year-to-year basis to review or change this. We can only make structural changes and reforms to the program as necessary.

Today these items make up a majority of the government's annual budget. This is because when these programs were implemented they did not take into account the remarkable and wonderful increase in the lifespan of Americans, nor the impact of the post-World War II baby boom generation reaching the point of retirement age, which is now at the level of about 10,000 retirements each and every day of the year. That is putting an enormous strain on the overall budget and the amount in proportion to the budget that goes for funding these mandatory programs.

After World War II and after a long decade of depression, Americans saw a bright new future. They came home from the war. They began to start families. Millions upon millions of children were born in the post-war period up until the earlier 1960s. This is the so-called baby boom generation.

Initially, when they were born, certain industries came into play. If you were in the diaper business, suddenly you were in a boom business or cribs and strollers and then tricycles and bicycles. These children moved on to the age where they began to enter elementary school, and we built schools all over the country to accommodate this growth in our population working their way through the system. Then it was junior highs and then we needed to enlarge our high schools, and new colleges and universities sprung up across the land, too. Upon graduation, they found jobs, and it was time to start their own families—housing boomed.

Throughout the whole lifespan of this baby boom generation, there have been enormous economic changes to adapt to this massive amount of people working their way through life and becoming such an integral part of the American dream and American history.

We often talk now about this issue in cold hard facts because this generation

is reaching retirement age, moving into retirement and qualification, for Social Security and Medicare coverage in massive numbers—10,000 or more a day. But when we are talking about it in just cold hard facts and numbers, we tend to ignore the impact of these programs in a much more personal way on our American public.

Becoming eligible for the programs we are talking about means access to health care during a more difficult time of life. Perhaps you are no longer covered by your employer because you have made the decision to retire or reached retirement age. There are health care issues as we age that we wish did not happen, but they come on in ever-increasing intensity. It means grandparents having enough money to travel to see the kids and a new grandbaby. It means men and women who have worked hard all of their lives to provide for their families finally having the financial freedom to take some time off to retire.

Hoosiers and Americans all across this land have paid into the system all through their working years. They rely on these health and retirement security programs and their benefits. These are honest, hard-working men and women who have been told that if they made contributions through their paychecks to these programs, they would become eligible at a certain age for a certain standard of coverage. They expect to receive that. So, the challenge before us today is to make sure these benefits continue to be available to both current and future recipients. But, as we examine our Nation's current fiscal state, we all need to come to terms with the fact that these programs will not be available in their current form if we do not make some necessary changes.

The Heritage Foundation reports that mandatory spending has increased at almost six times faster than all other spending. In other words, spending on Medicare, Medicaid, and Social Security is growing faster than all of our spending on defense, education, infrastructure, medical research, food and drug safety, homeland security, and I do not begin to have the time to list all of the various functions of spending that go toward reaching out and meeting the needs of this country.

The nonpartisan Congressional Budget Office reported this month that spending on these programs and interest on the debt will consume 91 percent of all Federal revenues 10 years from now. Imagine our budget as being a big pie. It is cut in certain slices in terms of how much money is spent on defense, how much money is spent on mandatory programs, and the amount of money that is spent on all of the other functions in which the Federal Government is engaged. That part of the pie which provides for the automatically entitled mandatory spending benefits is growing at a rate that is unsustainable.

It is ever shrinking the defense and nondiscretionary part—everything else we spend money. We spend too much money on too many things so we are going to have to be very careful. I have talked about this many times of how we spend and allocate funds in the future.

Unless we address this runaway mandatory spending issue, we are not going to be able to have the funds to do even essential constitutionally mandated things, such as providing for our national security and making funds available for paving roads, health care research, education, or whatever else we feel is appropriate for our Federal Government to engage.

Furthermore, this mandatory spending has enormous impacts on our young people. In a recent New York Times column titled ''Carpe Diem Nation,'' David Brooks wrote about two ways spending on health and retirement programs not only threatens our economic growth but hurts young people. It squeezes government investment programs that boost future growth. Second, the young will have to pay the money back. To cover current obligations, according to the International Monetary Fund, young people will have to pay 35 percent more taxes and receive 35 percent fewer benefits.

This is the plight that exists. These are the cold hard facts. We have to deal with this math. Understanding how we deal with this directly affects people's lives, directly affects the benefits they rely on for their retirement and for their health care.

The challenge before us is to understand, if we don't do something, this 35-percent higher taxes and 35-percent fewer benefits on our young is not only unacceptable, I think it is, in my opinion, immoral. Immoral for our generation, for this Congress, and our executive branch to leave our children and grandchildren in such a position without doing something about it. The challenge before us and the goal this body should be striving for is finding common ground—not how to eliminate these programs but about how to save these programs while ensuring we have adequate resources to finance the essential and necessary functions of the Federal Government. This starts with our constitutional obligation to provide for the Nation's security, the security of the American public, as well as providing for the general welfare.

Republicans and Democrats and conservatives and liberals recognize we need to restructure Medicare, Medicaid, and Social Security if we are serious about putting this country on a sounder fiscal footing and if we are going to be able to keep these programs from becoming insolvent. Hopefully, there are Members on both sides of the political spectrum who agree we need to make the changes now in order to avoid more painful changes later.

We have been postponing this action and this needed legislative process for decades. It has always been too hot to handle. It is too politically damaging. It might put us in political jeopardy.

The President, in his State of the Union Address, said it is time we put the interests of our Nation ahead of our own personal political interests. I couldn't agree more. That is what we should always be doing. We have not done that when it comes to this critical issue, which has such an enormous impact on everything we do. It has such an enormous impact on people who have saved all their lives for the benefits they were promised when they retire or became a certain age or the young people in this country who are coming out of school, starting a family, getting a job, hoping to also participate in the American dream, owning a home, and raising a family. We have the freedom our country provides us in ways no other country ever has or perhaps ever will. We are so blessed to have been born in this country, to live in this country, and to have the freedom and the possibility of achieving our dreams.

All of those are in jeopardy if we don't address this situation. For decades now, we have known what is coming. We have seen a growth in our population of baby boomers moving through their entire lifecycle and are now reaching retirement age. We have postponed this over and over. We have come up with short-term solutions over and over and over and failed to come up with any long-term solutions over and over and over.

The time is now. We are at the point where if we don't do something now, the prediction of David Brooks is going to take place. Our young people are going to be saddled with ever-higher taxes to hold up a system that is going to only be able to deliver ever-lower benefits.

As we consider the right path to move forward, we need to acknowledge that any bipartisan congressional effort to reform and preserve these programs will be unsuccessful unless the President shows a willingness to get involved and engage fully in this effort. I believe he understands the magnitude of the issue because he has said: I refuse to leave our children with a debt they cannot repay.

We all want a government that lives within its means. We need to get our fiscal house in order now. We cannot kick this can down the road. We are at the end of the road, said the President of the United States in comments made when he was a Senator, comments made when he was a candidate for President, comments made when he was President during his first 4 years, and comments made subsequent to that, in his inaugural address, and in his recent State of the Union Address.

We need more than talk. We need engagement. We need an engagement of the President if we are going to make these difficult decisions to put our country on a better fiscal path and to save these programs for those who have put their hard-earned money and work into them and then not qualify for those benefits.

I would like to take this opportunity to remind the President of his repeated commitment to reduce our debt and deficit. I want to remind him of the many times he has spoken about the need to fix Medicare, Medicaid, and Social Security.

Now, Mr. President, what I would like to say is this: We need more than your soaring rhetoric. We need more than the promises you made. We need your direct engagement if we are going to address this fiscal crisis and essentially do what I think all of us know we need to do.

We basically have two options: we may continue with the status quo and wait until the moment that a crisis hits and we may no longer send out the checks; we must raise taxes once again to cover a program that should have received needed reforms or at the point where the programs become solvent. Or, the alternative is that we can come together and commit to the American people that we will act and no longer avoid or delay the challenging and necessary task of fixing these programs to save them for future generations.

I stand ready. I trust my colleagues stand ready to address this issue now, and we are asking you to stand with us. Let's do what we all know we need to do to restore our Nation's fiscal health, to save these programs from insolvency, to grow our economy, and get Americans back to work. The time is now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am proud to stand here to support the nomination of Chuck Hagel as our next Secretary of Defense.

I believe he will be confirmed by this Chamber, I hope, on a bipartisan basis. He is, in fact, extraordinarily qualified for this position of unique trust and responsibility. That is the criterion we must apply. Is he qualified? We may have, probably each of us does have among us 100 Senators, someone whom we would make our first choice or a better choice or is the right person, in our view. That is not the question before us. It is whether he is qualified to be part of the President's team and to be held accountable for the policies the President sets.

Chuck Hagel is a decorated war veteran with two Purple Hearts. He is a highly successful businessman and entrepreneur and a real manager at a time when we need a manager in the Department of Defense.

He is a former colleague as a Member of this body, but he is also a former deputy head of the Veterans' Administration. He has given his life to public service and, most especially, to helping men and women in uniform while they serve this country in the military, and then when they come back to civilian life, helping them contribute and continue to give back to this Nation.

He is a Republican who has won the confidence of President Obama and whom President Obama has chosen to be a member of his team.

We speak, as Members of the Senate, about giving the President a measure of deference, a prerogative in making the selection about who will serve on his team because it is the President who sets policy. The President will set our policy on the Middle East and on Israeli security. Chuck Hagel has said he is committed, unequivocally, clearly, unambiguously, to the security of Israel and to whatever weapons systems are necessary to provide Israel in maintaining and sustaining that security, the Iron Dome, David's Sling, and other measures this Nation has committed to its great ally in the Middle East. This is an ally that is necessary not only to stability there and hopefully to peace but also to our national interests. Chuck Hagel may have made comments in the past that seemed to vary somewhat from the President's policy, but it is the President who sets that policy and whom we will hold accountable for that policy.

Likewise, on Iran, Chuck Hagel has said he is in favor of preventing a nuclear-armed Iran, not containing it but preventing it. Whatever his past says, it is the President who sets that policy. Chuck Hagel has indicated he is completely in accord with it, in support of it, and will implement it. Again, it is the policy of the President to prevent a nuclear-armed Iran, and we must in this body give support and encouragement to the President in being strong and tough, setting even stronger and tougher sanctions, and using the military option, if necessary, to stop a nuclear-armed Iran.

Going from policy to what I think is perhaps the unique challenge of the next Secretary of Defense, which is to attract and retain the best and the brightest to our military—we talk all the time about people being our greatest asset in the military. We have weapons systems that defy the imagination, let alone comprehension.

At the end of the day, the people who run those weapons systems, the people who staff and work every day to keep America safe, are the ones who are our greatest asset. At a time when we are bringing troops back from Afghanistan when Secretary-to-be, hopefully, Hagel, has indicated we ought to do it even more quickly, our greatest challenge will be to prevent the hollowing out of our military as has occurred in the wake of past conflict.

That hollowing out is not only about hardware and weapons; it is about the people who command and the people who run those weapons. We need to ensure we keep those midlevel officers and enlisted members who are so important to the leadership of our military. Chuck Hagel's leadership and commitment will be critical to that task.

I have met with Chuck Hagel privately. I asked him tough questions about Iran and Israel. I am satisfied on those points that he will advise the President in accord with those policies.

But even more important, I am struck by his passion and the intensity of his commitment to our men and women in uniform. His caring about them is indicated in so many ways—spontaneously and strongly in his testimony as well as in his private conversation. He will make sure that sexual assault in the military—the epidemic and scourge of rape and assault against men and women who serve and sacrifice for this country—will be stopped; that there will be, in fact, zero tolerance not only in word but in deed, and his viewing, for example, of the documentary ''Invisible War''—his understanding that this kind of misconduct is an outrage, never to be even complicitly condoned and to treat as a criminal offense the most extreme kind of predatory criminal activity is important to the future of our military and our men and women in uniform.

He is committed to making sure that women in combat—a policy of the President—is implemented forcefully and faithfully. He is committed to making sure the policy of repealing don't ask, don't tell is implemented zealously and vigorously. He is committed to making sure that our veterans—not only for our returning Iraq and Afghanistan veterans but also for the veterans of his own generation—our Vietnam veterans who had Post-Traumatic Stress at a time when it was undiagnosed and, in fact, unknown as a condition resulting from combat—have the benefit of policies and practices we are now implementing to deal with Post-Traumatic Stress and traumatic brain injuries.

He is also committed, equally importantly, to making sure the epidemic of suicide among our currently serving men and women in uniform and also our veterans is addressed forcefully. There are tragedies every day involving those suicides—families who lose loved ones and a country that loses a great public servant—and Chuck Hagel cares about those men and women. He will see a person in uniform not as simply an officer or an enlisted man but as someone who will soon be a veteran and become part of a continuum.

Chuck Hagel has served the VA as well as now in the Defense Department, and he will make sure the transition from active service to reservist service is seamless; that veterans are provided with the transition assistance they need for employment, education, and health care, and that our National Guard receives the respect and service it deserves.

I am convinced Senator Hagel's No. 1 priority will be taking care of our troops. He was a veteran's advocate with the USO, and he has won the respect and admiration of veterans groups. In addition, he has won the support of an extraordinary array of former Secretaries of Defense, ambassadors and diplomats, senior retired military leaders, and, in particular, two former Members of this body who appeared with him at his testimony, former Senators Warner and Nunn.

I believe Chuck Hagel is the right man for the fiscal challenges that will confront the Department of Defense. Putting aside sequester—which I dearly hope will not happen; Secretary Panetta has said it would be irresponsible for the Congress to allow it to happen, and many of us agree it must be avoided—and the challenges in the next month or series of months, the long-term outlook for the Department of Defense is that it must do more with less, and Secretary Hagel, if he is confirmed, will have that management task. He is one of the people in this country who is almost uniquely qualified to carry it out, and I believe he will, with great distinction. He will take care of our men and women in uniform and strengthen our national defense. He will do what he thinks is right, even if it is not popular.

Finally, Chuck Hagel is, as everyone has said, a good and decent man. And I thank in particular Senator MCCAIN for his very compelling and telling comments during our consideration before the vote in the Armed Services Committee. He said, and I agree, that no one should impugn Chuck Hagel's character. He is a person of integrity and character, and I believe he will have the respect at all levels of our defense—the men and women who serve and sacrifice every day, the men and women who are essential to our national security—and I recommend him and urge my colleagues to support him.

I respectfully hope he will be confirmed quickly and that it will be done on a bipartisan basis so we will be united—as our Armed Services Committee in this body is almost always united—in favor of the President's choice for this uniquely important responsibility.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Republican whip.

TIME TO GOVERN

Mr. CORNYN. Madam President, I rise to mark another sad record for the Senate: 1,387 days since the Senate has passed a budget—1,387 days.

The last time I checked the 2012 election was over, and of course it has been over for more than 3 months now. Unfortunately, the President still seems to be very much in campaign mode, giving speeches all around the country. For the time being, what we need, rather than a President on a perpetual campaign, is for Democrats and Republicans to work together to try and solve some of our Nation's most pressing problems, and there is no more important issue than our national debt.

Unfortunately, the President, after extracting about $600 billion in new taxes as a result of the fiscal cliff negotiations, is still coming back to the well, and he is calling for tens of billions of dollars in new spending. At a time when we ought to be talking about bending the cost curve down, trying to rein in wasteful Washington spending, the President wants to spend more, and he wants to raise taxes to do it.

Perhaps worst of all, we know the promises we made to our seniors for Medicare and Social Security are imperiled. Unless we act together to save and protect Social Security and Medicare, they are on a pathway to bankruptcy, and that is irresponsible and wrong.

I am tempted to describe President Obama's spending and tax ideas as small ball, but they are worse than that. They represent a conscious decision to neglect some of the most pressing issues that confront our country. One might even say it is a dereliction of duty in the battle to save America.

Last week, the Congressional Budget Office projected our gross national debt will increase from $16 trillion in 2012 to $26 trillion in 2023. Now that may seem like a long way off, but since President Obama has been President, the national debt has gone up by 55 percent—just in the last 4 years. If we project that forward to 2023, when some of these young men and women who are working here as pages will be looking at entering the workforce and looking at their futures, all they will see ahead of them is debt and a reduced standard of living. This is what lies ahead for all of us unless we embrace real spending cuts and unless we deal with the unfunded liabilities of Medicare and Social Security.

If President Obama has a secret strategy for getting our debt under control, we would all love to hear it. His last two budget proposals failed to receive a single vote in the Senate. The last 2 years his budget has actually been put to a vote, no Democrat voted for it and no Republican, because it simply didn't address the problems I have described. I hope this year is different. Unfortunately, the President has already missed the statutory deadline for submitting his own budget, which was February 4. I hope when he finally gets around to sending us his proposed budget it is a serious plan for long-term debt reduction. Based on experience, I can't say I am overly optimistic, but hope springs eternal.

I guess one of the things that worries me the most is that in the President's State of the Union message, which he so eloquently delivered a few nights ago, he didn't say one word about his 2014 budget—not one word. I would urge the President to take a long hard look at the new Congressional Budget Office report. I would urge him to launch serious bipartisan budget negotiations as soon as possible so we can avoid another last-minute cliffhanger and another 2 a.m. Senate vote.

Above all, I would urge the President to take a look at a balanced budget amendment to the U.S. Constitution that I have cosponsored along with all of my colleagues on this side of the aisle. That amendment would require the Federal Government to balance its budget each and every year.

Is that such a crazy idea? Well, no. That is what every family has to do. That is what every small business has to do. And that is what 49 States are required to do under their laws. This amendment to the Constitution would be the 28th amendment to the Constitution, including the first 10, which are, of course, our Bill of Rights. It would require a congressional supermajority to raise taxes or to raise the debt ceiling.

As I said a moment ago, families across America have to balance their budgets. And, of course, along with a budget brings the discipline of deciding what our priorities are—the things we have to have and we can't live without, the things we want but we have to defer, and then the things that maybe we would like to have but simply can't afford. Well, this number right here, 1,387 days since the Senate passed a budget, is one reason why our debt continues to go up by leaps and bounds, and there is no plan in sight to bring it under control.

Here is the bottom line for President Obama: The 2012 election is over, and now it is time to govern. It is time to move beyond the campaign rhetoric, drop the gimmicks and work across the aisle with Republicans to do what is right for the country. We are ready, willing, and able to engage with the President and our Democratic colleagues to try to address these problems that confront our country. In fact, there is no good reason for any of us to be here unless we are willing to do that.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, while the Senator from Texas is still on the floor, he knows I have a lot of respect and affection for him, and I am delighted to serve with him here and also to serve with him on the Finance Committee. I appreciate Senator SHAHEEN for letting me jump in for just a minute.

We agree on so much. We actually do. And not just the Senator and I but our colleagues here. And I think we fully recognize that although the deficit comes down from $1.5 trillion to about $850 billion or so, it is way too much. I think we also agree that one of the best ways to reduce the deficit is to strengthen and grow the economy.

I believe—and I think I heard the President say this the other night—there are three things we need to make sure we address.

One, we need to address—and the President said this—we need to address entitlement programs, not to savage old people or to savage poor people but to figure out how to get better health care results for less money to be able to preserve those programs for the long haul.

I think we will have an interesting proposal from Senator DURBIN later this year with respect to Social Security and putting it in a structured way, maybe a path forward on Social Security that makes it clear we are not trying to balance the budget on Social Security but actually do reforms that we

know are needed and I know are needed so we will have that program for the long haul.

I commend my side of the aisle, and I commend your side of the aisle. We acknowledge that we need some revenues, whether it is on the tax expenditure side, the deductions and loopholes and so forth, or finding other ways to raise revenue.

Third, we just came from a press conference this morning with Congressman ISSA, Congressman CUMMINGS, Senator COBURN, and myself to focus on the GAO and their high-risk list, high-risk ways for wasting money. That comes out today. Every 2 years they give us this high-risk list for how to find ways to save money and spend our tax dollars more efficiently.

We have all that working together, those three things: entitlement reform, some additional revenues, and actually looking in every nook and cranny to see how we can get a better result for less money. Those we can do together. My colleague and I have worked on some things together, and I want to work on those with the Senator, and I look forward to that. I think that if we do, a lot of our colleagues will join us.

Mr. CORNYN. Would the Senator yield for a question?

The PRESIDING OFFICER. The Republican Whip.

Mr. CORNYN. Madam President, I would like to tell the distinguished Senator from Delaware how much I appreciate him and his friendship, and it is genuine.

I guess the thing that is so maddening about serving in the Senate is that everyone in this body—the Senator from Delaware, the Senator from New Hampshire—everyone who serves in this body understands the problems that confront our country that he so eloquently described in terms of unfunded liabilities for Medicare and Social Security, which are on a path to bankruptcy, the debt, and just imagine, if interest rates were to go up, what that would mean in terms of our ability to fund everything from safety net programs to national defense.

But it never seems to happen. The date never seems to arrive when we actually sit down and address it. And I believe this number of days without a budget is really symptomatic of the problem. But thanks to our colleagues across the Capitol—who passed a ''no budget, no pay'' bill, which has now been signed by the President—unless Congress passes a budget, we are not going to get paid, which is entirely appropriate and long overdue.

So I would just say to my friend, and he is my friend, that I appreciate his comments. I hope someday soon we can find a way, Republicans and Democrats alike—that is the only way it is going to happen—I hope we can get serious about this. Unfortunately, it hasn't happened yet. I am an optimist. I think it can happen. But it is going to require Presidential leadership, and, frankly, that is one reason I wish the President would get off the campaign trail. Now that he has won—he has another 4-year term—he doesn't have to worry about running for election again, but then to work with us because that is the only way it is going to happen.

So I appreciate his comments and look forward to continuing to work with the Senator.

Mr. CARPER. Again, I thank Senator SHAHEEN and Senator HOEVEN for allowing us to have this colloquy.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I ask unanimous consent to speak as if in morning business.

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

REMEMBERING CHARLIE MORGAN

Mrs. SHAHEEN. Madam President, today I rise with a heavy heart because our Nation has lost one of its outstanding citizens and many of us have lost a dear friend.

Charlie Morgan, chief warrant officer of the New Hampshire National Guard, passed away early Sunday morning with her wife Karen and their daughter Casey by her side. Chief Charlie Morgan was just 48 years old. For those of us who had the pleasure of knowing Charlie, it has been a difficult week. However, as I rise today, I take comfort in the opportunity I had to share part of Charlie's life and work.

Many know Charlie for the national attention she received over the last several years advocating on behalf of her fellow gay servicemembers and their families. However, first and foremost, Charlie was a soldier. She enlisted in the U.S. Army in 1982. After a brief period away, Charlie returned to service as a member of the Kentucky National Guard in 1992, 1 year before the now-repealed don't ask, don't tell policy became law.

Following the terrorist attacks of September 11, 2001, Charlie returned for a third time, joining the 197th Fires Brigade of the New Hampshire National Guard, a tour that included a yearlong deployment in Kuwait.

In addition to the mental and emotional challenges of military service, Chief Warrant Officer Morgan shouldered the constant burden of keeping her life secret from her fellow soldiers. Married to her partner Karen in 2000, Charlie was unable to live openly under the military's don't ask, don't tell policy.

Immediately following the repeal of don't ask, don't tell, Charlie made national news as one of the first servicemembers to publicly confirm her homosexuality and shed light on many of the remaining inequalities faced by same-sex military families.

I first met Charlie in 2011. She contacted my office during her deployment in Kuwait when she learned that despite the repeal of don't ask, don't tell, her partner Karen of over 10 years would not be allowed to attend mandatory National Guard Yellow Ribbon Reintegration Programs upon her return. I was pleased to work with Secretary Panetta and the New Hampshire National Guard, which has been very supportive of Charlie, to ensure that she and her wife Karen would be able to participate in the program together.

However, as those of us who appreciated her determination understood, Charlie was not satisfied. She continued to vigorously pursue equal benefits for same-sex spouses, particularly survivors' benefits and compensation still denied under the Defense of Marriage Act. And this was not an abstract issue for Charlie. In 2011 she was diagnosed for a second time with breast cancer. Concerned for the future well-being of her family, Charlie took aim at DOMA by challenging its constitutionality in Federal court, and her case is set to be heard by the Supreme Court later this year.

Several days ago my office sent out an online condolence card to the Morgan family, and the response from that card has been overwhelming. In less than a week we received over 2,000 messages of support from citizens all across our country, and I would like to read just a couple of those this morning.

From Hobkinton, NH, we heard: Charlie is a hero to many of us. Thank you for making your lives public so others can live their lives privately in love.

From Oregon, we heard: Thinking of you in this time of loss. It is also a loss for our country, but she leaves a legacy that will carry on.

From Fulton, IL, we heard: Thank you so much, Charlie, for all you have done. You will not be forgotten, and your service, work, and legacy will live on. Those of us left behind will honor you by continuing on in this all-important fight for equality.

I hope Charlie Morgan knew how many lives she touched and how greatly we admired her efforts. I know that she will be sorely missed and that her example will continue to guide us well into the future.

With Charlie's memory in mind, I will soon be introducing the Charlie Morgan Act. This bill will end a number of restrictions on benefits for legal spouses of all military servicemembers and veterans regardless of their sexual orientation. Every individual who provides for our defense deserves the peace of mind that comes with knowing one's family will be taken care of should the worst happen. No one should ever again go through what Charlie and her family had to go through. I hope all of us in the Senate will take up this legislation and act quickly to address this issue. It is long overdue.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

KEYSTONE XL PIPELINE PROJECT

Mr. HOEVEN. Madam President, I rise today for the purpose of engaging in a colloquy with my distinguished colleagues on the matter of the Keystone XL Pipeline for 30 minutes.

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

Mr. HOEVEN. Madam President, I rise today with my distinguished colleagues, both Republican and Democratic, on a bipartisan basis to urge approval of the Keystone XL Pipeline.

Joining me today will be Senator MARY LANDRIEU from the great State of Louisiana, a Democrat; Republican Senator JOHN CORNYN from Texas; Republican Senator JOHN BOOZMAN from Arkansas; Democratic Senator JOE MANCHIN from West Virginia; Republican Senator JOHN BARRASSO from Wyoming; Democratic Senator MARK BEGICH from Alaska; and Republican Senator LISA MURKOWSKI, also from Alaska. I emphasize that to show the bipartisan support for this critically important project.

I also will have a statement from Senator MAX BAUCUS of Montana, who has been leading this effort with me, in his case on the Democratic side of the aisle. He wasn't able to be here, but I do have a statement from Senator BAUCUS that I will read as well, and I appreciate very much his statement of support.

You may have seen that the national gas price has now risen to an average of $3.62 per gallon. So the average price for gasoline today in the United States—and it continues to go up—is up to $3.62 a gallon. That is the highest it has ever been in the month of February. So that is a new record—not a record we want to make, either, but it is a record, the highest price for a gallon of gasoline in the United States that we have ever had in February.

If you take a look at that trend line, you will see it has been going up dramatically, and that price is double—$3.62 a gallon average across the country—that is double the price of gasoline compared to when this administration first took office. So it is a doubling of the price, and, of course, every consumer, every working American is paying that price at the pump. It affects our small businesses across the country, and it affects our families across the country every day.

There was a poll released yesterday that you may also have seen. The poll was commissioned by API, which is American Petroleum Institute, and was conducted February 5 through February 10 by Harris Interactive. They polled just over 1,000 registered voters, and so the poll has a margin of error of plus or minus 3 percent. In that poll, 69 percent of the respondents support construction of the Keystone XL Pipeline—69 percent—and 17 percent oppose it. So Americans overwhelmingly support the project—69 percent to 17 percent—in the most recent poll. And, of course, why wouldn't they.

This is a project which provides energy to our country when we very much need it. It is a project which will provide jobs—tens of thousands of jobs. We have 7.9 percent unemployment. We have 12 million people out of work. Here is a project that won't cost the Federal Government one single penny, but it creates tens of thousands of high-quality private sector jobs.

It is about economic growth. This is a $7.9 billion project. The project over its life will create hundreds of millions of dollars of tax revenue for State and local governments, as well as the Federal Government to help with our deficit and our debt without raising taxes—more tax revenue without raising taxes.

It is also about our energy security, energy security for America. Instead of bringing oil from the Middle East, this is about working with our closest friend and ally Canada to meet our energy needs. This pipeline will not only bring in Canadian oil, however. It also moves oil from my State of North Dakota and from the State of Montana to our refineries in places such as Texas and Louisiana and other places around the country. So this is about making sure we don't have to import oil from the Middle East, and I think that is something every American wants. That truly is an issue of national security.

It has been 4½ years since TransCanada—the company that is seeking to build the Keystone XL Pipeline—it has been 4½ years since they first applied for a permit. Here is a chart that shows the route the pipeline would take, and it shows that they had already built another pipeline. This is actually a second pipeline they are seeking to build. But after 4½ years, they still don't have approval of a project that is similar to other projects that have been built.

As a matter of fact, we have built quite a few pipelines through the country, and they go everywhere. For some reason this project has been held up for 4½ years when almost 70 percent of Americans support it. We need the energy, and we need the jobs. Why would that be?

There was a report in the news yesterday that actress Daryl Hannah and about 40 activists handcuffed themselves to the fence of the White House, and they were arrested for that. They were doing that in protest of the Keystone Pipeline project. Maybe that is where we should be today. Instead of our bipartisan group of Senators here in the Senate arguing the merits of this project and advocating for what the American people want, maybe we should be handcuffed to the White House fence because that seems to work.

It has been 4½ years, and we still don't have a decision. We still don't have approval from the administration on this project even though gas prices have doubled on this President's watch, even though the American people overwhelmingly support the project, even though we need the energy and the jobs. We don't want to keep importing oil from the Middle East, and that is why we are here. We are here on a bipartisan basis to make our case and to get this project approved.

I want to begin by recognizing a distinguished colleague and somebody who has been a real leader in the energy world and has a direct interest on behalf of his constituents in the great State of Texas concerning this project. We need to move oil to the refineries in Texas; we need to move oil—not only Canadian oil but oil from North Dakota, Montana—and we need to get it to refiners so we can get it to our consumers, so instead of seeing the price continue to go up, we can bring it down. I think that is what the American people want.

Perhaps the Senator from Texas can talk about the refining and jobs aspect of this multimillion-dollar project.

The PRESIDING OFFICER. The Republican Whip.

Mr. CORNYN. Madam President, I want to express my appreciation to the Senator from North Dakota for his leadership on this issue. He has been relentless in pursuit of this Presidential permit to authorize the Keystone XL Pipeline because he recognizes, as I do, that it is important in terms of jobs, energy security, and national security.

It has been said that because of the revolution in natural gas production in America, and as a result of horizontal drilling and fracking—combined with the energy we can get from the Keystone XL Pipeline from Canada—that North America could potentially be energy independent—North American energy independence—in the not-too-distant future.

The Senator from Louisiana is scheduled to be here as well. This is a bipartisan effort, as all successful efforts around here must be.

Before Senator LANDRIEU speaks, I want to talk about the Keystone XL Pipeline, which would create an estimated 20,000 American jobs in construction and manufacturing in my State, which still is the No. 1 energy-producing State in the Nation. As a result, job growth in Texas is outpacing most of the rest of the country. I would add that North Dakota is now the second largest energy producer in the country thanks to the Bakken shale efforts. In Texas alone the Keystone would lead up to $1.6 billion worth of direct investments and would boost our State's economic output by an estimated $2 billion. This would not only create thousands of long-lasting and well-paying jobs, it would allow Texas refineries to refine up to 700,000 barrels of oil each day to produce gasoline, jet fuel, heating oil, and the like.

As the distinguished Senator from North Dakota pointed out, this would increase the supply at a time when gas prices have gone up, because of restricted refinery capacity, in the worldwide price of oil. It can do nothing but help America contain those high prices.

It strikes me that this is a no-brainer. While we find ourselves engaged in armed conflicts in places such as the Middle East—where Iran periodically threatens to block the Strait of Hormuz, through which about 20 percent of the world's oil supply flows—

why wouldn't we want to make ourselves less dependent on Middle Eastern oil? Why wouldn't we want to make ourselves more independent on North American energy? This is a no-brainer on almost every count I can think of.

Let me express my gratitude to the distinguished Senator from North Dakota for his relentless leadership. I know he is not going to give up. He just keeps getting stronger.

In excess of 50 Senators have signed a bipartisan letter to the President on this, and it is very important for our country as it relates to jobs, energy independence, and national security.

I see the distinguished Senator from Louisiana here, and I know others wish to speak on this important issue as well.

I yield the floor.

Mr. HOEVEN. Madam President, I want to thank the distinguished Senator from Texas. Look at the economic growth and dynamism in his State of Texas; look at the economic growth and dynamism in the State of North Dakota. We are now the fastest growing State in the country. Senator CORNYN is correct when he said Texas is the largest producer of oil in the country. I think they produce about 1.1 million barrels of oil a day. We are at 750,000 barrels and growing, so we are after you. The important point is we are producing this product and we have to have the infrastructure to get it to market.

Again, I thank the distinguished Senator from Texas, and I wish to now turn to the distinguished Senator from Louisiana. Here is another State that is doing amazing things in oil and gas. They have refineries, and they have refineries that need product. To get that product from North Dakota, Montana, and our ally Canada to Louisiana, we need pipelines. We don't want to ship it in from the Middle East. We want to send them our oil.

I am very pleased Senator LANDRIEU is here, and I would ask for her comments.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I am very proud to join in this colloquy with over eight Members of the Senate this afternoon. We are here to talk about this important issue and share ideas with our colleagues and with those who are listening to this debate. This pipeline is important so we can get a reliable, steady stream of oil and gas as we move to cleaner fuels in the future for our country.

I say to my good friend, the Senator from North Dakota, how important it is for drilling, particularly for natural gas, using the breathtakingly new technology that is allowing us to find both wet and dry gas, which is very valuable to our country. This is happening in many places in the country. It will help to fuel a renaissance in manufacturing.

This is not just going to help traditional oil- and gas-producing States such as Louisiana and Texas, this breakthrough in technology enables us to retrieve gas not only in an economically efficient way but in an environmentally sensitive way. It is going to be very important and impactful to many States in the Union.

We are already seeing companies coming back to the United States. They are relocating from Chile, places in Europe, places in Asia, and coming back to the United States primarily because of this resurgence of gas.

But here we are talking about a pipeline that is primarily for oil that comes out of sand. This is not the traditional deep wells where there are large deposits of oil that are drilled. This is a technology that is allowing the separation of these sands to get the carbon or oil out of them.

Now, yes, we want to move as quickly as we can away from carbon—or to lessen carbon because of its damaging impacts—but there is a transition period we have to go through. There is no waving of a magic wand; there is no snapping of a finger; there is no jumping from this generation of energy production to the next overnight.

Even President Clinton—even Al Gore when he was Vice President—talked about the transition we have to go through. I see this pipeline as a transition. It is giving us oil from one of our closest, most dependable, and friendliest of all allies, Canada, as opposed to pushing over the next 5 or 10 years to continuing to do business with countries that do not share our values, such as the leadership in Venezuela today or the problems with countries in the Middle East. Even the Saudis, whom we respect in some ways, do not have the same value system as the United States. We would much rather—at least my constituents would much rather—deal with Canada and Mexico. Not only are they better allies, but for Louisiana, we like working in Canada. It is a little closer to home. We like working in Mexico.

Many of the workers on these rigs and in this business come from Louisiana and Texas. Let me be crystal clear: My colleagues who are helping on this issue are absolutely right, the people of Louisiana wish to work in Canada where there are environmental protections, where the wages are good, where there are not a lot of pirates floating around, and where workers are much less likely to be kidnapped. I mean, these are serious issues for the oil and gas industry. That is one of the reasons I have been urging President Obama, along with many of my colleagues, to rethink his position on this pipeline.

I guess this has been said by my colleagues—I see the Senator from West Virginia is here, and I am sure he has said this on the floor before—Canada is going to produce this oil one way or another. The question is: Who are they going to send it to? Are they going to send it to their good friend the United States and our refineries in Texas and Louisiana or are they going to ship it somewhere else in the world? I would like—and the Senator from North Dakota knows this—to form a stronger partnership with Canada and Mexico so we can have security in North America. This will help the Canadian economy and it will help the Mexican economy, which immediately and directly affects our whole Nation. These are our border countries. We are doing a lot of work. I don't know if the Senator knows this, but down in Mexico, in the Gulf of Mexico—I literally—and this is a little bit afield—was recently in Israel and had the great opportunity to go offshore to visit a field, the Leviathan field, which is one of the largest fields in the world. It was discovered in a remarkably new place, which gives Israel a great opportunity to think about being energy independent or energy self-sufficient, which is quite exciting.

When I went offshore in Israel, I met my own workers from Morgan City, Thibodeaux, and Lafourche. They said: Why are you here? I said: The same reason you are. The Louisiana workers go everywhere. We are proud to do it. We would love to be close to home in Canada, Mexico, and our refineries, which are expanding for the first time in many years. Our manufacturing base is expanding.

Finally, I would say in this colloquy, I ask the Senator from North Dakota: Has he had a conversation with the oil minister from Canada—I think it is Minister Oliver—and talked to him at all recently? I had a conversation with him yesterday, and I wanted to maybe share that with the Senator from North Dakota.

Mr. HOEVEN. To the distinguished Senator from Louisiana, I recently visited with the ambassador, Ambassador Gary Doer. We talked about this and other issues.

Ms. LANDRIEU. Through the Chair, I wanted to say I had a very good conversation with the Canadian Minister of Natural Resources. We had a long conversation, about 10 or 15 minutes, and he explained to me the importance of this development for Canada. He also said to me what I just shared with my colleagues. He said: Senator, Canada is going to develop this resource. It is just a question of whom we send it to or with whom we share these benefits.

So for those who are opposed to the pipeline because they don't like the direction it is going or they think there is something America can do to prevent this resource from being developed, that is simply not true.

I see the Senator from West Virginia. I wanted to get that in the RECORD. I thank the Senator for his leadership and for allowing me to join this colloquy because the people of Louisiana strongly support the development of this pipeline. We are proud of the oil and gas industry, but we also recognize we need to make a transition to cleaner fuels and we want to do our part and are happy about the natural gas that is being discovered in this Nation.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I wish to thank the Senator from Louisiana for her leadership in energy, onshore and off, in a big way. She is absolutely right.

This is our opportunity to have North American energy security and North American energy independence, working with our closest friend and ally Canada. This is how we do it—Mexico as well. The Senator from Louisiana is also absolutely right: Canada will produce this oil. That is a fact. That is going to happen. The question is, Is it going to come to the United States or is it going to go offshore to China? We see these green lines; they show the pipelines that would take that oil to China rather than the United States. Net effect: We continue then to import oil from the Middle East, and Canadian oil goes to China. It makes no sense—not to mention better environmental stewardship that we would enjoy working with Canada, which we will touch on as well.

I wish to at this point ask the distinguished Senator from Arkansas, Mr. BOOZMAN, to join the colloquy, and I would also invite Senator MANCHIN as well. I see Senator BEGICH is here also. So I invite Senator BOOZMAN to make his comments but then also offer the opportunity for our other distinguished Senators to join in the colloquy.

Mr. BOOZMAN. Madam President, I thank the Senator from North Dakota for his leadership and for, again, spearheading this effort. I thank all the Senators who are here and are, in a very bipartisan way, trying to move this project forward.

We speak a lot about jobs in regard to this project, but that simply cannot be overemphasized. The U.S. Chamber of Commerce, most of the largest labor unions—major labor unions—all agree that if this pipeline were to go forward, which it has to do, it would create 250,000 jobs; 20,000 of those tomorrow, almost immediately. Again, it is so important.

It is important to my home State because many businesses, many hardworking Americans living there would benefit tremendously. We have a large Nucor plant. That Nucor plant in Blytheville, AK, in Mississippi County, would supply a lot of the iron that would be used. We have another facility, Welspun Tubular Company, they make oil pipe. They have 500 miles of this pipe sitting in storage that they have produced to go forward, which should be a great thing. The problem is instead of increasing employment for the future, right now they have had to lay off workers because of the indecision.

So there are all kinds of reasons we need to do this. Others have talked about national security reasons, but the labor—the good-paying jobs that would be created, again, not being dependent on places such as Saudi Arabia and Venezuela, that is a pretty good deal, and we need to move forward immediately.

Mr. HOEVEN. Madam President, I wish to recognize the Senator from the great State of West Virginia.

Mr. MANCHIN. Madam President, if I may, I wish to thank all my colleagues. This is something wonderful for the people who are watching and the people watching who are here, to see a bipartisan colloquy; that we all agree, basically, about energy being the crux of what we do and how this country is made up and how we got to where we are today.

My little State of West Virginia now has a tremendous shale gas find in the Marcellus Shale, with the Utica Shale in Ohio, the shale being explored and produced all over our country. We truly have an opportunity in our lifetime to become totally energy independent.

The only thing I am saying is, where I come from, the people are such good people and they have a lot of common sense. They say: We would rather buy from our friends than our enemies. How much would this displace, as far as us buying from and depending on areas of the world that haven't been friendly to the money we give them for the product of oil they sell us; does the Senator from North Dakota have an idea about that?

Mr. HOEVEN. Madam President, I wish to respond to the Senator from West Virginia. Right now, between the oil we produce in the United States, both together with Canada and Mexico, we generate about 70 percent of the oil we consume. This project alone would add 6 percent. We are talking about over 800,000 barrels a day this project adds and brings to market. So we go from about 70 percent just for this project phase 1 to about 76 percent. But understand this pipeline project is expandable to 1.4 million barrels a day, so we can see it would take us up even higher.

So we are talking about a significant contribution to our oil supply, again, from North Dakota, Montana, and Canada, versus, as the Senator says, countries such as Venezuela or from the Middle East.

Mr. MANCHIN. My other question would be this. Since we have Senators from two of our great producing areas, knowing the challenges we had in Louisiana and the gulf coast with the BP oilspill, as well as a lot of concern about the environment and that is why it has been held up, I understand our friend, Gov. Dave Heineman from Nebraska, now has approved this. That, as I understand it, was the last concern he had.

I have always said this, and I will ask the question of the Senator from Alaska—they have one of the harshest climates and are one of the largest oil producers for our country and they have been able to do it in a safe atmosphere—will the Senator from Alaska comment on his concerns, if he has them, about doing this in a safe environment.

Mr. BEGICH. Absolutely. I thank my friend from West Virginia. We built the largest single capital project back in the 1970s when we brought oil off the North Slope, almost 800 miles through the harshest, most unpredictable climates one would ever see. I can tell my colleagues, if we went back to the stories and articles, the sky would fall, the environment would be destroyed, and the world would come to an end by us building that pipeline. We are multiple decades past. It has worked very well. There haven't been those disasters people claimed would happen.

On top of that, my friend from Louisiana mentioned the environmental impact and it makes sense that the pipeline is the safest way to move oil.

On top of that, we have a choice—the Senator from North Dakota made it very clear—and that is to get it refined in China or the United States. I don't know about anybody here, but I would bet we all agree that between the environmental standards, we have a better environmental record than China in the refining of oil products, so it makes sense for us to do it.

On top of that, people are traveling to Alaska not just for the jobs and the opportunity but the beauty of Alaska, and we have more visitors who want to see the pipeline, to visit the pipeline. When I went down the Gulkana on a rafting trip, it is unbelievable beauty. But one of the last things people do when they come down and land the raft and begin to pack to go back home, there is the pipeline going right across the Gulkana. Guess what. It hasn't damaged the environment. As a matter of fact, there are plenty of photos of people trying to get their raft underneath the pipeline; trying to get the pipeline and the rapids at the same time. So the Senator's point is a very good one.

The Governor of Nebraska has approved it going through their State, but there is nothing similar to Alaska when it comes to the harsh environment we had to build in. We did it, and we did it when technology was much different. Today, the standards are even greater. Again, I wish to echo the Senator's point.

If I could make one other point. This is unique, the Chamber and labor working together for the common good of this country and the jobs and the groups—we think of the Teamsters and Operating Engineers, the pipeline contractors, the plumbers and pipefitters, they are all part of this agreement to build this pipeline and train workers; as my colleagues know, there is a huge gap in our trades. So we get to utilize a training opportunity, employ thousands of people not only for today but for the future.

So from Alaska's perspective, we like it. We know pipelines. We know we have to build big ones, as we did, and the fact is, as the Senator from North Dakota said, they are going to move this oil one way or another. We have a choice. Do we do it in our country, get

the jobs that are attached to it, the opportunity to refine it in States with great quality refineries or do we let China do it? This is a no-brainer for my State.

Mr. MANCHIN. One very quick question, if I may, to the Senator from North Dakota.

There might be a fallacy of thinking that only oil that is going to move is what we would buy from Canada. How much oil would be moved from the United States that we produce in the United States but that is captive right now, that is not being refined, maybe down in Louisiana and Texas? Would this help U.S. production?

Mr. HOEVEN. I appreciate the question from the Senator from West Virginia. For starters, it would put 100,000 barrels a day—this is for starters—into the pipeline. So day one is 100,000 barrels.

Mr. MANCHIN. Just for North Dakota?

Mr. HOEVEN. North Dakota and Montana. It is very important to understand that is just when we start. The pipeline is expandable. Today, North Dakota is the second largest producer of oil in the Nation, second only to Texas. We produce 750,000 barrels a day—and it is growing—and more of our oil is leaving the State by truck and rail than by pipeline. We need these pipelines. This project alone will take 500 trucks a day off our roads, trucks which are beating up our roads and creating safety issues in our State. This is vital infrastructure we need to get this product to refineries in Louisiana, in Texas, in Illinois, and other points around the country.

At this point, I wish to thank the Senator from Louisiana, again, for her participation in this colloquy. I wish to turn to the esteemed Senator from Wyoming, Mr. BARRASSO, another major energy-producing State, and ask him for his thoughts in regard to the regulatory obstacles to energy development. If we are going to be energy secure, energy independent in this Nation, we have to find a way to empower project investment and empower the kind of development we are talking about—not only infrastructure but the new technologies that will help us produce more energy in our country with better environmental stewardship. That is what we seek to do and I know that is exactly what Senator BARRASSO is working on in his State. I would like him to address that aspect.

Mr. BARRASSO. Madam President, if I may join in this discussion—and it is wonderful to see the bipartisan nature of this discussion, to turn and look around the floor of this Chamber and see three Democratic Senators talking to this issue and three Republican Senators talking to the same issue and agreeing, because all of us are like-minded in the fact that when we think of energy—and the Keystone XL Pipeline is a big part of that—we think of energy security for our Nation, which is part of this, economic growth, and environmental stewardship. We just heard from one Alaskan Senator and the other Alaskan Senator will speak shortly.

We hear what a wonderful job people continue to do in one of the most pristine areas of the country, the State of Alaska. I will tell my colleagues, as a Senator from Wyoming, an energy capital of this Nation, that energy is a big part of our economy but so is tourism. If we did things that did not focus on environmental stewardship for our own State, it would impact our tourism. Energy is a big part of the economy, so we want to have economic growth, energy security, as well as environmental stewardship.

But I will tell my colleagues it has been a difficult task based on some of the regulatory obstacles to energy development. The President likes to talk about how he supports all-of-the-above American energy development. But, in fact, we heard him the other night during the State of the Union Address. His actions over the past 4 years tell a completely different story. Instead of making it easier for our own country to produce energy, I believe he has made it harder.

If we look at the folks who are leaving his administration: The EPA's Director, Lisa Jackson, she said the EPA's role is, interestingly, ''to level the playing field against fossil fuels.'' Secretary Chu, who is leaving the administration, said he would ''boost the price of gasoline to the levels in Europe.'' Secretary Salazar, who is leaving, continues to talk about the fact that the energy strategy, he says, showed good results, but they have restricted access to Federal offshore and onshore oil and gas resources through moratoriums, through blocking permits, through leasing plans. They have denied Americans billions in public revenue and thousands of jobs.

I stand here saying that the Keystone XL Pipeline is a perfect example of the Obama administration's pattern of delaying good projects by requiring excessive redtape.

