

EXECUTIVE REPORTS OF
COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Frederick Vollrath, of Virginia, to be an Assistant Secretary of Defense.

*Alan F. Estevez, of the District of Columbia, to be a Principal Deputy Under Secretary of Defense.

*Eric K. Fanning, of the District of Columbia, to be Under Secretary of the Air Force.

*Air Force nomination of Lt. Gen. John E. Hyten, to be Lieutenant General.

Air Force nomination of Maj. Gen. Tod D. Wolters, to be Lieutenant General.

Marine Corps nominations beginning with Brigadier General John J. Broadmeadow and ending with Brigadier General Vincent R. Stewart, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2013.

Navy nomination of Rear Adm. Bruce E. Grooms, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Alexander M. Archibald III and ending with Timothy Y. Salam, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2013.

Army nomination of Michael J. Burke, to be Major.

Army nomination of Charles A. Slaney, to be Colonel.

Army nominations beginning with Sara L. Carlson and ending with David R. Trainor, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2013.

Army nominations beginning with James W. Ness and ending with Zachary T. Irvine, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2013.

Marine Corps nominations beginning with James B. Thompson and ending with Jason A. Woodworth, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Marine Corps nominations beginning with Michael A