So I come here with the Senator from North Dakota and the Senator from Alaska—and I thank the Senator from North Dakota for his leadership, for his determination, for his courage, and for his fortitude—in fighting to make sure we as a country continue to strive for American energy security. That is exactly what we are going to have with this proposal.

I call on the administration today—the President, as well as the new Secretary of State—to approve the Keystone XL Pipeline, to allow that energy—which is either coming here to the United States or going to China or elsewhere—to approve it to come to the United States, to help our production, to help our consumers, to help our jobs in this country. Those are the things that are important as we try to focus on energy security for our Nation, economic growth for our Nation, as well as environmental stewardship.

So I thank the Senator from North Dakota for his leadership.

I see now the ranking member of the Energy Committee is here with us as well, who has done a masterful job with a visioned ''Energy 20/20.'' For people who have not seen it, I would say they are missing something—if they have not really read through it—from the Senator from Alaska because she has focused like a laser on these three E's of energy security, economic growth, and environmental stewardship.

So I thank both the Senator from North Dakota and the Senator from Alaska, the ranking member of the Energy Committee, for their leadership.

Mr. HOEVEN. I thank the Senator. I appreciate the Senator from Wyoming being here and for his leadership on energy. Again, I want to recognize that he comes from an energy-producing State, a State that is producing energy for this Nation and creating hundreds of thousands of good jobs in doing so. I thank him for his leadership on the Energy Committee as well.

I want to turn to and recognize the Senator from Alaska, who is the ranking member on our Energy Committee. As the Senator from Wyoming said, she has recently put out a blueprint for energy development, energy independence, energy security for our Nation. It is comprehensive. It includes all types of energy and, again, developing—developing—them the right way, with good environmental stewardship and the latest technologies but truly accomplishing something the people of this country very much want; that is, energy security.

So at this point I would turn to the Senator from Alaska and ask for some of her comments on this Keystone Pipeline project in terms of the economic benefits and the need for our Nation to truly have energy security.

Ms. MURKOWSKI. I thank my colleague from North Dakota. I thank him for his leadership on how we can get the Keystone Pipeline moving, how we can ensure that a resource from our friend and ally Canada can be utilized, can help us here in this country to truly gain that level of energy security we have been talking about.

There have been several good comments about the report I released last week, my ''Energy 20/20.'' I just happen to have a copy of it here on the floor. But out of 115 pages, I can distill it in one simple bumper sticker; that is, energy is good, energy is necessary.

If you look at the cover of the report here, it is essentially a map of the world from way up high. When you are looking down and you see the lights at night, you can tell the prosperous places within the world. It is where the lights are on. It is where our energy is. So when we talk about energy, I think it is important to really put it in the context of how important, how significant it is to our daily lives.

Over a week ago now we were all reminded of the importance of energy when there were 34 minutes of dead

time during the Super Bowl. A lot of folks were paying attention to, well, where do we get our energy sources from? It starts a good conversation, a necessary conversation.

In my document I focus on five different areas where we need to talk about energy policy. I am looking for an energy policy that is abundant, affordable, clean, diverse, and secure. When we talk about the fifth one, the security, this is where the Keystone XL project really comes in to play. When we are talking about security, that does not necessarily mean that everything we want as a nation is going to be produced right here within our own borders. What it means is how we reduce vulnerabilities from others, how we can eliminate our reliance on OPEC.

Ladies and gentlemen, this is a reality. This is doable. This is possible by 2020. This is not pie in the sky. Let me give you some numbers.

In 2011 Canada produced roughly 2.9 million barrels of crude oil per day. Mexico produced 2.6 million. When you add this to the approximately 6 million barrels the United States produces each day, total North American production—which is 11.5 million barrels—it is far greater than the Nation's net imports, which was 8.5 million barrels back last year—more than double the imports from OPEC.

So if we can do more within our own borders here and ensure that we are able to rely on our friends to the north, the Canadians, and our friends to the south, the Mexicans, we can displace—we can fully displace our reliance on OPEC imports by the year 2020.

But part of achieving this goal is being able to count on the Keystone XL Pipeline. It is as simple as that. It is about security. It is about ensuring that we have a supply that not only helps us achieve that energy security, but it allows us to achieve economic security.

So far as the jobs that are created, really the ripple effect that goes out—it is not just constructing one pipeline. It is the ripple effect that comes from this boom of opportunity within our country.

So it is jobs and economic security. It is energy security from the perspective of reducing our reliance on those countries we do not necessarily like, removing ourselves from the need to import OPEC oil, and having the ability to control our destiny from a perspective of abundance rather than from scarcity.

We should look to our friends and neighbors. We should work with the Canadians. The President should sign the Keystone XL Pipeline bill into law. He should make it happen. We should not be waiting any longer for all the reasons so many on this floor have discussed this afternoon.

So to my friend the Senator from North Dakota, I say thank you for your leadership. Let's make this happen now.

Mr. HOEVEN. I thank the Senator from Alaska again for being here today talking about the importance of moving forward with the Keystone XL Pipeline project and, again, for her leadership on energy issues. She is our ranking member on Energy. I think no matter whom you talk to, she is absolutely inclusive when she talks about energy development, all aspects—the energy development, the environmental stewardship, the jobs, developing all types of energy. She brings tremendous knowledge and experience to energy issues. So I would urge the administration to listen to one of the leading voices in energy in our country, and that is Senator MURKOWSKI, and ask them to approve this project.

The senior Senator from Montana could not be here today but did ask that I express his strong support for the Keystone XL project—Senator MAX BAUCUS from Montana. My friend from Montana has said over and over the same thing all of us know; that is, Keystone is about jobs, and every day we delay the Keystone Pipeline is another day we delay creating American jobs.

So I want to thank not only Senator BAUCUS but all of the Senators who have joined us here today: Senator LANDRIEU from Louisiana, Senator CORNYN from Texas, Senator BOOZMAN from Arkansas, Senator MANCHIN from West Virginia, Senator BARRASSO from Wyoming, Senator BEGICH from Alaska, and, as you have just heard, Senator MURKOWSKI from Alaska.

We have made the environmental case. The environmental case is stronger with the pipeline project than without it. Every single State on the route is supporting the project. And I think, as Senator MURKOWSKI so well concluded for us, it is about energy; it is about jobs; it is about tax revenue we need to close the deficit and address the debt without raising taxes; and it is about energy independence and energy security for this country so we do not continue to import oil from the Middle East or from places such as Venezuela but, rather, we get it from our closest friend and ally Canada, as well as from States such as my own State and from Montana, and we refine it in our refineries and provide it to our hard-working citizens across the country. So instead of having record highs in the price of gasoline—we have the highest price ever at this point in February: $3.62 a gallon—we start moving energy costs down for our consumers, to create a more robust economy, and to ease the pain at the pump for our hard-working Americans.

I just want to close with that there will be another rally of demonstrators around the White House this weekend. I think it is scheduled for Sunday. Now, I do not know if they are going to handcuff themselves to the fence like actress Daryl Hannah did the other day or what they are going to do. But the simple point is this: I just gave the information from a poll that was conducted from February 5 through February 10. One thousand voters were contacted in that poll that was commissioned by API and conducted by Harris Interactive. One thousand voters were contacted, and 69 percent support construction of the Keystone XL Pipeline and 17 percent oppose.

So here is a project which on the facts is something that needs to happen. We need approval of this project on the facts, as we have gone through and cited in great detail. But this is a project which the American people support 69 percent to 17 percent. My question for the administration is, Is this decision going to be made on the facts and what the American people want or is this going to be made on the basis of special interest groups that may demonstrate from time to time around the White House? I believe the decision needs to be made for the American people to approve the Keystone XL Pipeline project.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Wyoming.

UNIONS AND OBAMACARE

Mr. BARRASSO. Mr. President, I rise today as a physician who practiced medicine in Wyoming for more than 25 years, and I rise to continue the debate we have been having in this body about the President's health care law.

Although there has been significant debate and discussion, what I have continued to try to do is discuss some of the many ways in which this law falls short of its goals and falls way short of what the American public has asked for when it comes to the need for health care reform.

The Obama administration continues to put significant effort into trying to sell its health care law and tries to convince people that it is the answer to all of their problems. But in the words of John Adams, ''Facts are stubborn things.''

Despite all the spin of this administration, the American people continue to learn the facts—the facts about just how bad this law is and how much it is going to cost them personally in terms of finances and personally in terms of their own health care. That is why the President's health care law continues, this day, to be unworkable, unpopular, and absolutely unaffordable.

We saw another example of this recently when one group who had previously supported the law learned more about what is in it.

Back when we were debating the bill originally, labor unions around the country were among the biggest backers of the law. Unions sent their lobbyists up here to press their Democratic supporters to pass the law. They put out many statements saying things like, ''We need this health care law now.'' They held rallies right out in front of the Capitol.

We saw the same kinds of demonstrations last spring when the Supreme Court was considering a challenge to the law. Now, I went to the oral arguments, and I remember one group of

union members chanting: ''We love ObamaCare.''

Well, apparently now, today, I will tell you, the love is gone. According to a recent front-page article in the Wall Street Journal, some union leaders now say that ''many of the law's requirements will drive up the costs for their health-care plans and make unionized workers less competitive.''

Republicans said the President's plan would drive up costs for hard-working Americans from the beginning. Union leaders absolutely ignored our warnings and supported the law anyway. Now we have been proven right, and we are seeing buyer remorse by a lot of the law's supporters. This was absolutely predictable. What is really interesting is the reaction. It is clear from that Journal article that many union leaders are angry and disappointed.

Well, union leaders should be angry. The Obama administration misled them into believing their members could keep the health care plan they had. They should be angry with President Obama. They were deliberately deceived when he promised repeatedly, saying health insurance costs would go down $2,500 for the average family by today.

The unions are also now lobbying the Obama administration to do an end-run around the law. The Wall Street Journal quoted union leaders saying that they were going to push the Obama administration to now subsidize their health insurance costs. Now disturbing comments come from the administration suggesting it might be willing to do just that.

Unions have focused their efforts on trying to get the administration to expand access to advanced premium tax credits. The subsidies were intended only for people who cannot get insurance through their employers. That is how it was set up. Well, that means union members who have insurance for a plan jointly run by the union and their employers are not eligible for the subsidies.

The law is crystal clear. In fact, the law lays out four conditions for getting the tax credit: You have to get insurance through the exchange, either a State exchange or the Federal exchange; you have to pay the premiums yourself; you must not be eligible for minimum essential coverage other than the plans offered in the individual market; and you must not be enrolled in an eligible employer-sponsored plan. Those are all four. That is it. So union workers covered by their employer or by a joint plan from their employer and the union do not meet these four criteria.

Let's go back to NANCY PELOSI and that famous quote: ''First you have to pass it before you get to find out what's in it.'' The union bosses should have read the bill before they decided to support it. And if they had read the bill, they would have been smart to oppose it.

Despite the clear law, a spokesman for the Treasury Department told the Wall Street Journal that ''these matters are the subject of pending regulations.'' Amazingly, one of the lobbyists for the union said the administration can ''create a loophole for them through Federal rule-making.'' Create a loophole for the unions. Create a loophole.

Well, that is wrong. The American people know it is wrong. The administration has no legal authority to expand access to health insurance subsidies under the law. This is not a matter of regulation, it is a matter of the law. It was a bad law—bad law as it was being adopted, bad law as it was being signed. It is full of unintended consequences. This particular consequence was spelled out unambiguously. Last week, 31 Republican Senators wrote to remind the President of that fact.

Of course, it is not just union members who are disturbed by the law's effects on health care costs. Numerous reports have pointed out that costs will continue to rise when more of the health care law's mandates kick in next January. One study estimates that healthier people are going to see their insurance costs go up by 40 percent to cover the cost of insuring less healthy people. The law's requirements on caps on medical benefits will also cause an increase in premiums. So will the requirements that adults up to age 26 be allowed to stay on their parent's plan.

Late last year, Blue Shield of California asked for permission to raise its rates by as much as 20 percent. The CEO of Aetna said rates in some areas could go up as much as 100 percent. That is on top of the premium increase of more than $3,000 the average family has seen since President Obama took office.

We have got to lower the cost of health care. President Obama and the Democrats who voted for this piece of legislation in the House and in the Senate promised the law would do that. Well, it has not done it. It will not do it. Their plan was short on reform and long on budget tricks and accounting gimmicks and on empty promises.

The cost concerns the unions raise are absolutely legitimate. I share those concerns and so do all of the Senators on this side of the aisle. But we cannot give extra benefits to union members. The problem is not that the law makes union health benefits more expensive; the problem is the President's health care law makes everyone's health insurance more expensive. The answer is to control costs for everyone, not just for special-interest groups with friends in the White House.

We need to revisit the taxes, the fees, and the other policies that drive premium increases. We need real health care reform in this country, reform that gives people the care they need from the doctor they choose at a lower cost.

When we were debating the President's health care law, some of us warned about the danger of writing a bill behind closed doors. Actually, the President warned about the danger of writing a bill behind closed doors until he decided that was exactly what he wanted to do. So he sent his Chief of Staff to do just what he said would be dangerous, write a law behind closed doors.

Some of us were concerned about the special deals for special groups. Of course, these were special deals that would harm health care for the rest of us. President Obama and Democrats in Congress rejected our concerns. NANCY PELOSI famously said we need to pass the law so we can see what is in it. Well, the American people now are seeing more and more of what is in the law, and they do not like what they see. Now they are calling for all of us to do something about it. This is not the time for special-interest loopholes. It is not the time to make more deals behind closed doors. It is not the time to hand out breaks for one favored group at the expense of everyone else.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO RANDY AND SUZY STORMS

Mr. MORAN. Mr. President, another sad occasion in Kansas. A week ago this past Sunday, the Wichita community was struck by the tragic news that Randy and Suzy Storms were killed in a fatal car accident in east Wichita. Randy and Suzy were traveling home from visiting a friend at a local hospital when Randy experienced a health problem while driving, which led to a devastating accident.

Randy and Suzy were very well known and very well loved in the Wichita community for more than 30 years. Their care and compassion for those in difficult circumstances shaped how they lived their lives. Randy had a special gift for connecting with those who were struggling, perhaps because he knew how difficult life could be. As a teenager, Randy suffered a spinal injury which forced him to live as a quadriplegic. Resolved to make his faith in Jesus the core of his identity and not his physical disability, Randy chose to invest his life in caring for others.

Shortly after high school, Randy began to serve on the staff of Young Life, a Christian organization that mentors and works with young people. His position at Young Life was a springboard to reaching a wider Wichita community. Over the years, Randy became a counselor and friend to countless pastors, community leaders, young adults, and everyone else who was in need of a friend.

Jen Shively, who served with Randy for 27 years, remembered that he

''loved people well,'' and that ''loving others was effortless for him.''

Nan Chastain met Randy while attending Young Life and she remembers Randy as ''the definition of faithfulness.'' She said, ''He was always there for anyone whenever they needed him.'' In short, Randy Storms valued every life.

His wife Suzy was also known for her great love and her care for others. On any given day, you could find Suzy helping young women and teen mothers in need of encouragement and a listening ear.

Sean Spencer, a long-time friend of the Storms, knew Suzy to be a person of great strength and grace. Together, the couple invested in the lives of many married couples, both young and old, who were facing the trials of life together. Randy and Suzy found joy in serving together and encouraging others.

The Wichita community came to know the Storms as the folks who would show up to your kids' sporting events, high school graduations, and baptisms to celebrate what means the most in life—people. The Storms were also known as the folks who would faithfully show up at the darkest hour to lend a helping hand or to offer comfort to those facing serious difficulties.

Randy and Suzy Storms lived out the biblical teaching to love your neighbor as yourself, and they touched the lives of countless Kansans. My heartfelt sympathy goes out to their two children Nick and Natalie and their two grandchildren Jack and Lucy. Randy and Suzy were two very special people who will be greatly missed by so very many.

This tragedy is a somber reminder that every day is a gift and we are not promised a tomorrow. May we learn from the Storms that what truly matters in life is the people around us, and may their example spur us to love one another more deeply.

I ask my colleagues as well as all Kansans to remember the Storms family in their thoughts and prayers in the days ahead.

GLOBAL BATTLE FOR TALENT

Mr. President, I am thankful for the opportunity to be on the Senate floor today to continue to tell my colleagues about the issues of entrepreneurship and the global battle for talent, the opportunity to start businesses, and the challenges we face from other countries in competing in this global economy.

From our Nation's earliest days, entrepreneurs have been the driving force behind U.S. economic growth and expansion. Yet the state of entrepreneurship in America is not as strong as it once was. In today's global economy, an entrepreneur has more choices than ever about where to start his or her business.

Over the last 2 years, at least seven other countries have taken action to better support and attract entrepreneurs. In the 2-plus years I have been a member of the Senate, seven countries have changed their policies, their laws, and their regulations to be attractive to entrepreneurs, while we have not. This map shows those countries—Russia, Singapore, Australia, Brazil, Chile, Canada, and the United Kingdom.

I recently shared what Canada was doing to attract more entrepreneurs, and today I will share what is happening in the United Kingdom and explain why it is in our country's best interests to act quickly to retain highly skilled and entrepreneurial immigrants.

Much like the United States, the UK had a range of visa categories for immigrants with varying skills and financial resources. But in 2011, the UK Government made changes to simplify their visa rules in order to attract more talented entrepreneurs to their country. The UK recently created an entirely new type of visa for what they call ''prospective entrepreneurs.'' These individuals are allowed to enter the UK for a set period of time to secure funding and start the process of setting up their businesses before they begin the traditional visa process. Raising capital can be one of the more challenging aspects of starting a new business, and this visa gives entrepreneurs a running start.

The UK has also changed its top visa category, tier 1, to be restricted to entrepreneurs, investors, and the exceptionally talented. Those entrepreneurs falling within the tier 1 category must have set up or taken over a British business. The initial investment in their companies can be as little as 50,000 pounds, given that certain criteria are met. By lowering the initial capital investment required, entrepreneurs can get set up and running their businesses sooner rather than just raising more money.

The UK has also revamped its Global Entrepreneurs Programme, which works to encourage innovative technology businesses to relocate to the UK. The program is aimed specifically at foreign entrepreneurs and offers a range of support to startups, from help in raising capital to providing mentors to offering networking opportunities with successful entrepreneurs. This program has helped more than 200 entrepreneurs and early-stage technology companies get established in the United Kingdom so far.

You can see from this poster, Sir Richard Branson is helping promote this program because he knows firsthand the value of entrepreneurship. Many people today know Richard Branson as the creator of Virgin Airways, but he got his start at the young age of 16 by successfully launching a new student magazine. Now, 45 years later, his investment group employs approximately 50,000 people in 34 countries and its revenues in 2011 were around $21 billion.

The UK's Immigration Minister said this about the country's recent efforts to attract more startup companies:

> Entrepreneurs and investors can play a major part in our economic recovery, and I want to do everything I can to ensure that Britain remains an attractive destination for them. Last year we issued far too few visas to those who wish to set up a business and invest in the UK—I intend to change that.

That was the Immigration Minister of the UK speaking. And this is our competition.

We in Congress and the administration need to take notice. Other countries are aggressively courting entrepreneurs and those talented individuals will not sit on the sideline with their good ideas. They will go to the country that welcomes them and set up shop.

A story I heard while visiting Silicon Valley recently illustrates this point. A large company that was just a few years ago a startup itself told me they had plans to hire 68 highly skilled immigrants but could not get visas for them to work in the United States.

Rather than letting that talent go, the company hired them but in a different country. While it is troubling to me that we lost 68 jobs because there was no visa for them—we lost those jobs here in the United States and the visa program didn't work to attract and retain them—what troubles me even more than that is we know that someone—and maybe several of those 68 people hired—will go on to start a business that may result in significant job creation. Those are jobs that could have been created in the United States but now will be created in another country.

There is a global battle for entrepreneurial talent, and the United States is falling behind. When we lose those entrepreneurs and highly skilled immigrants, we lose the jobs they create. This is certainly about the entrepreneurs, but it is more about the folks whom they will employ—folks here in the United States who are in desperate need of employment.

The legislation that led to changes in the UK's visa law was drafted by Cambridge venture capitalist Alex van Someren. Alex is aware that here in America there have been recent efforts to attract entrepreneurs to our country, but the barriers to entry are still higher than in the United Kingdom. Alex said this in a recent interview he had with Business Weekly: ''We have beaten the American effort and that is fabulous news for UK entrepreneurship.''

This might be good news for the United Kingdom, but it is not good news for Americans. I want to make sure that the first choice for entrepreneurs looking to start a company remains the United States of America, and Congress has the responsibility to make certain that happens.

In a bipartisan effort, Senator WARNER, Senator COONS, Senator BLUNT, and others introduced the Startup Act 3.0 yesterday and an identical bill is being introduced today in the U.S. House of Representatives. Startup Act 3.0 makes changes to the Federal regulatory process to lessen government

burdens on job creators, modifies the Tax Code to encourage investment in new businesses, seeks to accelerate the commercialization of university federally funded research that can lead to new ventures and, importantly, provides new opportunities for highly educated and entrepreneurial immigrants to stay in the United States where their talents and new ideas can fuel economic growth and, most importantly, create American jobs.

Startup Act 3.0 creates an entrepreneur's visa for foreign-born entrepreneurs currently in the United States. Those with a good idea, capital, and willingness to hire Americans would be able to stay in the United States and grow their businesses.

In many instances, foreign-born entrepreneurs, here legally, have an idea and want to begin a company that will employ Americans but are told their visa does not allow them to remain in the United States. With few ways to stay, these entrepreneurs are forced to move and to take their business with them where they will create jobs in other countries.

I want to make certain America is the best place for entrepreneurs who want to build in America and hire Americans. Passing Startup Act 3.0 will help make that happen by creating new ways for immigrants legally in the United States to open a business and to employ our fellow citizens.

People come from all around the world to the United States. They come to study and they come to work. They come to live in a place where they can have the freedom to pursue their dreams. The entrepreneur's visa would allow these risk-takers to stay here and operate their businesses.

Each immigrant entrepreneur would be required to create jobs for Americans. If the business was not successful and the jobs were not created, the immigrant would have to go back to his or her own home country.

While some immigrant entrepreneurs would fail, others would follow a path worn by many who came before them and succeeded. Entrepreneurial immigrants have long contributed to the strength of our economy by starting companies and creating jobs. I can think of the Russian immigrants, for example, who are entrepreneurs in a sense who came to Kansas and brought hard red winter wheat with them. What a true entrepreneur—an immigrant entrepreneur—who changed the face of our State.

On the current Fortune 500 companies, more than 40 percent were founded by a first- or second-generation American. Not only are these immigrants entrepreneurial, but they are also disproportionately innovative. Foreign nationals residing in the United States were named as investors or coinvestors in a quarter of all patent applications filed in the United States in 2006.

Today, one of every ten Americans employed in a privately owned U.S. company works for an immigrant-owned firm. While we work in the United States to continue educating our children with the skills for a 21st century economy and training the next generation of great American entrepreneurs, we also need to welcome those who want to create a business here in the United States and employ our citizens.

I believe that 80 percent of my colleagues here would agree with the provisions of Startup Act 3.0. They understand these are important issues for the economic growth and new job creation for Americans. I urge my colleagues to pass what we can agree to now and keep working to find common ground on issues that still divide us. The longer we wait, the farther we fall behind in this global competition for the most entrepreneurial immigrants.

While the United Kingdom and other countries are creating new opportunities for entrepreneurs, the United States remains the land of opportunity and birthplace of the American dream. We need to pass Startup Act 3.0 so foreign entrepreneurs can strengthen our economy and so American business men and women can pursue their dreams here in the United States.

Millions of our citizens, unfortunately, remain out of work. Many are underemployed. Our economy is barely growing. We can jump-start the American economy through Startup Act 3.0, and the skills we need to pursue the American dream can be here in the United States and we can strengthen our economy.

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. KING). The Senator from Maryland.

Mr. CARDIN. 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. CARDIN. Mr. President, I ask unanimous consent that I be permitted to enter into a colloquy with my colleague from Maryland, Senator MIKULSKI.

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

(The remarks of Mr. CARDIN and Ms. MIKULSKI are printed in today's RECORD under ''Morning Business.'')

SEQUESTER IMPACT

Ms. MIKULSKI (Ms. HEITKAMP). Madam President, while we are waiting to take up some other important legislation, I wanted to come to the floor to speak on another very important matter.

What I wish to talk about is sequester. ''Sequester'' is a nine-letter word that would be a big hit in a Scrabble game, but it is a lousy word for the game of life and the functioning of our economy. Sequester is a technique we are going to use as Washington-speak for saying we will have, starting March 1, across-the-board cuts that will be devastating to our economy and to the functioning of government. I just held a hearing this morning in my full Appropriations Committee about the consequences of these cuts. It is really scary. We are going to cut defense. It is going to have a negative impact on our readiness. At the same time, people building some of the smart weapons for the future, such as shipyard workers, over several thousand of them, could be laid off.

Not only must we protect our military from these devastating cuts, but there are others who wear the uniform of the United States of America who protect us. For example, we have 57,000 Border Patrol guards who could be laid off. We also have people who run our weather satellites who help provide the important information to warn for tornadoes, to warn for hurricanes, to warn for these terrible blizzards so that local governments can efficiently prepare. Then there are terrible cuts in the area particularly of education.

We need to be able to come up with $86 billion to cancel this year's sequester. That is $86 billion—''b'' as in BARBARA, not ''m'' as in MIKULSKI. We have less than 2 weeks to do that.

Now, as the full chair of the Appropriations Committee, working with our Democratic leadership and our very able chair of the Budget Committee, Senator MURRAY, as well as Senator BAUCUS, the chair of the Finance Committee, as well as other people in the Senate, we have been able to come up with an alternative. It offers a balanced approach to revenues as well as to cuts.

Our proposal will include reforms to the Tax Code and save $55 billion. At the same time, what we will be able to do is come up with cuts in spending. One will be $28 billion of cuts in the farm bill and then another $27 billion in defense.

Now, before people worry and before Iran gets any funny ideas—or anybody who is a foe of the United States—that we are going wimpy or soft, the answer is no. These cuts will not go into effect until 2015, after we have brought our troops back home from Afghanistan. Then they will be spread out over 8 years until 2021. So we won't impact readiness. If there is a foreign predator, don't think we are weakening ourselves. What we are doing is looking at ways the Defense Department can get rid of some of these programs that are now dated, some of the weapons systems that are no longer as relevant as they once were, as we modernize.

So between the mandatory spending cuts in the farm bill and in defense, we will cut spending by $55 billion. So we take $55 billion in cuts and $55 billion in revenue, and this will give us the $110 billion to be able to deal with this problem.

I am really jazzed about sequester. I represent some of the great iconic Federal agencies in the State of Maryland. I have 1,000 Federal employees. People say: Oh, we know them. Aren't those the pointy-headed bureaucrats who only do heavy lifting by getting a latte in the morning? The answer is absolutely not. Let me tell my colleagues who those people are, and I am really proud of them.

They run the Social Security Administration. They make sure the checks go out on time. They are doing all the actuarial work. They are making sure Social Security is relevant, financially solvent, and far more efficiently run, with lower overhead than an insurance company.

I represent the National Institutes of Health, whose sole job is to find cures for the diseases affecting the American people. Right this very minute we are working on the cure for Alzheimer's, with a cognitive stretch-out of Alzheimer's. My dear dad died of that. I know the consequences. It is a terrible heartbreak for the family, and I will tell my colleagues that it is a budget-buster when one has to turn to long-term care. If we can keep the funding going and if we can have that breakthrough, if we can even find a cognitive stretch-out for 3 to 5 years for people going into nursing homes, we could cut our Medicaid budget in half because 80 percent of the money in our Medicaid budget goes to paying for long-term care for people with Alzheimer's, Parkinson's, Lou Gehrig's disease, or other diseases with neurological impairments. We are being pound foolish to save nickels and dimes. We need a long-term solution.

By the way, the sequester is supposed to happen every year for 9 years. It was to get us to the table so we could deal not only with our debt and deficit—yes, we got that message, but the other message is that we have to get America ready for the future. We have to create jobs today and innovate for jobs tomorrow. That is at NIH. Those are the people working there.

I represent three Nobel Prize winners who are civil servants, several Nobel Prize winners over at Johns Hopkins. They are not only proud of winning the prizes, but they want to help America win the markets—new ideas for new products that will lead to new jobs.

We also have in my State the Federal Drug Administration. I wish the Presiding Officer could come over there. There are 4,000 people working there.

They say: Well, all those people. Yes, all those people. Again, there are Ph.D.s and M.D.s, people with master's degrees, and what are they working for? They are looking for new medical devices to help people, the new breakthroughs in perhaps the next generation of the pacemaker. They are taking ideas invented by the private sector, including a new insulin pump that will help a diabetic person have a more active life or even breakthroughs for neurological impairment for perhaps the child with cerebral palsy—they are looking for safety and efficacy so those products can move to clinical practice, to the marketplace, and products we can sell to the world. There are many countries that could never afford an FDA, but because they are FDA-certified in our country, they will buy our products.

I am proud of that, that we are going to be the country that is inventing cures for cancer. We only look at the ''a'' words: AIDS, Alzheimer's, autism, arthritis. Just look at that. At the very time we are looking to lay off people or furlough people at NIH, they have just lowered the cancer rates in the United States by 12 percent—12 percent.

During the terrible fiscal cliff negotiations around New Year's, I spoke to Dr. Francis Collins, who heads that agency. We were making these announcements on how America leads the way to lower cancer rates among its own people. Isn't that a great victory? At the same time, I was telling him he could be heading into sequester or going over a fiscal cliff.

Every day these 130,000 people are working to help America, whether they are working with weather satellites, whether they are doing the next generation of drug approval, whether they are running the Social Security Administration, whether they are over at the National Institute of Standards making sure American products have American standards and not the Chinese standards—again, so we can manufacture here and sell over there.

So I think sequester is a terrible thing. As the chair of the full Appropriations Committee, I am working with our leadership to try to deal with this issue, but I also say to the other side of the aisle, let's come together. Let's work with our President. Let's have that grand bargain through looking at tax reform, reviewing some of our mandatory spending and how we can get savings out of that, as well as targeted, strategic cuts. Let's get us on the right fiscal path, but also let's get us on the path for innovation, for jobs today and jobs tomorrow. We want to continue to lead the world, and we want to defend ourselves not only against foreign predators who might wish to do us harm but those other horsemen of the apocalypse who ride, such as pestilence and disease, and we can do it. So let's saddle up and get the job done.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. McCAIN. Madam President, I ask unanimous consent to join in a colloquy with my colleague from South Carolina.

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

Mr. McCAIN. Madam President, there seems to be a lot of back and forth and misinformation about where various Senators stand on the issue of the Hagel nomination. I have a statement I will give in a few minutes about why I am opposed to Senator Chuck Hagel to be Secretary of Defense, but I think it is important to make a couple points. One is that the distinguished chairman and I were here back in 1988.

In 1988, on December 16, John Tower was nominated to be Secretary of Defense.

On January 25, 1989, his confirmation hearings began. On February 2, 1989, the committee postponed the confirmation vote after allegations were raised. On February 8, the committee vote was delayed again until February. February 23, he was voted out of the committee. March 10 was the time where the Senate rejected the nomination by 53 to 47.

I was there. I saw. One of the worst things I have ever seen in the history of the Senate, the way they dragged out Senator John Tower—a good and decent man's reputation with allegation after allegation, all of which turned out to be false. So I would like to inform my colleagues, this is not the first time we have had a delay in the confirmation of a Secretary of Defense.

I will be glad to go over what I saw, including allegations that were thrown over the transom day after day, week after week. They destroyed a good and decent man in Senator John Tower. So the allegation that somehow we are dragging this out or delaying it, it is not the first time in history, I will say to my dear friend, the chairman of the Armed Services Committee.

Having said that, there are still questions outstanding. I believe Senators have the right to have those questions answered. The Senator from South Carolina and I, the Senator from New Hampshire had a response from the President today on the question we had, but there are other questions. But I think during the break is sufficient time to get any additional questions answered. I will vote in favor of cloture on the day we get back. I believe my colleagues would also—a number of my colleagues would do the same.

I think that is a sufficient period of time to get answers to outstanding questions. I think Senator Hagel, after that period of time, deserves a cloture vote and an up-or-down vote on his nomination.

I ask if my colleague wants to comment.

Mr. GRAHAM. We reported Senator Hagel's nomination out at 5 o'clock. I would argue that the hearing was interesting, I think at times unnerving. Here it is Thursday. So there are some questions being asked by our colleagues that I think are legitimate. Some are kind of creating a new standard. I am confident, in the next week,

unless there is some explosive bombshell that I cannot quite get my hands around, I intend to vote for cloture and against the nomination. I am one, along with Senator MCCAIN, who believes filibustering should be a rare thing.

But what we are doing is saying the debate time for Senator Hagel is not yet over, since he just got reported out Tuesday at 5 o'clock. Put yourself in the shoes of the colleagues who are not on this committee. This has been a very controversial nominee. I will say the reason we voted for Senator Kerry on the same day he got reported out of committee and he got 97 votes, that all of us felt comfortable with the nomination. There are very uncomfortable things about this nomination. But having said that, I do believe that unless there is something new that comes out, we should proceed to a vote, up or down. I am willing to invoke cloture because I think, as Senator MCCAIN said, the week time period would give us a chance to answer these questions.

Let me inform my colleagues that just about an hour ago, there was a press report that a speech was given by Senator Hagel—I can't remember the group. But one of his aides posted—based on his notes what he had said the next day on a Web site.

During that speech, according to this aide, Senator Hagel said the U.S. State Department was an extension of the Israeli Government. Things such as that are unnerving. There is at least one speech he gave that he did not report that we think there is a copy of. We should get it in the next few days. That is why I would oppose cloture today, vote for it after the recess.

Mr. MCCAIN. Madam President, I ask unanimous consent that the Senator from Tennessee, who also, in my view, is one of the great protectors of the Senate, preserving its tradition and customs—I would ask if he has a view on this issue. I wish to repeat: I would vote for cloture. The Senator from South Carolina would vote for cloture. I would be interested in the view of the Senator from Tennessee on this whole issue.

Mr. ALEXANDER. I thank the Senator from Arizona. Probably the best known function of the Senate—constitutional responsibility—is the right of advise and consent. We take it very seriously. Here that means we have to consider what happens. The Armed Services Committee, upon which I do not have a chance to serve, completed its consideration of Senator Hagel's nomination 2 days ago. Now it is before the whole body. He is the President's appointee. The President has a right to appoint people in whom he has confidence. But we have a constitutional responsibility to consider the nominee.

A number of Republican Senators have questions, including the Senator from Arizona, the Senator from South Carolina, that they would like to have answered. I think they are entitled to that. I think if the shoe were on the other foot and it were a Republican President making a nomination, Democratic Senators would say the same thing: Give us a reasonable amount of time to consider this nomination on the floor of the Senate.

I have a little experience in that myself. The first President Bush nominated me to be U.S. Education Secretary about 20 years ago. I thought I was a fairly noncontroversial nominee, much less important than the Secretary of Defense. But I remember very well, it was 87 days between the time the President announced my nomination and the day on which the Senate unanimously confirmed me.

There was, at the time, a Senator from Ohio named Metzenbaum, who for whatever reason decided the Senate needed more delay to consider my record and my background.

There is nothing new about this. I would respectfully suggest that the majority leader's motion to cut off debate on Senator Hagel, made 2 days after his nomination comes to the floor of the Senate, is premature.

Republican Senators have questions they would like to have answered. I think they are entitled to do that. When we come back from recess, 10 days from now, I think that is sufficient time to consider those questions. I will vote for cloture so we can have an up-or-down vote on the President's nominee for the Secretary of Defense. I think the President is entitled to that but not prematurely.

I thank the Senator from Arizona for yielding time.

Mr. MCCAIN. Madam President, I note that the present occupant of the chair is familiar with the rigors of this process as well. So I think it is important to note. Again, I wish to say that it is one thing to support or oppose a nominee, but I do not believe a nominee deserves a dragged-out process. I think the Senator from Tennessee and the Senator from Massachusetts would agree with me; that it might be a disincentive in the future for well-qualified men and women who want to serve, who see a process that is dragged out and allegations made and requirements for disclosure that frankly are not required.

I note the presence of the majority leader on the floor, so I would like to filibuster for an hour or so.

I yield to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, at the request of the Republicans, I ask unanimous consent that at 4:15 today, the Senate proceed to vote on the motion to invoke cloture on the Hagel nomination; that the time until 4:15 be equally divided between the two leaders or their designees. My designee is Senator LEVIN.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I will not object because of the assurances of my three friends from the other side of the aisle stating that they plan on voting for cloture. They obviously said they will not vote for cloture today, which is, I think, too bad because there has been more than enough time in the last 2 days to read the additional speeches that have been coming in.

The only argument that was raised beyond that, that I know of, has to do with a payment from an equity fund. That was received. It has been fully explained. It is a highly reputable fund that Senator Hagel was an adviser to, similar to many other very reputable people. So I think the continuation of what amounts to a filibuster, since 60-vote votes are required to end debate, is too bad when there is a Secretary of Defense who is leaving to go back to California, and we very much need to have our new Secretary of Defense in place, given the circumstances in this world.

We have a budget crisis in this country. Our sequester is confronting us. That sequester will have a damaging effect on the Defense Department, on the men and women in uniform, and on programs, the equipment, the training they need to be ready for any kind of a contingency.

So the delay in having a vote on cloture, to me, is a mistake, and we ought to approve the ending of the debate today so we can get on with the confirmation vote, which will be a majority vote. After there is a cloture vote, debate is finally ended in this body, the final passage of a bill or the vote on the nominee is a majority vote, not 60 votes. So I am hoping there will be 60 votes today so we can get on with approval of this nominee, hopefully shortly thereafter, and fill this spot which is sitting there waiting to be filled.

We have North Korea exploding a nuclear device. We have a war going on in Afghanistan. We need to have a Secretary of Defense in place. So I hope there is not a delay. Following the vote today, I hope we do invoke cloture, because I think there has been more than adequate time. Surely, there has been time on the floor when we have had hour after hour go by with no one who seeks to be recognized to speak.

I do hope that if the unanimous consent proposal is agreed to, there will be 60 votes today. But if not, then there will be no alternative but to have the vote when we come back. At that point, we would, of course, look forward to the support, at least on cloture, of the three Senators who have just spoken, our friends on the other side of the aisle.

That is the best we can hope for. But that is my hope. I will not object because of that.

Mr. MCCAIN. Madam President, reserving the right to object. I will not object, I will just respond to my friend. He is my dear friend. I did not note that sense of urgency for 3 months when John Tower's nomination was held in limbo by the then-majority

Democrats. The Secretary of Defense post was vacant at that time as well. So this is not the first time in history a Secretary of Defense position has been vacant.

Again, I hope we can get this resolved, move forward. I think the Senator from Michigan, my friend, understands we can get this issue resolved on the day we return from the recess. Certainly, there are, I believe, sufficient votes to invoke cloture at that time.

Mr. LEVIN. If the Senator from Arizona would yield for 1 minute, I do not believe Senator Tower was filibustered. There was a delay in getting to that vote. But I do not believe there was a requirement—I may be wrong on this. I do not believe there was a filibuster for the Secretary of Defense nominee at that time, and many Secretary of Defense nominees have been approved in a matter of days, just the way Senator Kerry was approved in a matter of days.

So circumstances differ nominee to nominee. I again will not object, based on the statements which we have heard from my friends on the other side of the aisle.

Mr. MCCAIN. Madam President, I always enjoy some exchanges with my friend, the chairman. But the fact is, as the chairman knows, that was delayed and delayed and delayed. A new allegation came in, it was delayed. A new allegation came in, it was delayed. All those allegations turned out to be false. I will not rewrite history anymore, except to say it was one of the more shameful chapters, in my view, in the history of the Senate.

Again, I thank him. I am confident that within 1 week or so we will probably have this vote completed. I do not object to the unanimous consent request.

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

Mr. MCCAIN. Madam President, how much time remains on either side?

The PRESIDING OFFICER. There will be 30 minutes on either side.

Mr. MCCAIN. I yield myself 10 minutes.

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

Mr. MCCAIN. For all the years that I have known Senator Hagel, I have known him to be an honorable man and a patriot in this Chamber and elsewhere—overseas, in the field of battle. Senator Hagel has served this country faithfully and with distinction.

We have our differences. Senator Hagel was and remains my friend. There was a time when Senator Hagel and I saw the world and America's role in it in much the same way.

When the Balkans were torn apart with mass atrocities and genocide, Senator Hagel and I stood together with Senators Bob Dole and Joe Lieberman to lend bipartisan support to President Clinton in taking more forceful action to end the slaughter.

In May 1999, Senator Hagel said on this very floor why the United States should intervene militarily in Kosovo:

> But we also understand there are things worth going to war for, there are things worth dying for. . . . When people are being slaughtered at a rather considerable rate, and genocide is occurring, and ethnic cleansing is occurring, and people are being driven from their homes.

On and on.

> What do we do now? The geopolitical consequences, the humanitarian consequences involved in this are great.

He went on to say:

> History has surely taught us that when you defer the tough decisions, when you let the butchers continue and the tyrants and dictators continue, it gets worse. And it has gotten worse with Milosevic. For 10 years we've dealt with him. Four wars he's started.

Et cetera.

I agreed with his statement at the time, and I still do. I think it applies with greater or equal force to Syria today. I am not sure that Senator Hagel believes that anymore.

When America was attacked on September 11, 2001, Senator Hagel and I urged a strong American response to vanquish the enemies who attacked us, beginning in Afghanistan. Two years later, President Bush decided the United States may have to use force against Saddam Hussein in Iraq, and then Senator Hagel and I voted to authorize the use of force in Iraq.

Senator Hagel and I were often together in our criticism of the Bush administration's conduct of the war in Iraq. We both were disturbed by the apparent arrogance of then-Secretary of Defense Donald Rumsfeld and his abject failure to respond to the clear fact that we were losing the war in Iraq on the ground.

In August 2003 I urged President Bush to send more troops. The Senator from South Carolina and I called for the resignation of the Secretary of Defense, and we wanted to change our strategy, to replace military and civilian leaders who were failing in their responsibilities. Senator Hagel, on the other hand, believed we should cut our losses and withdraw from Iraq.

Since that time, Senator Hagel has taken policy positions that I believe call into question the quality of his professional judgment on issues critical to national defense. I am also concerned that Senator Hagel is ill-suited to lead the 2.5 million uniformed members of the Armed Services and to ensure the sound management of an agency that has an annual budget equal to the 17th largest economy in the world.

Of all the responsibilities of government, none is more fundamental than providing for the Nation's defense. We must have the most qualified and able person for the position, and having carefully reviewed Senator Hagel's long public record, I find his nomination wanting.

Senator Hagel's appearance before the Senate Armed Services Committee failed to allay my concerns about his nomination. During the hearing he repeatedly refused to give an assessment of his previous statements on issues such as the troop surge in Iraq, the identification and engagement of terrorist organizations, and his past rhetoric about our allies. In response to these questions, he either assigned history the task of judging the merit of his past statements and positions or simply said:

> If I had an opportunity to edit that, like many things I've said, I would—I would like to go back and change the words and the meaning.

History isn't likely to affirm Senator Hagel's declaration that the decision to increase forces in order to wage a counterinsurgency in Iraq, a decision that helped prevent our losing that war, he said was the most dangerous foreign policy blunder since Vietnam.

It is quite obvious now that statement was histrionic, woefully uninformed, and absurd. But I didn't raise it at Senator Hagel's hearing for the satisfaction of an ''I told you so'' moment, but to determine if Senator Hagel recognizes he was in error and, more importantly, if that recognition informs his judgment today.

I wanted to know if he had learned from his mistakes. Unfortunately, I am not confident that he has. After 2 weeks of reviewing his record, my concerns about whether Senator Hagel is ready to serve as Secretary of Defense have not diminished.

Nothing in Senator Hagel's background indicates he would effectively manage the Department of Defense. In today's unprecedented environment of fiscal uncertainty, ensuring that defense investment decisions affecting an agency as massive and unwieldy as the Department of Defense do not adversely impact our military readiness is enormously challenging. It requires that the Secretary have, as Secretary Gates and Secretary Panetta had, a proven track record of successfully managing large and complex organizations. Senator Hagel has no experience.

There are those of us who seek to cut waste, fraud, and abuse from the Department of Defense. Senator Hagel seeks something else entirely—to cut military capabilities that serve as tools to ensure our continued engagement throughout the world in support of America's interests and those of our allies.

In the eyes of the President, at least, Senator Hagel, however, apparently is the right man to oversee the continuing drawdown of the Armed Services. Over the past 4 years, the administration has pursued a program of defense reductions that exceed those expected of a normal post-war drawdown, cuts that have begun to directly undermine U.S. global military power. Last week, Secretary Panetta said people would stand by and deliberately hurt this country in terms of our national defense by letting sequestration take place.

My doubts about Senator Hagel's suitability extend beyond his prospective management of defense budgetary resources. The North Koreans recently tested another nuclear weapon. Iraq is

unraveling. The Iranians just rejected Vice President BIDEN's proposal at the Munich Security Conference for one-on-one talks concerning nuclear weapons. Libya, Mali, Tunisia, and Egypt are in various states of unrest, for which we have no strategy. We are in the most unsettled period since the end of the Cold War, and I have serious concerns as to the quality of Senator Hagel's professional judgment and the acuity of his views on critical areas of national security, including security in East Asia and the Middle East.

His record on Iraq was particularly troubling. As I alluded to a moment ago, in 2002 Senator Hagel voted to authorize the use of force against Iraq. By 2006, his support for the war had diminished.

After Republican losses in the 2006 midterm elections, the Senator wrote an opinion piece for the Washington Post under the title ''Leaving Iraq, Honorably,'' foreshadowing his opposition to the surge and advocating ''a phased troop withdrawal from Iraq.'' When President Bush announced his decision to surge troops in 2007, Senator Hagel actively campaigned against it.

He voted in February 2007 in favor of a bill expressing opposition to the surge and later in favor of measures to set a date certain for withdrawal of troops from Iraq, an equally bad policy. Senator Hagel wrote in his 2008 memoir, ''America: Our Next Chapter'' that ''history . . . will show'' that his legislative efforts to oppose the surge correctly framed the political matters at issue at the time.

CARL LEVIN, on the other hand, said in 2009:

> In considering whether or not to surge troops in Iraq . . . I think that history will show that President Bush reached the right decision.

Senator Hagel advocated the complete withdrawal of U.S. forces from Iraq by 2007 rather than negotiating an agreement for an enduring presence of U.S. forces. The President ultimately did exactly what Senator Hagel recommended, reportedly against the advice of military leaders. In response to written questions on this matter, Senator Hagel again stated that the complete withdrawal of U.S. troops in Iraq was the right call and asserted that Iraq is in a better place today because of it. That is another Orwellian statement.

In fact, since the withdrawal of our forces in 2011, the fragile political accommodation made possible by the surge of 2007 has unraveled over the past year. Al-Qaida in Iraq is remobilizing. Iranian-backed Shiite militias are gaining strength. Meanwhile the country is on the brink of civil war as protests against the Maliki government draw thousands, Iranian aircraft are flying over Iraq with weapons for Syria, and there are many other examples. Nevertheless, Senator Hagel is equally quick to advocate full withdrawal from Afghanistan despite conditions on the ground or the advice of military commanders.

Senator Hagel's views on Iran are also profoundly troubling. Consider, for instance, his recent set of incorrect and confused responses to basic questions about President Obama's Iran policy during his confirmation hearing last month, which one senior White House official rightfully described as ''somewhere between baffling and incomprehensible.''

I am more deeply concerned by Senator Hagel's overall record on this issue.

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

Mr. MCCAIN. Madam President, I ask for 2 additional minutes.

Mr. INHOFE. Reserving the right to object, may I ask how much time remains on our side?

The PRESIDING OFFICER. There is 19 minutes remaining.

Mr. INHOFE. I ask unanimous consent that the last two speakers on our side—the last would be me, the next to last would be Senator GRAHAM—be given 5 minutes for Senator GRAHAM and 7 minutes for me.

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. Without objection—reserving the right to object.

Mr. LEVIN. How much time remains on our side?

The PRESIDING OFFICER. There is 30 minutes remaining on each side.

Mr. LEVIN. I assume the 12 minutes the Senator referred to would be counted against their time?

The PRESIDING OFFICER. The Senator is correct.

Is there objection?

Mr. LEVIN. No objection.

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

The Senator from Arizona.

Mr. MCCAIN. Finally, Senator Hagel's opposition to the use of sanctions, his apparent confusion about administration policies and its implications, and his apparent incomprehension of the threat a nuclear-armed Iran poses to international stability is alarming and would cause other nations to doubt the credibility of the President's commitments.

Senator Hagel is an honorable man who has sacrificed much and bravely for our Nation. About his character and love of country, there can be no doubt or debate. However, his positions on the principal national security issues facing our country—the Iranian nuclear program, the resurgent Islamist terrorist threat in North Africa and the Middle East, and, more broadly, whether we should maintain our ability to project strength in defense of our interests and allies'—indicate to me a disqualifying lack of professional judgment. Also, Senator Hagel's complete lack of experience in running an enterprise of such size and complexity casts further doubt.

Therefore, despite my esteem for Senator Hagel, on the basis of his record, I will not support his confirmation. I say this with regret, but he is the wrong person at the worst time for the job this day. We can and must do better.

I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, I wish to ask my colleagues to support the Hagel nomination. Let me just hit a couple of highlights.

He volunteered to go into the Army during Vietnam. He was assigned to Germany. He volunteered to go to Vietnam.

His brother was assigned in one part of Vietnam, he in another. His brother Tom and he asked to be in the same unit. While on patrol in the jungles at night, his brother saved his life. On another patrol at night, he saved his brother's life. He was wounded twice. He was medevaced. He asked to go back into the fight.

He has served as Deputy Administrator of the Department of Veterans' Affairs with a quarter of a million employees under his management. He represented the State of Nebraska in the Senate for 12 years. He coauthored the post-9/11 GI bill with Senator Webb. Out of uniform and away from Capitol Hill, he has lead the USO.

This is exceptionally capable man, who is a patriot, has given extensive testimony to the Senate Armed Services Committee. He has cleared up the issues that have been asked over and over, including one that was raised about his role in authoring the Global Zero report. First, the report didn't propose anything. It was, in the words specifically used in the front end of the report, ''illustrative,'' proposing nothing but laying out different scenarios and possibilities. There was nothing that was proposed in a recommendation that we unilaterally disarm, reduce the arsenal, or eliminate the triad. And that would especially be so since another of the coauthors was General Cartwright, the former commander of U.S. Strategic Command and the eighth Vice Chairman of the Joint Chiefs.

This is a critical time for national defense. It is a critical time for our country. We need to get on and approve the nomination so he can get on with his duties as Secretary of Defense.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I have 5 minutes. Would the Presiding Officer let me know when 4 minutes has elapsed.

The PRESIDING OFFICER. Yes.

Mr. GRAHAM. Madam President, I ask unanimous consent to have printed in the RECORD an opinion piece by the editorial board for the Washington Post dated December 18, 2012.

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

[From the Washington Post, Dec. 18, 2012]

CHUCK HAGEL IS NOT THE RIGHT CHOICE FOR DEFENSE SECRETARY

Former Senator Chuck Hagel, whom President Obama is reportedly considering for defense secretary, is a Republican who would offer a veneer of bipartisanship to the national security team. He would not, however, move it toward the center, which is the usual role of such opposite-party nominees. On the contrary: Mr. Hagel's stated positions on critical issues, ranging from defense spending to Iran, fall well to the left of those pursued by Mr. Obama during his first term—and place him near the fringe of the Senate that would be asked to confirm him.

The current secretary, Leon Panetta, has said the defense ''sequester'' cuts that Congress mandated to take effect Jan. 1 would have dire consequences for U.S. security. Mr. Hagel took a very different position when asked about Mr. Panetta's comment during a September 2011 interview with the Financial Times. ''The Defense Department, I think in many ways, has been bloated,'' he responded. ''So I think the Pentagon needs to be pared down.''

While both Republicans and Democrats accept that further cuts in defense may be inevitable, few have suggested that a reduction on the scale of the sequester is responsible. In congressional testimony delivered around the same time as Mr. Hagel's interview, members of the Joint Chiefs of Staff said the sequester would lead to ''a severe and irreversible impact on the Navy's future,'' ''a Marine Corps that's below the end strength to support even one major contingency'' and ''an unacceptable level of strategic and operational risk'' for the Army.

Mr. Hagel was similarly isolated in his views about Iran during his time in the Senate. He repeatedly voted against sanctions, opposing even those aimed at the Iranian Revolutionary Guard Corps, which at the time was orchestrating devastating bomb attacks against U.S. troops in Iraq. Mr. Hagel argued that direct negotiations, rather than sanctions, were the best means to alter Iran's behavior. The Obama administration offered diplomacy but has turned to tough sanctions as the only way to compel Iran to negotiate seriously.

Mr. Obama has said that his policy is to prevent Iran from obtaining a nuclear weapon and that containment is not an option. Mr. Hagel has taken a different view, writing in a 2008 book that ''the genie of nuclear weapons is already out of the bottle, no matter what Iran does.'' The former senator from Nebraska signed on to an op-ed in The Post this September that endorsed ''keeping all options on the table'' for stopping Iran's nuclear program. But Mr. Hagel has elsewhere expressed strong skepticism about the use of force.

We share that skepticism—but we also understand that, during the next year or two, Mr. Obama may be forced to contemplate military action if Iran refuses to negotiate or halt its uranium-enrichment program. He will need a defense secretary ready to support and effectively implement such a decision. Perhaps Mr. Hagel would do so; perhaps he would also, if installed at the Pentagon, take a different view of defense spending. (Mr. Hagel declined through a spokesman to speak to us about his views.)

What's certain is that Mr. Obama has available other possible nominees who are considerably closer to the mainstream and to the president's first-term policies. Former undersecretary of defense Michéle Flournoy, for example, is a seasoned policymaker who understands how to manage the Pentagon bureaucracy and where responsible cuts can be made. She would bring welcome diversity as the nation's first female defense secretary.

Mr. Hagel is an honorable man who served the country with distinction as a soldier in Vietnam and who was respected by his fellow senators. But Mr. Obama could make a better choice for defense secretary.

Mr. GRAHAM. This is an editorial about the nomination of Senator Hagel to be Secretary of Defense. The Washington Post said:

Mr. Hagel's stated positions of critical issues ranging from defense spending to Iran fall well to the left of those proposed by Mr. Obama during his first term and place him near the fringe of the Senate that would be asked to confirm him.

The last line is:

Mr. Hagel is an honorable man who served the country with distinction as a soldier in Vietnam and who was respected by his fellow Senators, but Mr. Obama can make a better choice for defense secretary.

That sort of sums up where I am: a fine man. If it were about friendship, there wouldn't be a problem. This is about the times in which we live. And I want to echo the statements of the Washington Post about him being out of the mainstream.

We have had two hearings, and we will have a couple of votes in the next week or so. I would say to my colleagues regarding the cloture vote today, they have every right to say now is not the time to end the debate about Senator Hagel. He was reported out of the committee at 5 o'clock Tuesday. There are some legitimate questions and information we haven't gathered, and we should be able to have an opportunity to look at that, and people not already committed should have a chance to review this information. So the idea of waiting until after the break makes eminent sense. I think we will be better informed regarding our decision. Debate should continue for at least that period of time.

Senator Kerry was able to get out of committee and to be voted on the same day because all of us felt comfortable with John Kerry, even though we may have disagreed with his politics. I believe John Kerry is a good man. We are on opposite sides of the issues sometimes when it comes to Iraq and initially Syria, but I have always thought he was in the mainstream of the debate. So he got 97 votes because we felt comfortable with him. You can tell people on our side, and some others, quite frankly, in the Democratic Party have expressed some discomfort.

I would argue that after the hearing there is more discomfort than there was before the hearing. Senator INHOFE and Senator LEVIN, we had a very good hearing, but to me it was unnerving, some of the things that came out of that hearing. The performance created more questions and doubts than it created confidence.

That is the question the Washington Post posed. It is one thing to be in the left lane, the right lane, or the center lane, but I would say Senator Hagel's statements and votes put him in a league of his own. And that is why I will vote no.

When it comes to Israel and his statement that ''The Jewish lobby intimidates a lot of people up here. I'm not an Israeli Senator, I'm a United States Senator,'' Senator Hagel, to his credit, said that was inappropriate and he apologized. But think for a minute how many of my colleagues would have said that. I asked him to name one Senator who has been intimidated, and he couldn't name one. I asked him to name one policy we have enacted because of the Jewish Israeli lobby, and he couldn't name a policy.

Now we find out today—and I don't know if this has been verified, but it is posted—that an aide of his reported that during a speech Senator Hagel gave several years ago he said the U.S. Department of State was an extension of the Israeli Government. Now this is showing a chip on one shoulder about Israel—an unhealthy statement, to say the least, and I think patently false. But it is unnerving to a guy like me, and I can only imagine what kind of signal a statement such as that sends in these dangerous times.

On Iran he was one of two Senators to vote against renewing unilateral U.S. sanctions against Iran and Libya in 2001. He was one of twelve Senators who did not sign a letter asking the European Union to declare Hezbollah a terrorist organization. He refused to designate the Iranian Revolutionary Guard as a terrorist organization in 2007——

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. GRAHAM. I thank the Presiding Officer. While they were killing our soldiers in Iraq. He refused to sign a letter to President George W. Bush, he said, to engage in direct unconditional comprehensive talks with the Government of Iran. He was for that, telling Bush to do it unconditionally. He voted against comprehensive Iranian sanctions.

He was one of two Senators who failed to sign a letter to President Clinton showing unconditional support for the State of Israel.

I would argue that this man's record, when it comes to Iran and Israel, and statements he has made, puts him well out of the mainstream. The Washington Post was right when they said he is on the fringe. And now is not the time to have somebody on the fringe serving as Secretary of Defense when it comes to Iran and Israel. For that reason, I will vote no. I will oppose cloture because debate should continue. When we get back, unless there is a real bombshell, I will vote for cloture and move on to his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I yield 5 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I am proud to support Chuck Hagel for Secretary of Defense. If Chuck can make it through the jungles of Vietnam, he can surely make it through the bureaucracy of the Pentagon.

America needs Chuck as its Secretary of Defense to bring our troops home and to keep our military the strongest in the world. Sergeant Hagel is an American hero. When so many Americans were dodging the draft, he volunteered to serve in Vietnam. The draft board gave him the option to return to college, but Chuck refused. He said:

> I think the best thing for me is to go in the Army. It may not be the best thing for the Army, but I think that's the way to get all this straightened out. I was the oldest of four boys. My father [had] passed away, and I just was not coming together the way I should come together. There was a war going on in Vietnam. I felt a sense of some responsibility. So I said, ''No. Let's—let's go. And so I volunteered for the draft, went in the Army and celebrated my 21st birthday down at White Sands Missile Range.''

And Chuck didn't serve in a safe billet. When assigned to Germany, he protested and asked to deploy to Vietnam. So he volunteered for Vietnam and saw the horrors of war as an infantry sergeant.

Chuck and his younger brother Tom are the only known American brothers to serve side by side in Vietnam. At different times, they risked their own lives to save each other's. At one point, Tom frantically dressed a wound around Chuck's chest hoping, praying, that his older brother would make it out of Vietnam alive. And Chuck eventually returned the favor by dragging Tom out of a burning vehicle just before it exploded, saving his brother's life. Talk about brothers in arms, these were real brothers in arms.

These experiences made Chuck who he is, and they help you and me understand why he is the right man to run the Pentagon and to be put in charge of defending America. Just listen to how Chuck describes what it was like to serve in Vietnam. He says:

> I walked a lot of point, and my brother Tom and I together walked a lot of point, which was all right. You know what happens to a lot of point men, but I always felt a little better if I was up front than somebody else.

Chuck is willing to walk point for America now. He has been walking point for most of his life. This is how Chuck describes a point man:

> A point man, as I think most people know, is the individual who is out front. And these are usually squad-sized patrols, sometimes a company-sized patrol, depending on the mission. And you have the front—physically the front position, but also the responsibility of essentially not walking your squad or your company into an ambush or a trap. So you had to be very, very focused on the peripheral vision and the antenna and just the sense and the instincts that something doesn't look right or grenades hanging in trees, which booby traps were just a way of life. You dealt with that all the time. And there were a lot of guys who just didn't pay attention to it. They just—that's just the way they were. And I, again, always felt better if I was up front than maybe some others.

Let me repeat that: Chuck Hagel always felt better if he was up front, where it was most dangerous. We live in dangerous times today and we need a man such as Chuck Hagel right now who has seen the horrors of war and will do all he can to prevent another generation from seeing them.

In my interactions with Chuck, I have been struck by his honesty, his sincerity, and his commonsense approach. I know if he were still a sitting U.S. Senator, we would probably be great friends. That is because we come from similar backgrounds and the same generation. He is like many Americans. He grew up in a working class, ''salt of the earth'' family. In Chuck's words, he was raised in Little Town, NE, where the local legion club and the VFW hall were the centers of the universe.

I could go on and on about Chuck Hagel, but let me say this in closing. When I think about people and I go to my little town in my community where I grew up—in Farmington, WV—and I know Chuck grew up in a small town—I can shake people's hands and look them in the eye and they see me to my soul. They know if I am sincere or I am telling the truth. And I want to say to all of you that I have shaken Chuck Hagel's hand. I have looked him in his eyes and I saw the soul of a good man, a man I want leading this country and taking care of our youth, our infantry, our men and women in uniform. So I implore all of my colleagues to consider voting for Chuck Hagel.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, parliamentary inquiry: How much time remains on each side?

The PRESIDING OFFICER. The Democrats have 22 minutes and the Republicans have 12 minutes.

Mr. REED. Madam President, I yield myself 5 minutes.

As so many of my colleagues have described, Chuck Hagel is a soldier, a statesman, a businessman, a patriot. As my colleague from West Virginia pointed out, he could have chosen a much easier path in the 1960s, a path that many trod, but he chose the most difficult. He not only joined the Army, but he volunteered for Vietnam, when he had the opportunity to serve honorably and well in Europe. He joined his brother at Fort Dix. He knows the pressures our men and women face. And he knows the decisions we make here, and the decisions that are made in the Pentagon, ultimately are carried out by those young men and women in uniform. In fact, I can't think of anyone over the last several decades who has learned that lesson so well.

The other thing that is so impressive is that this is not a one-dimensional resume. Chuck Hagel was a businessman, and very successful. He founded his own company, created jobs, and created opportunities. He was the Deputy Administrator of the Veterans' Administration. He has run a large Federal agency. Very seldom do people come into one of these positions having run a Federal agency, or at least being the second in command. And he has been a U.S. Senator. So he knows very well the procedures and the personalities that are here in the U.S. Congress.

To me, though, some of the most compelling endorsements come from those who have actually done the job before. When Bob Gates and Bill Cohen and Bill Perry stand up and say, this is the person for the job, you have to believe that. These gentlemen have done the job for Republican Presidents and Democratic Presidents, and they have done it with great distinction.

Then when you get somebody such as Brent Scowcroft, who is, in my view, one of the most knowledgeable and authoritative voices in national security, and was the National Security Adviser to President George Herbert Walker Bush—who also weighed in, along with Madeleine Albright—you have compelling, irrefutable evidence and testimony from those who have done the job that Chuck Hagel can do the job.

There has been a lot said and discussed as to whether he truly appreciates the relationship between the United States and some of our closest allies, particularly Israel. Here we have the current Deputy Foreign Minister of Israel Danny Ayalon, who also serves as our Ambassador from Israel to the United States, saying that he has met him, he feels, in his view—and I will paraphrase—he has a true understanding of the natural partnership between the United States and Israel. Again, that is compelling evidence.

If you add to that the unconditional endorsement of several former U.S. Ambassadors to Israel, American patriots who have dedicated themselves to maintaining a strong, vital, vibrant, and crucial relationship for both the State of Israel and the United States, the evidence accumulates more and more that the President has chosen well and wisely.

This is a critical time. We are looking at conflicts in Afghanistan, we are looking at a nuclear detonation on the Korean peninsula, we are looking at budget problems that have never faced any previous Secretary of Defense and that have to be addressed within days or weeks. There is a ministerial meeting next week in Brussels for our defense ministers. We have to maintain our alliances. All these forces come together.

So I think the evidence is overwhelming. The President has chosen well and wisely.

But let me make one final point. This is a historic vote. By my recollection, no nominee for the Secretary of Defense has been defeated, delayed, or dismissed on a procedural vote.

Our history suggests, because of this office, because it is one so closely associated with the President making life-

and-death decisions, that deference is given to that choice—at least that it is not caught up in a procedural battle, that there is an up-or-down vote. My colleagues, in good faith, after careful study, can vote yea or nay, but to defeat someone on a procedural vote would be unprecedented and unwarranted. As a result, I would urge that this procedural motion before us be carried, cloture be dispensed with, and we can get on to expressing our true feelings based on the evidence and based on our best judgment of whether Senator Hagel should serve as Secretary of Defense.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, my colleague, Senator CRUZ, is ill and unable to speak on this nomination. He has, however, expressed his concerns to me in the form of a letter. I appreciate his contributions to this debate throughout the committee process.

I ask unanimous consent the letter be printed in the RECORD.

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

U.S. SENATE,
February 14, 2013.

Senator JAMES INHOFE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR INHOFE: I continue to have considerable concerns with the unnecessary rush to force through a vote on Chuck Hagel's nomination before he has adequately responded to multiple requests from members of the Armed Services Committee for additional information.

Our requests directly relate to matters he would have significant influence over as our nation's Secretary of Defense and are based on his alarming record on foreign policy matters. For instance, Sen. Hagel has repeatedly declined to support measures to crack down on state sponsors of terrorism, belittled the notion of using any means to prevent a nuclear Iran, advised U.S. leaders to engage in direct negotiations with rogue nations and hostile terrorist groups, and expressed remarkable antagonism towards the longstanding U.S. alliance with Israel. Moreover, these are all positions he's disavowed since his nomination.

These deeply concerning positions rightfully raise the question of what conflicts of interest could exist as a result of financial compensation he has received in the recent past. Under the Senate's responsibility to advise and consent on nominations, it is completely appropriate to make these requests for disclosure—requests that are absolutely relevant to the role of our nation's Secretary of Defense. Several senators, who currently oppose such requests for information, contradict their own past statements that affirm the importance of disclosures related to executive branch nominations.

In a February 6 letter, 25 senators, including every Republican on the Senate Armed Services Committee and both the Minority Leader and the Whip, agreed that neither the Committee nor the full Senate has sufficient information to assess Sen. Hagel's nomination.

In order to have sufficient information, we have submitted several requests. This includes requests for disclosure on the personal compensation that he has received in the last five years—information which is entirely within his own control; requests for additional disclosure on foreign funds that he may have received indirectly, and whether any such foreign funds raise conflicts of interest; requests for a complete list of his prior public speeches, notably multiple speeches on controversial topics have been made public by the press, despite those speeches having been omitted from his own disclosures; and a critical request from the Administration regarding additional information about the precise actions taken on September 11, 2012, during and immediately following the tragic murder of four Americans in Benghazi.

I believe that to date, responses to these requests are insufficient. Very few positions have as great an impact on national security as does the Secretary of Defense and it is our responsibility to ensure that those nominated to serve in this critical position are held to the highest standards.

I am prepared to move forward on Senator Hagel's nomination in a timely manner, but I do not believe the Senate should vote on that nomination unless and until he provides adequate disclosure in response to these requests.

Sincerely,

TED CRUZ.

Mr. INHOFE. Madam President, let me start off by saying that I agree with almost everything they have said on both sides about Chuck Hagel. I agree that he was a hero. I think of my own Army career and I think of his and how much greater his was. That isn't the issue.

I think both Senator GRAHAM and Senator MCCAIN said it very well. Yes, his character is wonderful. We love the guy. He served his country. All of those things are true. The problem is the stances he has taken regarding Israel and countries like Iran. Israel has historically been a very, very close ally of ours and, I have often said, our only true ally in the Middle East we can count on. But we need to take a close look at Senator Hagel and how he would act, judging from his past performance, as the Secretary of Defense.

The vote that is coming up at 4:15 is the vote for or against Senator Hagel. All of this talk about a procedural vote and filibustering: no. This is the vote to determine whether Chuck Hagel should be the next Secretary of Defense.

This statement about filibustering has been made over and over again. They say this the first time this has ever happened. Look, we have people nominated all the time for Cabinet positions who are subjected to a 60-vote threshold. I will describe some of them right now, starting on the Republican's side:

Kathleen Sebelius is now the Secretary of Health and Human Services. In 2009 there were a lot of people who didn't think she would be good, and so they objected to force a 60-vote threshold. That is what happened.

John Bryson was up for Secretary of Commerce. I didn't think he would make a very good Secretary of Commerce. I opposed him, and he was subjected to the 60-vote margin.

Here is the interesting thing. Today we have Barack Obama, who is a Democratic President of the United States, and then we have HARRY REID, who is the majority leader, so the Democrats are in control. During the last Bush administration, we had exactly the reverse. George Bush was President of the United States and a Republican, and the Democrats were in the minority—the same situation.

So what happened? First of all, we had John Vogel come up. It was the same thing—subjected to a 60-vote margin. We had Senator Dirk Kempthorne. There were a lot of people who did not approve of him. He was nominated by President Bush, a Republican, and the Democrats didn't like him. They subjected him to a 60-vote margin. That wasn't a filibuster then. This isn't a filibuster today.

People are trying to blame me as the bad guy who is causing a filibuster. That is not the case at all, any more than it was the case back in 2005, 2006, and other times when we had a nominee who was put forth by President Bush who was objected to by the Democrats.

When Dirk Kempthorne was nominated to be the Secretary of Interior, there was a lot of opposition to him by the Democrats. Of course they said: We have to subject him to a 60-vote threshold. The Secretary of the Interior is a Cabinet position, but they seem to be drawing a distinction, for some reason, between the Secretary of Defense and any other Cabinet positions. As Cabinet positions, they are the same. And the process of requiring a 60-vote threshold happens over and over again.

Senator ROB PORTMAN—the same thing happened to him when he was appointed by President Bush to be the U.S. Trade Representative. The cloture motion was vitiated later on, but it was objected to first so that he would have been subjected to a 60-vote threshold.

One that is kind of interesting is Stephen Johnson. President Bush appointed him to be the EPA Administrator. Actually, he was a guy whom I thought a lot of, and he was a Democrat. So we have here President Bush, a Republican, appointing a Democrat who was objected to by the Democrats. Now we have President Obama, a Democrat, nominating a Republican who is objected to by the Republicans. It is exactly the reverse. There is no difference at all.

I am the ranking member of the Armed Services Committee. I will stand up and walk through fire to make sure every member of the committee has all their questions answered. That is what advice and consent is all about. We want to look at the individual. In the case of our committee, we want to make sure every member of the Committee has a chance to look at the process and make sure everything is out there.

This is kind of a funny thing. The distinguished junior Senator from Texas, Mr. CRUZ, lost his voice. For a Senator to lose his voice—what worse

can happen than that? So he is not able to speak, but if he could, I believe he would say: It is not so much my concern, the issues that have been articulated by Senator MCCAIN and by Senator GRAHAM. My concern is about the process.

Madam President, I give myself 3 additional minutes.

The fact is this new member of the committee, a new Member of the Senate, knew he was entitled to have all his questions answered. He has tried now for weeks. He was stonewalled. He can't get them. So this is about the process. Senator CRUZ is not making any accusations. He says: I just want the information I have asked for.

I have the utmost respect for CARL LEVIN. He and I, despite what the media wishes, get along great. I love the guy. We disagree now and then on policy, but I really like him.

The other day, CARL LEVIN said:

> Every member, every member should add his or her voice to the demand for the production of relevant documents which Senators need to decide on confirmation or for any other legitimate reason.

I agree wholeheartedly with that, and that is exactly what these individuals are asking for. They are asking for that information.

Senator CRUZ is very articulate. I regret that he lost his voice today.

In the past, every time the minority has objected and has wanted as a matter of procedure, to have a 60-vote margin, that is what has happened. It has happened with a consent agreement. I asked for that, and I think we have that now, but we had to force it.

This is not a filibuster. It is the same thing that was required and requested by HARRY REID, back when he was the minority leader, against John Bolton, against Stephen Johnson, against ROBERT PORTMAN, and against Dirk Kempthorne. This is a normal way of operating.

A lot of us still don't have the information we want, but I am willing and they are willing. I have checked with the people who have not gotten all the information they want. They said: Let's go ahead and have the vote. So, in a way, are they caving in? In fact, they are just doing all they can to be conciliatory. I think we are doing everything we can. We are not filibustering, and we don't want to string this out.

I repeat one last time that this vote is the vote on Chuck Hagel. It is not on procedure or anything else. It is a vote on Chuck Hagel.

Madam President, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, how much time does the majority have?

The PRESIDING OFFICER. There is 17 minutes remaining for the majority and 3 minutes for the minority.

Mr. LEVIN. Madam President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, this is rare. Twice in the history of the Senate have we had a filibuster involving a nominee for a Cabinet position—twice.

But especially disappointing about this is that it was just a few weeks ago that we came together on a bipartisan basis and we said: We are not going to do this anymore. We are going to try to work together. We are going to try to avoid these filibusters. And here we have, sadly, a historic filibuster over an appointment of a former Senator—Chuck Hagel, a Republican of Nebraska—as Secretary of Defense.

I know there is controversy associated with his nomination, but I also know Chuck Hagel. I served on the Senate Intelligence Committee with him. We served together in the Senate. There is no question in my mind that the President made a good choice.

I will also tell you that you need to know a little bit about the man to understand why it is a historic choice. Chuck Hagel volunteered and enlisted in the U.S. Army during the Vietnam era. That was not a casual decision. That was a time when enlisting in the Army meant you might risk your life. He lucked out; he got stationed in a theater that wasn't at war. But what does he do next? He volunteered to go to Vietnam. He volunteered as an enlisted man to go to Vietnam. And he went there—with his brother, incidentally, the two of them—to serve in the U.S. Army. He was involved directly in combat, was given the Purple Heart for his service, and he told me personally about days he will never forget as long as he lives. So does Chuck Hagel know what it takes to be a soldier? Does he know what it takes to lead the Department of Defense? He certainly does.

I served on the Senate Intelligence Committee with him. I know his feelings on the issues. And when I listen to how some of his positions have been distorted, I find it hard to believe.

Chuck Hagel was a conservative Republican Senator and an honest man of integrity. And some of the things that have been said about him, some of the charges that have been made in the course of the Armed Services Committee were just embarrassing, to think that colleagues in the Senate would say that about a man they knew and served with personally, or they should have known better than to say. That is why we are here today.

The sad reality is that I have listened to many Republican Senators who are not going to vote for Chuck Hagel come up here and talk about how important it is to fill this position. The North Koreans detonated nuclear devices this week and raised concerns all over that part of the world and beyond. We know what is going on in the Middle East, in Syria and other places. We still have 68,000-plus American soldiers who are literally risking their lives—while we meet in the comfort and security of the Senate Chamber—in Afghanistan. They are risking their lives, and we are saying: Well, we would sure like to appoint a Secretary of Defense, but we have to make a political point here today. We have to vote against him today and put it off for 10 days, and then we may reconsider it again. God forbid something awful occurs in the next 10 days. I hope it doesn't.

There are still good people at the Pentagon, and I am sure they will do a good job, but we should have that Secretary of Defense—one of the most critical appointments in the President's Cabinet—filled. This notion that we have to make a political stand here and stop Chuck Hagel today to make some political point really troubles me.

Some of the requests for information about Chuck Hagel go beyond any of the standards of disclosure we have ever seen before. This isn't fair. It isn't fair to Chuck Hagel. It isn't fair to the President. It certainly isn't fair to the men and women in uniform all across the United States and around the world who are risking their lives for this country.

Those who come to the floor and say that in 10 days, he will be fine, for goodness' sake, swallow your pride. Let's make sure we vote for him today. Let's fill this spot. Let's not have this sad historic filibuster on this appointment to the President's Cabinet.

I really hope my colleagues will reflect on what Chuck Hagel has meant in his life, his service to the country, his service to the State of Nebraska, and his service to this Nation as a Senator. He is a good man, and he will do a good job in the Department of Defense. I trust the President's judgment.

For anyone who thinks they are making a political point in order to kind of show the President that we can still filibuster, I remind them it was just a few weeks ago that we stood on the floor of the Senate and said we were going to be more thoughtful about the use of the filibuster in the future; we were going to be more careful that we don't politicize it. Unfortunately, what is happening today is a serious disappointment.

I yield the floor.

Mrs. BOXER. Mr. President, may I ask the Senator, through the Chair, a question?

Mr. LEVIN. Mr. President, I would be happy to yield time to the Senator from California. How much time does the Senator wish?

Mrs. BOXER. Whatever my friend wishes.

Mr. LEVIN. I will yield 2 minutes to the Senator.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am glad we are voting today on the President's choice for Secretary of Defense, our former colleague, Chuck Hagel. I stand here as a Senator who has had a number of questions as well about some of the things he said in the past, some of the votes he has cast, and some of his philosophy. And what I did, as soon as I learned he was the President's pick, was to ask those questions.

Remember the President is the Commander in Chief. This is a critical appointment. It has to be someone he has faith in, puts his trust in, and he picked someone. He picked a brave hero who served in Vietnam.

So I wrote all my questions down, and believe me, they covered some tough ground on women's rights, gay rights, Iran, and Israel. There were a number of questions. I asked if it would be all right if when the answers came we could put them online so people could see the answers. The answer that came back was absolutely yes. The answers to my questions were very clear and very strong.

Senator Hagel has evolved on certain issues. He admitted to a mistake on a couple. That is the hardest thing for any politician to admit. There are four words politicians hate to say, ''I made a mistake.'' He admitted to that on a couple of issues.

I just think the way he is being treated is so sad. It is so sad. When I watch some of the questioning from my colleagues—not all of them, a couple of them, and I am not referring to my dear friend, Senator INHOFE—it was reminiscent of a different time and place when someone would say: I have here in my pocket a speech that you made on such-and-such a date—and, of course, nothing was in the pocket. It was reminiscent of some bad times.

I am so glad we are voting today. I know it is going to be a close vote. I don't know what the outcome will be. I do believe eventually this good man will be the Secretary of Defense. I believe that in my heart. If anyone is still undecided on this vote, let's understand that never in history have we had a 60-vote requirement—to my knowledge—for a nominee for Secretary of Defense. If I am wrong, I hope to be corrected. There is a reason for it.

Lord knows I was one of the key voices of dissent on the Iraq war, and I was not happy about a lot of the people who were put into place by George W. Bush. Believe me, I didn't want to see them continue in those positions. I think they led us astray in Iraq, and it led to so many thousands of deaths. However, I never dreamed of requiring a 60-vote majority. In my view, this is not a good day for the Senate.

I know my friend, Senator INHOFE, is very sincere. I am on the Foreign Relations Committee; I am a senior member of that committee. We have listened to the State Department on Benghazi. We have had briefings and hearings and answers came in. We had secret briefings that were highly classified. We had open hearings—I would ask for 30 seconds.

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

Mrs. BOXER. I have to say, what more are you trying to get out of this? Benghazi was a crisis. It was a disaster. It was terrible. There should have been more security there, but don't blame the brave Americans for it. Blame the terrorists who did this.

As the facts became available, those facts came right out. Why are we trying to stop this good man because of something he had nothing to do with?

In closing, I hope if you are on the fence, you will vote today for Chuck Hagel, and a ''yes'' vote on cloture.

Mr. INHOFE. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Parliamentary inquiry before the clock starts: I understand we have 3 minutes left on our side. How many minutes are left on the majority side?

The PRESIDING OFFICER. The majority has 7 minutes 15 seconds.

Mr. INHOFE. I don't see anyone seeking recognition, so I will go ahead and take the last 3 minutes.

First of all, it is very interesting that all of those on the other side who are supporting Senator Hagel to be the next Secretary of Defense, not one of them has said anything at all about the issues. They all talk about the things with which we agree. He was a hero; we said it. Senator MCCAIN said it and Senator GRAHAM said it. We all agree he was a hero in the war, and he is deserving of this type of thing.

Why is it that no one has mentioned that Senator Hagel is one of only two Senators who voted against sanctions against Iran? Why is it they don't mention that he was one of only four—in fact, all of them in the Majority signed a letter for solidarity with Israel. Senator Hagel was one of four Senators who didn't sign that letter of solidarity for Israel. The same thing with declaring the Iranian Revolutionary Guard as a terrorist group. He was one of only four Senators who did that.

I would only say this is not a filibuster. Everybody knows it is not a filibuster. I hope the media is listening: This is not a filibuster. This is the same process that was required by the Democrats in the case of John Bolton, in the case of Steve Johnson, in the case of ROB PORTMAN, and in the case of Dirk Kempthorne. It is a prerogative of the Senate. It is not a filibuster. We merely want a 60-vote margin. We received it in all of those cases.

I commented earlier that when we had a Republican in the White House and a Democratic majority in the Senate they made that same requirement. I was here in the Senate for all four of them. I never objected to requiring a 60-vote threshold.

Then, of course, we had a 60-vote threshold for the nomination of Kathleen Sebelius, who is serving now in a Cabinet position. The same thing. This is a Cabinet position. We had the Secretary of Commerce, John Bryson. I objected to him. He passed the 60-vote margin. The only issue is the 60-vote margin, and that is what we are talking about. It is not a filibuster.

The last thing I will do is read—since our last speaker is my very good friend and chairman of the committee—what he said the other day. I wholeheartedly agreed with him when he said every Member should add his or her voice to the demand for the production of relevant documents which Senators need to decide on confirmation. I agree with that. What we object to is the process where we have Members who have made requests for information that is relevant to this appointment, and they have been unable to receive that information. So it is a process.

As the ranking minority on the Senate Armed Services Committee, I will stand up for the rights of every single minority member of that committee. Senator LEVIN would do the same thing and stand up for the rights of every majority member of that committee in this process.

I thank the Chair.

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

Mr. LEVIN. I yield myself the remainder of the time.

First of all, the questions which have been asked of us to provide materials of the nominee have fallen into three categories: The first one is to the White House about Benghazi, and those questions have been answered. There have been requests for Senator Hagel's speeches, and those speeches have been provided. Relative to financial disclosure, additional financial disclosure, disclosure which is required by the rules, that has been provided.

The statement that was made by one of our colleagues about Corsair Capital is a statement which, frankly, is out of bounds. It is inappropriate for anyone to be asked about that when he is an adviser to a perfectly legitimate equity fund and has perfectly legitimate members on the board. There is no evidence—and the person making the innuendo acknowledged that there is no evidence—that the funding came from Saudi Arabia, Iran, or any other inappropriate place.

So as for the information that has been provided, it is probably more information than probably any nominee—at least in recent memory—has had to provide. We have done everything we possibly can.

Now in terms of the qualifications for Senator Hagel, this comes from former Secretaries of State, National Security Advisers, National Secretaries of Defense, including Secretary of State Albright, National Security Adviser Berger, Secretary of Defense Brown, National Security Adviser Brezezinski, Secretary of Defense Cohen, Secretary of Defense Gates, National Security Adviser Jones, Secretary of Defense Laird, National Security Adviser McFarlane, Secretary of Defense Perry, Secretary of State and National Security Adviser Powell, Secretary of State Schultz, and National Security Adviser Scowcroft.

This is what they said, and this is the validation: We, obviously, know Senator Hagel. We trust Senator Hagel. We believe in his qualifications.

These people are Democrats and Republicans who are outside of this body, and here is what they say: From his

time as the Deputy Veterans' Administrator managing a quarter of a million employees, to during the Reagan Presidency, to turning around the financially troubled World USO, to shepherding the post-9/11 GI bill into law as a United States Senator, and most recently through his service on the Defense Policy Board at the Pentagon and as cochairman of the President's Intelligence Advisory Board, Chuck Hagel is uniquely qualified to meet the challenges facing the Department of Defense.

I have already put into the RECORD many of the statements that have been written by veterans organizations in support of Senator Hagel.

Senator INHOFE said when no one talks about his position on Iran, well, yes, we do. Here is what he says:

> Iran poses a significant threat to the United States, our allies and partners, and our interests in the region and globally. Iran continues to pursue an illicit nuclear program that threatens to provoke a regional arms race and undermine the global non-proliferation regime.

He is fully committed to the President's goal of preventing Iran from obtaining a nuclear weapon. All options must be on the table to achieve that goal. And relative to Israel, he has said he is a strong supporter of Israel. Even more importantly, the Deputy Minister of Israel said he is a good friend of Israel, and, indeed, in the words of Danny Ayalone, said he believes—and I am now talking about Senator Hagel—Hagel believes in the natural partnership between Israel and the United States and is proud of the volume of defense relations between Israel and the United States which are so important to both countries.

Now the only question that remains is what we are voting on. What we are voting on is to end the filibuster. My good friend from Oklahoma says it is not a filibuster, but the definition of ''filibuster,'' under our rules, is you are going to continue to talk unless there are 60 votes to end debate. That is what we are voting on. It is called cloture.

If we get cloture today, then there will be another vote on the nomination of Senator Hagel. The proof of that is that we have three Republican Senators who stood up today and said that while they are going to vote against cloture today, they are going to vote for cloture a week from this Tuesday. That is a procedural vote if I ever heard it. They are still going to vote against his nomination, but they have decided that they will vote for cloture a week from Tuesday. That is the difference between the vote to end debate and the vote on the nomination itself. What we are deciding here today is whether a filibuster will continue. That is not just me talking; that is the rules speaking. That is what the rules provide for, that we need 60 votes to end debate.

Has there ever been a requirement before by opponents of a nominee that there be 60 votes to end debate? Has this ever happened in history? Not for a nominee for the Defense Department, no; Secretary of Defense, no. For other Cabinet officers, there have been in the past requirements set by opponents that to stop talking we are going to have to get 60 votes. But that only means what the rules say it means, which is that under the rules of this body, conversation or debate does not end if the opponents insist on it until there are 60 votes. That is the definition of a filibuster and that is what I hope we could bring to an end today. If we don't bring it to an end today, then there will be another vote a week from Tuesday.

I hope we don't have to do that. This position is too important. The dangers in this world are too severe to leave this position in this ambiguous state between now and a week from Tuesday, or whenever the final vote on approval of this nomination is. The world is too dangerous to have this period of uncertainty. There is no need for it. We have provided the documents which have been required. The information relative to the financial situation of Senator Hagel has been provided. It is time for us now to bring the debate to an end, require 60 votes and then, hopefully, if we can get 60 votes today, then vote on the final approval of this nominee. But, again, if 60 votes aren't there today, the majority leader has made it clear he will then, of course, reconsider the cloture motion for a week from Tuesday. Either way, it is critically important that Senator Hagel's confirmation take place and that we fill this position of Secretary of Defense.

Mr. President, I don't know if there is any time left but, if so, I yield it back.

The PRESIDING OFFICER. All time has expired.

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

The bill clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Charles Timothy Hagel, of Nebraska, to be Secretary of Defense.
>
> Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Barbara Boxer, Al Franken, Christopher A. Coons, Jack Reed, Carl Levin, Kirsten E. Gillibrand, Claire McCaskill, Robert P. Casey, Jr., Richard Blumenthal, Tom Harkin, Dianne Feinstein, Bill Nelson, Jeanne Shaheen, Sherrod Brown.

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

The question is, Is it the sense of the Senate that debate on the nomination of Charles Timothy Hagel, of Nebraska, to be Secretary of Defense shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. HATCH (when his name was called). Present.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

The yeas and nays resulted—yeas 58, nays 40, as follows:

[Rollcall Vote No. 21 Ex.]

YEAS—58

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

NAYS—40

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

ANSWERED ''PRESENT''—1

Hatch

NOT VOTING—1

Vitter

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

VOTE EXPLANATION

Mr. VITTER. Mr. President, I could not participate in this Hagel nomination cloture vote because I had to return to Louisiana to attend a funeral. Had I been present, I would have voted no for two reasons.

First, I would like to state for the RECORD that I believe this process has been rushed and that very reasonable Member requests for information have been denied.

Secondly, I oppose the nomination on its substance in light of Senator Hagel's long history of troublesome votes and comments regarding the defense of Israel and related Middle East issues.

Mr. REID. Mr. President, this will be the last vote of the day. We will have a vote Monday night and we will vote again on this matter Tuesday morning—a week from Monday and Tuesday.

I regret that Republican Senators, except the valiant four, chose to filibuster the nomination of President Obama's nominee to be Secretary of

Defense. The Republicans have made an unfortunate choice to ratchet up the level of obstruction in Washington. Just when you thought things could not get worse, it gets worse.

We need to have this vote today. Why? You know, in times like this, it is nice to have a Secretary of Defense, not a lameduck. We have a war going on in Afghanistan. The war has been going on for 10 years. The President announced on Tuesday that half the troops are going to be coming home.

North Korea earlier this week tested a nuclear weapon. Just a couple months ago, they tested a missile to deliver a warhead. They have said publicly and very openly they want to make sure they can reach the United States.

We have a conflict going on in Syria. It is a serious conflict. The Middle East is still in turmoil. Iran is threatening everyone, including us. We have a few things going on. There is a NATO defense meeting next week, where NATO Defense Ministers, including someone from the United States, whom we hoped would have been the Secretary of Defense, would attend that meeting.

A couple of my Republican colleagues said: That does not matter. Just have somebody else attend.

What does that do to our standing in the world community?

We need a Secretary of Defense on the job. No one, no one knows, especially any Senator, what foreign challenge we will face in this country, perhaps within the next 10 days. It would be nice if we had a Secretary of Defense.

There is nothing that is going to change in the next 10 days about the qualifications of Chuck Hagel.

I served with Chuck Hagel. He is a conservative Republican representing the ultraliberal State of Nebraska. He served with distinction in the Senate as a Senator. He served on the Foreign Relations Committee, Armed Services Committee, and Intelligence Committee. He is a man of quality and of courage, not just being able to come and give a speech on the Senate floor.

During the Vietnam war, he volunteered to go into combat. That is what he chose to do because he thought it was the patriotic thing to do for his country, our country. His family felt that way. He and his brother went together. They didn't go to push pencils, they carried rifles; strapped to their sides, grenades.

He was wounded twice. He was an enlisted man. He didn't walk around ordering people to do things. People were ordering him what to do—except when it came to his brother. He saved his brother's life in combat in Vietnam.

They are filibustering him. That is what they are doing. I am going to call Chuck Hagel when I finish and say I am sorry, sorry this is happening. I am sorry for the President and I am sorry for the country and I am sorry for you. We are not going to give up on you.

We are going to vote, as I said, Tuesday, when we get back, in the morning.

I hope, I truly do hope nothing happens during the next 10 days we will not have a Secretary of Defense. We are not going to have one, and I hope nothing goes wrong and we will rue the day—more than just embarrassing the President, the Senate, and the country—in not confirming the President's nomination of this good man from Nebraska.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, to my knowledge we do have a Secretary of Defense, and his name is Leon Panetta. It is my understanding that Mr. Panetta is going to stay on the job, a job he has done very well as Secretary of Defense and as CIA director for the last several years. The majority leader knows full well the reason why cloture was denied—or closing off debate was denied, because there are reasonable requests being made on this side for additional information. I hope and trust information will be provided in the next few days. When we come back from the recess, we will have another vote and another opportunity for Senators to express themselves.

This is not any attempt to kill this nomination. This is not a filibuster. I realize it is the headline the majority leader would like the newspapers to write.

We actually had some very reasonable discussions going on earlier today among Senators on the Democratic side and the Republican side to try to work this out, given the fact that this nomination has just been so recently reported from the Armed Services Committee, and to accommodate the reasonable request for Senators to receive answers to their legitimate questions. We didn't need to have this vote today. We could have delayed it until after the recess. I am confident the vote would have turned out differently.

The White House and the majority leader were determined to have this vote in order to try to get a story in the newspaper, one that misrepresents the nature of the objection on this side which, as I said, was a vote not to cut off debate because it was premature. Reasonable requests for information have not been accommodated by the nominee.

There are solid public policy differences between Members of this other side of the aisle and the nominee.

This is not about politics. This is not about personalities. It is about questions such as whether Iran should be allowed to get a nuclear weapon. Should we have direct negotiations with terrorist organizations such as Hezbollah and Hamas?

What is the official posture of the U.S. Department of Defense and this administration relative to our best ally in the Middle East, Israel? What would be the plan for the nominee should he be confirmed when it comes to dealing with steep cuts to the military that are going to come out of the sequester, which was the President's idea and which is now going to go into effect on March 1. This is something which the President himself said was not going to happen. All of these are legitimate areas of difference and areas of inquiry that could be accommodated, could have been accommodated without necessity of this vote today.

This was the majority leader's choice, which was his prerogative, and the White House's choice. We could have done this differently. We could have worked this out, but that did not happen, unfortunately.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this is not a filibuster. This is not a filibuster. I would like to see what a filibuster is. This is the first time in the history of our country that a Secretary of Defense has been filibustered, filibustered successfully and probably ever filibustered, and for all this, the statement from my friend from Texas on a rant to make sure he is OK on Israel. He wants to make sure he is OK on Iran on this.

We had hearings, not singularly but plural. The Secretary of State came, the Secretary of Defense.

This has gone to the absurd. We were told by a number of Senators they would like a letter from the President's White House talking about what he did following Benghazi. Remember, Benghazi was debated at length in the Presidential election. That is over, we thought. No, it is not over.

The President said, OK, and he adhered to what he wanted and wrote in detail about calls he made right after the terrible occurrence in Benghazi and sent it to the chairman of the committee. We received reports back some of the Senators were offended because the letter was sent to the chairman and not to them. This is all foolishness.

People may say whatever they want to say, but we still have a Secretary of Defense. Leon Panetta gave his final closing, ending; it was all over with his speech yesterday. I am friendly with Leon Panetta. I have known him for 31 years. No one in the country has served with more distinction than a Member of Congress, chairman of the Budget Committee, head of the Office of Management and Budget, the President's Chief of Staff, head of the CIA, Secretary of Defense. He wants to go tomorrow, and yesterday he told everybody he was going home.

Yes, we have a Secretary of Defense. It is about as lame as a duck can be. How do you think the people in NATO feel when, I don't know who will go, I guess Ash Carter or somebody will go, but we don't have a Secretary of Defense.

I can't imagine—as I said this morning, I will just repeat, I guess to be able to run for the Senate as a Republican in most places in the country, you need to have a resume that says: I helped filibuster one of the President's nominees. Maybe that helps. Maybe that keeps a tea party guy from running against you. But this should not be politics. This should be substance, and

there is nothing wrong with Chuck Hagel.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, with all due respect to the majority leader, this was an unnecessary vote today. The majority leader said: What is a filibuster? I can remember one that wasn't called a filibuster. I can remember when President Bush the first nominated a very noncontroversial University of Tennessee president who had been Governor to be the Secretary of Education of the United States about 20 years ago.

There was a Democratic Senate at the time, and the Senator from Ohio decided he wanted more time to study the qualifications of the nominee from Tennessee. I was that nominee.

I thought that was an extraordinary period of time. It was 87 days between the time President Bush announced my nomination and the time the Senate unanimously confirmed me. That was a Cabinet position. I went around to see Senator Warren Rudman to see what I should do. He said: You don't have any cards. You don't do anything. The Senate has the right to consider, with its constitutional prerogative of advice and consent, the nominees of the President. That is what the Senate is there for.

I said: Warren, how did you get to be a Senator? He said: Well, I will tell you a story. President Ford nominated me in 1976 to be on—I believe it was the Federal Communications Commission. The Senator from New Hampshire, a Democratic Senator and a Democratic Senate, put a hold on Warren Rudman until Warren Rudman withdrew his nomination.

The end of the story was that Warren Rudman then ran against that Senator, beat him, and that is how Warren Rudman became a Senator.

We know what a filibuster is. A filibuster is when one side or the other—which it has a perfect right to do under our system of government—decides to try to kill a nomination by denying 60 votes or to stop legislation by 60 votes. The Democrats have done it on a regular basis when they were in the minority and the distinguished majority leader was one of the most effective persons in the Senate to do so. I presided many times over the Senate when he objected.

I remember when we were trying to get 60 votes to have a permanent change in the estate law, and we would get up to 57, 58 or 59 and the distinguished majority leader would object.

What are we doing today? We are doing today exactly what was said when the vote was called. The question was do 60 of us believe it is time to end debate on the nomination of the President to be Secretary of Defense, the leader of the largest military organization in the world, the largest employer in the United States. The Senate Armed Services Committee has reported that recommendation to the Senate 2 days ago—not 10 days ago, not 15 days ago, not 30 days ago, 2 days ago.

Most of us aren't on the Armed Services Committee. Are we not entitled, are we not entitled to have more than 2 days to consider one of the most important nominations the President has to make without having the distinguished majority leader accuse us of a filibuster? What we do in this body is debate. We debate issues.

In addition to that, there are a number of people on the Republican side who have asked for information for which they haven't received answers yet.

In every one of those cases, those are not requests I am interested in. They will not produce answers I need to know. They may be outside the range of questions I think ought to be answered.

After only 2 days of a nomination being on the floor, if Republican Senators have questions to ask and information to seek, they ought to be allowed to do that. That is what this is about.

What we have said—and the Democratic leadership knows this—we have talked in good faith through the morning. We have suggested to have this debate when we come back. Instead of 2 days after the bill was reported to the committee or to the Senate floor, it would be 2 days plus 10—a couple weeks. It would give us a chance to read the hearings, consider the evidence, ask our questions.

There were three Senators who came down to the floor today, including the Senator from Arizona and the Senator from South Carolina, who said then we will be ready to vote for cloture. In other words, we will be ready to vote to end debate to do what the Senate should do. Eventually, after a full consideration, we would have an up-or-down vote on a President's nominee for the Cabinet. At least that is my belief, that eventually you should have a an up-or-down vote on the President's nominee for the Cabinet.

It is an unfortunate vote, and it is unfortunate to characterize this as a filibuster. This is a vote by Republicans to say we want more than 2 days after this nomination comes to the floor to carefully consider it because we have questions. Many have questions, and then most of us believe that after a sufficient time—and, for me, a sufficient time will probably be those 10 days—after those 10 days, it will be time to end debate. It will be time to have a vote and then it will be time to move on to something else.

I wish to make sure this is properly characterized. This was a motion to close off debate after 2 days of bringing to the full Senate the President's nomination to lead the largest military organization in the world at a time when Senators had reasonable questions for which they want answers. A vote to extend that until 10 days from now or some other appropriate time after that not only is reasonable, it is in the traditions of the Senate. Such reasonableness has been exercised by Democrats, as well as Republicans throughout the history of the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COWAN). The assistant majority leader.

Mr. DURBIN. Mr. President, Senator ALEXANDER is my friend. Sometimes that word is thrown around the floor of the Senate not very sincerely, but I mean it and he knows it. And I respect him very much. But I would say to the Senator, there is no other way to describe what we are going through than a filibuster.

A filibuster is, of course, an effort by at least one Member of the Senate to continue the debate and stop the vote on a matter, whether it is an amendment or a nomination. A cloture motion—in other words, to close off the debate—is an effort to produce 60 votes to overcome that Senator and to move to a vote, a final vote, on an amendment or a nomination. So by every Senate standard, by every definition, what we are facing with Senator Chuck Hagel as a nominee for the Secretary of Defense is a filibuster. It is. And that is why the majority leader filed a motion for cloture.

It is interesting to note that 59 Senators—a substantial majority of the Senate—were prepared to vote for Chuck Hagel to be Secretary of Defense, including four from the Republican side of the aisle. But we fell short of the needed 60 votes, the 60 votes under cloture, needed to end a filibuster. So I have to say to my friend from Tennessee, by every definition in the Senate, by every standard, your side has successfully filibustered the nomination of Chuck Hagel in the U.S. Senate.

It has happened before on Cabinet nominees—twice, I am told, in our history, and once while I was here involving Dirk Kempthorne, whose nomination was controversial and another cloture vote was called. I asked myself, how did I vote? After a while, you sometimes forget. And I was told, well, it turned out the cloture vote for Dirk Kempthorne was 85 to 7. So clearly, he had 60 votes, and I voted for the cloture vote in this circumstance. He was then affirmed by a voice vote thereafter. So it has happened before, but it happens rarely—twice in our history—when we have a Cabinet nominee who is filibustered.

I will concede to the Senator there are many times we have questions that need to be answered before we can make a sound or final decision, but what is peculiar about this vote is that the questions are being asked about a fellow colleague, someone the Republicans served with for years. This is not a name that was just dropped out of the blue. I would assume my Republican colleagues knew Chuck Hagel. You served with him, you were on committees with him, you sat hour after hour, day after day, and maybe month after month in meetings together. So

he is a known quantity more so on the Republican side of the aisle than on our side. I served with him on the Intelligence Committee, and I thought he was a person of sound judgment. There were times when I thought he showed real courage. I never doubted for a minute his commitment to some of the basic issues.

The Senator from Texas, who is also a friend, said: Well, we are not sure where he stands on issues such as Iran. I think he has said unequivocally over the last several weeks his position is the same as the President's, that we need to stop Iran from developing a nuclear weapon. The same has been said relative to our relationship with Israel. If people still have questions about that today, they are ignoring his answers or they do not believe him. And in that case, they can vote yes or no. I don't know how many more times he needs to say that to satisfy his critics. Perhaps, for some of them, he will never satisfy them.

But it is troubling to me, and I would agree with Senator REID—and Leon Panetta is a close personal friend. We go back to our House days. I recall he had a unanimous vote when he was nominated for Secretary of Defense—an indication of the respect we have for him. But his days are coming to a close and he said so. What the President has said is, I need to move up somebody into this critical position for the national security of the United States, and Chuck Hagel is the person I propose.

We have had ample time. I would be surprised if there are any—perhaps many—Senators who didn't have a chance to personally sit down with Senator Hagel. He came to my office, and I know he made himself available to virtually every Senator before this process started. So Chuck Hagel has done what he was asked to do, answer the questions and appear before the committee. And for a person who is a former colleague, it is hard to understand or explain why there are so many people on the Republican side of the aisle puzzled by this fellow from Nebraska, someone whom they served with for so many years.

Let me also say I want to join with the majority leader in saying, God forbid anything happens in the next 10 days. I hope it doesn't, for our sake and for the sake of the Senate and the people of this country. We do need a Secretary of Defense. I would like to think if the tables were turned the other side would not be pillorying us for leaving the Secretary of Defense office vacant in these dangerous times. I am afraid many on your side would be asking, why didn't you get this done when you could have? This was a Democratic Senator; why do you need to keep asking questions over and over?

But we have reached this point and there is nothing we can do about it. Senators have left and we are going to be off next week for the Presidents holiday. I just hope, as soon as we return, as quickly as we return, we can defeat this filibuster on Chuck Hagel—this rare filibuster in Senate history—and we give him his chance to continue to serve this Nation as ably as he did in the U.S. Senate and as a soldier in combat in Vietnam.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. I want to assure the assistant majority leader that we still have a Secretary of Defense. His name is Leon Panetta. And I am referring to an e-mail his press secretary George Little sent out on Thursday:

> The Secretary plans to stay in office until Senator Hagel is confirmed and sworn in.

So if anybody is under any misapprehension, I believe the Pentagon press secretary has made that clear. We have a Secretary of Defense. He has not resigned, and he will continue to serve until such time as his successor is sworn in.

I would say again to my friend, the Senator from Illinois, the assistant majority leader, we all know what a filibuster is. A filibuster is designed to kill a nomination or to defeat legislation, as the Senator from Tennessee said. I would also say this is equivalent to what happened back in 2005.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks a letter signed by Chris Dodd and JOSEPH BIDEN.

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

(See exhibit 1.)

Mr. CORNYN. And I will quote from that letter. This is a letter signed by Chris Dodd, our former colleague who served on the Foreign Relations Committee, and JOE BIDEN, when he was a ranking member of the Foreign Relations Committee back in 2005.

> Dear Democratic Colleague: We write to urge you to oppose the cloture on the Bolton nomination tonight. We want to make clear that this is not a filibuster. It is a vote to protect the Senate's constitutional power to advise and consent to nominations.

I will skip down, because the letter will be in the RECORD, to the last paragraph, which says:

> The refusal of the Executive Branch to provide information relevant to the nomination is a threat to the Senate's constitutional power to advise and consent. The only way to protect that power is to continue to demand that the information be provided to the Senate. The only means of forcing the Administration to cooperate is to prevent a final vote on the nomination today.

And the letter, as I said, was signed by Chris Dodd and JOE BIDEN.

My point is, this is exactly what the Senator from Tennessee said it was—a vote not to end debate but to allow these inquiries to be answered. And the shoe will likely be on another foot some other time with some other nominee, so we ought to, I think at a minimum, respect and protect the right of the Senate and of an individual Senator to make reasonable inquiries of a nominee as part of the power of advise and consent.

This is not a filibuster. If it is, then this was in 2005, contrary to the assertions of JOE BIDEN and Chris Dodd. But I agree with them in this instance, this is merely an effort not to close off debate but to allow reasonable inquiries to get information that will advise the Senators in their vote when it comes time to vote on this matter after the next break.

EXHIBIT 1

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, May 26, 2005.

DEAR DEMOCRATIC COLLEAGUE: We write to urge you to oppose cloture on the Bolton nomination tonight. We want to make clear that this is not a filibuster. It is a vote to protect the Senate's constitutional power to advise and consent to nominations.

For more than a month, we have been requesting two types of information from the Executive Branch. First, materials related to the preparation of congressional testimony on Syria and weapons of mass destruction that Mr. Bolton planned to give in July 2003 and ultimately gave that September. We think this will show Mr. Bolton's continued effort to exaggerate intelligence information. It may also show that he misled the Foreign Relations Committee when he told us that he was not personally involved in the preparation of the testimony. Second, information related to National Security Agency intercepts and the identity of U.S. persons on those intercepts. During the past four years, Mr. Bolton requested the identity of U.S. persons on ten occasions. There may be nothing improper in this; or there may be something highly improper. But we won't know unless we see the very same information shown to Mr. Bolton. So far that has not occurred. The Chairman and Vice Chairman of the Select Committee on Intelligence were shown the intercepts, but not the identities of the U.S. persons.

In refusing to provide the information about the Syria testimony, the State Department has asserted that it does not believe that the request is ''specifically tied to the issues being deliberated by the Committee.'' In other words, the Executive Branch is deciding what it thinks is relevant to the Senate's review. That's unacceptable. In the case of the NSA intercepts, no one in the Executive Branch has even tried to explain why the chairman and ranking member of the Intelligence and Foreign Relations committees are not allowed to see information that was made available to Mr. Bolton and even to his staff. That, too, is unacceptable.

The refusal of the Executive Branch to provide information relevant to the nomination is a threat to the Senate's constitutional power to advise and consent. The only way to protect that power is to continue to demand that the information be provided to the Senate. The only means of forcing the Administration to cooperate is to prevent a final vote on the nomination today. We urge to you vote no on cloture.

Sincerely,

CHRISTOPHER J. DODD.
JOSEPH R. BIDEN, Jr.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SEQUESTER LEADERSHIP

Mr. SESSIONS. Mr. President, we are facing a very serious problem with the sequester that will impact our Defense Department and other government agencies. It is a very serious matter. It has been out there for well over a year. We have known this is coming, and it is time—long past time—for the Democratic Senate and the President of the United States to provide some leadership on the issue.

I was pleased with Senator MCCONNELL this morning when he raised this matter, suggesting we are in a pattern here of how business is being done in the Senate. It goes something like this, Senator MCCONNELL said: Phase 1, Republicans identify a challenge and propose a solution; phase 2, the liberals sit on their hands until the last minute; phase 3, they then offer some gimmicky tax hike designed to fail and then blame everybody when it does.

This is essentially, I am afraid, where we are. We are now at the time where they are about to sweep in with some gimmicky solution that won't be successful. I don't know where they are in that. We have seen a 1-page outline that suggests there is a plan out there, but we haven't seen legislative language, I don't believe, unless it was produced in the last few hours. So we are 2 weeks away from a sequester that will include cuts that I believe will be too damaging to the U.S. military and can be avoided and should be avoided.

The sequester, remember, was part of an agreement that was reached in August a year ago—August 2011—between the President of the United States, the Democratic leadership in the Senate, and the leadership in the House of Representatives. It was designed to raise the debt ceiling because we had borrowed all the money that could legally be borrowed and the administration wanted to spend more and borrow more money. We were borrowing well over 35 cents out of every dollar we spent at that time—and still are—and the President wanted to raise the debt ceiling. The people holding the credit card—the U.S. Congress—said: Wait a minute. You have run up too much debt. You have to lay out a plan that, at least over 10 years, would equal the amount you want to raise the debt ceiling. The Administration could spend that money now—and it was spent in 18 months, because we have already hit the debt ceiling again—and we will raise the debt ceiling $2.1 trillion.

So an agreement was reached to reduce spending over the next 10 years by $2.1 trillion. That was the agreement. The President signed that, the Democratic leader in the Senate agreed to that, the Speaker of the House, the Republican, agreed to that, and that became the law.

These are numbers we live with every day. I am the ranking Republican on the Budget Committee, and it is a constant item in our face out there. We were then spending $3.7 trillion a year. So if you extend that for 10 years, we would spend $37 trillion over 10 years. But the budget was expected to grow. It was expected to grow so that we spent $47 trillion over 10 years. At the end of that time we would have increased spending by almost $10 trillion over 10 years. This deal would have said that we wouldn't spend $47 trillion but $45 trillion, therefore reducing the increase by a modest amount.

These were the first significant cuts we have had in the Congress in a long time. It is the first time we have actually made some alteration in the growth of spending. And really, it is not a cut in spending; it is reduction to the growth of spending. But the President not only agreed to the sequester, he actually proposed the sequester as part of the deal.

The sequester came about under the theory this would be a stopgap emergency measure if the committee of 12 didn't reach some long-term fiscal plan to alter the debt course of America, and the committee didn't reach that agreement.

The agreement fell apart and the sequester happened. The sequester was put in the bill at the last minute, according to Bob Woodward in his book, at the request of the President and the White House. It was put in there, and nobody knew what it meant. That is the reason primarily that I voted against it. I didn't like this situation that looked to me as though it would be a meat-axe cut that would fall disproportionately on the Defense Department. At any rate, good people disagreed, the bill passed, and it became law. So that is how the sequester came to be, and it is set up in a way that disrupts the Defense Department.

If you cut the Defense Department as much as is presently scheduled to be done now, it would hurt under any circumstances. But if it is done the way the sequester says, everybody agrees it will be far more damaging than it needs to be because it gives the Defense Department very little control over how to manage their money in a way that has the least adverse circumstances, and that is why we should not let the sequester go forward.

The sequester needs to be reevaluated for a lot of reasons. One-sixth of the federal budget is the Defense Department. One-sixth of the amount of money we spend is by the Defense Department. One-half of all the cuts in the sequester falls on the Defense Department. It is disproportionate.

Some people are under the impression that it is the war costs that are being cut. This is not what we are talking about. The war costs are funded in a separate account. All of these cuts fall on the base defense budget of the United States of America.

It means too rapid and severe a reduction in our military and civilian personnel, and it endangers the smart management of the war, while entire portions of our government—almost one-half of our government—have no cuts at all. Amazingly, there is no reduction in the growth of the spending of one-half of our government; and defense spending increases are less than half of what you see in many of the other major spending programs in our government.

The base defense budget has not been surging out of control. It has been increasing at about the rate of inflation in the last several years. But defense has already reduced its budget as part of the first part of the Budget Control Act agreement last August. That was $487 billion. So this sequester would be an additional $500 billion, should it go through. It would be a cumulative reduction of almost $1 trillion over 10 years. That is a big reduction. It alters the ability of the military to function in the way they have been functioning, and it threatens the ability for them to carry out the missions they have been assigned to carry out today.

The Chairman of the Joint Chiefs, General Dempsey, said this week:

> If sequestration occurs, it will severely limit our ability to implement our defense strategy. It will put the nation at a greater risk of coercion, and it will break faith with the men and women in uniform.

That is a serious statement and we should respect it. I know right now they are threatening all kinds of draconian cuts, and probably when the dust settles it won't be quite as draconian as they tell us. But the fundamental truth is, this is disproportionate and dangerous to the Defense Department, and it is not necessary.

Remember how we got here. We saw this coming. The defense authorization bill was not brought up before the election maybe for the first time in 50 years. Why was it not brought up in July, August, September, or October? Why was it not?

One of the reasons I think was that everybody knew the sequester was out there. It needed to be fixed, and this would have been the opportunity to fix it when that bill moved through the Senate. And so Senator REID wouldn't bring up the defense bill. He refused to bring it to the floor.

Senator MCCAIN came to the floor and said, shame, shame, shame, as ranking Republican on the committee, pointing out this failure was the first time I believe in 50 years that the defense bill had not moved. No other appropriations bill had moved, either; not a single one. But not passing the defense authorization bill was historic—again, I think in big part because they didn't want to talk about the sequester.

In the debate, I believe last October, with Governor Romney, the sequester came up. What did President Obama say? It will not happen. The sequester will not happen. And here we are, with no plan to fix it from the White House, no plan to fix it from the Democratic majority—which apparently wants to lead this country, wants to be in the majority, wants to justify their leadership position. Senator REID has not brought forth—unless it is today, until

this late, late minute—a plan to fix the sequester, an alternative. We have seen the one-page outline, but that is it.

I would note, I think I indicated, the House has already twice passed legislation months ago that would fix the sequester and not allow this event to occur in the way that it is. They have done their duty.

So what is the Senate going to do? What are we going to have from the Senate? Another do nothing, no budget, no fix to the economic threats of America? Now no fix to the sequester? The only thing we have to do now is raise taxes?

The truth is, the way to fix this and the way to do this is to have all the departments and agencies of the government be evaluated, not just a small portion of them, and have all of them tighten their belts, and we could easily avoid the draconian cuts that are lurking out there right now.

Over half the government spending was not touched in the 2011 Budget Control Act deal. It just wasn't, including some of the fastest growing items such as food stamps, which have gone from $20 billion in 2001 to $80 billion last year. It has gone up four times in 10 years and not a dime was reduced from it. Medicaid is at 6- to 7-percent-a-year increases. These programs alone add $300 billion to government spending each year. They aren't having any review at all.

I am disappointed we don't have a legislative plan on the floor that we could actually evaluate to see what it means, and then begin to debate it and discuss it. It should long since have been brought up in this Senate. We should already be aware of it.

But there is a game played around here, as Senator MCCONNELL said. There is a game around here to wait until the last minute. And the President, using the power of the Presidency and his skill as an orator, feels he can once again dominate the media and be able to extract the kind of legislation he wants in the end, and somehow gain political advantage, I guess.

I don't think it is going to work this time. I am worried about it. I am afraid we are not going to have an agreement. I am afraid cuts are going to take place in a way that shouldn't occur, and that they could be done smarter and more effectively with less damage than we have.

So we are told that in this Democratic plan, in this outline that is floating around, after we passed just a few weeks ago a $600 billion tax increase, that now we want to have another tax increase. I have to say this with clarity: Any plan that attempts to replace the cuts in the Budget Control Act with tax increases will not happen. They cannot happen. It will be a fundamental breach of the commitment we made to the American people in August of 2011. We told them, We have an agreement. We will raise the debt ceiling $2.1 trillion. A lot of people did not want that to happen. A lot of people are fed up with borrowing in Washington. A lot of people said, Don't raise the debt ceiling a dime.

We said, OK, we are going to raise the debt ceiling, but we are going to promise you, American people, that we will contain the growth of spending by $2.1 trillion, so the increase in spending over 10 years will be about $8 trillion instead of $10 trillion. Surely, that is not going to break America. Surely, that is not going to destroy this Republic. It could be exceedingly damaging if we do as the sequester says, though, and target the Defense Department far more severely than any other area of government.

But, fundamentally, reducing the growth in spending from $10 trillion in expected increases to $8 trillion is not going to damage America. And it can be done. In fact, it must be done.

What we have to understand is that the President of the United States and Senator REID, the Democratic leader in the Senate, agreed in August of 2011 that we would raise the debt ceiling, we would cut spending, and we would not increase taxes. We would not increase taxes. It was a simple, small, but significant, noticeable reduction in the growth and spending, and that was the agreement. Before the ink was dry on it, we had people wanting to weasel out of it, to change it.

What would the American people think of us if less than 2 years after this agreement, this promise to them, we capitulated, we couldn't follow through, and we couldn't maintain those growth reductions we promised the American people we would do?

The plan I am hearing that is being floated now is a direct contradiction of the promise we made to the American people. I don't believe it will pass. I don't believe it will pass the House and I don't believe it will pass the Senate.

And remember, this is current baseline law now.

The Budget Director of the Congressional Budget Office testified before the Budget Committee this week, and he showed us what the projected deficits will be over the next 10 years. The good news was that deficits would be reduced some—less than half of what they are today—by 2015. And a big part of that was the sequester, because it is in law. The law says: These reductions will occur. He scored them as we passed it. And now we are saying, We want to give that back and we don't want to follow through on that.

The only way you can not follow through on the reductions that were in the Budget Control Act would be to increase spending—to increase spending above what we are currently projected to have the government grow over the next 10 years. We would have to increase spending.

So make no mistake about it, the plan that is being proposed is to tax and spend—to spend more and tax more. That is not where this country should be going. I reject that as the right approach. Particularly, it is contrary to the steps we took in August.

One reason the agreement was reached on the fiscal cliff in early January of this year was that we had spending cuts last August and they got some tax increases in January, but not more. And those tax increases should have been for the purpose of reducing debt, not funding new spending.

So to sum up the matter, in August 2011 Congress and the President agreed and passed legislation to reduce by a small amount Federal spending from $47 trillion to $45 trillion over 10 years. The spending of the United States would increase approximately $8 trillion instead of $10 trillion. That would not damage the American Government. We certainly should be able to function as a nation with that kind of substantial increase in spending, and it is happening every day in cities, counties, and States throughout America. They are dealing with far worse reductions than that.

There was no tax increase agreed to at all—not one penny of tax increases. Those reductions in spending are in law. They are in the new baseline on which we are now operating. To alter that and give back that spending without finding reductions in spending elsewhere would be to increase spending above that agreed to in the Budget Control Act, and that is what the Democratic outline we have seen would do. It increases spending and it increases taxes. They say: Don't worry about the increased spending. We have taken care of it. We have raised taxes. So that is the deal. They raised taxes to pay for the increase. That is in clear violation of the terms of the agreement and the moral agreement we had with the American people. It is in violation of what was told to the American people a little over 18 months ago, and to that extent it is not acceptable.

I urge my colleagues not to proceed with this approach.

Let's find ways to spread out the spending cuts so that more government agencies tighten their belts—and not so disproportionately on the Defense Department—and we can resolve this matter going forward.

I am worried because we have had no response from our Democratic partners, no response from our President of the United States, who is the Commander in Chief of American forces. To my knowledge they have not laid out a detailed plan yet. We are going to reach that deadline, and it looks as though it is going to take place. I hope it can be avoided. It should be avoided, and I am willing to work to avoid that.

I call on my colleagues to not continue to delay. Let's move forward to an effective agreement that preserves the legislative intent of the Budget Control Act and the promises that we made to the American people.

I thank the Chair, yield the floor, and note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

THE DREAM ACT

Mr. BLUMENTHAL. Mr. President, today and throughout the coming weeks, I hope this body will move closer to comprehensive immigration reform. Actually, accountable immigration reform would be a more appropriate term to call it—accountable to the people of the United States who overwhelmingly want this dysfunctional, broken system to be mended.

We are a nation of immigrants, and the people of our Nation know it. They know it not only intellectually and abstractly; they know it in their gut because they see on the walls of their homes the proud photographs of their parents, their grandparents—people who have come to this country as a beacon of economic opportunity and freedom, some of them struggling through the most horrific kinds of trials and tribulations to reach this great land, the greatest Nation in the history of the world.

I have told my colleagues in the past—and I will state again—one of the most inspiring things I do—and I had done it as attorney general for a long time but now as a Senator—is to visit our courthouses where immigration and naturalization ceremonies take place. Those ceremonies are profoundly inspiring because they come—new citizens, people about to become citizens—with their families. It is a day of joy and pride unmatched and unexcelled in their lives. They come with friends, and they come to celebrate with their friends and families, with tears in their eyes and their hearts and their throats. There is no time when I have seen one of these ceremonies that I have not been deeply moved and uplifted.

If you ever have a down day, if you are ever discouraged about this Nation, see one of these ceremonies. You will know what it means to be a citizen of the United States of America and how important it is and how important we should regard it.

So I approach immigration reform with a profound appreciation of its importance to people who seek liberty and economic opportunity and justice in this great land but also how we are enriched as a nation of immigrants by the diversity, the talent, the dedication they bring to our factories where they work, to our laboratories where they invent, to our military where they serve and sacrifice and give their lives.

So I hope we will embark on accountable immigration reform that provides a path to earned citizenship for the 11 million people or more now in this country undocumented. Many times they pay taxes, they live here, and they regard the United States as their home. They have no criminal background. They have done nothing wrong. We need to find a way to bring them out of the shadows and provide earned citizenship, with background checks to show they have no criminal records, that they will learn to speak English, if they do not now do so, go through all the other steps that may be set, and then go to the back of the line behind people who have legally sought to come here.

That reform should also include much stronger security at the borders, a crackdown on employers who hire undocumented immigrants—people in this country who are here illegally but who can be exploited by those employers—and, of course, a streamlined immigration process. The elements of this reform are becoming clearer and attracting a growing consensus. If nothing else, we should make sure we provide an expedited route for people who now come with H–1B visas.

Some of the details of these proposals need to be resolved so we give those people who come to this country with extraordinary skills or who are educated here and are now forced to leave the country, to the detriment of our tech corporations—and many are in my home State of Connecticut. And maybe, first and foremost, we need to make sure we give the DREAMers what this country so richly deserves—one would think, I might say, what they deserve, but truly the country deserves what they have to contribute and give back to this country.

For some time I have come to the floor of the Senate to talk about individual DREAMers. I wish to talk about a young person, Cinthia Perez, whose photograph is here in the Chamber and who is one of those DREAMers—many of whom are brought to this country as infants or very young children. They know no other country. They often know no other language but the one spoken here. Their lives are rooted in this country. Their friends are here. They are going through our schools. They are serving in our military. Yet they can be deported at any time.

Right now, the President has commendably offered the Deferred Action for Childhood Arrivals—DACA—system for them, but it is only for a limited period of time. It does not provide the certainty and security they need to do what Cinthia Perez wants to do with her life. That is why the nearly 2 million immigrants nationwide who would benefit from the DREAM Act—between 11,000 and 20,000 in Connecticut—deserve the benefit of a more secure route, an expedited route to citizenship. That has to be part of accountable immigration reform.

Cinthia Perez was born in Mexico. She was brought to America at the age of 5. She has not left America since. Her family settled in New Haven, CT. She went to the New Haven public schools from elementary school through high school.

It was in high school that Cinthia came to understand how her undocumented status would actually affect her future, because during her senior year of high school, Cinthia attended a college preparation class. From the start of that class—supposedly to prepare her for college—Cinthia could not fully take part in the course because she thought she would not be eligible to go to college because of her undocumented status.

Still, she continued in that class as a way to stay motivated about her future and to experience the college application process, as many Americans do. In fact, she eventually applied to four universities—some State and some private. She was accepted by how many? All four.

Her excitement and her family's soon faded as she realized the choice she faced. She would not be able to attend any of these schools because she could not afford it, and her dream school looked even further out of reach because her parents could not afford to pay full tuition and Cinthia could not share the financial burden because she was afraid to seek work. She is ineligible to work in this country, and she felt hopeless because all she wanted to do was attend college, work her way through, so she could create a better future for herself and make a difference for the country.

Around that time, Connecticut passed a State law—and I advocated it—to allow undocumented students who have graduated from high school in Connecticut to pay instate tuition rates that are available to other Connecticut residents. With that financial burden slightly lessened, Cinthia was able to enroll at Southern Connecticut State University.

She is now proud to be in her sophomore year at SCSU, and she hopes to use her education to pursue a career in community development or environmental management. Basically, she wants to help improve education and support for children in need—children such as herself who simply want an education so they can give back to this country, children such as herself who are motivated and inspired to contribute to America, and children such as herself who are undocumented and, therefore, hampered and impeded in their aspirations.

I have no doubt Cinthia will continue to contribute to Connecticut. She will, unfortunately, face the dangers of deportation from her home and may be sent back to a country she has not seen for many years—in fact, since she was 5 years old.

I hope every DREAMer is given deferred action status under the President's program. I hope Cinthia's application will be favorably received. I hope she will be able to pursue her education and work and give back to this Nation and that she will be eligible at some point for financial aid.

But the full measure of relief from deportation will not come to her or any

of the other DREAMers without the DREAM Act. Therefore, I urge that the comprehensive immigration reform under consideration by a bipartisan group headed by Senators SCHUMER and MCCAIN and the solution eventually adopted by this body to fix that broken system of immigration law will include the DREAM Act.

I wish to thank and give credit to Senator DURBIN, who has championed this measure for a long time, giving a model to many of us at the State level, where I was attorney general for 20 years and championing our equivalent of the DREAM Act there, providing aid, as we did with Cinthia, so she could fulfill her aspirations to seek education.

But at the end of the day, just and effective comprehensive immigration reform must resolve the status of those 11 million people, including Cinthia's relatives who may be here, including the DREAMers' parents who may be here. It has to be comprehensive so as to establish an earned pathway to citizenship for the undocumented immigrants already giving back, already here, already contributing members of our society, and, most especially, the children who were brought here, through no fault of their own, when they were 5 years old or 6 years old or 5 months old, and we reaffirm that America is a land of justice and opportunity.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that on Monday, February 25, 2013, at 5:00 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 7; that there be 30 minutes of debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid on the table with no intervening action or debate; that no further motions be in order; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

RECOGNIZING THE COCHRAN FAMILY

Mr. LEAHY. Mr. President, in Vermont, you will find any number of successful family-run businesses. Today, I want to recognize the Cochran Family and their Cochran Ski Area. This family, which has spent 50 years on a hillside in the town of Richmond, VT, has seen 10 of its own compete in the Olympic Games and has brought thousands of local youth together to share in Vermont's rich tradition of winter sports.

The Cochran Ski Area is truly a remarkable place in Vermont, where the rewards of family togetherness, community support, and shared knowledge have been reaped to the fullest for half a century. In the 1960s, the Cochran slope was a skiing family's dreamland, but Mickey Cochran, alongside his wife Ginny and family, chose to open their home and their hearts to the community. Since then this slope has become a source of skill not only for the Cochran Olympians, but for every Vermonter who, with their guidance, has been helped to master the art of skiing. The Cochrans intensified their skiing talent and dedication through the application of math and physics, complementing a classroom education with a thrilling hands-on experience unlike any other. This Vermont family and their legacy are a model of community building and achievement. Their charity has enriched Vermont and the Cochran Ski Area has been cherished in return as a haven for families to enjoy winter traditions. Today, a new generation of Cochrans preserves their relationship with the land Mickey and Ginny Cochran sought to make their home years ago, by founding Slopeside Syrup, a maple syrup business. Each spring Cochran's taps more than 20,000 maple trees around the ski slope and opens its doors of the Slopeside Syrup sugarhouse to visitors and neighbors alike.

I am proud to share the Cochran family's story with the Senate. I ask unanimous consent that a recent article from The New York Times about this incredible family be printed in the RECORD.

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

[From the New York Times, Jan. 23, 2013]

SHORT HILLSIDE'S LONG LEGACY

(By Bill Pennington)

RICHMOND, VT.—It was 1960 in northern Vermont and Mickey Cochran had a simple plan with an uncommon stipulation. A former schoolteacher, Cochran would buy a house in the country for his growing family, but only if the new home had a pitched slope behind it where he could install a ski lift.

Along with his wife, Ginny, whom he met while skiing, Cochran found the right house and parcel of land for $10,000, and soon there was a rope tow just outside the back door. Educated as a mechanical engineer, Cochran affixed floodlights to adjacent trees and the roof of the two-story home, turning the modest rural hillside into a round-the-clock winter playground.

Like a Vermont version of the movie ''Field of Dreams,'' if you build and illuminate a place to ski in snow country, people will come from far and wide.

Throughout the 1960s, thousands of local schoolchildren and their parents learned to ski at the Cochran hill, with Mickey and Ginny providing free hands-on instruction. They did not charge to use the 400-foot rope tow either. Everyone was welcome, even in the kitchen of the Cochran home, which served as a warming hut.

''It was a magical place,'' said Bob Cochran, one of Mickey and Ginny's four children. ''Like a big party at your house every night.''

The ski hill, moderately expanded in subsequent decades, continues to this day as a nonprofit organization and revered civic resource, a tribute to Mickey Cochran's humble 1960 dream.

But that is not the reason Cochran's Ski Area, with its one tiny roadside sign, is known throughout the racing world. It is not why the one-room Cochran lodge, built in 1984, is replete with pictures of international skiing stars who have made the trek to this out-of-the-way little ski area next to the Winooski River.

Mickey and Ginny Cochran's children—Marilyn, Barbara Ann, Bob and Lindy—all made the United States ski team and each raced in the Olympics. At the 1972 Games in Sapporo, Japan, Barbara Ann won a gold medal in slalom.

The Skiing Cochrans, as they became known in the 1970s, were an American sensation, feted at gala dinners and featured in national magazines, like a sporting version of the Osmonds.

But there's more: six of Mickey and Ginny Cochran's grandchildren have made the United States ski team in the last decade, including Ryan Cochran-Siegle, Barbara Ann's 20-year-old son, who won two events at the junior world championships last season. His cousin Robby Kelley, Lindy's son, is the reigning national giant slalom champion, extending the lineage of America's first family of ski racing into a sixth decade.

In 2005, four second-generation Cochrans were on the United States ski team, matching the four Cochrans on the team 43 years ago. And the ski area has helped produce more than a dozen United States team members who are not related to the Cochrans, even if they are all embraced as Cochran racers.

''People have asked me if there's something in the water,'' Bob, 61, said with a laugh last month, sitting at a picnic table inside the unassuming Cochran lodge. ''People think we have some secret. But there was no special criteria for coming here except one. My father said you had to have fun.

''And my mother made every kid who showed up here feel like a part of the family.''

NO DISCUSSION OF OLYMPICS

Each of the original skiing Cochrans insisted that making the Olympics was never discussed by their father, who died in 1998 at age 74, or by their mother, who was 76 when she died in 2005.

''Even making the national team was never envisioned,'' said Lindy, now 59. ''That was some mystical place and the farthest thing from my father's mind. He did, however, believe that you needed a lot of repetition to get good at something.''

So what better way than to grab the rope tow just outside your bedroom window?

The usual Cochran winter day would have the children doing their homework after

school, then awaiting their father, who had left teaching to take an engineering job at a General Electric plant in nearby Burlington.

''He would get home around 6 p.m. and we'd be waiting to get out there,'' said Bob, who became a physician after his amateur and professional ski racing career ended. ''My mom would give my dad something to eat, and then he'd go fire up the old gas-powered engine that ran the rope tow.''

Gates would be set on the hill, and if there were not enough gates, saplings cut from the adjacent woods would be used instead.

''It would hurt hitting those saplings,'' said Marilyn, 62. ''But you couldn't get us off that hill. We'd be out there five nights a week, and the only way to get us to go to bed was to flip off the lights.''

When Marilyn and Barbara Ann, who was 11 months younger, began winning regional and national-level races, their celebrity spread in the pastoral remote villages of northern New England, but they remained something of a curiosity at the extravagant Alps resorts that hosted the top international ski races. That was true even after they each won a medal at the 1970 world championships.

''I recall the Europeans saying: 'Who are these Cochrans? From where?' '' Marilyn said. ''But you know, they started thinking of us as kids to be reckoned with.''

Their father was their coach and, they said, an innovator. Relying on his engineering background, he introduced scientific methods to racing tactics, turning a mountain descent into a conversation about vectors and ski path velocity. He taught his children to chart the number of gates in a racecourse and to memorize it using visualization techniques. He was also a master sports psychologist, an underappreciated part of coaching at the time.

''He was a teacher at heart, and he knew how to keep you focused on your performance and not the outcome,'' Bob said. ''He was years ahead of his time.''

If there is a shared trait from generation to generation of Cochran Olympians, it is the powerful benefit of basic homework, or time on the snow in ski racing parlance. The emphasis has always been on the value of dedicated, enthusiastic preparation, even in modest circumstances. The Cochran race training course is far from steep and only several hundred feet long. But Cochran racers for multiple decades have completed lap after lap, smiling as they go.

''There was never pressure on us,'' said Ryan Cochran-Siegle, who is now racing at the highest levels of the World Cup circuit, a path his cousins blazed before him. ''I never felt any expectations. I wanted to do well, but winning was never the central goal. We were urged to just get better and better.''

Marilyn, who became a World Cup giant slalom champion, recalled that her father always deflected questions about success, even as it became common to the household.

''Acknowledging medals and things like that seemed arrogant to him,'' she said recently, sitting with her sisters and brother. ''Although I know he was proud of us.''

Marilyn then explained that her parents could not afford to attend the 1972 Sapporo Olympics, where three of their children competed, but they stayed up late to watch the races from Japan. The living room scene, just feet from the backyard rope tow, was later recreated for her.

''My father cried twice in his life—when his mother died and when this one won the gold medal,'' Marilyn said, tapping the shoulder of Barbara Ann.

''I didn't know that,'' Barbara Ann said, turning with a look of surprise. ''Now I'm going to cry.''

Marilyn said, ''Me, too.''

MORE ROOM TO TEACH

The Cochran's Ski Area of today has moved about 150 yards from the original home, which has remained in the family. An adjacent 140-acre parcel of land, bought years ago for $4,000, allows more room to teach beginners, which comes in handy with more than 700 students enrolled in after-school programs.

Hundreds of local youth and Vermont high school racers also train and compete on the main trail next to a busy T-bar.

''It's just an extension of when the local parent-teacher organization came to my mom and asked if she would teach the kids on our hill,'' said Barbara Ann, who heads the current instruction program. ''Mom always said skiing was the best way to keep parents and their kids together in the backyard.''

On a bluff overlooking a dirt and cinder parking lot, the Cochran lodge is festooned with dozens of numbered racing bibs from championship races. The oldest are from New England in the mid-1960s and the newest were proudly spirited home from top international competitions last winter.

The skis Barbara Ann used to win her gold medal hang from the ceiling, and photos celebrating the careers of nearly every Cochran are tacked to the walls, which takes up a lot of room given the breadth of the accomplishments. From Bob's 1973 win in the famed Hahnenkamm combined in Austria to Lindy's top American finish for a woman in the 1976 Olympic slalom and giant slalom, to N.C.A.A. championships by the grandchildren, the Mickey and Ginny Cochran racing pedigree is long and full. And all of it from a hill that is a miniature of a major ski resort.

Simplicity and unpretentiousness have remained hallmarks of the Cochran way. So has affordability. A junior weekend lift ticket is $14. Children pay about $40 for a season of after-school lessons $90 with rentals.

''And we give scholarships if someone can't afford that,'' Lindy said. ''If you really want to learn to ski, you won't be turned away.''

The ski area may have registered as a nonprofit organization only after Mickey's death, but as Ginny told her children at the time, ''It was always a nonprofit.''

VIABILITY AND AVAILABILITY

The current ski area, with its gaggle of instructors, coaches and lift operators, is overseen by a board that has had to raise money for improvements like top-to-bottom snowmaking. The bills are paid, the lodge picnic tables overflow in the winter with excited, red-cheeked children, and warm food is doled out of a tiny kitchen. But donations are continually sought to keep Cochran's Ski Area viable and available to the next generation.

On a stormy Friday four days before Christmas, rain pelted the tin roof of the Cochran lodge and gusts knocked out the electrical power. Man-made snow was on the slopes, but the downpour threatened the anticipated opening of the ski area the next day.

The four children of Mickey and Ginny Cochran, who live not far from Richmond, happily gathered inside the lodge nonetheless, reminiscing and finishing each other's sentences as if they were at the dining room table in 1960.

They discussed the Olympics and world championships like run-of-the-mill high school events. When shown black-and-white pictures of their Olympic media appearances, the Cochrans hardly seemed impressed; they were too busy teasing one another about their 1970s hairdos.

One by one, recollections from decades past were summoned with ease and spontaneity, and almost every story began with a Cochran turning and pointing at the ski trails beyond the lodge window and saying:

''We were on the hill. . . .''

The weather that day may have been cold and blustery. The Cochran memories are forever warm and genuine.

After a few hours, the siblings departed wondering when the ski area—a Vermont cultural landmark—might open for another winter.

''If it stops raining, we've still got a chance tomorrow,'' Lindy said.

The next day, the rain had ceased but the snow beneath the T-bar lift was too irregular for Cochran's to open as scheduled.

About 25 youngsters from the weekend race program showed up anyway. So did some coaches and the three Cochran sisters. Pulling into the muddy parking lot, they got out of their cars to gaze uphill at the swath of good snow that remained on the central trail.

A procession soon began hiking up the hill carrying skis. Gates were set in the snow. Racers skied down.

Smiling, they walked back up the hill. Over and over.

It snowed soon after. Three days later, Cochran's Ski Area officially opened for another winter.

RECOGNIZING THE CITY OF JENKINS, KENTUCKY

Mr. MCCONNELL. Mr. President, I stand before you today to recognize and salute the city of Jenkins in Letcher County, KY, as they celebrate 100 years of rich State history.

Jenkins's roots reach back before its official incorporation. Four smaller communities combined to form the city of Jenkins when Consolidation Coal Company purchased 100,000 acres of coal lands in eastern Kentucky. Consolidation Coal's director, George C. Jenkins, became the city's namesake in 1912 when it was officially founded. The communities that joined together, Dunham, Burdine, Jenkins, and McRoberts, helped build the new city, which grew quickly. On January 9, 1912, the Commonwealth of Kentucky recognized Jenkins as a city of the sixth class, and by April 20 of the same year, its government was established.

The people of Jenkins had an important role to play in the State—mining the ''Cavalier'' coal that earned the reputation as the best coal in Kentucky. The success and importance of their work further facilitated the expansion of the city, and within a few years a bank, grocery store, sawmill, brick plant, hospital, bakery, drug store, post office, jail, hotel, recreation center, and a few churches and schools all opened to serve the population of the area.

Today, citizens of Jenkins enjoy the incredible Appalachian heritage as much as the beautiful mountains and scenery that surround them. The picturesque surroundings of the southeastern Kentucky mountains, and the Pine Mountain area, are on display in Breaks Interstate Park, known as ''The Grand Canyon of the South,'' and in places like the Raven Rock Golf Course. Set in this environment is ''Jenkins Homecoming Days'' and the

Zegeer Museum, which celebrates the history and culture of the town. These highlights speak to the hard work and dedication of the citizens of Jenkins in the past century, especially their pioneering work in the coal mining and railroad industries, which the Zegeer Museum details wonderfully.

At this time, I would like to ask my colleagues in the U.S. Senate to join me in honoring the city of Jenkins as we look back in appreciation on their storied past, and recognize the diligent work of the residents to keep up the traditions and build a bright future.

I also ask unanimous consent that an article from the Mountain Eagle noting Jenkins's rich history be printed in the RECORD.

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

[From the Mountain Eagle, June 13, 2012]

100 YEARS OF MINING HISTORY DISPLAYED AT JENKINS MUSEUM

(By Marcie Crim)

With the City of Jenkins celebrating its centennial this year, there is much to learn about the town's history, and the David A. Zegeer Coal-Railroad Museum is a good place to begin.

In the fall of 1911, Consolidation Coal Company purchased 100,000 acres of coal lands in Pike, Letcher, and Floyd counties from the Northern Coal and Coke Company. A site was selected for a town to be named in honor of George C. Jenkins, one of the leading citizens of Baltimore and a director of Consolidation Coal. By the time Jenkins was incorporated in 1912—containing the communities of Dunham, Burdine, Jenkins, and McRoberts—construction of the town was booming.

Consolidation Coal built Elkhorn Lake to supply water to run the turbines in a power plant. The company constructed several businesses to serve the new residents of Jenkins—a bank, grocery store, sawmill, brick plant and a hospital that was built in 1915. Also built were a bakery, drug store, post office, jail, hotel, recreation center, churches and schools.

Jenkins was a town built to serve one purpose—to mine the ''Cavalier'' coal that was to become known as the best coal in Kentucky—and its history is on display at the Zegeer Museum located on Main Street in the old train depot.

The museum is named in honor of a former employee of Consolidation Coal and its successor in Jenkins, Beth-Elkhorn Coal Corp. Zegeer joined Consol in Jenkins in the late 1940s. When the company sold its Letcher County operations to Bethlehem Steel in 1956, Zegeer became division superintendent. He retired as manager of Beth-Elkhorn in 1977.

In 1983, Zegeer was confirmed as Assistant Secretary of Labor for the U.S. Department of Mine Safety and Health Administration (MSHA) in 1983, until retiring in 1987. According to Lois Greer, the current curator of the museum, Zegeer was ''a company man, but he really cared about the people in this community.''

Zegeer also became interested in the history of Jenkins, and in conjunction with another resident of Jenkins—Marshall Prunty, president of Roberts and Schaeffer Co.—compiled a videotape of the history of Jenkins based on 145 photographs taken during the years of 1911 through the early 1930s and various publications and interviews with some of the oldest living residents. The documentary, entitled ''Birth of a Mining Town, Jenkins, Ky.,'' is available for purchase at the museum.

Many pieces of Jenkins history can be found at the museum, from photos of the town's construction to various examples of mining equipment—everything from hard hats to breathing devices, dinner buckets, head lamps and more. Also on display is the sword of ''Bad'' John Wright, also known as ''Devil John,'' an infamous former resident of Letcher County. Many of the exhibits in the museum are on loan from current and former residents of Jenkins.

Lois Greer is a friendly woman who has called Jenkins home for many years. She loves to talk about the history of the town and tell stories of the people and buildings that once called Jenkins home. She's more than happy to walk visitors through the various rooms at the museum, pointing out photographs that show coal camp houses, community centers that no longer exist, and grand buildings that were later taken by fire. She said attendance has been down at the museum lately, but she expects it will pick back up come August when the celebration begins in earnest.

As Jenkins prepares to celebrate its 100th birthday, the museum is the perfect place to dive in and begin exploring the history of coal mining in Letcher County. You can leave with DVDs to watch at home, folk art made from lumps of shiny black coal, and postcards showing photos of the town's construction and subsequent boom years. You'll also walk out with enough knowledge to make you want to start Googling the history of Jenkins to find out more.

Jenkins is a proud town with a singular story to tell—a story of building a town from scratch, digging it out of the earth to be settled solely for the purpose of mining coal.

To contact the museum, phone 606–832–4676.

TRIBUTE TO TONY WHITAKER

Mr. MCCONNELL. Mr. President, it is my honor to stand before you today to recognize an esteemed Kentuckian, Mr. Tony Whitaker, on the occasion of his recent retirement from the position of CEO of First Federal Bancorp this past December. I speak for the communities that Mr. Whitaker has served and worked in during his career when I say that his desire to help others, work diligently and contribute to the lives of those around him are certainly deserving of our respect and honor.

Tony has worked as a banker in Richmond, Louisville, and most recently in Hazard, KY, where he held the position of chief executive officer of First Federal Bancorp. According to Mr. Whitaker, his best years of the four decades spent in banking were spent at First Federal, something that the people of Hazard would no doubt confirm. His move to Louisville is motivated by a desire to be near family, but his assurance that he will miss calling Hazard ''home'' is represented by his fond memory of the welcoming community he found upon his arrival in the 1990s.

Tony has been an indispensable presence both in Hazard and at First Federal, and his strong leadership has prepared the bank to thrive, allowing those he has invested in to continue his legacy. He will continue to stay involved by serving as the chairman of Kentucky First Federal Bancorp. He genuinely wants to positively impact others, offering to be just a phone call away to anyone who needs his help.

At this time, I would like to ask my fellow Senators to join me in honoring Mr. Tony Whitaker. This well-known and well-respected man is a model citizen, and represents the best of the Commonwealth of Kentucky. We are grateful for his input and impact on his community, and I ask unanimous consent that a newspaper article highlighting his achievements be printed in the RECORD.

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

[From the Hazard Herald, December 20, 2012]

WHITAKER STEPPING DOWN AS FIRST FEDERAL CEO

(By Cris Ritchie)

HAZARD.—In less than two weeks, Tony Whitaker will step down as CEO of First Federal Bancorp, the parent company of First Federal Savings & Loan of Hazard, and during a reception on Thursday he expressed his admiration and appreciation to the city of Hazard, where he has made his home for the past 15 years.

Whitaker, who also served several years as president of the local chamber of commerce, will remain chairman of the company's board of directors. Don Jennings, the current CEO of the company's Frankfort location, will take on Whitaker's role as chief executive officer, while Lou Ella Farler will become CEO of the Hazard First Federal bank, a job for which she has been transitioning for the past few months.

First Federal in Hazard hosted a reception for Whitaker in the bank's lobby on Thursday, during which he noted that the best of his four decades of experience in the banking business were spent in Perry County.

''My best years have been with this bank here in Hazard, and living in this town the last 15 years or so,'' Whitaker said.

Whitaker plans to move to Louisville to be close to his daughter and grandchildren, but will remain active with the company as board chairman. The transition once he steps down in Hazard will be seamless, he added, and for the customer there shouldn't be any difference as the bank will continue to offer the same service and products. And he expects the bank to continue to thrive with Farler serving as its CEO.

''Through the year I've transitioned, and Lou Ella pretty much got hands on and made most of the decisions,'' he said.

He added that were his family not living in Louisville he'd likely remain in Hazard, and he expressed his appreciation to the people here for welcoming him into the community when he arrived in the 1990s.

''I appreciate the good town I've had the opportunity to live in, the boards that I've had and the people I've been able to work with,'' he said, ''and most of all our customers.''

Whitaker will step down as CEO on December 31.

GUN VIOLENCE

Mr. DURBIN. Mr. President, I rise to speak about the problem of gun violence in America. Every day we lose over 30 men, women and children in violent shooting deaths. More than 11,000 Americans are murdered with guns each year. That is more deaths

each year than all the American lives lost in the 9/11 attacks . . . and the Iraq war and the Afghanistan war combined. Every day provides some grim reminder of the toll of gun violence in our nation. And today marks yet another sad anniversary.

Five years ago today, on February 14, 2008, a gunman entered a lecture hall on the campus of Northern Illinois University in DeKalb. The gunman opened fire on the students gathered in the hall, taking the lives of five students and wounding 17 others. The five Illinoisans we lost that day were: Gayle Dubowski, 20 years old, from Carol Stream, who sang in her church choir and enjoyed working as a camp counselor; Catalina Garcia, of Cicero, age 20, who had a glowing smile and who hoped to be a teacher someday; Juliana Gehant, of Mendota, age 32, a veteran of the United States Army and Army Reserve who also dreamed of becoming a teacher; Ryanne Mace, of Carpentersville, only 19 years old, who aspired to work as a counselor so she could help others; and Daniel Parmenter, 20 years old, from Westchester, a rugby player and a gentle giant who died trying to shield his girlfriend from the shooter.

This day was devastating for the families of the victims, for the NIU community, and for our nation. We were heartbroken by the senseless murders of these young Americans who had hopes and dreams and bright futures. The Northern Illinois University community came together in response to the tragedy. They held each other close, and continued to move ''forward, together forward'' in the words of the Huskie fight song. But no family and no community should have to suffer like this. And those who were scarred by the shooting but survived will never forget that day and never fully heal from it.

There are things that we can do to move forward together on this issue of gun violence. Just the other day I received an email from Patrick Korellis, of Gurnee, IL, who was in the NIU lecture hall on that day 5 years ago. He was shot in the head but survived. Patrick wrote me because he believes Congress needs to act to prevent and reduce gun violence. He wrote in support of the proposals that the President has put forward and that we will soon consider in the Senate Judiciary Committee. These proposals will not stop every shooting in America. But they will stop many of them. And lives will be saved if we can move forward and put them into effect.

We know what we need to do. Earlier this week I chaired a hearing in the Subcommittee on the Constitution, Civil Rights and Human Rights to discuss ways we can protect our communities from gun violence while respecting the Second Amendment. We discussed a number of common sense proposals. First, we need to have a system of universal background checks for all gun sales. This idea is a no-brainer. Universal background checks will ensure that those who are prohibited by law from buying a gun, like felons, fugitives, and the mentally ill, cannot get one from a private seller at a gun show or over the Internet. Universal background checks are not controversial. In fact, the idea is supported by 74 percent of the members of the NRA, according to a poll conducted last year by Republican pollster Frank Luntz.

We should also stop the flood of new military-style assault weapons onto our streets. When you talk to hunters, they tell you that these kinds of weapons are not needed for hunting. And these weapons are not designed for self-defense. These are weapons of aggression, designed to spray a large number of bullets in a short time with minimal reloading. And they were used to commit mass slaughter in places like Newtown and Aurora. Our children and our first responders should not have to face these weapons of aggression. Surely we can agree on reasonable limits for military-style assault weapons.

We should also limit the capacity of ammunition magazines—to a level that allows for reasonable self-defense but that reduces the scope of carnage that a mass shooter can cause. This would have saved lives in Tucson and in other mass shootings.

We should crack down on the straw purchasers who buy guns and then give them to criminals and other prohibited purchasers. Straw purchasing fuels the criminal gun market, and it costs lives. But right now federal law only allows straw purchasers to be charged with a paperwork violation for lying on the gun sale form. At the hearing I chaired earlier this week, we learned from U.S. Attorney Timothy Heaphy of the Western District of Virginia that these ''paperwork prosecutions'' are difficult to prove and usually carry only minor penalties. That is not good enough. We need to create a strong deterrent to these unlawful straw purchases so we can stop this supply chain of guns to criminals.

At the hearing I chaired, we also heard powerful testimony from Sandra Wortham of the South Side of Chicago. Sandra's brother, Officer Thomas Wortham the Fourth, was shot and killed by gang members on May 19, 2010, in front of his parents' home. Thomas was a Chicago Police Officer, a community leader and a combat veteran who had served two tours in Iraq. Some say that the answer to gun violence in America is simply to arm more good guys with guns so they can shoot back. But both Thomas Wortham and his father, a retired Chicago police officer, were armed that night, and they shot back at the men who pulled a gun on Thomas. Even so, those men killed Thomas Wortham with a straw-purchased handgun.

These were men who were not allowed to legally buy a handgun, but they got one all too easily on the streets—a gun that was straw purchased in Mississippi and trafficked up to Chicago. As Sandra Wortham said so eloquently in her testimony, ''the fact that my brother and father were armed that night did not prevent my brother from being killed. We need to do more to keep guns out of the wrong hands in the first place. I don't think that makes us anti-gun, I think it makes us pro-decent, law abiding people.''

I agree with Sandra. We can take steps, consistent with our Constitution and the Second Amendment, to limit access to dangerous weapons and keep them out of the hands of those prohibited from using them.

I believe the Wortham family deserves a vote here in the United States Senate. They deserve a vote on common sense reforms that would keep guns out of the wrong hands. We owe that to them, and I look forward to that vote.

Whether it strikes in a college lecture hall in DeKalb or on the sidewalks of the South Side of Chicago, gun violence is a tragedy. Today we mourn the loss of those taken from us at NIU 5 years ago. And we mourn Thomas Wortham and the tens of thousands of other Americans we have lost in violent shootings since that day. But the time is coming soon when we will be able to vote on measures to save families from the suffering that the Worthams and so many others have experienced. And I hope the Senate will make those families proud.

THE TIME IS NOW

Mr. LEVIN. Mr. President, as President Obama reminded us in his State of the Union Address this week, 2 months have passed since the heartbreaking school shooting in Newtown, CT. Since then, we have mourned the loss of the 20 wonderful children and 6 extraordinary adults who were murdered that day. Their lives were taken by a mentally deranged individual who easily obtained a semi-automatic military-style assault rifle with a high capacity ammunition magazine.

It has been estimated that there are currently 18 million assault weapons in circulation around the United States. If no action is taken, this number will continue to grow. Across our Nation, any dangerous individual can walk into a gun show and walk out with the same type of weapon that the perpetrator in Newtown used to murder so many innocent people. These weapons, along with high-capacity ammunition magazines, can easily escalate confrontation into murder, petty crime into tragedy, and a killing of one or two people into a massive slaughter.

The weight of evidence shows that since Congress allowed the Federal assault weapons ban to expire in 2004, the use of military style assault weapons in crime has surged around our Nation. For example, a 2010 study conducted by the Police Executive Research Forum found that since the ban lapsed, 37 percent of police agencies have reported increases in criminals' use of assault

weapons. A separate Washington Post analysis revealed that the ban was associated with a 60 percent decline in the number of guns with high-capacity magazines recovered at Virginia crime scenes between 1998 and 2004. But since the ban expired in 2004, the number of guns recovered with high-capacity magazines has more than doubled. A Department of Justice study of several cities found that high-capacity magazines are used in 14 to 26 percent of gun crimes and in 31 to 41 percent of fatal police shootings in the cities analyzed.

It is long past time to take concrete action to support our law enforcement communities and to prevent more of these massacres. That is why I am a cosponsor of the Assault Weapons Ban of 2013. By preventing the future possession, manufacture, sale and importation of assault type weapons and high-capacity ammunition magazines, this bill would stop the flood of these weapons of war into our communities. It would support law enforcement officers across our Nation, who should not be forced to confront lawbreakers armed with military weapons. And it would protect the rights of hunters by specifically naming thousands of firearms with legitimate sporting, sentimental or other value that would remain legal to possess.

Mr. President, we must face reality. We live in a nation trapped in an epidemic of gun violence. Where a day at the mall or a trip to the movies can become a nightmare. Where parents send their children to school and have to worry about whether they will come home.

Is this the Nation we want, or the Nation we want to leave to our children? We must not wait for the next madman to easily and legally purchase a military-style assault weapon and a high capacity magazine. I urge my colleagues to protect the American people by enacting measures to stem the tide of gun tragedies. It is long past time for this kind of violence to end.

TANF

Mr. HATCH. Mr. President, I ask unanimous consent to have printed in the RECORD the GAO opinion letter dated September 4, 2012, and the TANF Information Memorandum dated July 12, 2012.

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

U.S. GOVERNMENT
ACCOUNTABILITY OFFICE,
Washington, DC, September 4, 2012.

Hon. ORRIN HATCH,
Ranking Member, Committee on Finance, U.S. Senate.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, House of Representatives.

By letter of July 31, 2012, you asked whether an Information Memorandum issued by the Department of Health and Human Services (HHS) on July 12, 2012 concerning the Temporary Assistance for Needy Families (TANF) program constitutes a rule for the purposes of the Congressional Review Act (CRA). The CRA is intended to keep Congress informed of the rulemaking activities of federal agencies and provides that before a rule can take effect, the agency must submit the rule to each House of Congress and the Comptroller General. For the reasons discussed below, we conclude that the July 12, 2012 Information Memorandum is a rule under the CRA. Therefore, it must be submitted to Congress and the Comptroller General before taking effect.

BACKGROUND

The Temporary Assistance for Needy Families block grant, administered by the U.S. Department of Health and Human Services, provides federal funding to states for both traditional welfare cash assistance as well as a variety of other benefits and services to meet the needs of low-income families and children. While states have some flexibility in implementing and administering their state TANF programs, there are numerous federal requirements and guidelines that states must meet. For example, under section 402 of the Social Security Act, in order to be eligible to receive TANF funds, a state must submit to HHS a written plan outlining, among other things, how it will implement various aspects of its TANF program. More specifically, under section 402(a)(1)(A)(iii) of the Social Security Act, the written plan must outline how the state will ensure that TANF recipients engage in work activities. Under section 407 of the Social Security Act, states must also ensure that a specified percentage of their TANF recipients engage in work activities as defined by federal law.

In its July 12 Information Memorandum, HHS notified states of HHS' willingness to exercise its waiver authority under section 1115 of the Social Security Act. Under section 1115, HHS has the authority to waive compliance with the requirements of section 402 in the case of experimental, pilot, or demonstration projects which the Secretary determines are likely to assist in promoting the objectives of TANF. In its Information Memorandum, HHS asserted that it has the authority to waive the requirement in section 402(a)(1)(A)(iii) and authorize states to ''test approaches and methods other than those set forth in section 407,'' including definitions of work activities and the calculation of participation rates. HHS informed states that it would use this waiver authority to allow states to test various strategies, policies, and procedures designed to improve employment outcomes for needy families. The Information Memorandum sets forth requirements that must be met for a waiver request to be considered by HHS, including an evaluation plan, a set of performance measures that states will track to monitor ongoing performance and outcomes, and a budget including the costs of program evaluation. In addition, the Information Memorandum provides that states must seek public input on the proposal prior to approval by HHS.

ANALYSIS

The definition of ''rule'' in the CRA incorporates by reference the definition of ''rule'' in the Administrative Procedure Act (APA), with some exceptions. Therefore, our analysis of whether the July 12 Information Memorandum is a rule under the CRA involves determining whether it is rule under the APA and whether it falls within any of the exceptions contained in the CRA. The APA defines a rule as follows:

''[T]he whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing[.]''

This definition of a rule has been said to include ''nearly every statement an agency may make.''

The CRA identifies 3 exceptions from its definition of a rule: (1) any rule of particular applicability; (2) any rule relating to agency management or personnel; or (3) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3).

The definition of a rule under the CRA is very broad. See B–287557, May 14, 2001 (Congress intended that the CRA should be broadly interpreted both as to type and scope of rules covered). The CRA borrows the definition of a rule from 5 U.S.C. §551, as opposed to the more narrow definition of legislative rules requiring notice and comment contained in 5 U.S.C. §553. As a result, agency pronouncements may be rules within the definition of 5 U.S.C. §551, and the CRA, even if they are not subject to notice and comment rulemaking requirements under section 553. See B–316048, April 17, 2008 (the breadth of the term ''rule'' reaches agency pronouncements beyond those that require notice and comment rulemaking) and B–287557, cited above. In addition to the plain language of the CRA, the legislative history confirms that it is intended to include within its purview almost all rules that an agency issues and not only those rules that must be promulgated according to the notice and comment requirements in section 553 of the APA. In his floor statement during final consideration of the bill, Representative McIntosh, a principal sponsor of the legislation, emphasized this point:

''Although agency interpretive rules, general statements of policy, guideline documents, and agency policy and procedure manuals may not be subject to the notice and comment provisions of section 553(c) of title 5, United States Code, these types of documents are covered under the congressional review provisions of the new chapter 8 of title 5.

Under section 801(a), covered rules, with very few exceptions, may not go into effect until the relevant agency submits a copy of the rule and an accompanying report to both Houses of Congress. Interpretive rules, general statements of policy, and analogous agency policy guidelines are covered without qualification because they meet the definition of a 'rule' borrowed from section 551 of title 5, and are not excluded from the definition of a rule.''

On its face, the July 12 Information Memorandum falls within the definition of a rule under the APA definition incorporated into the CRA. First, consistent with our prior decisions, we look to the scope of the agency's action to determine whether it is a general statement of policy or an interpretation of law of general applicability. That determination does not require a finding that it has general applicability to the population as a whole; instead, all that is required is that it has general applicability within its intended range. See B–287557, cited above (a record of decision affecting the issues of water flow in two rivers was a general statement of policy with general applicability within its intended range). Applying these principles, we have held that a letter released by the Centers for Medicare and Medicaid Services to state health officials concerning the State Children's Health Insurance Program

(SCHIP) was of general applicability because it extended to all states that sought to enroll children with family incomes exceeding 250 percent of the federal poverty level in their SCHIP programs, as well as all states that had already enrolled such children. Similarly, the July 12 Information Memorandum is of general, rather than particular, applicability because it extends to all states administering Temporary Assistance for Needy Families (TANF) programs that seek a waiver for a demonstration project.

Next we must determine whether the action is prospective in nature, that is, whether it is concerned with policy considerations for the future and not with the evaluation of past conduct. In B–316048, we held that the SCHIP letter was intended to clarify and explain the manner in which CMS applies statutory and regulatory requirements to states that wanted to extend coverage under the SCHIP programs. Similarly, the July 12 Information Memorandum is concerned with authorizing demonstration projects in the future, rather than the evaluation of past or present demonstration projects. Specifically, the Information Memorandum informs states that HHS will use its statutory authority to consider waiver requests, and sets out requirements that waiver requests must meet. Accordingly, it is designed to implement, interpret, or prescribe law or policy.

In addition, the Information Memorandum does not fall within any of the three exclusions for a rule under the CRA. As discussed above, the Information Memorandum applies to all states that administer TANF programs, and therefore is of general applicability, rather than particular applicability. The Information Memorandum applies to the states, and does not relate to agency management or personnel. Finally, the Information Memorandum sets out the criteria by which states may apply for waivers from certain requirements of the TANF program. These criteria affect the obligations of the states, which are non-agency parties.

GAO has consistently emphasized the broad scope of the definition of ''rule'' in the CRA in determining the applicability of the CRA to an agency document. Other documents deemed to be rules include letters, records of decision, booklets, interim guidance, and memoranda. See, for example, B–316048, April 17, 2008 (a letter released by the Centers for Medicare & Medicaid Services of HHS concerning a State Children's Health Insurance Program measure, to ensure that coverage under a state plan does not substitute for coverage under group health plans, described by the agency as a general statement of policy, was a rule) and B–287557, May 14, 2001 (a ''record of decision'' issued by the Fish and Wildlife Service of the Department of Interior in connection with a federal irrigation project was a rule).

Finally, the cases where we have found that an agency pronouncement was not a rule involved facts that are clearly distinguishable from the July 12 Information Memorandum.

We requested the views of the General Counsel of HHS on whether the July 12 Information Memorandum is a rule for purposes of the CRA by letter dated August 3, 2012. HHS responded on August 31, 2012, stating that the Information Memorandum was issued as a non-binding guidance document, and that HHS contends that guidance documents do not need to be submitted pursuant to the CRA. Furthermore, HHS notes that it informally notified Congress by providing notice to the Majority and Minority staff members of the House Ways and Means Committee and Senate Finance Committee on the day the Information Memorandum was issued.

We cannot agree with HHS's conclusion that guidance documents are not rules for the purposes of the CRA and HHS cites no support for this position. The definition of ''rule'' is expansive and specifically includes documents that implement or interpret law or policy. This is exactly what the HHS Information Memorandum does. It interprets section 402(a) and section 1115 to permit waivers for a demonstration program HHS is initiating. We have held that agency guidance, including guidance characterized as non-binding, constitutes a rule under the CRA. See B–281575, cited above. In addition, the legislative history of the CRA specifically includes guidance documents as an example of an agency pronouncement subject to the CRA. A joint statement for the record by Senators Nickles, Reid, and Stevens, submitted to the Congressional Record upon enactment of the CRA, details four categories of rules covered by the definition in section 551. These categories include formal rulemaking under sections 556 and 557, notice-and-comment rulemaking under section 553, statements of general policy and interpretations of general applicability under section 552, and ''a body of materials that fall within the APA definition of a 'rule' . . . but that meet none of procedural specifications of the first three classes. These include guidance documents and the like.'' Finally, while HHS may have informally notified the cited Congressional committees of the issuance of the Information Memorandum, informal notification does not meet the reporting requirements of the CRA.

CONCLUSION

We find that the July 12 Information Memorandum issued by HHS is a statement of general applicability and future effect, designed to implement, interpret, or prescribe law or policy with regard to TANF. Furthermore, it does not come within any of the exceptions to the definition of rule contained in the CRA. Accordingly, the Information Memorandum is a rule under the Congressional Review Act.

We note that this opinion is limited to the issue of whether the Information Memorandum is a rule under the CRA. We are not expressing an opinion on the applicability of any other legal requirements, including, but not limited to, notice and comment rulemaking requirements under the APA, or whether the Information Memorandum would be a valid exercise or interpretation of statutes or regulations.

Accordingly, given our conclusions above, and in accordance with the provisions of 5 U.S.C. 801(a)(1), the Information Memorandum is subject to the requirement that it be submitted to both Houses of Congress and the Comptroller General before it can take effect.

If you have any questions concerning this opinion, please contact Edda Emmanuelli Perez, Managing Associate General Counsel.

LYNN H. GIBSON,
General Counsel.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES INFORMATION MEMORANDUM

U.S. Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance, Washington, DC.

Transmittal No. TANF–ACF–IM–2012–03, July 12, 2012

To: States administering the Temporary Assistance for Needy Families (TANF) Program and other interested parties

Subject: Guidance concerning waiver and expenditure authority under Section 1115

Reference: Section 1115 of the Social Security Act. [42 U.S.C. 1315]; Section 402 of the Social Security Act. [42 U.S.C. 602]

Background: Section 1115 of the Social Security Act provides authority for the Secretary of the Department of Health and Human Services (HHS) to consider and approve experimental, pilot, or demonstration projects which, in the Secretary's judgment, are likely to assist in promoting the objectives of Title IV-A. Section 1115 allows for waiver of compliance with section 402 of the Social Security Act to the extent and for the period necessary to enable a state to carry out an approved project. The statute also provides authority for costs of such projects which would not otherwise be an allowable use of funds under Part A of Title IV to be regarded as an allowable use of funds, to the extent and for the period approved.

As specified in statute, the purpose of Part A is to increase the flexibility of states in operating a program designed to: (1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; (2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage; (3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and (4) encourage the formation and maintenance of two-parent families.

Purpose: HHS is encouraging states to consider new, more effective ways to meet the goals of TANF, particularly helping parents successfully prepare for, find, and retain employment. Therefore, HHS is issuing this information memorandum to notify states of the Secretary's willingness to exercise her waiver authority under section 1115 of the Social Security Act to allow states to test alternative and innovative strategies, policies, and procedures that are designed to improve employment outcomes for needy families.

States led the way on welfare reform in the 1990s—testing new approaches and learning what worked and what did not. The Secretary is interested in using her authority to approve waiver demonstrations to challenge states to engage in a new round of innovation that seeks to find more effective mechanisms for helping families succeed in employment. In providing for these demonstrations, HHS will hold states accountable by requiring both a federally-approved evaluation and interim performance targets that ensure an immediate focus on measurable outcomes. States must develop evaluation plans that are sufficient to evaluate the effect of the proposed approach in furthering a TANF purpose as well as interim targets the state commits to achieve. States that fail to meet interim outcome targets will be required to develop an improvement plan and can face termination of the waiver project.

The demonstration authority provided by section 1115 and sound evaluation of approved projects will provide valuable knowledge that will help lead to improvements in achieving the purposes of the TANF program.

Information: *Scope of Authority*. Section 1115 authorizes waivers concerning section 402. Accordingly, other provisions of the TANF statute are not waivable. For example, the purposes of TANF are not waivable, because they are contained in section 401. The prohibitions on assistance are not waivable, because they are contained in section 408.

While the TANF work participation requirements are contained in section 407, section 402(a)(1)(A)(iii) requires that the state plan ''[e]nsure that parents and caretakers receiving assistance under the program engage in work activities in accordance with section 407.'' Thus, HHS has authority to waive compliance with this 402 requirement and authorize a state to test approaches and

methods other than those set forth in section 407, including definitions of work activities and engagement, specified limitations, verification procedures, and the calculation of participation rates. As described below, however, HHS will only consider approving waivers relating to the work participation requirements that make changes intended to lead to more effective means of meeting the work goals of TANF.

Moreover, HHS is committed to ensuring that any demonstration projects approved under this authority will be focused on improving employment outcomes and contributing to the evidence base for effective programs; therefore, terms and conditions will require a federally-approved evaluation plan designed to build our knowledge base. TANF funds may be used to fund an approved evaluation and state funds spent on an approved evaluation may be considered state maintenance-of-effort (MOE) expenditures. In addition, terms and conditions will require either interim targets for each performance measure or a strategy for establishing baseline performance on a set of performance measures and a framework for how interim goals will be set after the baseline measures are established. The terms and conditions will establish consequences for failing to meet interim performance targets including, but not limited to, the implementation of an improvement plan and, if the failure to meet performance targets continues, termination of the waivers and demonstration project.

HHS Priorities. In exercising her broad discretion for waivers, the Secretary is interested in approaches that seek to improve employment outcomes. Accordingly:

Waivers will be granted only for provisions related to section 402.

The purposes of TANF, the prohibitions contained in section 408 (including the time limits on assistance contained in that section), or any other provision of TANF other than those specified in section 402 will not be waived.

The Secretary will not approve a waiver for an initiative that appears substantially likely to reduce access to assistance or employment for needy families.

The Secretary will not use her authority to allow use of TANF funds to provide assistance to individuals or families subject to the TANF prohibitions on assistance.

The Secretary will not waive section 402(a)(5) relating to requirements to provide equitable access to Indians.

Waiver demonstration projects may be conducted in limited geographic areas or statewide. The Administration for Children and Families (ACF) is interested in more efficient or effective means to promote employment entry, retention, advancement, or access to jobs that offer opportunities for earnings and advancement that will allow participants to avoid dependence on government benefits. The following are examples of projects that states may want to consider—these are illustrative only:

Projects that improve coordination with other components of the workforce investment system, including programs operated under the Workforce Investment Act, or to test an innovative approach to use performance-based contracts and management in order to improve employment outcomes.

Projects that demonstrate attainment of superior employment outcomes if a state is held accountable for negotiated employment outcomes in lieu of participation rate requirements.

Projects under which a state would count individuals in TANF-subsidized jobs but no longer receiving TANF assistance toward participation rates for a specified period of time in conjunction with an evaluation of the effectiveness of a subsidized jobs strategy.

Projects that improve collaboration with the workforce and/or post-secondary education systems to test multi-year career pathways models for TANF recipients that combine learning and work.

Projects that demonstrate strategies for more effectively serving individuals with disabilities, along with an alternative approach to measuring participation and outcomes for individuals with disabilities.

Projects that test the impact of a comprehensive universal engagement system in lieu of certain participation rate requirements.

Projects that test systematically extending the period in which vocational educational training or job search/readiness programs count toward participation rates, either generally or for particular subgroups, such as an extended training period for those pursuing a credential. The purpose of such a waiver would be to determine through evaluation whether a program that allows for longer periods in certain activities improves employment outcomes.

Note that this is not a comprehensive list, and HHS will consider other projects consistent with the statute and the guidance provided in this IM. HHS is especially interested in testing approaches that build on existing evidence on successful strategies for improving employment outcomes.

Waiver requests must include an evaluation plan. In order to provide the strongest evidence about the effectiveness of the demonstration, the preferred evaluation approach is a random assignment methodology, unless the Secretary determines that an alternative approach is more appropriate in light of the demonstration proposed. All evaluation plans and funds to support them must reflect an adequate level of effort and sound methods to produce credible findings. ACF anticipates actively engaging with states to ensure that evaluation plans are appropriate in light of the nature of the demonstration and that the evaluation findings can reasonably be expected to provide information that will enhance understanding of whether the initiative was successful in furthering HHS priorities. ACF staff members are available to work collaboratively with states to develop further or refine the evaluation plan.

Waiver requests must include a set of performance measures that states will track to monitor ongoing performance and outcomes throughout the length of the demonstration project, along with the evaluation. Waiver applications must specify interim targets for each performance measure, including a framework for how often the measures will be reported, or a strategy for establishing baseline performance on a set of performance measures and a framework for how interim goals will be set after the baseline measures are established. Performance measures must be designed to track improvement across the entire set of families targeted as well as appropriate subgroups. In developing the final terms and conditions for an approved waiver, ACF will work with the state to further refine the appropriate performance measures and interim targets as needed. All approved waivers will include a provision that requires timely reporting to HHS on the agreed upon performance measures and progress toward meeting established interim targets. States that fail to meet interim targets will be required to develop improvement plans. Repeated failure to meet performance benchmarks may lead to the termination of the waiver demonstration pilot.

The request must specify the proposed length of time for the demonstration project. The final terms and conditions will specify the approved length of the project. Absent special circumstances, the length of an approved project will not exceed five years.

A state will need to develop and submit a budget that includes the costs of program evaluation. TANF and state MOE funds can be used for the costs of evaluation, including third party contributions counting toward meeting a state's MOE requirement.

HHS recognizes the importance of public input into the process of developing and implementing a waiver demonstration project. Therefore, the state must provide the public with a meaningful opportunity to provide input into the decision-making process prior to the time a proposal is approved by HHS. Further guidance concerning this requirement will be forthcoming.

Waivers are subject to HHS and Office of Management and Budget (OMB) approval and terms and conditions may include additional requirements, such as site visits, before implementation.

Terms and conditions will require periodic reporting on how the implementation and operation of the demonstration is progressing, including reporting on the performance measures, in addition to evaluation reports. To support learning and knowledge development, ACF staff may conduct on-site visits to observe demonstration operations and meet with relevant managers and staff.

Inquiries: Inquiries and applications for projects involving waiver requests should be directed to the appropriate Regional TANF Program Manager.

EARL S. JOHNSON,
Director, Office of Family Assistance.

JULY 12, 2012.

DEAR STATE HUMAN SERVICE OFFICIAL: Today, the Administration for Children and Families' Office of Family Assistance issued an Information Memorandum that informs states that the Department of Health and Human Services will use its statutory authority to consider waiver requests that strengthen the Temporary Assistance for Needy Families (TANF) program. This Information Memorandum reflects the Department's commitment to provide states, tribes, and territories with more flexibility to innovate in the TANF program with the goal of helping more families find jobs and move toward self-sufficiency.

On February 28, 2011, President Obama issued a Presidential Memorandum that directed federal agencies ''to work closely with state, local, and tribal governments to identify administrative, regulatory, and legislative barriers in Federally funded programs that currently prevent states, localities, and tribes, from efficiently using tax dollars to achieve the best results for their constituents.''

The Administration for Children and Families took this charge seriously and held a series of consultation meetings with states, tribes, and territories on a variety of topics including TANF. During those consultations, many jurisdictions expressed a strong interest in greater flexibility in TANF and indicated that greater flexibility could be used by states to improve program effectiveness. We also heard concerns that some TANF rules stifle innovation and focus attention on paperwork rather than helping parents find jobs. States offered a range of suggestions for ways in which expanded flexibility could lead to more effective employment outcomes for families. Two states—Utah and Nevada—submitted written comments that specifically identified waivers as one mechanism for testing new approaches to promoting employment and self-sufficiency, and a number of others states—including California, Connecticut, and Minnesota—have asked about the potential for waivers.

As described in more detail in the Information Memorandum, the Social Security Act provides the Secretary of the Department of

Health and Human Services with the authority to grant states waivers of certain TANF provisions for the purpose of testing new approaches to meeting the goals of the TANF statute. The Secretary is interested in using her authority to allow states to test alternative and innovative strategies, policies, and procedures that are designed to improve employment outcomes for needy families. The statute does not permit tribes to receive waivers under Section 1115, however we are committed to using the underlying flexibility in federal law to help tribes innovate in their programs.

TANF Waiver demonstration projects under Section 1115 must be accompanied by a high quality evaluation plan, which is critical to ensuring that the pilots result in rigorous evidence about what works and what doesn't in order to inform future decisions made by policymakers at the federal, state, tribal, territorial, and local levels. In addition, states that apply for a waiver must identify interim performance targets that will be used to hold states accountable for improving outcomes for families. We will work with states interested in developing waiver demonstration projects to design these performance measures and targets.

The Information Memorandum outlines the types of waivers that will and will not be considered. The Secretary is only interested in approving waivers if the state can explain in a compelling fashion why the proposed approach may be a more efficient or effective means to promote employment entry, retention, advancement, or access to jobs that offer opportunities for earnings and advancement that will allow participants to avoid dependence on government benefits.

States have shown their ability to innovate in ways that help parents find jobs. In 2009 and 2010, 42 states used the TANF Emergency Fund authorized under the American Recovery and Reinvestment Act to create 260,000 subsidized jobs for jobless parents and disadvantaged youth. Over a short period of time, states exhibited enormous creativity as they developed new subsidized employment initiatives that responded to an urgent need for jobs in communities across the country.

It is critical that we work together to develop effective employment strategies that prepare workers for the jobs of the 21st century. We stand ready to work with states interested in developing innovative demonstration projects that test new approaches to helping parents succeed in the labor market.

Sincerely,

GEORGE SHELDON,
Acting Assistant Secretary.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

RULES OF PROCEDURE

Mrs. BOXER. Mr. President, the Committee on Environment and Public Works has adopted rules governing its procedures for the 113th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that a copy of the Committee rules be printed in the RECORD.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Jurisdiction

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) PRESIDING OFFICER:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, one third of the members of the committee, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or

legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has six subcommittees: Transportation and Infrastructure; Clean Air and Nuclear Safety; Superfund, Toxics and Environmental Health; Water and Wildlife; Green Jobs and the New Economy; and Oversight.

(b) MEMBERSHIP: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89–298, the Rivers and Harbors Act of 1965; Public Law 83–566, the Watershed Protection and Flood Prevention Act; or Public Law 86–249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the CONGRESSIONAL RECORD, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age or have taken senior status and are over 75 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY RULES OF PROCEDURE

Ms. STABENOW. Mr. President, the Committee on Agriculture, Nutrition and Forestry has adopted rules governing its procedures for the 113th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator COCHRAN, I ask unanimous consent that a copy of the Committee rules be printed in the RECORD.

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

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, 113TH CONGRESS

RULE I—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority

member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

COMMITTEE ON VETERANS' AFFAIRS

RULES OF PROCEDURE

Mr. SANDERS. Mr. President, the Committee on Veterans' Affairs has adopted rules governing its procedures for the 113th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

COMMITTEE ON VETERANS' AFFAIRS RULES OF PROCEDURE

I. MEETINGS

(A) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as deemed necessary.

(B) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(C) The Chairman of the Committee, or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside over all meetings.

(D) Except as provided in rule XXVI of the Standing Rules of the Senate, no meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(E) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(F) Written or electronic notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee Members at least 72 hours (not counting Saturdays, Sundays, and federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to Members or appropriate staff assistants of Members and an agenda shall be furnished prior to the meeting.

(G) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written or electronic copy of such amendment has been delivered to each Member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the Members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (F).

II. QUORUMS

(A) Subject to the provisions of paragraph (B), eight Members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Five Members of the Committee shall constitute a quorum for purposes of transacting any other business.

(B) In order to transact any business at a Committee meeting, at least one Member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a Member, the matter shall lay over for a calendar day. If the presence of a minority Member is not then obtained, business may be transacted by the appropriate quorum.

(C) One Member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(A) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(B) There shall be a complete record kept of all Committee actions. Such record shall contain the vote cast by each Member of the Committee on any question on which a roll call vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(A) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(B) At least one week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(C)(1) Each witness who is scheduled to testify at a hearing of the Committee shall submit 40 copies of such witness' testimony to the Committee not later than 48 hours before the witness' scheduled appearance at the hearing.

(2) Any witness who fails to meet the deadline specified in paragraph (1) shall not be permitted to present testimony but may be seated to take questions from Committee members, unless the Chairman and Ranking Minority Member determine there is good cause for the witness' failure to meet the deadline or it is in the Committee's interest to permit such witness to testify.

(D) The presiding Member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(E) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's non-concurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other Member of the Committee designated by the Chairman.

(F) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding Member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming, or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee Members or staff or with the orderly conduct of the meeting or hearing. The presiding Member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(A) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts:

1) Information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated and which is to be made public; and

2) Information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

(B) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

(C) Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless:

(A) Such individual is deceased and was:

(1) A veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) A Member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) An Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) An individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans.

(B) Each Member of the Congressional delegation representing the State in which the

designated facility is located must indicate in writing such Member's support of the proposal to name such facility after such individual.

(C) The pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 must indicate in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Ms. LANDRIEU. Mr. President, I rise today in support of S.47, the Violence Against Women Reauthorization Act. This legislation provides much needed funding and support for law enforcement in our fight against domestic violence, sexual assault, dating violence, and stalking.

This bill has enjoyed wide bipartisan support over the years. Crimes against women and children will not be tolerated. Tuesday, the Senate once again approved VAWA with a 78–22 overwhelmingly bipartisan vote. I was proud to cosponsor the Violence Against Women Act and I urge my colleagues in the House to stand with America's women and children and quickly pass this critical legislation.

We have an obligation to do our part and protect women and children on the streets and in their homes. And this legislation provides the resources needed to further this very important effort. Reauthorizing this funding is particularly important for my home State of Louisiana, which unfortunately ranks among the top five States in incidences of domestic violence homicides in the Nation.

Last year, Louisiana received $4.9 million in Violence Against Women Act grants. These dollars helped fund critical programs through organizations like Wellspring Alliance for Family, which provides domestic violence and sexual assault services in Monroe, LA, and the Crescent House program in New Orleans. And these funds don't just supplement established programs. In fact, the vast majority wouldn't be possible in the first place without VAWA grants because many service providers count on more than 90 percent of their funding from the Federal Government.

Last year, Louisiana's 18 shelters provided more than 90,000 shelter nights, answered more than 38,000 crisis calls and despite serving 17,000 clients, the shelters had to turn away almost 2,000 people for lack of resources. In one national survey, 60 percent of the shelters in Louisiana reported that they lacked funding and 25 percent reported that they lacked shelter beds or housing for victims of domestic violence and their children.

These statistics are troubling. And I think they are an important part of why VAWA is so critical to women and children in communities across Louisiana and throughout our country. But numbers don't tell the whole story. You have to talk to the people on the ground, to the people who have dedicated their lives and careers to helping women and children in need, to truly appreciate the impact of this legislation.

For example, Beth Meeks, executive director of the Louisiana Coalition Against Domestic Violence, visited a program in New Orleans. While visiting that program, Beth spoke with a young mother with her baby, only to discover that the baby was 6 days old. The young mother had been at the program for a few weeks and had been terribly abused when she was nearly 9 months pregnant. She and her baby survived but her child was born in shelter care. What would have been the outcome if a shelter had not been available?

The program that Beth visited, like every domestic violence program in Louisiana, was heavily supported by Violence Against Women Act dollars. Additionally, law enforcement officers, advocates, and prosecutors are all supported by funds available under the act. Louisiana's current budget challenges have serious implications for these vital services. In December 2012, Louisiana cut $1 million from the budget for these programs, jeopardizing their very existence.

Louisiana is not alone. Programs all over the Nation have experienced reductions in grants and losses in donations during the recent economic downturn. That is why we must reauthorize the Violence Against Women Act. We have made significant progress in the last 20 years. We must continue to provide support to State and local government and the nonprofit entities that provide critical services.

I congratulate the people who are committed to providing important services to those who need them most. We owe a great deal of gratitude to leaders like Beth Meeks of the Louisiana Coalition Against Domestic Violence, leaders like Mary Claire Landry of the Family Justice Center in New Orleans, and like Valerie Bowman of the Family Justice Center in Monroe, and leaders in the law enforcement community like Tommy Clark, chair of the Louisiana Chiefs of Police Association Domestic Violence Committee.

I am proud that the Senate has taken action on this important piece of legislation and I urge my colleagues in the House of Representatives to do the same.

BAHRAIN TWO YEARS LATER

Mr. WYDEN. Mr. President, 2 years ago today thousands of Bahrainis took to the streets to call for political reform and an end to ongoing human rights abuses in their country. The government responded to these peaceful demonstrations not by addressing grievances or offering to work with the aggrieved, but by unleashing its state security forces upon them. The security forces fired on the protesters with tear gas and live ammunition; although many protesters were rounded up, arrested, and tortured, their spirit would not be broken.

I am deeply disappointed that the government of Bahrain continues to stall, to stonewall, and to stymie any progress on addressing the root causes of the protesters' grievances. I shared the initial hopes of many Bahrainis, who viewed the establishment of the Bahrain Independent Commission of Inquiry, BICI, as a positive step on behalf of the government. I was encouraged when the final BICI report detailed the government's systemic use of intimidation, violence, abuse, and detention that documenting these abuses would lead to real reform. As outlined in the BICI report, over the weeks and months of its initial crackdown, more than 30 protesters were killed, nearly 1,800 were tortured, and 4,500 were fired from their jobs. Religious sites were destroyed and doctors who treated injured protesters were arrested, tortured, and imprisoned.

The Bahraini government has spent considerable time and resources to convince the world that progress has been made, but I am sorry to say that the facts do not bear this out. Banning peaceful protests is not progress. Using tear gas as a weapon is not progress. Shooting teenagers is not progress. There is, quite frankly, little to be optimistic about if one examines the regime's track record over the last 2 years. According to the Project on Middle East Democracy, POMED, the government of Bahrain has only fully implemented three of 26 recommendations in the BICI report. Even worse, POMED found no meaningful progress whatsoever toward six of the BICI recommendations. The Bahrain Center for Human Rights similarly finds that the government of Bahrain has taken only superficial steps ''while continuing to commit the same human rights violations.''

Although the Bahraini government offered to engage in a national dialogue, my staff and I have read reports that the government may only be planning to moderate a discussion between political parties, rather than act as a full and productive participant in the dialogue. I sincerely hope that is not the case, and I call on the government of Bahrain to live up to its rhetoric, engage in genuine and sustained dialogue, and work to see that real progress is made. As a first step to restoring some of the trust it has lost, the Bahraini government should immediately implement all 26 BICI report recommendations and immediately release all political prisoners in Bahrain.

After 2 years, surely the government of Bahrain is tired of fighting its own

people—people who wish nothing more than to have a greater voice in their political process. The government may be surprised that this fight has lasted 2 years, but I am not. My staff and I have met with some of them and know them to be passionate, devoted to their cause, and willing to face continued persecution for what they believe.

Sometimes folks ask me why I care so much about such a small island country or why America should concern itself with Bahrain's internal politics. I explain to them that Bahrain may be small, but that it is a key ally in a troubled and volatile region. I also explain that the regime's current strategy of violence and repression is bound for failure, and that Bahrain must reform to remain stable. If America has learned anything in the last few decades it is that continuing to support governments that use violence, torture and repression to stifle dissent is short sighted. Washington must instead use what influence it has to push such countries toward more representative forms of government, not just because it is the right thing to do for the citizens of those countries, but because it is the right thing to do for this country. That is why this issue remains so important to me and why I hope that next year, on this date, I can come to the Senate floor and talk about the many new reforms in place instead of the Bahraini government's continued repression of its people.

MADISON COUNTY, IDAHO

Mr. RISCH. Mr. President, my colleague Senator MIKE CRAPO joins me today in recognizing Madison County's 100-year anniversary.

Established on February 18, 1913, by the Idaho legislature and named after our Nation's fourth President, James Madison, Madison County has distinguished itself in its contributions to the success of our State.

Five people with connections to Madison County went on to become Governors in the States of Idaho, Michigan, Kansas, and Massachusetts. Two people from the county served in Congress, representing Idaho and Utah. And one man went on to serve as Idaho's Lieutenant Governor, my good friend, Mark Ricks, who served with me during my time as Governor.

The people of this county distinguished themselves for helping their neighbors and strangers when the Teton Dam collapsed on June 5, 1976. The ensuing flood spread throughout the valley, uprooting farms and homes. Due to the resiliency of the residents and people helping one another, they quickly overcame the disaster and carried on with their lives.

Madison County has a rich agricultural history, with the first irrigation system in the State built in this county. It is home to 21 different century farms; places that have been continuously farmed by the same family for 100 or more years. The rich, fertile soil and abundant water has made the county the eighth largest potato growing area in the Nation, along with an abundance of grain, livestock, and other commodities.

In the county seat of Rexburg, you will find Idaho's second largest university, Brigham Young University-Idaho, formerly known as Ricks College. Citizens of the county, and throughout the region, for that matter, are very proud of this university and the tremendous growth it has experienced. They are also proud of the 95 percent graduation rate in their local high schools and at the university.

Rexburg and BYU-Idaho is also home to the Idaho International Dance Festival. For 27 years, the festival has brought hundreds of dancers and musicians from around the world to share their native music, songs, dance, and dress. Madison County residents strongly support the festival and are proud of the rich history of this event.

Madison County also has an abundance of natural features, including the Caribou-Targhee National Forest, the Cartier Slough and Deer Park wildlife management areas, and the twin Menan Buttes.

Senator CRAPO and I are proud to recognize this landmark anniversary. We congratulate Madison County residents for this centennial and we wish them all and their communities many more years of success.

ADDITIONAL STATEMENTS

TRIBUTE TO DOROTHY KNOWLES

• Mr. BLUNT. Mr. President, for 40 years, there has been no greater advocate for Southwest Missouri seniors than Dorothy Knowles. As executive director of the Southwest Missouri Office on Aging, Dorothy's leadership and motivation have inspired a talented and spirited staff to help seniors understand issues and offer a variety of resources. When Medicare part D arrived, it was Dorothy who voluntarily began the effort to educate seniors on the options and advantages in the new program. Thanks to her actions, the Southwest Missouri Office on Aging became and continues to be the premiere source of information on that program and others for seniors.

When Dorothy Knowles began work as a secretary and bookkeeper at the Southwest Missouri Office on Aging, it was brand new. A single mother in need of a job, Dorothy saw the new agency as an opportunity. She rose through the ranks and learned the agency's needs and programs as director of social services and as associate director. Her boss during those years was her mentor, Winston Bledsoe. Winston started with a $25,000 grant to open the first 9 senior centers in the region, creating a daily meeting place for 40,000 seniors. When Winston retired in 1999, his deputy Dorothy took charge, armed with 25 years of experience in providing senior services, advocacy, and a keen understanding of how to stretch a dollar.

Dorothy has never missed an opportunity to expand services and outreach and provide seniors with opportunities to improve the quality of life for older Americans. During 2012, there were 38 senior centers serving more than 370,000 meals to seniors and 700,000 home-delivered meals in 17 counties. Today there are services to support caregivers, respite relief, transportation, housekeeping, legal outreach, and even services to help seniors file income taxes.

In 2005, Medicare added prescription drug coverage, creating an on-line ordering process and regulations seniors had never experienced. Dorothy immediately saw the need to educate seniors so they could take advantage of this service to acquire vital medicines. Self taught and without additional funding, she led the staff at the Southwest Missouri Office on Aging to become the best resource for Medicare part D information anywhere. Working with my congressional office, Dorothy led her new experts on Part D into seminars and signup clinics in every county of Southwest Missouri. Every year since then, they have remained the premiere source of part D expertise.

I have worked with Dorothy Knowles and know the commitment, dedication, and joy she takes in serving our senior population. I doubt her retirement will be the end of her enthusiastic advocacy for Southwest Missouri seniors. She will still weigh in on elder abuse laws and senior wellness funding and will still instill that unrelenting zeal she has to champion senior causes in her 150 member staff and colleagues. I wish her, and the agency she helped craft into a bastion of senior advocacy, the best in the decades ahead. Southwest Missouri is a better place for seniors to live thanks to Dorothy Knowles and her four decades of service at the Southwest Missouri Office on Aging.•

REMEMBERING BILL EADINGTON

• Mr. HELLER. Mr. President, today I wish to honor the life of a world renowned gaming authority and professor at the University of Nevada, Reno, UNR, Bill Eadington, whose passing on February 11, 2013, has brought great sadness to the Silver State. After 18 months, Mr. Eadington lost a courageous battle with cancer. My thoughts and prayers are with his family and friends during this difficult time.

Bill Eadington joined the faculty at UNR as an economist in 1969. He is the author of several books on the social and economic impacts of gambling and was a world-renowned authority on gaming issues. Mr. Eadington founded the Institute for the Study of Gambling and Commercial Gaming at UNR and served as its director since 1989. Outside of the classroom, he has served as a resource for governments and private sector organizations worldwide on

gaming laws, casino operations, regulation, and public policy.

In 2011, Bill Eadington was given the honor of being inducted into the American Gaming Association Hall of Fame and was honored with a Special Achievement Award for Gaming Education. Mr. Eadington was a board member on the National Council on Problem Gambling for 30 years, and in 2012 the board presented him with the Goldman Lifetime Award for Advocacy.

Gaming is a uniquely important industry in Nevada, and Mr. Eadington's academic contributions and expertise in this field have been invaluable to the State of Nevada and to UNR. Coupled with the tourism industry, it is our economic backbone, supporting hundreds of thousands of jobs. I have been proud to support policies to keep Nevada's gaming industry and economy growing and prosperous and thank Mr. Eadington for all his work on an issue vitally important to our State. Today, I ask my colleagues to join me in celebrating the life of this honorable Nevadan.●

REMEMBERING FABIAN CHÁVEZ, JR.

● Mr. UDALL of New Mexico. Mr. President, on Sunday, January 20, my State lost a great leader and a great friend. It is my privilege to pay tribute today to Fabian Chávez, Jr. He was blessed with a long life, 88 years old when he passed away. More important though was the impact of his years, the impact of his remarkable life. Fabian Chávez, Jr., made a difference in the lives of so many people in New Mexico.

Fabian was a formidable, and very colorful, figure in the history of New Mexico politics. His story was one of triumph and of defeat, and of an unwavering determination to serve. He will be long remembered as an advocate for justice, for the disadvantaged, and for ethical government. He was also instrumental in passing legislation to establish the University of New Mexico School of Medicine, which has done so much for improving health care in our State.

Fabian Chávez, Jr., was born on August 31, 1924. His father was a carpenter, and moved the family from Wagon Mound to Santa Fe, where Fabian was born and would live most of his 88 years. Early on, the New Mexico Capitol would dominate his life. And he would dominate it in return.

His father worked as the building superintendent at the old capitol building. As a young boy, trying to earn pocket money during the Great Depression, Fabian could be found there shining shoes. He later told his biographer that while other kids were playing marbles, he was watching legislators at work, following their every move. He observed, ''I had it all memorized years before I was even elected to my first term in the house.''

Fabian was an independent spirit. Even as a youngster, he charted his own course, sometimes perhaps to his parents' dismay. The story is told of his hitchhiking to California at age 12. He joined the Army at age 16, determined to see battle during World War II. He fought at Normandy and the Battle of the Bulge.

At the age of 25, Fabian met Coral Jeanne, the love of his life. Fabian and Coral Jeanne were married in 1954. Of his beloved wife, Fabian once said, ''I started dancing with Coral Jeanne in 1949, and we've been dancing ever since.'' She would be his unfailing support through the victories and defeats to come, until she died in his arms over a half century later.

Most of us, in public life or out, are shaped by our wins and our losses. This was certainly true in Fabian's long career. He first ran for elective office in 1948, at the age of 24, for a seat in the New Mexico House. He came in second in the primary. He was undeterred, as he would show time and again. He was elected 2 years later. He ran unsuccessfully for the New Mexico Senate in 1952, but was elected in 1956. And within a few years, at age 37, he became the youngest Senate majority leader in the history of our State. In 1968, Fabian was the Democratic candidate for Governor, and lost by less than 3,000 votes. He later served as Assistant Secretary of Commerce under President Jimmy Carter.

The title of David Roybal's biography of Fabian Chávez, Jr., ''Taking on Giants,'' is telling. Fabian was a reformer, and a tenacious one. He fought to change the old justice of the peace system in New Mexico, fought to establish a Judicial Standards Commission, fought powerful insurance and liquor industries, fought early on, and courageously, for civil rights. Whatever the opposition, he stayed the course. Elections would come and go. Some he would win. Some he would lose. But he stayed true to his commitment to the people of New Mexico.

My dad once said that there are two stories of our lives. One is the person you wanted to be. The other is the person you are. While none of us gets that exactly right, I would suspect that Fabian came pretty close. He held true to his principles. He fought for what he believed was right. He leaves behind a legacy of accomplishment and integrity, a legacy that his family, and our State, can take great pride in.

Jill and I extend our sincere condolences to Christine and to all the Chávez family. Fabian Chávez, Jr., was a true son of New Mexico, and he did all of us proud.●

TRIBUTE TO ELIZABETH AND ROY PERATROVICH

● Ms. MURKOWSKI. Mr. President, there are few names in Alaska's history that exemplify progress and timeless impact more than Elizabeth Peratrovich. She is remembered as one of the greatest civil rights activists and female leaders Alaska has ever seen. Elizabeth and her husband Roy are to the Native peoples of Alaska what Dr. Martin Luther King, Jr., and Rosa Parks are to African Americans. Everybody knows about Dr. Martin Luther King, Jr. and Rosa Parks, but hardly anyone outside the State of Alaska knows about Roy and Elizabeth Peratrovich. Today, I wish to again share the Peratrovich legacy with the Senate because February 16, 2013, the State of Alaska will observe Elizabeth Peratrovich Day for the 24th time. Activities to celebrate the legacy of Elizabeth and Roy Peratrovich are taking place in schools and cultural centers throughout Alaska this week. The Alaska State Museum in Juneau is already honoring this remarkable woman in an exhibit entitled ''Alaskan. Native. Woman. Activist,'' which will run until March 16, 2013.

In addition to the annual observance of Elizabeth Peratrovich Day, the State of Alaska has acknowledged Elizabeth's contribution to history by designating one of the public galleries in the Alaska House of Representatives as the Elizabeth Peratrovich Gallery.

Elizabeth, a member of the Lukaaxádi clan, in the Raven moiety of the Tlingit tribe, was born in Petersburg in 1911. After attending college she married Roy Peratrovich, a Tlingit from Klawock, Alaska, and the couple had three beautiful children. In 1941 the young family moved to Juneau, excited by the new opportunities the move would present. When the family found the perfect house, they were not allowed to buy it because they were Native. They could not enter the stores or restaurants they wanted. Outside some of these establishments, there were signs that read ''No Natives Allowed.'' History has also recorded a sign that read ''No Dogs or Indians allowed.''

On December 30, 1941, following the invasion of Pearl Harbor, Elizabeth and Roy wrote to Alaska's Territorial Governor:

> In the present emergency our Native boys are being called upon to defend our beloved country. There are no distinctions being made there. Yet when we patronized business establishments we are told in most cases that Natives are not allowed.
>
> The proprietor of one business, an inn, does not seem to realize that our Native boys are just as willing to lay down their lives to protect the freedom he enjoys. Instead he shows his appreciation by having a ''No Natives Allowed'' sign on his door.

In that letter Elizabeth and Roy also noted:

> We were shocked when the Jews were discriminated against in Germany. Stories were told of public places having signs ''No Jews Allowed.'' All freedom loving people were horrified at what was being practiced in our own country.

In 1943, the Alaska Legislature, at the behest of Roy and Elizabeth, considered an antidiscrimination law. It was defeated, but Roy and Elizabeth were not. Two years later, in 1945, the antidiscrimination measure was brought back before the Alaska Territorial Legislature. It passed the lower

house, but was met with stiff opposition in the Territorial Senate.

One by one, Senators took to the floor to debate the closely contested legislation. One Senator argued that ''the races should be kept further apart.'' This Senator went on to rhetorically question, ''Who are these people, barely out of savagery, who want to associate with us whites with 5,000 years of recorded civilization behind us?''

Elizabeth Peratrovich was observing the debate from the gallery. As a citizen, she asked to be heard and in accordance with the custom of the day, was recognized to express her views.

In a quiet, dignified and steady voice this ''fighter with velvet gloves'' responded, ''I would not have expected that I, who am barely out of savagery, would have to remind gentlemen with 5,000 years of recorded history behind them of our Bill of Rights.''

She was then asked by a Senator if she thought the proposed bill would eliminate discrimination. Elizabeth queried in rebuttal, ''Do your laws against larceny and even murder prevent these crimes? No law will eliminate crimes but at least you as legislators can assert to the world that you recognize the evil of the present situation and speak your intent to help us overcome discrimination.''

When she finished her speech the room burst into thunderous applause. The territorial Senate passed the bill by a vote of 11 to 5. On February 16, 1945, before Alaska gained statehood, and before Dr. Martin Luther King, Jr. stood on the steps of the Lincoln Memorial and spoke of his dream for equality, Alaskans passed an anti-discrimination bill that provided for full and equal enjoyment of public accommodations for all Alaskans.

That night, Roy and Elizabeth celebrated. The two went dancing at the Baranof Hotel, one of Juneau's finest. They danced among people they didn't know, in a place where, the day before, they were unwelcome.

There is an important lesson to be learned from the battles of Elizabeth and Roy Peratrovich. Even in defeat, they knew that change would come from their participation in our political system. They were not discouraged by their defeat in 1943. They came back fighting stronger than ever and enjoyed the victory 2 years later.

Elizabeth would not live to see the United States adopt the same law she brought to Alaska in 1945. She passed away in 1958, at the age of 47, 6 years before civil rights legislation would pass nationally.

Roy Peratrovich saw that event. He passed away in 1989 at age 81. He died 9 days before the first Elizabeth Peratrovich Day was observed in the State of Alaska. But the Peratrovich legacy and family live on. This past summer I had the opportunity to welcome Nathan Peratrovich, great-grandnephew of Roy and Elizabeth, to Washington DC. I was awestruck at the magnitude of his visit. Here was a young man who never knew the discrimination his ancestors knew. He was never told he could not enter a store because of his race. He was never denied access to a school because of who his parents were. As we looked down on the Senate floor from the Senate gallery, I encouraged Nathan by stating that one day he could represent Alaska in the United States Senate. Nathan grew up with all the rights and liberties every young boy should have. All of this was possible because of his family. Seeing his face and knowing what a significant impact his family had on his current wellbeing struck me with a sense of appreciation. It is with that appreciation I honor Elizabeth and Roy Peratrovich today.●

VERMONT ESSAY FINALISTS

● Mr. SANDERS. Mr. President, I submit to the record these essays written by Vermont High School students as part of the Third Annual ''What is the State of the Union?'' Essay contest conducted by my office. These 13 finalists were selected from over 300 entries.

RILEY FORBES, MT. ABRAHAM UNION HIGH SCHOOL (FINALIST)

The most important issue for the government to solve today is human rights.

Everybody deserves equal opportunities in life. The State and Federal Government should help to make sure that everyone is free from torture, has the right to adequate food, clothing and housing, and has the right to health care. The most significant issue for the government to solve today is human rights.

Human rights are the basic rights that everyone who is human has. Human rights are important for everyone in the world to have. An important right is the right to have basic items, adequate clothing, food and housing. The United Nations has a right that gives everyone the basic items that they need, (clothing, food and housing). Whereas the United States does not have a right giving everyone basic supplies that is needed to live. ''A man in India without access to clean water dies of a treatable disease'' (Pinheiro). Everyone deserves adequate clothing, food, water and housing, but the problem is that these things are limited. There are homeless shelters and water, but there may not be enough for everyone. The Government should try to help provide people with the basic needs that are needed to survive.

The government should act to protect all people from torture. The United Nations and the United States believe that people should have the right to be safe from torture. A guard watches as a man is assaulted by an inmate in a jail Texas (Pinheiro). This man gets assaulted and the guard does nothing. The guard is watching; he should help to protect the people and not let them suffer even though they are in jail. The Government should pay attention and try to help people feel free and safe from torture.

In order for everyone to get a long life, people need to have their basic needs. The United Nations and the United States do not have any kind of right that says that everyone should have healthcare or be able to have health care. Obamacare will allow more people health insurance that they can afford (Marston). People who couldn't afford health care before now have a health care that is more affordable. The Government is helping to provide people the access to an affordable health insurance.

The Government should help to support the people and their rights.

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DAMON FULCHER, SOUTH ROYALTON HIGH SCHOOL (FINALIST)

The state of the Union is the most difficult to decipher in years. We, as a nation, are stuck in a time where the war in Afghanistan is dwindling, and we're trying to climb out of an abysmal fiscal pit. In a nation that has made its name for moving forward, controversies over human rights like the right to marry and the right to have an abortion are still as prevalent as ever. However, all is not lost, and this great nation will continue to forge on, despite these setbacks.

The land of the free still does not grant rights to every group of people. Gay marriage is one of the most hotly debated subjects in our country right now. Even though our Constitution states that all men are created equal, we as a nation do not always abide by this principle. Half of the American population is brushing a group of people under the rug, just because they have a different sexual orientation than themselves. The most recent example of this is North Carolina amending its state constitution to say that same-sex couples do not have the right to marry. This act takes the issue to a whole new level past legality. However, not all is bad. Several more states have begun adding to the pool where same-sex couples have the right to marry. The United States' highest court is taking on a case concerning a California proposition to ban gay marriage. This case will decide the fate of the issue in the years to come. Unfortunately, the most serious issue our country faces is not even marriage equality.

The most pressing issue currently is the economy. The great debate is whose taxes should be cut and whose taxes should be raised. The nation is greatly divided along partisan lines in this respect. These opinions are exemplified by our current President Barack Obama and our Speaker of the House John Boehner. One believes that taxes should be raised on the wealthy and cut on the middle class and the other, vice versa. This is the nation's problem. We simply need to get over which party we are a part of and work toward a common goal. There is guaranteed success if all of Congress works together to move forward.

The current state of the Union is complex, containing many positives and negatives. With the idea in mind that working together is necessary for the betterment of this nation, the President and Congress will move forward and fix the dilemmas that this country faces.

BENJAMIN GILBERT, MILTON HIGH SCHOOL (FINALIST)

This country faces one of the most important stages of change and development it has ever seen. The decisions we make as a nation in the next few years will shape not only the future of our own lives, but the lives of every citizen of this world. We won't be able to do this unless we come together. We are humans. It is in our nature to disagree. We are a democracy. It is a democracy's nature to disagree. Disagreement is a sign of a thriving democracy. It is also in our nature to solve problems, to be civil, to be fair, and to provide for a better tomorrow.

In the coming years, we need more doctors and researchers, to finally find a cure for cancer. We need more books to inspire. We

need more businesspeople to meet to the new age markets. We need teachers, and lawyers. We need successful young people to inherit this country. However, this will not be possible with the rising costs of higher education. The cost of sending a child to college is the highest it has ever been. If we as a country decide not to act, we cannot hope to make a better tomorrow for ourselves or for our children. In a state of economic turmoil, cuts have to be made. The military has been allowed to spend almost without limit. The funds that will keep Americans safe and soldiers well equipped should not be touched, but the endless spending must stop. Anything that is not absolutely vital and necessary for the safety, protection, and justice of the American people ought to be reevaluated.

Since its foundation, America has been the birthplace for equality. From George Washington fighting against the oppression of a monarchy, to Martin Luther King working towards a more civil existence, to Alice Paul screaming for the right to vote. Each step has helped open the door to equality. Each day we are tested, and each day we must answer history's call to change. Gay men and women have been quieted for centuries. But their time is here. No federal ban on love will stop the dawn of equality that is breaking upon this nation. This is not about Republicans or Democrats, religions, or politics, but about American people who love and cherish one another.

We have a broken system. Today, it is far too difficult to receive mental healthcare. It is easier to get your hands on an assault weapon than visit a doctor. We have seen in the past decade that this inequality leads to a tragic and horrific reality. Assault weapons are made for the military, and should be reserved exclusively for that purpose. Most importantly, those in need of mental healthcare should have access to it. We must forget about the politics and money, and focus on the lives of Americans who are in danger every day.

I have high hopes for the future of this country. We are all different. We are often very divided. However, we are strongest when we stand together.

LIAM HAYES, VERGENNES UNION HIGH (FINALIST)

Today our country is facing many problems that require the attention of not only the leaders in Washington, but the American people as well. As a teenager I believe the two most important issues are unemployment and our education system. I know that these issues are affecting our country, mainly in its overall growth.

First, I feel that our unemployment rate is quite unacceptable. However, in the past year it has been lowering slowly by the month. Although it may seem like a substantial amount, the area of the nation I live in continues to struggle to find jobs for students graduating college and for people retraining to new careers. I believe to continue this progress over the coming years America needs to look at the national picture of what jobs are there, what new jobs could serve a need for products and industry and what skills these new industries will require Americans to have.

Lastly, I think that when it comes to education in this great nation, the statistics and rankings don't lie. In math, science, and writing, the US is in the lower half when compared to other nations. If you look at statistics, compared to others, we are a more developed country. I am sure there are many things that we can do as a country to climb higher in the tables. I truly think that if there wasn't a long summer break, and there were one or two week breaks frequently throughout the course of the year to take place of the large summer break. I think this would help because the long summer break leaves ridiculous amounts of time to forget everything you have learned in the school year. I also think that Americans have requirements for a second spoken language and to promote challenging classes throughout our schooling experience. If education is truly the key to our future, it needs to give us not only the basics, but the skills to problem solve, create and be the architects of America's new future.

CHRISTIE KERSHAW, SOUTH BURLINGTON HIGH SCHOOL (FINALIST)

I believe our nation has shown much improvement over the past year. Job growth rates have been increasing and businesses have been getting back on their feet after an economic low point. Even with these developments, there are many more aspects that need to be addressed and improved. I believe that as a country, the biggest issues we should be focusing on are improving the state of our environment and making college more affordable for students.

In my opinion, our government isn't taking the issue of global climate change as seriously as it should be. We are no longer able to turn our backs on this difficult issue because we are already starting to see signs of its negative impacts on us. With major droughts this summer in the Midwest and powerful storms like Super storm Sandy, it's clear to see that our climate is becoming more unpredictable and deadly, and the root cause of this is from climate change. There haven't been enough major moves put into effect by our government to combat this issue and I believe that both political parties should work closer together to come to an agreement on how do this. There should be tighter regulations on the amount of greenhouse gases factories can emit, higher miles per gallon standards for new cars, and more money put into the development of renewable energy sources.

In order to make advancements in the field of green energy to slow down climate change, there must be scientists who are able to do the work. But we may soon be seeing a decrease in the number of these people because increasing costs for post-secondary education make it difficult for those who want to pursue a career in the sciences, or any other field, to do so. In order to ensure that our country will have enough highly educated citizens to help bring our nation closer to solving our energy crisis, we need to make college more affordable for everyone. Universities must lower their tuition costs and have more scholarships and grants for a wide range of students. If our government made loans easier to get with lower interest rates, this would also help remedy this problem. This particular issue is especially important to me because, as I start my college career in less than a year, I will be spending a lot of time worrying about how I will be able to pay for my education. Many other students feel the same way as me and some may have to postpone their plans for higher education. A decrease in college-educated citizens is not what our country needs right now.

These two issues of climate change and post-secondary education affordability are to me the most important on the list of many our country is facing. If both political parties work together, they will be able to resolve these issues in the near future.

SONIA LOWEN, CHAMPLAIN VALLEY UNION HIGH SCHOOL (FINALIST)

The United States of America is the most powerful nation in the entire world but it's currently facing severe issues. The financial crash of 2008 resulted in the most disastrous economy since the 1930's Great Recession. Climate change is creating extreme weather disasters and destroying nature. Not to mention that there is more income inequality in present day than ever before. These are only a select few because the list of issues goes on. The good news is that solutions are accessible but the bad news is that as long as corporate lobbyists continue to corrupt legislators, they will never be reached. The United States Congress needs to stop allowing corporate corruption.

The American economy is beginning to show signs of recovery but it still has a long way to go. Millions are out of a job and the government has a $16 trillion debt hovering over their heads. The end of this recession is not going to come fast, but there are provisions that will begin to facilitate it, such as raising taxes not only on the rich but on the corporations as well. This will cause more of their money to go towards helping the government rather than manipulating it.

America is not the only place being affected by climate change but that does not, in any way, constitute sitting back and hoping someone else will fix it. The United States makes up 2% of the world's population yet they use 25% of the world's resources. The environment's safety is dependent on Congress to create new laws that will further regulate manufacturers to reduce harmful emissions. America's economy and climate would prosper greatly if they invested time and money into green energy. Unfortunately, automobile and other corporate lobbyists refuse to let that happen because they can make more money manufacturing oil-powered products.

Corporate lobbying has corrupted what the Constitution deems as the most powerful branch of government. Much of the legislation that is passed is beneficial to industries, whereas much of the legislation that would be beneficial to the general population is rejected. The corporations have gained this unhealthy amount of power by guaranteeing members of Congress a future job in the private sector in exchange for legislation that will favor whichever industry and/or corporation they represent. It is a gross injustice of congressional power.

The United States of America is at a fork in the road: they can either choose to take a step in the right direction and work for the interests of the people, or they can take a leap in the wrong direction and work in the interests of corporations. The country's future prosperity will be a result of that decision. It is crucial that the government abolishes corporate lobbying and strives to serve the people this nation was built for. This will not be easy, but it is critical in the process of rebuilding America.

ALEXANDRA MCFARLAND, WOODSTOCK UNION HIGH SCHOOL (FINALIST)

As we have seen throughout our country over the past few years, climate change is greatly affecting weather patterns. In 2011 Vermont was hit by Hurricane Irene which devastated much of the state and resulted in destroyed roads and homeless families. In 2012 Hurricane Sandy came ashore in New Jersey and New York changing even more of our fellow Americans' lives with massive destruction. Last year snowfall here in the Green Mountains was nearly half of the annual average. This year we have already seen two major snowstorms and snow levels are already approaching and surpassing the total snowfall of last year. We have to be concerned with these extreme weather changes. Weird weather may now be normal weather and scientists predict such patterns only worsening in the future unless we take action.

Climate change is a great problem that the United States, although on the surface has

attempted to tackle, needs to face head on. We need to once again be world leaders. Our first step is to launch a nationwide campaign, as there remains a huge portion of the population who still believe climate change is simply a myth, to help folks understand the complex science. Second, our nation needs to support scientific research and publicize new discoveries that could help to better our understanding of the climate change crisis as well as create and implement new green technologies to combat it. We need to establish a national plan to reduce our energy use.

The 350 Initiative, started by environmental activist Bill McKibben, is a great goal for our nation to strive toward. Through awareness and education programs that will lead us to conserve as well as the development of new and innovative green technologies, we will reduce atmospheric carbon levels to a more sustainable level of 350 parts per million by the year 2050. Scientists have shown that 350 is a safe upper limit for the amount of carbon in the atmosphere. The 350 plan puts a solid number that we can strive to achieve on a concept that so often feels much too great to tackle.

As one of the largest economies and one of the largest consumers of fossil fuels, we should be a leader in changing the way people around the globe think about our climate. It's not simply here for us to use at will. It's here for us to take care of and preserve for generations to come. These are feats that our country has the resources, the will power and the ingenuity to tackle.

We will not sit back and watch as extreme weather washes over our great nation. As we have in the past, we will face our worst problems and we will overcome them.

RACHEL MOORE, SOUTH ROYALTON MIDDLE/HIGH SCHOOL (FINALIST)

My family is like most families in Vermont: middle-class citizens. Both my parents work to pay taxes and to put meals on the table for my two brothers and me. Sometimes barely getting by is all we can do. Life is not what it used to be. When it is time for taxes to be paid for, it is always the hardest, but we skim by. Taxes are killers to lower and middle class citizens. I think the government should address this problem in full detail. It is time to be fair and to put the money back into the economy. In my opinion, when the President gives his State of the Union speech, he should promise to raise taxes for the rich and lower them for the poor.

Lower-class citizens pay taxes like everyone else. The difference between them and higher classes is their income. Lower-class citizens do not receive a lot of income. Therefore they have a harder time supporting their families. There is a reason why so many people are losing their homes. And most of those people are lower-class citizens. When the President makes his State of the Union address, he, in my opinion, should promise to raise taxes on the rich and lower them for the poor. It is not fair that lower-class people work twice as hard to keep their home, and to pay for food, when higher-class citizens do not have to work as hard and they do not need to worry. Lower-class citizens are not the only ones who suffer from taxes.

Middle-class citizens also suffer from taxes. They have to work harder to support their families than the higher-class. Being a part of the middle-class group, I have experienced the effects taxes have on our lives. Sometimes skimming by is all my family is capable of doing. I have sat at the table watching my mom write out and pay all her bills. I frequently wish that I were rich, so I could support all my family members and to get them to a better state. But wishing has not done much for me, so I gave up. But now I have turned my head to the President and his colleagues. Maybe my plea can be heard by them, to lower taxes on the poor and raise it on the rich. I want to live an American dream, not just dream it. The more you raise taxes on the lower-class, which is the majority of Americans, the less money will go back into the economy. Tax the people who can spare an extra dollar, not the people who depend on that dollar for a meal.

In my opinion, taxes should be raised on the rich and lowered for the poor. Lower and middle classes have a hard time supporting their families because of taxes. What about that American dream people talk so much about? How will future generations be able to live that dream if they cannot even buy a house? It is time to do something, so, in my opinion, when the President makes his State of the Union address he should promise to lower taxes on the poor and raise them to the rich.

DERRYK O'GRADY, MILTON HIGH SCHOOL (FINALIST)

My fellow Americans, we need to remember the tragic events that occurred in Newtown, Connecticut, change in gun control laws must happen. Unfortunate events like this can separate weak countries and divide them, but we are different. A tragic incident like this makes us more aware and stronger. As we move forward, we will use this as a learning experience to make this country safer by decreasing the ability to own a gun.

In addition to gun control, the following are other major topics of concern. First, we are in major national debt. Second, unemployment rates are reaching an unbearable high. Third we need to use more green energy and save more of the world's oil. Lastly, the cost of the education is incredibly high and still increasing. We must find solutions to these issues and I believe I can do it.

We need to better our international relationships. We need to stop involving ourselves in wars. Wars are a heavy burden, and over the past twelve years, we spent $3.7 trillion and by the end, possibly $4.4 trillion. This money does not need to be spent. We need to take care of our own business, impose higher taxes on the wealthy, and save money from wars.

More jobs need to be created for our country. The national unemployment rate is around 7.7%, and in 2010, we reached 9.8%. A steady decline has to continue to happen. The more people in this country working, the more revenue we can bring. This will help chip away at the debt because the more people working making money, the more money they can spend. This series of working, making money, and putting it back into the economy is what we need to create a surplus.

America's oil dependency is on a slight decrease since president Obama took office. We have limited the use of other countries oil by depending more on ourselves and this saves money. We need to find more ways of using renewable energy such as wind power, solar power, and hydro power: fossil fuel is not everlasting, while renewable energy is.

We tell high school students that they need to go to college to reach success, but then we throw them in debt. The prices for college are astronomically high and continue to increase. The average price for an in-state student is $22,000 a year. How many students can afford to spend $88,000? The answer is easy: not many. We need to find a standard price range for colleges to work with.

As we grow as a nation, I promise we will find answers. Our nation can overcome any challenge. Nothing brings this country down. We will keep fighting these battles until we have reached our goals. Thank you, and may God bless you all.

SALEBAN OLOW, WINOOSKI HIGH SCHOOL (FINALIST)

Dear President Obama, Senator Sanders, and Fellow Americans, From the birth of America, to America today, the driving force and the heart of America has always been the American success story. The United States of America is a country of opportunity and accomplishment. We believe in our country and our government. We believe that we will eventually succeed, overcoming any obstacles that we face. Our government and the entrepreneurs creating jobs made our country the best among the world, but new issues have appeared from the unemployment rate to the cost of college tuition to gun control. These are what we need to address.

Perhaps the biggest problem we face as a nation is the current rate of unemployment. According to the ''Department of Numbers,'' during the November of 2012, the unemployment rate is down to 7.7 percent of people in the United States. This means that over 12 million Americans are jobless, including my mom. Many American families are losing their jobs because companies obtain their jobs. Companies and wealthy people are getting richer and those from the middle class and poverty levels are falling toward and below the poverty line. This is particularly true given the fact that the dollar is not worth what it was in the past. As a result, inflation is boosting up the price of all goods and services. As unemployment has been rising, the cost of education is increasing. Today, American colleges have imposed an extraordinary increase in tuition. Additionally, there are also issues such as gay rights, Social Security, illegal immigration and the War on Terror.

In spite of these factors, many students in the United States look for higher education after high school. They want to go to college and have a good career. If the government's influence results in increasing college costs, then students like ''ME'' will not be able to afford college. The average family cannot fully support their child's tuition costs. Our parents' incomes are spent paying for college debt. While many college graduates remain jobless, they still must face debts of more than 90K dollars. For our newly hatching generation, I believe that college tuition should be cheaper for everyone no matter what economic level the family is.

Regarding another critical issue, each year thousands of Americans lose their lives through gun related problems. Guns are designed to kill people easily and many lives are lost each year because the United States doesn't have strict gun control laws. The deadly massacre shooting at a Connecticut elementary school was heartbreaking. The outcome of this tragedy resulted in the deaths of 20 children and 6 adults, a painful scenario. Beautiful little kids between the ages of 4 and 9 years were slaughtered. It is my strong opinion that the government should pass a gun law that would reduce gun problems. President Obama and fellow lawmakers, I feel you need to be creative and figure out a better way to ensure young kids' safety. By choosing you, the United States is going in the right direction for a better future.

In conclusion, the challenges that we face with unemployment, college tuition and gun control are ones that we must currently address. We must make significant changes in order to progress. The success of our nation must be made by building upon our society. As in the past, we can and always will work hard and make America and the world a better place.

God bless the United States of America.

ROBERT PENNYPACKER, ST. JOHNSBURY ACADEMY (FINALIST)

This year's Tax Rate for the richest are the lowest this Country has ever seen!

Today's tax rate means that person making $379,150 pays the same tax as a person making seven million dollars. Thirty years ago this was different. In 1981 there were 16 tax brackets. Today there are six. The highest tax bracket for today's federal income tax is 35% for a person making $379,150 or more. That means you're taxing a small business owner the same rate as a giant corporation president like General Electric's Chairman and CEO Jeffrey Immelt who has a salary of 3.3 million dollars as of 2011.

If and when the tax rate increases for the rich like many Americans want, it will not hurt the economy like the GOP is stating. Last September, the Congressional Research Service published a report countering Republican claims that lowering top tax rates would lead, or had led, to higher economic growth. ''Changes over the past 65 years in the top marginal rate and the top capital gains tax rate do not appear correlated with economic growth,'' the report concluded. Republican Minority Leader Mitch McConnell responded by having the report suppressed, but its findings were incontrovertible. This shows that, with the rise in taxes for the upper class, it will not affect the economy like many Republicans are stating.

Also, we are at war with the Taliban and yet we still have lower taxes than ever before. How are we paying to support this war? Never before has the United States had lower taxes during a war. In 1943, during WWII, the tax rate for a person making $2,593,984 (adjusted for inflation) was 88%. In that same year a person making $155,000 (adjusted for inflation) was 38%. During the Vietnam War, in 1966, the tax rate for a person making $629,530 (adjusted for inflation) was 70%. Also, in that same year, a person making $83,104 (adjusted for inflation) was 36%. Today's tax rate, as of 2011, for a person making $379,150 is 35%. A person making 1.1 million dollars tax rate pay the same 35%.

Should a person making $379,150 pay the same rate as multi-millionaires? No they shouldn't. Why do we have the lowest taxes ever in the United States and yet be in a war? The United States should have taxes similar to years before. The middle class should pay the same rate. The rates for the middle class have stayed within the same percentage for the last 70 years. Meanwhile the upper class has gone from a 90 percent tax rate in the 1940's and 50's to 70 percent from 1960's through 1981, and 50 percent in 1982 through 1986. Now they have a 35 percent tax rate which is the same as a middle class citizen. The United States should raise the taxes of the rich.

REBECCA POTTER, BRATTLEBORO UNION HIGH SCHOOL (FINALIST)

Congress is dysfunctional because of priority discrepancies. Some in our government seem to believe that holds, filibusters, and less legal tactics of delay and obstruction serve as necessary means to a greater GOP-dominated end. Others argue that while disagreement is key in a true democracy, so is compromise. Certain members of the Senate, where unanimous consent remains relevant in the scheduling and timing of legislation, stand by ''holding'' the Senate's progress on a bill or committee action. Others point out that this is 2012, where a hold in Senate exists as a euphemism for indefinite or permanent vetoes, often done in secret. In both houses, many forget that the true party holding the majority in Congress is the white, heterosexual, wealthy men.

While Congress' dysfunction directly correlates with the partisan gridlock we've been witnessing over the past four years, this has more to do with flaws in the system itself rather than the puppets within it. Sure, people are selfish and want the connections voting a certain way or hiring a specific set of hands will bring—but what ingenious economic system provides the impetus for such action? Capitalism, at the root of it all, enables members of Congress and the wealthy holding the strings above them to exist as money-motivated figures of power. The privatization of education, healthcare, and human services creates the legislative standstill we've got in Congress, which dedicates an absurd amount of time to arguing over non-issues in a partisan lock. This allows legislation that matters often gets nixed in committee or shoved through without necessary debate.

Capitalist society has created a dysfunctional Congress, and until we fix the system we will keep getting the same results. The bandage for this infectious situation is compromise in the Senate and House of Representatives—impending compromise, I predict, what with a certain cliff looming over our heads. Antibiotics for a more permanent change would mean a re-evaluation of everything we've grown up being told was ''American'': federalized elections, spending limits on campaigns, socialized care for humans and our unalienable rights (health, education, safety), and public ownership of the land of the free.

AUSTIN PRICE, MT. ANTHONY UNION HIGH SCHOOL (FINALIST)

My fellow Americans, Our country is evolving and changing in ways it has never before. We can either adjust or get left in the past. America was once the greatest power in the world and I believe we can get back to that, but we must take hold and lead with force. Although we are on the path back, we still need to focus on our military, economy, and civil rights.

Our military is the backbone of our success as a nation. With over nine hundred military bases internationally, we need our military to be strong as ever to protect our trading partners as well as us. The necessary changes that must be made are to increase our presence in the countries that are filled with enemies of the state and looking to do harm to the United States and its citizens. We must increase the spending budget for the military so that we will maintain our internationally renowned army. We as a country have the responsibility to not only protect our rights, but to protect the civil rights of others who don't have the ability themselves.

Further, we are in one of the greatest recessions since the Great Depression; we face unprecedented challenges as a nation to get back on top. If any country can come out of a depression and be even stronger than before, it is America, the home of the brave. Were the spending in any sector to increase, then there would be a huge influx of jobs that were created by all that new money. A higher tax rate for the wealthiest of Americans will help this nation get out of the greatest debt it has ever been in. It is time for everyone to pay their fair share. Although the taxes do need to be increased, increasing the taxes on small business owners will only hurt our economy because they will hire fewer workers.

There is also a great civil rights issue that must be addressed in our country. This is the marriage of homosexuals. I am proud to say that the state I reside in has done what few other states are brave enough to do by creating civil unions. There are a shocking forty-one states that ban same-sex marriage compared to only nine that allow it. I am asking for an immediate legalization of same-sex marriage in all states, similar to that of the desegregation laws of the sixties and seventies.

If we as a nation are to be prosperous, we must grow and adapt to the world around us. In order to reach our goals their will have to be sacrifices made by every American. We must make changes to the economy, military, and civil rights in order to reach our lofty goals and reap the benefits of our hard work.●

MESSAGE FROM THE HOUSE

At 11:35 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 267. An act to improve hydropower, and for other purposes.

H.R. 592. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that houses of worship are eligible for certain disaster relief and emergency assistance on terms equal to other eligible private nonprofit facilities, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 267. An act to improve hydropower, and for other purposes; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

H.R. 307. A bill to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment and with an amended preamble:

S. Res. 12. A resolution recognizing the third anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives in that earthquake, and expressing continued solidarity with the people of Haiti.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 252. A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

By Mr. MENENDEZ, from the Committee on Foreign Relations, with amendments:

S. 298. A bill to prevent nuclear proliferation in North Korea, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Mark A. Barnett, of Virginia, to be a Judge of the United States Court of International Trade.

Claire R. Kelly, of New York, to be a Judge of the United States Court of International Trade.

Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit.

Patty Shwartz, of New Jersey, to be United States Circuit Judge for the Third Circuit.

Pamela Ki Mai Chen, of New York, to be United States District Judge for the Eastern District of New York.

Katherine Polk Failla, of New York, to be United States District Judge for the Southern District of New York.

Andrew Patrick Gordon, of Nevada, to be United States District Judge for the District of Nevada.

Ketanji Brown Jackson, of Maryland, to be United States District Judge for the District of Columbia.

Raymond P. Moore, of Colorado, to be United States District Judge for the District of Colorado.

Troy L. Nunley, of California, to be United States District Judge for the Eastern District of California.

Beverly Reid O'Connell, of California, to be United States District Judge for the Central District of California.

Analisa Torres, of New York, to be United States District Judge for the Southern District of New York.

Derrick Kahala Watson, of Hawaii, to be United States District Judge for the District of Hawaii.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 324. A bill to amend part B of the title XVIII of the Social Security Act to apply deemed enrollment to residents of Puerto Rico and to provide a special enrollment period and a reduction in the late enrollment penalties for certain residents of Puerto Rico; to the Committee on Finance.

By Mr. TESTER (for himself, Mr. HELLER, Mrs. MURRAY, Mr. BAUCUS, Mr. BLUMENTHAL, Mr. BEGICH, and Mr. ROCKEFELLER):

S. 325. A bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. BOXER (for herself, Ms. MURKOWSKI, Mrs. MURRAY, Mr. BEGICH, and Mr. MANCHIN):

S. 326. A bill to reauthorize 21st century community learning centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself, Mr. ENZI, Mr. HATCH, Mr. LEE, Mr. JOHNSON of South Dakota, Mr. THUNE, and Mr. UDALL of Colorado):

S. 327. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself, Mr. UDALL of New Mexico, and Mr. BENNET):

S. 328. A bill to amend title XVIII of the Social Security Act to allow certain critical access hospitals and sole community hospitals to use interactive telecommunications systems to satisfy requirements with respect to having a physician available to stabilize an individual with an emergency medical condition under the Medicare program; to the Committee on Finance.

By Mr. SANDERS:

S. 329. A bill to eliminate certain fuel subsidies and to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. COBURN, Ms. BALDWIN, and Mr. PAUL):

S. 330. A bill to amend the Public Health Service Act to establish safeguards and standards of quality for research and transplantation of organs infected with human immunodeficiency virus (HIV); to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself and Mr. PORTMAN):

S. 331. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANDERS (for himself and Mrs. BOXER):

S. 332. A bill to address climate disruptions, reduce carbon pollution, enhance the use of clean energy, and promote resilience in the infrastructure of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mrs. BOXER, Mr. FRANKEN, Mr. BROWN, Mr. SANDERS, Mr. WYDEN, Mr. MENENDEZ, and Mrs. GILLIBRAND):

S. 333. A bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL (for herself and Mr. FLAKE):

S. 334. A bill to terminate agricultural direct payments beginning with the 2013 crop year; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MERKLEY (for himself and Mr. LAUTENBERG):

S. 335. A bill to provide financing assistance for qualified water infrastructure projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ENZI (for himself, Mr. DURBIN, Mr. ALEXANDER, Mr. JOHNSON of South Dakota, Mr. BOOZMAN, Mr. REED, Mr. BLUNT, Mr. WHITEHOUSE, Mr. CORKER, Mr. PRYOR, Mr. ROCKEFELLER, Ms. KLOBUCHAR, Mr. FRANKEN, Ms. HEITKAMP, Mr. CARDIN, Mrs. FEINSTEIN, Ms. LANDRIEU, Mr. MANCHIN, Mr. LEVIN, and Mr. HARKIN):

S. 336. A bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. ROCKEFELLER, Mrs. MCCASKILL, Mr. DURBIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, and Mr. BLUMENTHAL):

S. 337. A bill to provide an incentive for businesses to bring jobs back to America; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. BURR, Mr. WYDEN, Mr. GRAHAM, Mr. UDALL of Colorado, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 338. A bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. FLAKE):

S. 339. A bill to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 340. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 341. A bill to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself and Mr. HELLER):

S. 342. A bill to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself and Mr. HELLER):

S. 343. A bill to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WICKER (for himself and Mr. VITTER):

S. 344. A bill to prohibit the Administrator of the Environmental Protection Agency from approving the introduction into commerce of gasoline that contains greater than 10-volume-percent ethanol, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. SHAHEEN (for herself, Mr. KIRK, Mr. TOOMEY, Mr. DURBIN, Mr. PORTMAN, Mr. LAUTENBERG, Mr. CORKER, Mrs. FEINSTEIN, Ms. AYOTTE, and Mr. ALEXANDER):

S. 345. A bill to reform the Federal sugar program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TESTER (for himself, Mr. HELLER, and Mr. BAUCUS):

S. 346. A bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel; to the Committee on Armed Services.

By Mr. CARPER (for himself and Mr. COONS):

S. 347. A bill to establish the First State National Historical Park in the State of Delaware, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Mr. MANCHIN, and Mrs. GILLIBRAND):

S. 348. A bill to provide for increased Federal oversight of prescription opioid treatment and assistance to States in reducing opioid abuse, diversion, and deaths; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mr. MURPHY):

S. 349. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself and Mr. WYDEN):

S. 350. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN (for himself, Mr. HATCH, Mr. COATS, Mr. CHAMBLISS, Mr. RISCH, Mr. COCHRAN, Mr. JOHANNS, Mr. WICKER, Mr. INHOFE, Mr. RUBIO, Mr. BARRASSO, Mr. CRAPO, Mr. GRASSLEY, Mr. PORTMAN, Mr. COBURN, Mr. FLAKE, Mr. JOHNSON of Wisconsin, Mr. THUNE, Mr. GRAHAM, Mr. MORAN, Mr. BOOZMAN, Mr. BURR, Ms. COLLINS, Mr. PAUL, Mr. ISAKSON, Mr. HOEVEN, Mr. TOOMEY, Mr. ROBERTS, Mr. BLUNT, Mrs. FISCHER, Ms. AYOTTE, and Mr. ENZI):

S. 351. A bill to repeal the provisions of the Patient Protection and Affordable Care Act of providing for the Independent Payment Advisory Board; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 352. A bill to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild rivers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 353. A bill to designate certain land in the State of Oregon as wilderness, to make additional wild and scenic river designations in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 354. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MERKLEY (for himself, Mr. ENZI, Mr. SCHUMER, and Mr. BARRASSO):

S. 355. A bill to require the United States Trade Representative to notify the World Trade Organization if any member of the World Trade Organization fails during 2 consecutive years to disclose subsidies under the Agreement on Subsidies and Countervailing Measures, and for other purposes; to the Committee on Finance.

By Mr. JOHANNS (for himself, Mr. INHOFE, Mr. GRASSLEY, Mrs. FISCHER, Mr. BOOZMAN, Mr. ENZI, Mr. THUNE, Mr. RISCH, Mr. VITTER, and Mr. COCHRAN):

S. 356. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself, Mr. GRAHAM, Mr. LEAHY, Ms. KLOBUCHAR, Mrs. BOXER, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. HEITKAMP, and Mr. DURBIN):

S. 357. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself, Mrs. MURRAY, Mrs. SHAHEEN, Mr. NELSON, Mr. JOHNSON of South Dakota, Mrs. GILLIBRAND, Mr. CARDIN, and Ms. WARREN):

S. 358. A bill to establish a Science, Technology, Engineering, and Math (STEM) Master Teacher Corps program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Mr. PAUL, Mr. MCCONNELL, and Mr. MERKLEY):

S. 359. A bill to amend the Controlled Substances Act to exclude industrial hemp from the definition of marihuana, and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. HEINRICH, Mr. BEGICH, Mrs. BOXER, and Mr. COONS):

S. 360. A bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself, Mr. BROWN, Mr. ENZI, Mr. MENENDEZ, Mr. REED, and Mr. MERKLEY):

S. 361. A bill to require the lender or servicer of a home mortgage, upon a request by the homeowner for a short sale, to make a prompt decision whether to allow the sale; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TESTER (for himself and Mr. BEGICH):

S. 362. A bill to promote the mapping and development of United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells, to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Ms. MURKOWSKI, Mr. BEGICH, Mr. CRAPO, Mr. RISCH, and Mr. MERKLEY):

S. 363. A bill to expand geothermal production, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 364. A bill to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. 365. A bill to authorize the Secretary of the Army to carry out activities to manage the threat of Asian carp travelling up the Mississippi River in the State of Minnesota, and for other purposes; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI:

S. 366. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Ms. COLLINS):

S. 367. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

By Mr. HEINRICH (for himself, Mr. HELLER, Mr. BAUCUS, Mr. BENNET, Mr. TESTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, and Mr. WYDEN):

S. 368. A bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. RUBIO (for himself, Mr. HATCH, Mr. BLUNT, Mr. PAUL, Mr. RISCH, Mr. GRASSLEY, Mr. JOHANNS, Mr. BURR, Mrs. FISCHER, Mr. BOOZMAN, Mr. WICKER, Mr. CORKER, Mr. INHOFE, Mr. ROBERTS, Mr. COBURN, Mr. ENZI, Mr. CHAMBLISS, Mr. MCCONNELL, Mr. VITTER, Mr. MORAN, Mr. GRAHAM, Mr. CRUZ, and Mr. CORNYN):

S. 369. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself and Ms. MIKULSKI):

S. 370. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. WHITEHOUSE, Ms. WARREN, and Mr. COWAN):

S. 371. A bill to establish the Blackstone River Valley National Historical Park, to dedicate the Park to John H. Chafee, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Ms. HIRONO, Mr. FRANKEN, and Mr. BLUMENTHAL):

S. 372. A bill to provide for the reduction of unintended pregnancy and sexually transmitted infections, including HIV, and the promotion of healthy relationships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN (for herself and Mrs. GILLIBRAND):

S. 373. A bill to amend titles 10, 32, 37, and 38 of the United States Code, to add a definition of spouse for purposes of military personnel policies and military and veteran benefits that recognizes new State definitions of spouse; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. Res. 35. A resolution congratulating the Baltimore Ravens for winning Super Bowl XLVII; considered and agreed to.

By Mr. JOHANNS (for himself, Mr. HARKIN, Mrs. FISCHER, Mr. DURBIN, and Mr. GRASSLEY):

S. Res. 36. A resolution recognizing February 19, 2013 as the centennial of Mosaic, a

faith-based organization that was founded in Nebraska and now serves more than 3,600 individuals with intellectual disabilities in 10 States; considered and agreed to.

By Mr. BROWN (for himself, Mr. GRASSLEY, Mr. FRANKEN, Mr. HARKIN, Mr. CASEY, Mr. INHOFE, and Mr. LEVIN):

S. Res. 37. A resolution expressing the sense of the Senate in disapproving the proposal of the International Olympic Committee Executive Board to eliminate wrestling from the Summer Olympic Games beginning in 2020; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 82

At the request of Mr. PAUL, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 82, a bill to provide that any executive action infringing on the Second Amendment has no force or effect, and to prohibit the use of funds for certain purposes.

S. 175

At the request of Mr. ROBERTS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 175, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 183

At the request of Mrs. MCCASKILL, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 183, a bill to amend title XVIII of the Social Security Act to provide for fairness in hospital payments under the Medicare program.

S. 195

At the request of Mr. FRANKEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 195, a bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

S. 203

At the request of Mr. PORTMAN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 203, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame.

S. 218

At the request of Mr. LEVIN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 218, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 234

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 234, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 264

At the request of Ms. STABENOW, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 264, a bill to expand access to community mental health centers and improve the quality of mental health care for all Americans.

S. 278

At the request of Mr. THUNE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 278, a bill to replace the Budget Control Act sequester for fiscal year 2013 by eliminating tax loopholes.

S. 290

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 290, a bill to reduce housing-related health hazards, and for other purposes.

S. 291

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 291, a bill to establish the Council on Healthy Housing and for other purposes.

S. 313

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 316

At the request of Mr. SANDERS, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 316, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, to eliminate the requirement that the United States Postal Service prefund the Postal Service Retiree Health Benefits Fund, to place restrictions on the closure of postal facilities, to create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 321

At the request of Mr. WHITEHOUSE, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 321, a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

S. RES. 12

At the request of Mr. NELSON, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Res. 12, a resolution recognizing the third anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives in that earthquake, and expressing continued solidarity with the people of Haiti.

S. RES. 26

At the request of Mr. MORAN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Maine (Ms. COLLINS), the Senator from Idaho (Mr. CRAPO) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 26, a resolution recognizing that access to hospitals and other health care providers for patients in rural areas of the United States is essential to the survival and success of communities in the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself, Ms. MURKOWSKI, Mrs. MURRAY, Mr. BEGICH, and Mr. MANCHIN):

S. 326. A bill to reauthorize 21st century community learning centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, I rise today to urge my colleagues to cosponsor, S. 326 the Afterschool for America's Children Act, which I am introducing today with Senators MURKOWSKI, MURRAY, BEGICH, and MANCHIN.

Across the country, afterschool programs help keep children safe and help them learn through hands-on academic enrichment activities that are disappearing from the regular school day.

Numerous studies have shown that quality afterschool programs give students the academic, social, and professional skills they need to succeed. Students who regularly attend have better grades and behavior in school, and lower incidences of drug use, violence, and unintended pregnancy.

Over the past 10 years, the 21st Century Community Learning Centers, CCLC, program has helped support afterschool programs for millions of children from low-income backgrounds, including over 1.6 million children last year.

Unfortunately, the demand for affordable, quality afterschool experiences far exceeds the number of programs available. The 2009 report, America After 3PM, found that while afterschool programs are serving more kids than ever, the number of unsupervised children in the United States has increased. More than 18 million children have parents who would like to enroll their child in an afterschool program but can't find one available.

For over 10 years, federally funded afterschool programs have played an important role in the lives of so many children and families. The Afterschool for America's Children Act, AACA, would strengthen the 21st CCLC program, leaving in place what works and

using what we have learned about what makes afterschool successful to improve the program.

The AACA would modernize the 21st CCLC program to improve states' ability to effectively support quality afterschool programs, run more effective grant competitions and improve struggling programs. In addition, this legislation helps improve local programs by fostering better communication between local schools and programs, encouraging parental engagement in student learning, and improving the tracking of student progress.

Afterschool programs have such a diverse group of supporters—from law enforcement to the business community—because these vital programs help keep the children of working parents safe while enriching their learning experience and preparing them for the real world.

I urge my colleagues to join me and Senators MURKOWSKI and MURRAY in supporting the Afterschool for America's Children Act to ensure that 21st CCLC dollars are invested most efficiently in successful afterschool programs that keep children safe and help them learn.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 340. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today for the fourth time to introduce or reintroduce legislation to settle the outstanding land claims of the Tlingit and Haida Native people, the first people of Southeast Alaska. I first introduced this legislation to speed up the conveyance of lands to the Sealaska Native Regional Corporation in 2008. Native residents of Southeast Alaska in 1971 were promised lands to settle their aboriginal land claims to all of Southeast Alaska. Under the motto that nothing of worth comes easy, I hope that the compromise bill I introduce today with my colleague from Alaska Senator BEGICH will finally settle those claims early in the 113th Congress, capping nearly six years of congressional negotiation and review on this issue.

The newly revised bill establishes where and how Sealaska may select the remaining 70,075 acres of land the Bureau of Land Management now says it is entitled to receive under the Alaska Native Claims Settlement Act of 1971, ANCSA. In all, Sealaska, the regional corporation representing some 20,000 Alaska Natives, more than a fifth of all Native residents in Alaska, will receive about 68,400 acres of land for timber development, about 1,099 acres for other economic development such as hydroelectric generation, marine hydrokinetic activity and future tourism development near Yakutat, Kake and Hydaburg, and 490 acres that Sealaska can apply for to gain an additional 76 cemetery and historical places.

The bill provides a balance of old-growth and second-growth timber, allowing Sealaska's timber business to transition to second-growth harvesting. To address local concerns, the new bill does not contain some 26,000 acres of selections on northern Prince of Wales Island. This version of the bill also eliminates more lands near Kassa Inlet and Mabel Bay near Keete on Prince of Wales Island to meet wildlife concerns, buffer key fisheries and anchorage areas for fishermen, and revises selection areas to address the Forest Service's desire to retain more lands that will aid its young-growth timber transition strategy in the Tongass National Forest.

Frankly, it has taken years of frustrating talks and negotiations to reach this point. This bill contains more than 175 changes since the 2008 version, all designed to make the bill acceptable to all Americans. While the odds are that it still won't make absolutely everyone happy, the bill does address all of the major concerns voiced with the Sealaska bill during nearly a half dozen congressional hearings, 22 town hall meetings, and in hundreds of letters and media comments. It gives Sealaska its ANCSA selections, while it provides unprecedented public access to the lands Sealaska will be receiving, and meets the valid concerns of small communities, fishermen and timber workers and protects their industries while fully protecting the environment.

It is a compromise. Clearly there are provisions in the bill that I wish were different, but on balance, it is a fair solution to a most difficult matter that has been dragging on for more than four decades. It is certainly a balanced solution that allows Sealaska to finally take title to the last 70,000 acres it was promised by the land claims settlement—lands largely to be used for economic development in a region where unemployment often hits 25 percent—while at the same time protecting more than twice as many acres for environmental and fisheries protection in Southeast Alaska, an area roughly the size of South Carolina. The bill does the latter by creating 152,000 acres of new conservation habitat areas in the region in eight tracts.

The revised bill also requires Sealaska, by a conservation easement, to protect three major salmon spawning systems on lands it is gaining by imposing a 100-foot no-cut buffer, specifically, along the main stem of Trout Creek on Koscuisko Island, along Old Tom Creek at Polk Inlet and along Karheen and Tuxekan Creeks on Tuxekan Island. The State Forest Practices Act and buffer rules will govern the management of all other streams on state lands inside the new Sealaska selections.

The bill continues and strengthens all public access provisions contained in ANCSA. The bill contains a provision that guarantees public access to Sealaska's economic land selections for recreation, hunting and fishing both sport and subsistence, allowing closures only to protect public safety, to safeguard cultural properties, to promote educational efforts or to protect against environmental damage, while allowing the public to legally challenge any such closures. It also protects the rights of existing guides and tour operators to continue operations automatically on Sealaska lands for portions of two permit terms, or up to 20 years.

The revised bill also reduces the size of selection areas on Koscuisko and Tuxekan Islands to meet local community concerns, to protect, subsurface, karst formations, to protect old-growth habitat areas for sensitive species, and to protect anchorages for fishermen. The revised bill rearranges selection areas at 12 Mile Arm and Polk Inlet to protect Forest Service planning, facilities and research facilities, and increases the size of selection areas at Calder and the Cleveland Peninsula to offset the acreage reductions.

Sealaska, through this bill, will give up its existing selection rights to 327,000 acres of the Tongass National Forest, allowing that timber to return to full Forest Service planning control, and the bill will result in Sealaska selecting about 25,000 fewer acres of old-growth timber, traditionally the most sought after lands in the forest and about 50,000 fewer acres of inventoried road less lands than might have happened should Sealaska have stayed inside their original selection boundaries, lands that were designated for selection by the corporation in 1976. The problem with those lands, the reason why this bill is so important for the public good, is that if Sealaska had to select from those lands it would have had to select timber lands in the Situk River Valley, the home to the nation's foremost steelhead stream. It would have had to select lands in the Craig municipal watershed, key fisheries habitat near Hoonah and Hydaburg and some 64,000 acres of Old-Growth Habitat Reserves, four times more such land than the corporation is taking by this bill. Those selections would have been bad for the commercial and sport fishing industries, for tourism, and for the environment. Equally important from Sealaska's viewpoint, 44 percent of the lands it had to select from by the 1976 selection areas were located under water bodies, making the selection rights worthless.

Sealaska may use part of its entitlement to select 76 cemetery sites and historical places, but to address concerns from some stakeholders, the bill reduces the number and acreage of cemetery sites and historical places that Sealaska can file to receive. Acreage available to Sealaska was reduced more than six fold, from 3,600 acres in the original 2008 bill to a maximum of 490 acres. The total number of sites was reduced from 206 in the original bill and all parks and wilderness lands were placed off limits.

This bill also confirms that all cemetery sites and historical places will have to pass the existing historical review process before they can be conveyed. The bill, again, prohibits the selection of cemetery sites and historical places inside parks and conservation system units. Sealaska will be required to consult with local tribes before applying for conveyance of any sites, and the bill prohibits the transfer of such sites to third parties and protects them from loss of Native ownership in the event of any future financial claims against Sealaska—the lands reverting to the Federal Government in the event of financial issues. The bill also requires that Sealaska provide a 25-foot easement to allow anyone to sport fish along any salmon stream that crosses such new sites.

The bill allows Sealaska to receive nine small parcels of land that Sealaska may use to help spur cultural tourism, ecotourism, or, in two cases, renewable energy development near the communities of Yakutat, Kake, and Hydaburg. The number of sites, totaling 1,099 acres, is vastly reduced, considering more than 50 sites totaling 5,000 acres had been considered in earlier versions of the legislation. The small parcels all are within or near the so-called 10 selection boxes established by a 1976 amendment to ANCSA. Five sites are in the Yakutat area, where Sealaska currently owns no land on behalf of its tribal member shareholders. The sites in the Yakutat area are at Crab Island, North Dolgoi Island, Cannon Beach, Chicago Harbor and Redfield Lake. Two sites are in the Kake area: Turnabout Island and East Payne Island. There is a hydro site at Lake Josephine on Prince of Wales I and and a final site for marine hydrokinetic development, ocean current energy, on the northern tip of Dall Island at Turn Point-Tlevak Narrows' revised bill removes all sites that drew concern from commercial fishermen, small tour operators, environmental groups or local communities in the Alaska Panhandle.

The compromise bill conveys three non-exclusive access easements to Sealaska to use as traditional Native trade and migration routes in Southeast. The bill, as revised, renames the routes to honor Alaska's Tlingit and Haida Indians and the history of the region and provides generally for public access. The Yakutat to Dry Bay trail will be renamed ''Neix naax aan flax'' meaning, The Inside Passage; the Bay of Pillars to Port Camden trail will be renamed the ''Yakwdeiyl'' trail, meaning the Canoe Road; and the Portage Bay to Duncan Canal trail will be renamed ''Lingit Deiyl,'' meaning the People's Road.

The bill requires Sealaska to share use of all forest roads with the Forest Service and others, meaning that the government retains the right to use the roads to access other timber sales, as do the public. The bill maintains all of the access provisions granted by ANCSA and includes provisions to make access rights workable for all.

It has taken years of really listening to the requests about this bill and working through them one by one to find solutions, with the past nearly two years involved in frequent negotiations among the Forest Service, Democratic and Republican congressional staff, Sealaska, environmental groups and other interest groups such as commercial fishermen and timber operators. This is truly a compromise piece of legislation. But it finally gets Sealaska its lands, protects fisheries and wildlife, and helps maintain a timber industry in Southeast Alaska.

This compromise, the direct result of years of negotiation, has a host of good points. It will prevent ''high-grading'' of timber' the practice where companies cut only the best timber lands, leaving lesser quality lands behind. Sealaska's conveyances in the nine commercial tracts called for in this bill: Calder, Election Creek, Cleveland Peninsula, 12-Mile Arm, Tuexkan Island, Polk and MacKenzie Inlets, Koscuisko Island, Keete, and Kuiu Island include only about 20,700 acres of large old-growth trees just 3.8 percent of the forest's 537,451 acres of such trees. Already 437,000 acres of large old-growth trees, 81 percent, are protected in conservation areas within the 19.6–million-acre national forest.

The bill likely will save the government money. In additional to making Sealaska give up some $2 million of escrowed funds, the bill means Sealaska, by getting about 25,000 acres of less valuable second-growth, based on current timber prices, could be foregoing more than $10 million of timber value, compared to if it had received all old-growth trees—old-growth providing the most valuable habitat for species in the forest like Sitka black-tailed deer, the Queen Charlotte goshawk and wolves.

For Alaskans, the bill makes sure that more than 99 percent of the lands Sealaska will be receiving are open for public access. That is the opposite of what could happen if this bill does not pass, as then Sealaska would be free to prevent the public from trespassing across their new lands, like all other private land owners can post their properties.

The changes between this version and previous versions of the measure are far too many to list here. But briefly this bill reduces the number and acreage of small parcels for economic diversification, once called ''Future'' sites. It reduces the number of new Native cemetery and historical places that Sealaska could select, allowing only such sites outside national parks or wilderness to be selected. The bill increases public access provisions, prevents Sealaska from gaining potential federal grants for management of the cemetery sites, removes a host of questionable land selections on environmental grounds and revises timber lands to protect subsistence hunting areas and resource gathering spots.

As I say, I introduce this bill in a bipartisan manner with my Alaska colleague, Senator MARK BEGICH again as a co-sponsor. It is a reasonable bill and I hope it finally can pass both bodies of Congress, it passing the House of Representatives in a somewhat different form in 2012 and become law. Southeast Alaska's Natives, which while the largest group of Natives in Alaska in 1971, received the third smallest land entitlement in the claims act 42 years ago. That was mostly because much of the rest of the forest at the time was already dedicated to long-term timber sale contracts. Now that those contracts have been voided, it is only just and equitable that Alaska's first inhabitants get a chance to select a little more of the land first settled by their ancestors.

By Mr. REID (for himself and Mr. HELLER):

S. 342. A bill to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pine Forest Range Recreation Enhancement Act of 2013''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTY.—The term ''County'' means Humboldt County, Nevada.

(2) MAP.—The term ''Map'' means the map entitled ''Proposed Pine Forest Wilderness Area'' and dated July 5, 2011.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of Nevada.

(5) WILDERNESS.—The term ''Wilderness'' means the Pine Forest Range Wilderness designated by section 3(a).

SEC. 3. ADDITION TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 26,000 acres of Federal land managed by the Bureau of Land Management, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Pine Forest Range Wilderness''.

(b) BOUNDARY.—

(1) ROAD ACCESS.—The boundary of any portion of the Wilderness that is bordered by a road shall be 100 feet from the edge of the road.

(2) ROAD ADJUSTMENTS.—The Secretary shall—

(A) reroute the road running through Long Meadow to the west to remove the road from the riparian area;

(B) reroute the road currently running through Rodeo Flat/Corral Meadow to the east to remove the road from the riparian area; and

(C) close, except for administrative use, the road along Lower Alder Creek south of Bureau of Land Management road #2083.

(3) RESERVOIR ACCESS.—The boundary of the Wilderness shall be 160 feet downstream from the dam at Little Onion Reservoir.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of the Wilderness.

(2) EFFECT.—The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY.—The map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) WITHDRAWAL.—Subject to valid existing rights, the Wilderness is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

SEC. 4. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) LIVESTOCK.—The grazing of livestock in the Wilderness, if established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405).

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Wilderness that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the Wilderness.

(d) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Congress does not intend for the designation of the Wilderness to create a protective perimeter or buffer zone around the Wilderness.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within the Wilderness shall not preclude the conduct of the activities or uses outside the boundary of the Wilderness.

(e) MILITARY OVERFLIGHTS.—Nothing in this Act restricts or precludes—

(1) low-level overflights of military aircraft over the Wilderness, including military overflights that can be seen or heard within the Wilderness;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the Wilderness.

(f) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in the Wilderness as are necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of the activities with a State or local agency).

(g) WILDFIRE MANAGEMENT OPERATIONS.—Nothing in this Act precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment).

(h) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the Wilderness if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(i) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the land designated as wilderness by this Act is located—

(i) in the semiarid region of the Great Basin; and

(ii) at the headwaters of the streams and rivers on land with respect to which there are few, if any—

(I) actual or proposed water resource facilities located upstream; and

(II) opportunities for diversion, storage, or other uses of water occurring outside the land that would adversely affect the wilderness values of the land;

(B) the land designated as wilderness by this Act is generally not suitable for use or development of new water resource facilities; and

(C) because of the unique nature of the land designated as wilderness by this Act, it is possible to provide for proper management and protection of the wilderness and other values of land in ways different from those used in other laws.

(2) PURPOSE.—The purpose of this section is to protect the wilderness values of the land designated as wilderness by this Act by means other than a federally reserved water right.

(3) STATUTORY CONSTRUCTION.—Nothing in this Act—

(A) constitutes an express or implied reservation by the United States of any water or water rights with respect to the Wilderness;

(B) affects any water rights in the State (including any water rights held by the United States) in existence on the date of enactment of this Act;

(C) establishes a precedent with regard to any future wilderness designations;

(D) affects the interpretation of, or any designation made under, any other Act; or

(E) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

(4) NEVADA WATER LAW.—The Secretary shall follow the procedural and substantive requirements of State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the Wilderness.

(5) NEW PROJECTS.—

(A) DEFINITION OF WATER RESOURCE FACILITY.—

(i) IN GENERAL.—In this paragraph, the term ''water resource facility'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(ii) EXCLUSION.—In this paragraph, the term ''water resource facility'' does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this Act, on or after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within a wilderness area, any portion of which is located in the County.

SEC. 5. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Blue Lakes and Alder Creek wilderness study areas not designated as wilderness by section 3(a) have been adequately studied for wilderness designation.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this Act—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plans adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 6. WILDLIFE MANAGEMENT.

(a) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the Wilderness.

(b) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities in the Wilderness that are necessary to maintain or restore fish and wildlife populations and the habitats to support the populations, if the activities are carried out—

(1) consistent with relevant wilderness management plans; and

(2) in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) appropriate policies, such as those set forth in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405), including the occasional and temporary use of motorized vehicles if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values with the minimal impact necessary to reasonably accomplish those tasks.

(c) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies such as those set forth in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405), the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations in the Wilderness.

(d) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—The Secretary may designate areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the Wilderness.

(2) CONSULTATION.—Except in emergencies, the Secretary shall consult with the appropriate State agency and notify the public before taking any action under paragraph (1).

(e) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The State, including a designee of the State, may conduct wildlife management activities in the Wilderness—

(A) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State entitled ''Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9'' and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State; and

(B) subject to all applicable laws (including regulations).

(2) REFERENCES; CLARK COUNTY.—For the purposes of this subsection, any reference to Clark County in the cooperative agreement described in paragraph (1)(A) shall be considered to be a reference to the Wilderness.

SEC. 7. LAND EXCHANGES.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means Federal land in the County that is identified for disposal by the Secretary through the Winnemucca Resource Management Plan.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means land identified on the Map as ''non-Federal lands for exchange''.

(b) ACQUISITION OF LAND AND INTERESTS IN LAND.—Consistent with applicable law and subject to subsection (c), the Secretary may exchange the Federal land for non-Federal land.

(c) CONDITIONS.—Each land exchange under subsection (a) shall be subject to—

(1) the condition that the owner of the non-Federal land pay not less than 50 percent of all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances; and

(2) such additional terms and conditions as the Secretary may require.

(d) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section be completed by not later than 5 years after the date of enactment of this Act.

SEC. 8. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this Act alters or diminishes the treaty rights of any Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

By Mr. REID (for himself and Mr. HELLER):

S. 343. A bill to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Three Kids Mine Remediation and Reclamation Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 948 acres of Bureau of Reclamation and Bureau of Land Management land within the Three Kids Mine Project Site, as depicted on the map.

(2) HAZARDOUS SUBSTANCE; POLLUTANT OR CONTAMINANT; REMEDY.—The terms ''hazardous substance'', ''pollutant or contaminant'', and ''remedy'' have the meanings given those terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(3) HENDERSON REDEVELOPMENT AGENCY.—The term ''Henderson Redevelopment Agency'' means the redevelopment agency of the City of Henderson, Nevada, established and authorized to transact business and exercise the powers of the agency in accordance with the Nevada Community Redevelopment Law (Nev. Rev. Stat. 279.382 to 279.685).

(4) MAP.—The term ''map'' means the map entitled ''Three Kids Mine Project Area'' and dated February 6, 2012.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Nevada.

(7) THREE KIDS MINE PROJECT SITE.—The term ''Three Kids Mine Project Site'' means the approximately 1,262 acres of land that is—

(A) comprised of—

(i) the Federal land; and

(ii) the approximately 314 acres of adjacent non-Federal land; and

(B) depicted as the ''Three Kids Mine Project Site'' on the map.

SEC. 3. LAND CONVEYANCE.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), not later than 90 days after the date on which the Secretary determines that the conditions described in subsection (b) have been met, and subject to valid existing rights and applicable law, the Secretary shall convey to the Henderson Redevelopment Agency all right, title, and interest of the United States in and to the Federal land.

(b) CONDITIONS.—

(1) APPRAISAL; FAIR MARKET VALUE.—

(A) IN GENERAL.—As consideration for the conveyance under subsection (a), the Henderson Redevelopment Agency shall pay the fair market value of the Federal land, if any, as determined under subparagraph (B) and as adjusted under subparagraph (F).

(B) APPRAISAL.—The Secretary shall determine the fair market value of the Federal land based on an appraisal—

(i) that is conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice; and

(ii) that does not take into account any existing contamination associated with historical mining on the Federal land.

(C) REMEDIATION AND RECLAMATION COSTS.—

(i) IN GENERAL.—The Secretary shall prepare a reasonable estimate of the costs to assess, remediate, and reclaim the Three Kids Mine Project Site.

(ii) CONSIDERATIONS.—The estimate prepared under clause (i) shall be—

(I) based on the results of a comprehensive Phase II environmental site assessment of the Three Kids Mine Project Site prepared by the Henderson Redevelopment Agency or a designee that has been approved by the State; and

(II) prepared in accordance with the current version of the ASTM International Standard E–2137–06 entitled ''Standard Guide for Estimating Monetary Costs and Liabilities for Environmental Matters''.

(iii) ASSESSMENT REQUIREMENTS.—The Phase II environmental site assessment prepared under clause (ii)(I) shall, without limiting any additional requirements that may be required by the State, be conducted in accordance with the procedures of—

(I) the most recent version of ASTM International Standard E–1527–05 entitled ''Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process''; and

(II) the most recent version of ASTM International Standard E–1903–11 entitled ''Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process''.

(iv) REVIEW OF CERTAIN INFORMATION.—

(I) IN GENERAL.—The Secretary shall review and consider cost information proffered by the Henderson Redevelopment Agency and the State in the preparation of the estimate under this subparagraph.

(II) FINAL DETERMINATION.—If there is a disagreement among the Secretary, Henderson Redevelopment Agency, and the State over the reasonable estimate of costs under this subparagraph, the parties shall jointly select 1 or more experts to assist the Secretary in making the final estimate of the costs.

(D) DEADLINE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall begin the appraisal and cost estimates under subparagraphs (B) and (C), respectively.

(E) APPRAISAL COSTS.—The Henderson Redevelopment Agency shall reimburse the Secretary for the costs incurred in performing the appraisal under subparagraph (B).

(F) ADJUSTMENT.—The Secretary shall administratively adjust the fair market value of the Federal land, as determined under subparagraph (B), based on the estimate of remediation, and reclamation costs, as determined under subparagraph (C).

(2) MINE REMEDIATION AND RECLAMATION AGREEMENT EXECUTED.—

(A) IN GENERAL.—The conveyance under subsection (a) shall be contingent on—

(i) the Secretary receiving from the State written notification that a mine remediation and reclamation agreement has been executed in accordance with subparagraph (B); and

(ii) the Secretary concurring, by the date that is 30 days after the date of receipt of the written notification under clause (i), that the requirements under subparagraph (B) have been met.

(B) REQUIREMENTS.—The mine remediation and reclamation agreement required under subparagraph (A) shall be an enforceable consent order or agreement between the State and a party obligated to perform under the consent order or agreement administered by the State that—

(i) obligates a party to perform, after the conveyance of the Federal land under this Act, the remediation and reclamation work at the Three Kids Mine Project Site necessary to ensure all remedial actions necessary to protect human health and the environment with respect to any hazardous substances, pollutant, or contaminant will be taken, in accordance with all Federal, State, and local requirements; and

(ii) contains provisions determined to be necessary by the State, including financial assurance provisions to ensure the completion of the remedy.

(3) NOTIFICATION FROM AGENCY.—As a condition of the conveyance under subsection (a), not later than 90 days after the date of execution of the mine remediation and reclamation agreement required under paragraph (2),

the Henderson Redevelopment Agency shall submit to the Secretary written notification that the Henderson Redevelopment Agency is prepared to accept conveyance of the Federal land under subsection (a).

SEC. 4. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, for the 10-year period beginning on the earlier of the date of enactment of this Act or the date of the conveyance required by this Act, the Federal land is withdrawn from all forms of—

(1) entry, appropriation, operation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing, mineral materials, and the geothermal leasing laws.

(b) EXISTING RECLAMATION WITHDRAWALS.—Subject to valid existing rights, any withdrawal under the public land laws that includes all or any portion of the Federal land for which the Bureau of Reclamation has determined that the Bureau of Reclamation has no further need under applicable law is relinquished and revoked solely to the extent necessary—

(1) to exclude from the withdrawal the property that is no longer needed; and

(2) to allow for the immediate conveyance of the Federal land as required under this Act.

(c) EXISTING RECLAMATION PROJECT AND PERMITTED FACILITIES.—Except as provided in subsection (a), nothing in this Act diminishes, hinders, or interferes with the exclusive and perpetual use by the existing rights holders for the operation, maintenance, and improvement of water conveyance infrastructure and facilities, including all necessary ingress and egress, situated on the Federal land that were constructed or permitted by the Bureau of Reclamation before the effective date of this Act.

SEC. 5. ACEC BOUNDARY ADJUSTMENT.

Notwithstanding section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713), the boundary of the River Mountains Area of Critical Environmental Concern (NVN 76884) is adjusted to exclude any portion of the Three Kids Mine Project Site consistent with the map.

SEC. 6. RESPONSIBILITIES OF THE PARTIES.

(a) RESPONSIBILITY OF PARTIES TO MINE REMEDIATION AND RECLAMATION AGREEMENT.—On completion of the conveyance under section 3, the responsibility for complying with the mine remediation and reclamation agreement executed under section 3(b)(2) shall apply to the parties to the agreement.

(b) SAVINGS PROVISION.—If the conveyance under this Act has occurred, but the terms of the agreement executed under section 3(b)(2) have not been met, nothing in this Act—

(1) affects the responsibility of the Secretary to take any additional response action necessary to protect public health and the environment from a release or the threat of a release of a hazardous substance, pollutant, or contaminant; or

(2) unless otherwise expressly provided, modifies, limits, or otherwise affects—

(A) the application of, or obligation to comply with, any law, including any environmental or public health law; or

(B) the authority of the United States to enforce compliance with the requirements of any law or the agreement executed under section 3(b)(2).

By Mr. ROCKEFELLER (for himself, Mr. MANCHIN, and Mrs. GILLIBRAND):

S. 348. A bill to provide for increased Federal oversight of prescription opioid treatment and assistance to States in reducing opioid abuse, diversion, and deaths; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce a piece of legislation that is desperately needed in West Virginia and across the country—the Prescription Drug Abuse Prevention and Treatment Act of 2013. It is an important bill aimed at addressing the rapid increase in deaths and overdoses from methadone and other opioid prescription drugs in the United States. These deaths have hit my home State of West Virginia particularly hard, but I know that every State is struggling with this serious problem.

In the 111th Congress, Senator CORKER and I, along with our colleague, the late Senator Kennedy, introduced the Methadone Treatment and Protection Act of 2009—a similar piece of legislation that stemmed from a disturbing rise in deaths due to methadone, a synthetic opioid prescription drug that had been increasingly used for pain management. Before 1990, it was used primarily to treat opioid addiction. Because of its high efficacy and low cost, methadone is frequently used for pain management. However, if not used correctly, methadone can be a powerful and deadly drug because it works differently than other painkillers. Methadone stays in a person's body for a longer period of time than the pain relief lasts so a person who does not know better might take far too much of the drug, possibly leading to respiratory distress, cardiac arrhythmia and even death.

Methadone prescriptions for pain management grew from about 531,000 in 1998 to about 4.1 million in 2006—nearly eightfold. During that time, poisoning deaths involving methadone increased nearly sevenfold from almost 790 in 1999 to 5,420 in 2006. Deaths from other opioids have also skyrocketed in the last decade. These deaths may actually be underreported, because there is no comprehensive reporting system for opioid-related deaths in the United States.

Overdoses from methadone are part of a larger disturbing trend of overdoses and deaths from prescription painkillers, or opioid drugs—a trend driven by a knowledge gap about how to treat serious pain in a safe and effective manner, by misperceptions about the safety of prescription drugs, and by the diversion of prescription drugs for illicit uses. In 2009, there were nearly 4.6 million drug-related emergency department, ED, visits of which nearly one half, 45.1 percent, or 2.1 million were attributed to prescription drug misuse or abuse, according to data from the Drug Abuse Warning Network, DAWN. Emergency department visits involving misuse or abuse of pharmaceuticals nearly doubled between 2004 and 2009, to more than 1.2 million visits.

This bill takes multiple steps to address these problems. First, with respect to the knowledge gap about safe pain management, the bill includes a training requirement for health care professionals to be licensed to prescribe these powerful drugs. Currently, the Controlled Substances Act requires that every person who dispenses or who proposes to dispense controlled narcotics, including methadone, whether for pain management or opioid treatment, obtain a registration from the Drug Enforcement Administration, DEA. But, there is no requirement as a condition of receiving the registration that these practitioners receive any education on the use of these controlled narcotics, including methadone. Physicians struggle every day with determining who has a real need for pain treatment, and who is addicted or at risk. They struggle with our failure to provide adequate treatment facilities for those who are addicted. This bill will help physicians get the information they need to prescribe safely and better recognize the signs of addiction in their patients.

Second, this bill addresses the knowledge gap among consumers—with a competitive grant program to States to distribute culturally sensitive educational materials about proper use of methadone and other opioids, and how to prevent opioid abuse, such as through safe disposal of prescription drugs. Preference will be given to states with a high incidence of overdoses and deaths.

Third, this bill creates a Controlled Substances Clinical Standards Commission to establish patient education guidelines, appropriate and safe dosing standards for all forms of methadone and other opioids, benchmark guidelines for the reduction of methadone abuse, appropriate conversion factors for transitioning patients from one opioid to another, and guidelines for the initiation of methadone and other opioids for pain management. A standards commission will provide much-needed evidence-based information to improve guidance for the safe and effective use of these powerful and dangerous controlled substances.

Fourth, this bill provides crucial support to state prescription drug monitoring programs. As of 2008, 38 states had enacted legislation requiring prescription drug monitoring programs and many states were able to fund these initiatives in part from grants available through the Harold Rogers Prescription Drug Monitoring Program. A second program created in 2005 through the National All Schedules Prescription Electronic Reporting Act, NASPER, would provide even more assistance, and requires interoperability among states to reduce doctor shopping across state lines and diversion. Unfortunately, NASPER has only recently been funded with $2 million in the fiscal year 2009 Omnibus legislation and $2 million in fiscal year 2010.

Here is just one example of why NASPER funding matters: recently, the governor of Florida announced a

budget that would not fund a planned prescription monitoring program in his State, due to State budget difficulties. This directly affects States in Appalachia because of the rampant drug trafficking between the two regions. In fact, the roads from West Virginia to Florida are well-travelled by drug traffickers and people seeking pain medication. It is crucial to finally give NASPER the funding it needs, and this legislation would do so, with $25 million a year to establish interoperable prescription drug monitoring programs within each state.

Fifth, this bill requires that quality standards be developed across the range of providers engaged in the prevention and treatment of prescription drug abuse. It is essential as we move ahead that quality always be front and center in our efforts. With lives at risk, this is, if anything, only more important in the areas of addiction prevention and treatment. Every effort to address this problem must be as effective as possible, and the development of quality standards required by this bill will make sure that each provider, regardless of his or her background or approach, can provide high caliber services to their patients.

Finally, this bill would help solve the data gap when it comes to opioid-related deaths. Right now there is no comprehensive national database of drug-related deaths in the United States, nor is there a standard form for medical examiners to fill out with regard to opioid-related deaths. Since there is no comprehensive database of methadone-related deaths, the number of deaths may actually be underreported. To truly reduce the number of methadone-related deaths, quality data must be collected and made available. This bill would create a National Opioid Death Registry to track all opioid-related deaths and related information, and establish a standard form for medical examiners to fill out which would include information for the National Opioid Death Registry.

Today we have an opportunity to change the harrowing statistics and stem the rising tide of deaths from methadone and other opioids by supporting the Prescription Drug Abuse Prevention and Treatment Act of 2013. This legislation provides a multifaceted approach to preventing tragic overdoses and deaths from methadone and other opioids. This is exactly what we need to improve the coordination of efforts and resources at the local, state, and federal levels.

I urge my colleagues to support this timely and important piece of legislation. In doing so, we will be on our way to saving lives and reducing the needless deaths that otherwise will continue to cause so much suffering for too many individuals, families, and communities in this country.

By Mr. REED (for himself, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mr. MURPHY):

S. 349. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REED. Mr. President, today I am reintroducing, along with my colleagues Senators BLUMENTHAL, WHITEHOUSE, AND MURPHY legislation to authorize the National Park Service to evaluate portions of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers located in Rhode Island and Connecticut for possible inclusion in the National Wild and Scenic Rivers System. Our legislation seeks to highlight the need for greater resources to protect and restore the health of these rivers by studying their recreational, natural, and historical qualities and determining if they are suitable for designation as Wild and Scenic Rivers.

The Wood-Pawcatuck Watershed is a national treasure that holds recreational and scenic value. In the 1980s, the National Park Service's Rivers and Trails Conservation Assistance Program conducted a planning and conservation study which found, in part, that the waters of the Wood and Pawcatuck Rivers corridor ''are the cleanest and purest and its recreational opportunities are unparalleled by any other river system in the state.''

The rivers also provide opportunities for recreation and tourism that contribute to the economy of the local communities, while offering ways to explore our American heritage throughout the watershed. The experiences one can enjoy range from visiting Native American fishing grounds to seeing Colonial and early industrial mill ruins. The rivers are also a prime location for outdoor activities like trout fishing, canoeing, bird watching, and hiking.

I have long been a supporter of protecting and restoring Southern New England's riverways and estuaries, including the Narragansett Bay. The study proposed in our legislation is an important part of the process in determining future opportunities for protection and recreational enjoyment of the rivers in the Wood-Pawcatuck watershed. It would also help Rhode Island and Connecticut continue their stewardship of these rivers, and greatly enhance existing state and local efforts to preserve and manage this ecosystem.

Indeed, partnerships are essential for the successful restoration and management of our natural resources, and it is anticipated that this study would be conducted in close cooperation with the communities, state agencies, local governments, and private organizations that are stakeholders in the process. The partnership-based approach also allows for development of a proposed river management plan, which could address issues ranging from fish passage to the restoration of wetlands to assist with flood mitigation, as well as balance the preservation of the natural resources with the recreational opportunities that contribute to the local economies.

I commend Representatives LANGEVIN, CICILLINE, and COURTNEY for introducing similar legislation in the other body. I look forward to working with them and all of my colleagues to pass this bill to initiate the process that will evaluate the Wood-Pawcatuck Watershed for inclusion in the National Wild and Scenic Rivers System.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 352. A bill to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild rivers, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I rise to re-introduce three bills that will better protect unique and important areas in the beautiful state of Oregon. Two of these passed out of the Senate Energy and Natural Resources Committee the last two Congresses. I am pleased to again be joined on these bills with my colleague from Oregon, Senator MERKLEY. I look forward to working with Senator MERKLEY, other colleagues and other supporters of the bills to keep up the fight for these special places in Oregon.

The first bill I am introducing—the Oregon Caves Revitalization Act of 2013—will enhance the existing Oregon Caves National Monument to protect this majestic site for future generations. The bill expands the boundary of the National Park Service land to create the Oregon Caves National Monument and Preserve.

A Presidential Proclamation in 1909 established 480 acres of natural wonder as the Oregon Caves National Monument in the botanically-rich Siskiyou Mountains. At the time, the focus was on the unique subsurface resources, and the small, rectangular boundary was thought to be adequate to protect the cave. However, scientific research has since provided much greater insight into the cave's ecology and its hydrological processes, for which 480 acres is inadequate. The National Park Service formally proposed boundary modification numerous times—in 1939, 1949, and 2000.

My bill expands protections in and around the Oregon Caves National Monument. The entirety of the Cave Creek Watershed would be included in the park site, transferring management of 4,070 acres of United States Forest Service land to the National Park Service. Hunters will still have recreational access to this land since it will be designated a Preserve.

And the expansion of the Monument's boundary would be incomplete

without protecting the water that enters the cave so as to preserve the cave's resources. My legislation would designate at least 9.6 miles of rivers and tributaries as Wild, Scenic, or Recreational, under the federal Wild and Scenic Rivers Act—including the first Wild and Scenic subterranean river, the ''River Styx.'' A perennial stream, the River Styx—an underground portion of Cave Creek—flows through part of the cave and is one of the dynamic natural forces at work in the National Monument. In addition, this bill would authorize the retirement of existing grazing allotments. The current grazing permitee, Phil Krouse's family, has had the Big Grayback Grazing Allotment, 19,703 acres, since 1937. Mr. Krouse has publicly stated that he would look favorably upon retirement with private compensation for his allotment, which my legislation will allow to proceed.

The Oregon Caves National Monument offers important contributions to Southern Oregon and the nation. The cave ecosystem provides habitat for one of the highest concentrations of biological diversity anywhere. And as the longest marble cave open to the public west of the Continental Divide, the Monument receives over 80,000 visitors annually. A larger Monument boundary will help showcase more fully the recreational opportunities on the above-ground lands within the proposed Monument boundary.

I want to express my thanks to the conservation and business communities of southern Oregon, who have worked diligently to protect these lands and waters.

My second bill is the Devil's Staircase Wilderness Act of 2013. Under this bill, approximately 30,500 acres of rugged, wild, pristine, and remote land surrounding the Wasson Creek area will be designated wilderness. In fact the area is so rugged that federal land managers have withdrawn this landslide-prone forest from all timber activity numerous times. At the heart of this coastal rainforest lies Devil's Staircase, a crystal clear waterfall that cascades over slab after slab of sandstone. The Devil's Staircase proposal typifies what Wilderness in Oregon is all about.

The proposed Devil's Staircase Wilderness is the finest old-growth forest remaining in Oregon's Coast Range, boasting huge Douglas-fir, cedar and hemlock. The ecological significance of this treasure is as clear as the water running through Devil's Staircase. The land is protected as a Late-Successional Reserve by the Northwest Forest Plan, as critical habitat for the northern spotted owl and marbled murrelet, and as an Area of Critical Environmental Concern by the Bureau of Land Management. Preserving these majestic forests as Wilderness for their wildlife and spectacular scenery not only matches the goals of the existing land management plans but also permanently protects this natural gem for future generations. The wilderness designation is needed to protect these areas permanently.

My bill would not only protect the forests surrounding Wasson Creek but would also designate approximately 4.5 miles of Franklin Creek and approximately 10.1 miles of Wasson Creek as Wild and Scenic Rivers. Franklin Creek, a critically important tributary to the Umpqua River, is one of the best examples of pristine salmon habitat left in Oregon. Together with Wasson Creek, these two streams in the Devil's Staircase area deserve Wild and Scenic River designation by Congress.

The third bill I am introducing is the Oregon Treasures Act of 2013. This bill seeks to provide protections for five significant areas in Oregon. They are the Chetco River, the Molalla River, the Rogue River, and Horse Heaven and Cathedral Rock. Each of these parts of the bill aim to protect natural treasures in Oregon, preserve them for use and enjoyment for generations to come, and build upon the economic opportunities they provide for their local communities.

The Oregon Treasures Act of 2013 includes a provision to protect two of Oregon's natural treasures, Cathedral Rock and Horse Heaven. This wilderness designation has been introduced in the two most recent Congresses. The Cathedral Rock and Horse Heaven wilderness proposal will do more than simply protect these areas. It will also help Oregon's economy, because visitors from all over the world come to my state to experience firsthand the unique scenic beauty of place like the lands preserved by this bill.

This legislation will consolidate what is currently a splintered ownership of land in this area and protect 17,340 acres of new Wilderness along the Lower John Day River. The fractured land ownership in this area makes it difficult for visitors to fully appreciate these areas when they hike, fish or hunt there because of the scattered and misunderstood lines of private and public ownership. This bill will solve that problem and make these lands more inviting to visitors while giving the landowners more contiguous property to call home.

The area in question is stunning. The Cathedral Rock and Horse Heaven Wilderness proposals encompass dramatic basalt cliffs and rolling hills of juniper, sagebrush and native grasses. These new areas build on the desert Spring Basin Wilderness that was established in 2009 as a result of legislation I introduced, and are located directly across the John Day River from Spring Basin.

With 500 miles of undammed waters, the John Day River is the second-longest free-flowing river in the continental United States and is a place that is cherished by Oregonians. The Lower John Day Wild and Scenic River offers world-class opportunities for outdoor recreation as well as crucial wildlife habitat for elk, mule deer, bighorn sheep and native fish such as salmon and steelhead trout. Through land consolidation between public and private landowners, this legislation will allow for better management and easier public access for this important natural treasure. With the current fragmentation of public and private land ownership in the area, river campsites are limited. Many federal lands among them can't be reached by the hikers, campers and other outdoors recreationists who could most appreciate them. With the equal-value land exchanges included in this bill, public lands would be consolidated into two new Wilderness areas. This would enhance public safety, improve land management, and increase public access and recreational opportunities. I want to recognize that some have raised concerns about the lack of roaded access to Cathedral Rock. I have engaged the private landowners on this issue to seek a solution. Whatever the outcome, I do know that the Cathedral Rock and Horse Heaven proposal will create an incredible, new heritage for public lands recreationists who are an important factor in keeping Oregon's economy healthy and thriving.

Rafters of the John Day River can attest to the need for more campsites and public access to the Cathedral Rock area. Backcountry hunters will be able to scan the hillsides for elk, deer and game-birds without having to worry about accidentally trespassing on someone's private land. Anglers will be able to access nearly 5 miles of the John Day River that today are only reachable from privately owned lands. Likewise, such a solution ensures that local landowners can manage their lands effectively without running across unwitting trespassers.

One good example of the value of these land swaps is Young Life's Washington Family Ranch. This Ranch is home to a Christian youth camp that welcomes over 20,000 kids to the lower John Day area each year. This bill sets out private and public land boundaries that can be clearly seen on the ground and these boundaries create a safer area for campers on the Ranch; this serves the children who visit the area well and ensures the continued viability of the Ranch, which, in turn, provides big economic dividends to the local community.

The Cathedral Rock and Horse Heaven Wilderness proposal is described as ''win-win-win'' by many stakeholders—nearly five miles of new river access for the public and protected land for outdoor enthusiasts; better management for private landowners and public agencies; and important habitat protections for sensitive and endangered species. This proposal is an example of the positive solutions that can result when varied, bipartisan interests in a community come together to craft solutions that will work for everyone. I especially want to thank the Oregon Natural Desert Association, Young Life, and Matt Smith for their role in developing this collaborative solution

that will benefit all Oregonians. The Cathedral Rock and Horse Heaven Wilderness areas will help make sure that this rural area will enjoy the benefits that permanently connecting these disparate pieces of natural landscape will bring for generations to come.

Additionally the Oregon Treasures Act protects the Chetco River. For over a decade, I've advocated for protections for the Chetco and other threatened waterways in Southwest Oregon. Part of the Oregon Treasures Act of 2013 would withdraw about three miles of the Chetco River from mineral entry, while upgrading the designations for some portions.

This river is under persistent threat from out-of-state suction dredge miners. In 2010, the group American Rivers listed the Chetco as the seventh most endangered river in the country because of those threats. Withdrawing these portions of the river from future mineral entry will prevent future harmful mining claims and make sure that those claims that already exist are valid.

The Chetco is also hugely important for salmon habitat and local sport fishing. The passage of this legislation would mean protecting that habitat, and promoting the continued success of the fishing industry throughout the West Coast. I am pleased the Obama administration has taken some steps to protect this area, but the passage of this legislation is needed to ensure long-term protection for this important river.

Next, the Oregon Treasures Act of 2013 would add 60,000 acres of new wilderness to the existing Wild Rogue Wilderness. The Wild Rogue Wilderness expansion would protect habitat for bald eagles, osprey, spotted owls, bear, elk, cougar, wild coho, wild Chinook, wild steelhead, green sturgeon, and many others. The Wild Rogue Wilderness and the Rogue River that runs through it embody one of the nation's premier recreation destinations, famous for the free flowing waters which provide numerous rafting and fishing opportunities.

The headwaters of the Rogue River start in one of Oregon's other great gems—Crater Lake National Park—and the river ultimately empties into the Pacific Ocean, near Gold Beach on Oregon's southwest coast. Along that stretch, the Rogue River flows through one of the most spectacular canyons and diverse natural areas in the United States. The Rogue River is a world class rafting river, offering everything from one day trips to week long trips through deep forested canyons. On the land, the Rogue River trail is also one of Oregon's most renowned backpacking routes.

The legislation would also protect an additional 143 miles of tributaries that feed the Rogue River with cold clean water. Of that number, 93 miles would be designated Wild and Scenic Rivers and an additional 50 miles would be protected from mining. The areas receiving protection include Galice Creek, Little Windy Creek, Jenny Creek, Long Gulch and 36 other tributaries of the Rogue. The Rogue River is one of Oregon's most iconic and beloved rivers. It is a river that teems with salmon leaping up rapids to spawn, and finds rafters down those very same rapids at other times of the year.

I previously introduced legislation to protect the Rogue River tributaries in the last three Congresses. Since it was first introduced, I have worked with the timber industry and conservationists to find a compromise that protects one of America's treasures with additional wilderness designations and more targeted protections for the Rogue's tributaries. I am pleased that 95 local businesses—and over 120 organizations and business in total—support protecting the Wild Rogue, and that support grows every day. Many of those businesses directly benefit from the Wild Rogue and the Rogue River. As I often say, protecting these gems is not just good for the environment, but also good for the economy. These protected landscapes are powerhouses of the recreation economy that draws visitors from around the world to this region and the Rogue River is one of Oregon's most important sport and commercial fisheries. The Wild Rogue is the second largest salmon fishery in Oregon behind the Columbia. The Wild Rogue provides the quality of life and recreational opportunities that create an economic engine that attracts businesses and brings in tourists from around the world. The Rogue River supports more than 400 local jobs in nearby communities like Grants Pass.

By protecting the Wild Rogue landscape and the tributaries that feed the mighty Rogue River, Congress will ensure that future generations can raft, fish, hike and enjoy the Wild Rogue as it is enjoyed today and that the recreational economy of this region remains strong.

Lastly, there is another provision in the bill to designate segments of Oregon's Molalla River as Wild and Scenic. An approximately 15.1–mile segment of the Molalla River and an approximately 6.2–mile segment of Table Rock Fork Molalla River would be designated as a recreational river under the Wild and Scenic Rivers Act.

Including these river segments would protect a popular Oregon destination that provides abundant recreational activities that help fuel the recreation economy that is so important to the communities along the river. The scenic beauty of the Molalla River provides a backdrop for hiking, mountain biking, camping, and horseback riding, while the waters of the river are a popular destination for fishing, kayaking, and whitewater rafting enthusiasts. This legislation would not only preserve this area as a recreation destination, but would also protect the river habitat of the Chinook salmon and Steelhead trout, along with the wildlife habitat surrounding the river, home to the northern spotted owl, the pileated woodpecker, golden and bald eagles, deer, elk, the pacific giant salamander, and many others. The Molalla River is also the source of clean drinking water for the towns of Molalla and Canby, Oregon. Protecting the approximately 21.3 miles of the Molalla River will provide the residents of these Oregon towns with the assurance that they will continue to receive clean drinking water.

I would like to reiterate my continued appreciation for the Molalla River Alliance—a coalition of more than 48 member-organizations that recognize that this river is a jewel and have set out to protect it. This Alliance made sure that irrigators, city councilors, the mayor, businesses and environmentalists all came together on this.

Oregon's wildlands play an increasingly important role in the economic development of our state, especially in traditionally rural areas east of the Cascades. Visitors come from thousands of miles away to hike, fish, raft and hunt in Oregon's desert Wilderness. Beyond tourism, the rich quality of life and the diverse natural amenities that we enjoy as Oregonians are key to attracting new businesses to Oregon. And with all these bills, I express my gratitude for the many groups and individuals who have worked diligently to protect these special places. I look forward to working with Senator MERKLEY, Representative DEFAZIO, Representative SCHRADER and other colleagues and the bill's other supporters to keep up the fight for these unique places in Oregon and get these pieces of legislation to the President's desk for his signature.

By Mr. CARDIN (for himself, Mr. GRAHAM, Mr. LEAHY, Ms. KLOBUCHAR, Mrs. BOXER, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. HEITKAMP, and Mr. DURBIN):

S. 357. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, I rise today to introduce the National Blue Alert Act of 2013.

Every day, more than 900,000 Federal, State and local law enforcement officers put their lives on the line to keep our communities safe. Unfortunately these officers can become targets for criminals and those seeking to evade our justice system, and we must make sure our officers have all the tools they need to protect themselves and each other.

Each year thousands of law enforcement officers are assaulted while performing their duties and dozens lose their lives. According to the Federal Bureau of Investigation, FBI, 72 law enforcement officers were feloniously killed in the line of duty in 2011. This

is an unacceptable level of violence against our law enforcement officers, and we must act now to better protect them.

This is why I am introducing the National Blue Alert Act of 2013 today, and thank Senators GRAHAM, LEAHY, KLOBUCHAR, BOXER, BLUMENTHAL, WHITEHOUSE, HEITKAMP, and DURBIN for joining me as co-sponsors of this important legislation.

The Blue Alert system provides for rapid dissemination of information about criminal suspects who have injured or killed law enforcement officers. The Blue Alert system would only be used in the case of the death or serious injury of a law enforcement officer, where the suspect has not been apprehended, and where there is sufficient descriptive information of the suspect and any vehicles involved. This information can be used by local law enforcement, the public and the media to help facilitate capture of such offenders and ultimately reduce the risk they pose to our communities and law enforcement officers.

A National Blue Alert will encourage, enhance and integrate blue alert plans throughout the United States in order to effectively disseminate information notifying law enforcement, media and the public that a suspect is wanted in connection with an attack on a law enforcement officer.

Currently there is no national alert system that provides immediate information to other law enforcement agencies, the media or the public at large. Many states have created a state blue alert system in an effort to better inform their local communities. The State of Maryland, under the leadership of Governor Martin O'Malley, created their Blue Alert system in 2008 after the murder of Maryland State Trooper Wesley Brown. Blue Alert programs have been created in 18 states so far including: Washington, California, Utah, Colorado, Oklahoma, Texas, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, Florida, Virginia, Maryland, Montana, and Delaware.

The National Blue Alert Act will provide police officers and other emergency units with the ability to react quickly to apprehend violent offenders and will complement the work being done by Attorney General Holder in his Law Enforcement Officer Safety Initiative.

The purpose of our National Blue Alert legislation is to keep our law enforcement officers and our communities safe. And based on the success of the AMBER Alert and the SILVER Alert, I believe this BLUE Alert will be equally successful in helping to apprehend criminal suspects who have seriously injured or killed our law enforcement officers.

I am also pleased to say this legislation has the endorsement of the Fraternal Order of Police, the National Association of Police Organizations, the Federal Law Enforcement Officers Association, the Concerns of Police Survivors, and the Sergeants Benevolent Association of the New York City Police Department. Passing this legislation can help us live up to our commitment to help better protect those who serve us.

By Mr. WYDEN (for himself, Mr. PAUL, Mr. MCCONNELL, and Mr. MERKLEY):

S. 359. A bill to amend the Controlled Substances Act to exclude industrial hemp from the definition of marihuana, and for other purposes; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, I am pleased to be joined by Senators PAUL, MCCONNELL, and MERKLEY in introducing the Industrial Hemp Farming Act of 2013.

As some folks will recall, I introduced a similar bill as an amendment to the Senate Farm Bill last year in an attempt to empower American farmers and increase domestic economic activity. Unfortunately, this amendment didn't receive a vote. Doubly unfortunate is the fact that a senseless regulation that flunks the common-sense test is still on our nation's books.

Members of Congress hear a lot about how dumb regulations are hurting economic growth and job creation. The current ban on growing industrial hemp makes no sense at all, and what is worse, this regulation is hurting job creation in rural America and increasing our trade deficit.

If my colleagues take the time to learn about this outrageous restriction on free enterprise, I am sure most senators would say that what I am talking about is the poster child for dumb regulation.

The only thing standing in the way of taking advantage of this profitable crop is a lingering misunderstanding about its use. The bill my colleagues and I have filed will end this ridiculous regulation.

Right now, the United States is importing over $10 million in hemp products to use in textiles, foods, paper products, and construction materials. We are importing a crop that U.S. farmers could be profitably growing right here at home, if not for government rules prohibiting it.

Our neighbors to the north certainly see the potential for this product. In 2010, the Canadian government injected over $700,000 into their blossoming hemp industry to increase the size of their hemp crop and fortify the inroads they have made into U.S. markets. It was a good bet. U.S. imports have consistently grown over the past decade, increasing by 300 percent in 10 years, and from 2009 to 2010 they grew 35 percent. The number of acres in Canada devoted to growing hemp nearly doubled from 2011 to 2012. So it should come as no surprise that the United States imports around 90 percent of its hemp from Canada.

Now, I know it is tough for some members of Congress to talk about hemp and not connect it to marijuana. I want to point out that even though they come from the same species of plant, there are major differences between them.

You know, the Chihuahua and St. Bernard come from the same species, too, Canis lupus familiaris, but no one is going to confuse them. Also, the domestic dog is a subspecies of the gray wolf, Canis lupus, and no one is going to confuse those two either. So let's recognize the real differences between hemp and marijuana, and focus on the benefits from producing domestically the hemp we already use.

Under our bill, the production of industrial hemp would still be regulated, but it would be done by States, not the Federal Government.

Pro-hemp legislation has been introduced in eight states, and several others have already removed barriers to industrial hemp production. Under our bill, industrial hemp is defined as having extremely low THC levels: it has to be 0.3 percent or less. The lowest commercial grade marijuana typically has 5% THC content. The bottom line is that no one is going to get high on industrial hemp. To guarantee that won't be the case, our legislation allows the U.S. Attorney General to take action if a state law allows commercial hemp to exceed the maximum 0.3 percent THC level.

Hemp has been a profitable commodity in many other countries. In addition to Canada, Australia also permits hemp production and the growth in that sector helped their agricultural base survive when the tobacco industry dried up. Over 30 countries in Europe, Asia, and North and South America currently permit farmers to grow hemp, and China is the world's largest producer.

In fact, the U.S. is the only industrialized nation that prohibits farmers from growing hemp. This seems silly considering that we are the world's leading consumer of hemp products, with total sales of food, health and beauty products exceeding $52 million in 2012, with 16.5 percent growth over 2011.

My home State of Oregon is home to some major manufacturers of hemp products, including Living Harvest, one of the largest hemp foods producers in the country. Business has been so brisk there that the Portland Business Journal recently rated them as one of the fastest-growing local companies.

There are similar success stories in many states. One company in North Carolina has begun incorporating hemp into building materials, reportedly making them both stronger and more environmentally friendly. Another company in California produces hemp-based fiberboard.

No country is better than the U.S. at developing, perfecting, and expanding markets for its products. As that market grows, it should be domestically-produced hemp that supplies its growth.

I would like to share with colleagues an editorial by one of the leading newspapers in my state, the Bend Bulletin. Here's what they had to say about legalizing industrial hemp: ''producers of hemp products in the United States are forced to import it. That denies American farmers the opportunity to compete in the market. It is like surrendering the competitive edge to China and Canada, where it can be grown legally.''

The Bend Bulletin's editorial went on to say: ''Legalizing industrial hemp does not have to be a slippery slope toward legalizing marijuana. It can be a start toward removing regulatory burdens limiting Oregon farmers from competing in the world market.''

The opportunities for American farmers and businesses are obvious here. Let's boost revenues for farmers and reduce the costs for businesses around the country that use this product. Let's put more people to work growing and processing an environmentally-friendly crop, with a ready market in the United States. For all the reasons I just described, I urge my colleagues to join Senators PAUL, MCCONNELL, and MERKLEY and me by cosponsoring this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Industrial Hemp Farming Act of 2013''.

SEC. 2. EXCLUSION OF INDUSTRIAL HEMP FROM DEFINITION OF MARIHUANA.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (16)—

(A) by striking ''(16) The'' and inserting ''(16)(A) The''; and

(B) by adding at the end the following:

''(B) The term 'marihuana' does not include industrial hemp.''; and

(2) by adding at the end the following:

''(57) The term 'industrial hemp' means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.''.

SEC. 3. INDUSTRIAL HEMP DETERMINATION BY STATES.

Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding at the end the following:

''(i) INDUSTRIAL HEMP DETERMINATION.—If a person grows or processes Cannabis sativa L. for purposes of making industrial hemp in accordance with State law, the Cannabis sativa L. shall be deemed to meet the concentration limitation under section 102(57), unless the Attorney General determines that the State law is not reasonably calculated to comply with section 102(57).''.

By Mr. WYDEN (for himself, Ms. MURKOWSKI, Mr. BEGICH, Mr. CRAPO, Mr. RISCH, and Mr. MERKLEY):

S. 363. A bill to expand geothermal production, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, I rise today to introduce the Geothermal Expansion Production Act of 2013. This legislation is the same as a bill reported favorably by voice vote by the Senate Committee on Energy and Natural Resources during the 112th Congress. This bill has bi-partisan support, with Senators MURKOWSKI, BEGICH, CRAPO, RISCH, and MERKLEY, joining me as original cosponsors. The legislation will help to encourage the production of geothermal energy from public lands.

With limited exceptions, current law requires that all Federal lands to be leased for the development of geothermal resources be offered on a competitive basis. BLM must hold a competitive lease sale every 2 years. If bids are not received for the lands offered, BLM must offer the lands on a noncompetitive basis for 2 years.

This legislation extends the authority for noncompetitive leasing in cases where a geothermal developer wants to gain access to Federal land immediately adjacent to land on which that developer has proven that there is a geothermal resource that will be developed. This will allow a geothermal project to expand onto adjacent land, if necessary, to increase the amount of geothermal energy it can develop. It will also add to the royalties and rents that the project pays to the U.S. Treasury.

The reason for this legislation is to allow the rapid expansion of already identified geothermal resources without the additional delays of competitive leasing and without opening up those adjacent properties to speculative bidders who have no interest in actually developing the resource, only in extracting as much money as they can from the existing geothermal developer.

The bill is not a give away at taxpayer expense. The bill limits the amount of adjacent Federal land that can be leased to 640 acres. This lease on Federal land must be acquired at fair-market value. The bill also requires the lease holder to pay the higher annual rental rate associated with competitive leases even though this new parcel is not being competitively leased. Again, the purpose of this higher rental rate is to ensure that taxpayers will get the revenue due to them from the use of their public lands.

I hope that my colleagues will join me in supporting this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Geothermal Production Expansion Act of 2013''.

SEC. 2. NONCOMPETITIVE LEASING OF ADJOINING AREAS FOR DEVELOPMENT OF GEOTHERMAL RESOURCES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended by adding at the end the following:

''(4) ADJOINING LAND.—

''(A) DEFINITIONS.—In this paragraph:

''(i) FAIR MARKET VALUE PER ACRE.—The term 'fair market value per acre' means a dollar amount per acre that—

''(I) except as provided in this clause, shall be equal to the market value per acre (taking into account the determination under subparagraph (B)(iii) regarding a valid discovery on the adjoining land) as determined by the Secretary under regulations issued under this paragraph;

''(II) shall be determined by the Secretary with respect to a lease under this paragraph, by not later than the end of the 180-day period beginning on the date the Secretary receives an application for the lease; and

''(III) shall be not less than the greater of—

''(aa) 4 times the median amount paid per acre for all land leased under this Act during the preceding year; or

''(bb) $50.

''(ii) INDUSTRY STANDARDS.—The term 'industry standards' means the standards by which a qualified geothermal professional assesses whether downhole or flowing temperature measurements with indications of permeability are sufficient to produce energy from geothermal resources, as determined through flow or injection testing or measurement of lost circulation while drilling.

''(iii) QUALIFIED FEDERAL LAND.—The term 'qualified Federal land' means land that is otherwise available for leasing under this Act.

''(iv) QUALIFIED GEOTHERMAL PROFESSIONAL.—The term 'qualified geothermal professional' means an individual who is an engineer or geoscientist in good professional standing with at least 5 years of experience in geothermal exploration, development, or project assessment.

''(v) QUALIFIED LESSEE.—The term 'qualified lessee' means a person that may hold a geothermal lease under this Act (including applicable regulations).

''(vi) VALID DISCOVERY.—The term 'valid discovery' means a discovery of a geothermal resource by a new or existing slim hole or production well, that exhibits downhole or flowing temperature measurements with indications of permeability that are sufficient to meet industry standards.

''(B) AUTHORITY.—An area of qualified Federal land that adjoins other land for which a qualified lessee holds a legal right to develop geothermal resources may be available for a noncompetitive lease under this section to the qualified lessee at the fair market value per acre, if—

''(i) the area of qualified Federal land—

''(I) consists of not less than 1 acre and not more than 640 acres; and

''(II) is not already leased under this Act or nominated to be leased under subsection (a);

''(ii) the qualified lessee has not previously received a noncompetitive lease under this paragraph in connection with the valid discovery for which data has been submitted under clause (iii)(I); and

''(iii) sufficient geological and other technical data prepared by a qualified geothermal professional has been submitted by the qualified lessee to the applicable Federal land management agency that would lead individuals who are experienced in the subject matter to believe that—

''(I) there is a valid discovery of geothermal resources on the land for which the

qualified lessee holds the legal right to develop geothermal resources; and

''(II) that thermal feature extends into the adjoining areas.

''(C) DETERMINATION OF FAIR MARKET VALUE.—

''(i) IN GENERAL.—The Secretary shall—

''(I) publish a notice of any request to lease land under this paragraph;

''(II) determine fair market value for purposes of this paragraph in accordance with procedures for making those determinations that are established by regulations issued by the Secretary;

''(III) provide to a qualified lessee and publish, with an opportunity for public comment for a period of 30 days, any proposed determination under this subparagraph of the fair market value of an area that the qualified lessee seeks to lease under this paragraph; and

''(IV) provide to the qualified lessee and any adversely affected party the opportunity to appeal the final determination of fair market value in an administrative proceeding before the applicable Federal land management agency, in accordance with applicable law (including regulations).

''(ii) LIMITATION ON NOMINATION.—After publication of a notice of request to lease land under this paragraph, the Secretary may not accept under subsection (a) any nomination of the land for leasing unless the request has been denied or withdrawn.

''(iii) ANNUAL RENTAL.—For purposes of section 5(a)(3), a lease awarded under this paragraph shall be considered a lease awarded in a competitive lease sale.

''(D) REGULATIONS.—Not later than 270 days after the date of enactment of the Geothermal Production Expansion Act of 2013, the Secretary shall issue regulations to carry out this paragraph.''.

By Ms. MURKOWSKI:

S. 366. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to reintroduce legislation to clarify Federal mining law and remedy a problem that has arisen from the extension process for ''small'' miner mineral claims.

Under revisions to the Federal Mining Law of 1872, 30 U.S.C. 28(f), holders of unpatented mineral claims must pay a claim maintenance fee originally set at $100 per claim by a deadline, set by regulation, of September 1st each year. Since 2004 that fee has risen. But Congress also has provided a claim maintenance fee waiver for ''small'' miners, those who hold 10 or fewer claims, that they do not have to submit the fee, but that they must file to renew their claims and submit an affidavit of annual labor, work conducted on the claim, each year, certifying that they had performed more than $100 of work on the claim in the preceding year, 30 U.S.C. 28f(d)(1). The waiver provision further states: ''If a small miner waiver application is determined to be defective for any reason, the claimant shall have a period of 60 days after receipt of written notification of the defect or defects by the Bureau of Land Management to: cure such defect or defects or pay the $100 claim maintenance fee due for such a period.''

Since past revisions of the law, there have been a series of incidents where miners have argued that they submitted their applications and affidavits of annual labor in a timely manner, but due to clerical error by BLM staff, mailing delays or for unexplained reasons, the applications or documents were not recorded as having been received in a timely fashion. In that case BLM has terminated the claims, deeming them null and void. While mining claim holders have argued that the law provides them time to cure claim defects, BLM has argued that the cure only applies when applications or fees have been received in a timely manner. Thus, there is no administrative remedy for miners who believe that clerical errors by BLM or mail issues resulted in loss or the late recording of claim extension applications and paperwork.

There have been a number of cases where Congress has been asked to override BLM determinations and reinstate mining claims simply because of the disputes over whether the claims had been filed in a timely manner. Congress in 2003 reinstated such claims in a previous Alaska case. Claims in two other incidents were reinstated following a U.S. District Court case in the 10th Circuit first in 2009 in the case of Miller v. United States and secondly earlier this year in a second Alaska case. Legislation to correct the provision to prevent this problem in the future actually cleared the Senate in 2007, but did not ultimately become law.

In the past two Congresses I have introduced legislation intended to short circuit continued litigation and pleas for claim reinstatement by clarifying the intent of Congress that miners do have to be informed that their claims are in jeopardy of being voided and given 60 days notice to cure defects, including giving them time to submit their applications and to submit affidavits of annual labor, should their submittals not be received and processed by BLM officials on time. If all defects are not cured within 60 days, the obvious intent of Congress in passing the original act, then claims still are subject to voidance. But this administration has opposed the legislation arguing that it would be too expensive to notify all small miners who fail to file their small miner waiver documents on time and giving them time to solve the defect prior to the loss of their claims. It has even been suggested that giving small miners simple due process would just encourage miners to ignore the deadline for filing for their fee waivers.

I find the cost complaint unpersuasive. Many Federal departments and agencies, the Federal Communication Commission, as one example, routinely sends out notices on permit and license applications. The FCC sends out hundreds of thousands of such notices to Americans who have small radio licenses expiring yearly, warning them that they need to file applications for license renewal. The Bureau of Land Management certainly should be able to afford a few hundred 50-cent stamps to perform a similar service. Given the value of claims placed at risk and the bother, inconvenience and fear of loss of claims, it is highly unlikely that miners would avoid filing their waiver paperwork on time just because a notification process was clearly in place before claims could be terminated.

So today I reintroduce legislation to solve the notification issue and include language to remedy an injustice to one of my constituents who has lost his rights to nine mineral claims on the Kenai Peninsula, near Hope, Alaska. The transition language would reinstate claims for Mr. John Trautner, who has lost title to claims that he had held from 1982 to 2004. Mr. Trautner suffered this loss even though he had a consistent record of having paid the annual labor assessment fee for the previous 22 years. The local BLM office did have a time-date-stamped record that the maintenance fee waiver certification form had been filed weeks before the deadline but just not a record that the affidavit of annual labor had arrived when he dropped it office in the Anchorage office at the same time.

This legislation, supported in the past by the Alaska Miners Association, will clarify that small miners do have a right to simple due process to be able to have a chance to file their small miner waiver applications in the event of mistakes in processing, rather than immediately lose their rights to patented mining claims without effective appeal or recourse. I appreciate that the Justice Department and BLM Jan. 22, 2013 reinstated claims owned by Alaskans Don and Judy Mullikins of Nome, finally reversing a decision that they should lose their claims following a 2009 application filing incident. But the legal expense, bother and uncertainty that the Mullikins went through in getting their claims reinstated are clear reasons why Congress should clarify past changes to the small miner waiver provision and permit claims to be retained in the event of clerical errors or honest mistakes by claim holders in missing the deadline for filings. Such a change would simply provide justice for small miners.

By Mr. RUBIO (for himself, Mr. HATCH, Mr. BLUNT, Mr. PAUL, Mr. RISCH, Mr. GRASSLEY, Mr. JOHANNS, Mr. BURR, Mrs. FISCHER, Mr. BOOZMAN, Mr. WICKER, Mr. CORKER, Mr. INHOFE, Mr. ROBERTS, Mr. COBURN, Mr. ENZI, Mr. CHAMBLISS, Mr. MCCONNELL, Mr. VITTER, Mr. MORAN, Mr. GRAHAM, Mr. CRUZ, and Mr. CORNYN):

S. 369. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I am proud to stand with my friend from Florida, Senator RUBIO, as he introduces an important piece of legislation, the Child Interstate Abortion Notification Act. This bill, which is being introduced in the House by Rep. ILEANA ROS-LEHTINEN of Florida, is based on the belief that children should not make profound life-changing decisions by themselves and that parents are generally in the best and most responsible position to help them.

One of the many disturbing ironies in the abortion debate is that parental consent is needed for such things as tattoos or school fieldtrips but not always for abortions that will end one life and change another forever. Abortion advocates say that abortion should be treated as any other surgical procedure many of them oppose doing so when it comes to parental consent.

What is worse, there are individuals and organizations out there who appear to care more about money than about kids. They are willing to help young girls get abortions by any means necessary, including taking them to other States without the knowledge or consent of their parents. Mind you, those same parents will be responsible for the aftermath, for the physical, emotional, and spiritual consequences of the abortion. If parents are to be responsible at the end, they have the right to be there at the beginning.

If it were possible, just for a moment, to take the abortion politics out of the picture, every parent knows that kids have to develop over time the judgment and maturity to make decisions. No one is more committed to them, no one has more love for them, no one has more responsibility for them than their parents.

This bill has two parts. First, it prohibits taking a minor across state lines for an abortion if doing so evades the parental involvement law in her home State. In the 109th Congress, this portion of our bill passed the Senate with 65 bipartisan votes. More than 80 percent of our fellow Americans support it. Second, this bill requires abortionists to notify parents of an out-of-state minor before performing an abortion. Without this common sense requirement, abortion providers and advocates actually advertise how minors in states that require parental involvement can get abortions elsewhere. This perverse practice undermines parents and puts young girls at greater risk. Fifty-seven Senators of both parties, including 23 still serving in this body today, voted for cloture on this combined bill in 2006.

I urge my colleagues to read the bill. It does not apply when an abortion is necessary to save a girl's life or if the girl is a victim of abuse or neglect. Again, please read the bill. It is carefully drafted with the appropriate exceptions and safeguards in order to focus on what unites the vast majority of Americans, that parents should be involved before their child has an abortion. The majority of states have laws requiring parental involvement and, with its interstate component, this bill is a legitimate and constitutional way for Congress to help protect children and support parents.

By Mr. COCHRAN (for himself and Ms. MIKULSKI):

S. 370. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today I am introducing the Teaching Geography is Fundamental Act. I am pleased to be joined by my friend from Maryland, Ms. MIKULSKI. The purpose of this bill is to improve geographic literacy among K–12 students in the United States by supporting professional development programs administered by institutions of higher education for K–12 teachers. The bill also assists states in measuring the impact of geography education.

Ensuring geographic literacy prepares students to be good citizens of both our nation and the world. John Fahey, Chairman and CEO of the National Geographic Society, once stated that, ''Geographic illiteracy impacts our economic well-being, our relationships with other nations and the environment, and isolates us from the world.'' When students understand their own environment, they can better understand the differences in other places and the people who live in them. Knowledge of the diverse cultures, environments, and distances between states and countries helps our students to understand national and international policies, economies, societies and political structures on a global scale.

To expect that Americans will be able to work successfully with other people around the world, we need to be able to communicate and understand each other. It is a fact that we have a global marketplace, and we need to be preparing our younger generation for competition in the international economy. A strong base of geographic knowledge improves these opportunities.

In a report prepared for leading Internet company, Google, the study estimated that geography service industries generate up to $270 billion every year. Geographic knowledge is increasingly needed for U.S. businesses in electronic mapping, satellite imagery, and location-based navigation to understand such factors as physical distance, time zones, language differences and cultural diversity among project teams.

Additionally, geospatial technology is an emerging career field available to people with an extensive background in geography education. Professionals in geospatial technology are employed in federal government agencies, the private sector and the non-profit sector and focus on areas such as agriculture, archeology, ecology, land appraisal and urban planning and development. It is important to improve and expand geography education so that students in the United States can attain the necessary expertise to fill and retain the estimated 70,000 new skilled jobs that are becoming available each year in the geospatial technology industry.

Former Secretary of State Colin Powell once said, ''To solve most of the major problems facing our country today—from wiping out terrorism, to minimizing global environmental problems, to eliminating the scourge of AIDS—will require every young person to learn more about other regions, cultures, and languages.'' We need to do more to ensure that the teachers responsible for the education of our students, from kindergarten through high school graduation, are trained and prepared to teach the critical skills necessary to solve these problems.

Over the last 15 years, the National Geographic Society has awarded more than $100 million in grants to educators, universities, geography alliances, and others for the purposes of advancing and improving the teaching of geography. Their models are successful, and research shows that students who have benefited from this teaching outperform other students. State geography alliances exist in 26 States and the District of Columbia, endowed by grants from the Society. But, their efforts alone are not enough.

In my home State of Mississippi, teachers and university professors are making progress to increase geography education in schools through additional professional training. Based at the University of Mississippi, hundreds of geography teachers are members of the Mississippi Geography Alliance. The Mississippi Geography Alliance conducts regular workshops for graduate and undergraduate students who are preparing to be certified to teach elementary through high school-level geography in our State. These workshops have provided opportunities for model teaching sessions and discussion of best practices in the classroom.

The bill I am introducing establishes a Federal commitment to enhance the education of our teachers, focuses on geography education research, and develops reliable, advanced technology based classroom materials. I hope the Senate will consider the seriousness of the need to invest in geography, and I invite other Senators to cosponsor the Teaching Geography is Fundamental Act.

By Mr. REED (for himself, Mr. WHITEHOUSE, Ms. WARREN, and Mr. COWAN):

S. 371. A bill to establish the Blackstone River Valley National Historical Park, to dedicate the Park to John H. Chafee, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REED. Mr. President, today I am reintroducing legislation with my colleagues Senators WHITEHOUSE, WARREN, and COWAN that would create the Blackstone River Valley National Historical Park. Our legislation seeks to preserve the industrial, natural, and cultural heritage of the Blackstone Valley, assist local communities by providing economic development opportunities, and build upon the foundation of the John H. Chafee Blackstone River Valley National Heritage Corridor.

In 1793, Samuel Slater began the American Industrial Revolution in Rhode Island when he built his historic mill along the Blackstone River. Today, the mills and villages found throughout the John H. Chafee Blackstone River Valley National Heritage Corridor in Rhode Island and Massachusetts stand as witnesses to this important era of American history.

Not only is the Blackstone Valley a window to our nation's past but it is also includes thousands of acres of pristine, undeveloped land and waterways that are home to a diverse ecosystem.

The combined efforts of the National Park Service and Federal, State, and local officials in our or two states, along with dedicated volunteers, have rejuvenated the communities within the Corridor and renewed interest in the rich history of the Blackstone River and valley. This kind of economic and environmental revitalization is indicative of the tradition of the valley in its successful reinvention over the past two centuries.

For example, the Ashton Mill in Cumberland is an excellent illustration of local redevelopment. With the designation of the National Heritage Corridor, the cleanup of the river, the creation of the state park, and the construction of the Blackstone River Bikeway, the property was restored for adaptive reuse as rental apartments. Once again, the mill and its village are a vital part of the greater Blackstone valley community.

I have been pleased over the years to help support the preservation and renewed development of the Blackstone River Valley.

In 2005, I cosponsored legislation with former Senator Lincoln Chafee, now our State's governor, requiring the completion of a Special Resource Study to determine which areas within the Corridor were of national significance and possibly suitable for inclusion in the National Park System. After extensive input from local stakeholders and historians, in 2011 the completed study recommended the creation of a new unit of the National Park System.

The legislation I am reintroducing today with my colleagues from Rhode Island and Massachusetts seeks to establish the two-state partnership park described in the study, with sites including the Blackstone River and its tributaries, the Blackstone Canal, the historic district of Old Slater Mill in Pawtucket, the villages of Slatersville and Ashton in Rhode Island, the villages of Whitinsville and Hopedale in Massachusetts, and the Blackstone River State Park. The National Park Service would partner with the local coordinating entity of the surrounding Heritage Corridor, the Blackstone River Valley National Heritage Corridor, Inc. That non-profit would then lead efforts with other regional and local groups to preserve the surrounding rural and agriculture landscape within the greater Blackstone River Valley.

Creating a national historic park will enable us to safeguard our cultural heritage for future generations; improve the use and enjoyment of the area's resources, including outdoor education for young people; enhance opportunities for economic development; and increase protection of the most important and nationally significant cultural and natural resources of the Blackstone River Valley.

I am proud that this park would be dedicated to my late colleague John H. Chafee, who worked tirelessly for many years, along with others in Rhode Island and Massachusetts, to protect and preserve the Blackstone River Valley.

I look forward to working with my colleagues to pass this legislation to establish the Blackstone River Valley National Historical Park.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 35—CONGRATULATING THE BALTIMORE RAVENS FOR WINNING SUPER BOWL XLVII

Mr. CARDIN (for himself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 35

Whereas, on February 3, 2013, the Baltimore Ravens won Super Bowl XLVII, defeating the San Francisco 49ers by a score of 34 to 31 at the Mercedes-Benz Superdome in New Orleans, Louisiana;

Whereas Super Bowl XLVII marks the second Super Bowl win for the Baltimore Ravens, the third Super Bowl win for a Baltimore football team, and the first time in history that siblings have coached opposing teams in the Super Bowl;

Whereas the victory by the Baltimore Ravens was the culmination of a regular season with 10 wins and 6 losses and a series of exhilarating playoff performances;

Whereas the Baltimore Ravens exhibited a stellar offensive performance, with 93 rushing yards and 274 passing yards;

Whereas the Baltimore Ravens' defense forced turnovers that were critical to achieving a victory;

Whereas middle linebacker Ray Lewis won his second Super Bowl ring in his last game in the National Football League after recovering from a torn tricep earlier in the season;

Whereas linebacker Terrell Suggs tore his achilles tendon in the offseason but made a full recovery to play in the Super Bowl;

Whereas quarterback Joe Flacco led the Baltimore Ravens to victory by throwing for a total of 287 yards, 3 touchdowns, and no interceptions, earning the award for Most Valuable Player;

Whereas receiver Jacoby Jones caught 1 pass for 56 yards and a touchdown and returned a kickoff a record-tying 108 yards for another touchdown;

Whereas receiver Anquan Boldin caught 6 passes for 104 yards and a touchdown;

Whereas the Baltimore Ravens dedicated their play during the season to the memories of Art Modell, the former owner, and Tevin Jones, the brother of receiver Torrey Smith;

Whereas the leadership and vision of head coach John Harbaugh propelled the Baltimore Ravens back to the pinnacle of professional sports;

Whereas members of the Baltimore Ravens organization have helped their community through charitable work and advocacy; and

Whereas the Baltimore Ravens have brought great pride and honor to the City of Baltimore, its loyal fans, and the entire State of Maryland: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Baltimore Ravens for winning Super Bowl XLVII;

(2) recognizes the achievements of all the players, coaches, and staff who contributed to the 2012 championship season; and

(3) requests that the Secretary of the Senate prepare an enrolled version of this resolution for presentation to—

(A) the owner of the Baltimore Ravens, Steve Biscotti;

(B) the head coach of the Baltimore Ravens, John Harbaugh; and

(C) the now-retired field leader of the Baltimore Ravens, Ray Lewis.

SENATE RESOLUTION 36—RECOGNIZING FEBRUARY 19, 2013 AS THE CENTENNIAL OF MOSAIC, A FAITH-BASED ORGANIZATION THAT WAS FOUNDED IN NEBRASKA AND NOW SERVES MORE THAN 3,600 INDIVIDUALS WITH INTELLECTUAL DISABILITIES IN 10 STATES

Mr. JOHANNS (for himself, Mr. HARKIN, Mrs. FISCHER, Mr. DURBIN, and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 36

Whereas the roots of Mosaic, a faith-based organization that serves individuals with intellectual disabilities, trace back to the commitment of a Nebraskan to ensure that individuals with disabilities were cared for and inspired by a loving community;

Whereas, on February 19, 1913, a Nebraska pastor, the Reverend K.G. William Dahl, founded Bethphage Inner Mission Association (referred to in this preamble as ''Bethphage'') in Axtell, Nebraska as a ministry for individuals with intellectual disabilities;

Whereas, on October 20, 1925, a school endeavoring to create opportunities for children with disabilities took root in Sterling, Nebraska when the Reverends Julius Moehl, August Hoeger, and William Fruehling, and laymen John Aden and William Ehmen, established Martin Luther Home Society, which later became known as Martin Luther Homes;

Whereas, with the increasing need for community-based programs for individuals with disabilities in the 1970s and 1980s, both Bethphage and Martin Luther Homes grew into ministries that served locations across the United States;

Whereas the shared vision and mission of the 2 Nebraska-born ministries, to care for the most vulnerable individuals, laid the foundation for the formation of a powerful partnership;

Whereas, on July 1, 2003, Mosaic was officially established through a consolidation of Bethphage and Martin Luther Homes; and

Whereas Mosaic has created a legacy of love, providing individualized support to thousands of individuals in the United States and extending its work beyond the borders of the United States through an international alliance: Now therefore be it

Resolved, That the Senate—

(1) recognizes February 19, 2013 as the centennial of Mosaic;

(2) recognizes the important and valuable contributions that individuals with intellectual disabilities make in their communities;

(3) celebrates the integral role that Mosaic has played in the growth and success of individuals with intellectual disabilities; and

(4) congratulates the men and women who have touched countless lives by contributing to the mission of Mosaic to create a life of possibilities for individuals with intellectual disabilities.

SENATE RESOLUTION 37—EXPRESSING THE SENSE OF THE SENATE IN DISAPPROVING THE PROPOSAL OF THE INTERNATIONAL OLYMPIC COMMITTEE EXECUTIVE BOARD TO ELIMINATE WRESTLING FROM THE SUMMER OLYMPIC GAMES BEGINNING IN 2020

Mr. BROWN (for himself, Mr. GRASSLEY, Mr. FRANKEN, Mr. HARKIN, Mr. CASEY, Mr. INHOFE, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 37

Whereas wrestling is recognized as one of the world's oldest competitive sports dating back to 3000 BC;

Whereas wrestling was one of the original sports of the ancient Greek Olympic Games and of the first modern Olympic Games;

Whereas wrestling is one of the world's most diverse sports, with participants from almost 200 countries around the world;

Whereas over 280,000 high school students in the United States participated in wrestling in 2012;

Whereas there are over 300 intercollegiate wrestling programs in the United States;

Whereas wrestling represents the determination and hard work it takes to succeed in life and sport;

Whereas the United States has a long, proud, and storied Olympic wrestling history; and

Whereas wrestling epitomizes the spirit of the Olympic Games: Now, therefore, be it

Resolved, That the Senate—

(1) thanks the United States Olympic Committee for its continued support of wrestling and encourages it to work actively to reverse the proposal of the International Olympic Committee Executive Board to eliminate wrestling from the Summer Olympic Games beginning in 2020;

(2) disapproves the proposal of the International Olympic Committee Executive Board to eliminate wrestling from the Summer Olympic Games beginning in 2020; and

(3) urges the International Olympic Committee Executive Board to reinstate wrestling as a core sport of the Summer Olympic Games.

AMENDMENTS SUBMITTED AND PROPOSED

SA 22. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 21, designating February 14, 2013, as ''National Solidarity Day for Compassionate Patient Care''.

TEXT OF AMENDMENTS

SA 22. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 21, designating February 14, 2013, as ''National Solidarity Day for Compassionate Patient Care''; as follows:

On page 3 line 1, strike ''humanistic'' and insert ''humane''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on February 14, 2013, at 9:30 a.m. in room SR 328A of the Russell Senate office building.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing entitled ''Drought, Fire and Freeze: The Economics of Disasters for America's Agricultural Producers,'' during the session of the Senate on February 14, 2013, at 9:30 a.m. in room SR 328A of the Russell Senate office building.

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

COMMITTEE ON ARMED SERVICES

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 14, 2013, at 10 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 14, 2013, at 10:30 a.m. to conduct a hearing entitled ''Wall Street Reform: Oversight of Financial Stability and Consumer and Investor Protections.''

The Presiding Officer. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 14, 2013, at 10 a.m. in room 406 of the Dirksen Senate office building.

The Presiding Officer. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 14, 2013, at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Health Insurance Exchanges: Progress Report''.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 14, 2013, at 2 p.m.

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

COMMITTEE ON THE JUDICIARY

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 14, 2013, at 10 a.m., in SD–226 of the Dirksen Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 14, 2013, at 2:30 p.m.

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

NATIONAL SOLIDARITY DAY FOR COMPASSIONATE PATIENT CARE

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 21 and that the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 21) designating February 14, 2013, as ''National Solidarity Day for Compassionate Patient Care.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the Lautenberg amendment to the resolution, which is at the desk, be agreed to; the resolution, as amended, be agreed to; the preamble be agreed to; and the motions to reconsider be laid on the table with no intervening action or debate.

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

The amendment (No. 22) was agreed to, as follows:

On page 3 line 1, strike ''humanistic'' and insert ''humane''.

The resolution (S. Res. 21), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 21

Whereas the National Solidarity Day for Compassionate Patient Care promotes national awareness of the importance of compassionate and respectful relationships between health care professionals and their patients as reflected in attitudes that are sensitive to the values, autonomy, cultural, and ethnic backgrounds of patients and families;

Whereas individuals and groups of medical professionals and students stand in solidarity to support compassion in health care as expressed by Dr. Randall Friese, triage physician at the University of Arizona Medical Center who, when queried, stated that the most important treatment he provided to Congress member Gabrielle Giffords after she was shot on January 8, 2011, was to hold her hand and reassure her that she was in the hospital and would be cared for;

Whereas physicians, nurses, all other health care professionals, and medical facilities are charged with providing both the art and science of medicine;

Whereas a greater awareness of the importance of compassion in health care encourages health care professionals to be mindful of the need to treat the patient rather than the disease;

Whereas scientific research illustrates that when health care professionals practice humanistically; demonstrating the qualities of integrity, excellence, compassion, altruism, respect, empathy, and service, their patients have better medical outcomes; and

Whereas February 14th would be an appropriate day to designate as National Solidarity Day for Compassionate Patient Care and to celebrate it by health care students and professionals performing humanistic acts of compassion and kindness toward patients, families of patients, and health care colleagues: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 14, 2013, as ''National Solidarity Day for Compassionate Patient Care'';

(2) recognizes the importance and value of a respectful relationship between health care professionals and their patients as a means of promoting better health outcomes; and

(3) encourages all health care professionals to be mindful of the importance of both—

(A) being humane and compassionate; and

(B) providing technical expertise.

CONGRATULATING THE BALTIMORE RAVENS FOR WINNING SUPER BOWL XLVII

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 35, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 35) congratulating the Baltimore Ravens for winning Super Bowl XLVII.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. Mr. President, we take this time in order to acknowledge the extraordinary accomplishments of the Baltimore Ravens and their victory in Super Bowl XLVII as well as to honor the players, coaches, staff, and loyal fans who helped to secure the Ravens' second Lombardi trophy in the last 12 years as the best team in the National Football League.

I have been a Baltimore football fan for as long as I can remember, from the days of the Baltimore Colts and Johnny Unitas, Alan Ameche, and Lenny Moore. I am so proud of this team. This team has guts. No one predicted them to win the Super Bowl—no one. At one point no one expected them to even get into the playoffs. They not only made the playoffs but they won in spectacular fashion. They looked after each other, and they worked hard.

Coach Harbaugh brought the team together. Ray Lewis, in his last season, motivated the team. We had players who were injured during the course of the season who came back to play in the playoffs. The team represented Baltimore so well and I think represented the best in football. They not only gave our city and our football fans the opportunity to come together, I was very much impressed how Baltimore changed during Super Bowl week. Our city was so proud of our team and so proud of the manner in which they conducted themselves on and off the field. They gave back to the community in so many different ways. They helped young people. They helped develop healthy lifestyles. They have been role models.

This Super Bowl will be remembered for a long time to come. I think in the first half we thought it was going to be a runaway game, but the Baltimore Ravens have a way to make sure they keep TV ratings high. It got a little more suspenseful, particularly when we had the blackout in the third-quarter, but in the end the Baltimore Ravens prevailed and Baltimore is the championship city.

We are so proud of the accomplishments of our team. Whether we are talking about the comeback of Ray Lewis or Terrell Suggs from a devastating injury or Ray Rice's fourth and 29 scramble to keep our playoff hopes alive, it is clear that the Ravens were the most determined team in the National Football League.

Unflappable Joe Flacco has established himself as a leader and one of the preeminent quarterbacks in the league. His Most Valuable Player performance in the Super Bowl was a fitting capstone on an MVP season and should prove once and for all ''Joe Cool'' has what it takes.

It has been thrilling to watch the Ravens this year, to say the least. In a season during which the team clawed and ''cawed'' its way to some close victories, the Super Bowl was a fitting end. The Ravens came into New Orleans as the underdogs against incredible odds, and they prevailed as the world champions.

I applaud the team, the coaches, the managers, the owner, and all who were involved for giving not just Baltimore but for giving football a team everyone can admire.

I also want to acknowledge the gracious way in which our colleagues from California have handled the results of the Super Bowl. The 49ers are a great team. They played a great game and had a great season. Baltimore and San Francisco share a lot. We share great football and we share a bay. We call our bay the Chesapeake Bay and they call theirs the San Francisco Bay. We share great seafood, and we share a love for the sport of football.

I thank them for their graciousness, and I thank all involved for a great season for the Baltimore Ravens.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I join with Senator CARDIN as a fellow jock to support the resolution commending the Baltimore Ravens. What a great season we have had. It was thrilling; it was exciting. I have been a Ravens fan since they came to Baltimore, and I was originally a Colts fan.

I was a little girl when the National Football League came to Baltimore. It was the Baltimore Colts. They even had a telethon to buy tickets. Just imagine, we could buy season tickets to the Baltimore Colts for $15. One of the first things I did when I graduated from college and had my own money was to go in with my Uncle Fred to be able to have tickets to go to the Colts games at Memorial Stadium.

I remember watching TV when we had that famous game with New York and Johnny Unitas tossed that winning touchdown to Lenny Moore and won 10 seconds before the game was over. I didn't think football could ever be that exciting again. But then came this Ravens season just roaring to the finish. There they were playing the Broncos in Denver, the mile-high city. Senator UDALL really razzed and did some pretty uppity trash talk. But we, with our usual pride and gentility, weathered the storm.

I could not believe it. I thought the game was over. I was ready to kick back and call my sister when, oh, wow, there goes Flacco with that 70-yard toss, and it was a touchdown. Even though I am short and chunky, I was ready to do cartwheels around my condo that evening.

The team went on to deal with the New England Patriots and then all the way to the Super Bowl. We were out there winning again when all of a sudden the lights went out in New Orleans. Even though they went out for 38 minutes in New Orleans, the lights were on all over Baltimore and we were purple. We were purple with pride and purple with joy. We were so pleased that they brought us victory not only on the playing fields of the National Football League, but do you know what else they did? They created a sense of community and a sense of energy.

If you came with me to one of our great major league institutions, such

as Johns-Hopkins or the University of Maryland, you would see that we are shoulder to shoulder with Nobel prize winners who are working in our institutions. The facility managers, nurses, and even the patients had on their purple ties or purple shirts. We were united. It was a sense of community, and it was a sense of pride.

What is it that we liked? Because we did our best. We were the underdog team. Some of the national sports writers would often look down their nose at the football players. We don't carry a chip on our shoulder, we carry the football across the goal line. That is the way Baltimore is. We are gritty, we are strong, and we will fight and take it all the way to the end.

So I want to congratulate the Ravens for creating a sense of energy, creating a sense of community, and, yes, winning the Super Bowl. They were champs, but really what they created was not only champions of the Super Bowl, they were champions on their way to victory to create this sense of community.

Also, a special acknowledgment to Ray Lewis. Ray Lewis has had a tough life. It has been hard-scrapple and hard-tackle for him. He has faced some life challenges and has had some dark moments. Out of that, he has reclaimed his life, and in the process of reclaiming his life and giving essentially all honor to God, he has then gone on to work with other football players and people in our community about how you get your life together, how you hold your life together, and how you are a winner both on and off the field.

So I wish to congratulate the Ravens. We are really proud of them. We are glad they won the Lombardi Trophy for the second time in 11 years.

I have a purple coat that I bought for the first Super Bowl. Some women have special-occasion cocktail dresses; I have a special coat for football season. I pulled it out, and I am ready to wear it, and I am ready to wear it for victory for next season.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 35) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resoultions.''

RECOGNIZING FEBRUARY 19, 2013, AS CENTENNIAL OF MOSAIC

Mr. REID. Mr. President, I ask unanimous consent to proceed to S. Res. 36.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 36) recognizing February 19, 2013 as the centennial of Mosaic, a faith-based organization that was founded in Nebraska and now serves more than 3,600 individuals with intellectual disabilities in 10 States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 36) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.''

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that if the Senate receives an adjournment resolution from the House identical to the text which is at the desk, the concurrent resolution be considered agreed to and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

Mr. REID. Mr. President, I ask unanimous consent that either on Monday, February 25, or Tuesday, February 26, I be permitted and the Republican leader be permitted to introduce a bill to replace the sequester required under the Budget Control Act; further, that if a leader introduces such legislation, his bill be placed directly on the legislative calendar; finally, that motions to proceed to these bills be in order the day they are introduced.

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

Mr. REID. Mr. President, the purpose of this—and I have had meetings with Senator MCCONNELL—is that we are each going to have a piece of legislation to hold the sequester from kicking in, and this is the easiest way to do it without a lot of procedural motions, and I appreciate everyone's cooperation in that regard.

APPOINTMENTS AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President pro tempore and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that from Friday, February 15, through Monday, February 25, Senator LEVIN be authorized to sign duly enrolled bills or joint resolutions.

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

ORDERS FOR FRIDAY, FEBRUARY 15, 2013, THROUGH MONDAY, FEBRUARY 25, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for pro forma sessions only, with no business conducted on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday, February 15, at 12 p.m.; Tuesday, February 19, at 10:30 a.m.; and Friday, February 22, at 10:45 a.m.; and that the Senate adjourn on Friday, February 22, until 2 p.m. on Monday, February 25, 2013, unless the Senate adopts an adjournment resolution pursuant to the previous order, and that if the Senate adopts such a resolution, the Senate adjourn until 2 p.m. on Monday, February 25, 2013; that on Monday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate be in a period of morning business until 5 p.m. with Senators permitted to speak therein for up to 10 minutes each; further, that the Senate then proceed to executive session, under the previous order.

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

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will be on Monday, February 25, at 5:30 p.m., on confirmation of the Bacharach nomination.

CONDITIONAL ADJOURNMENT UNTIL TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Friday, February 15, 2013, at 12 noon.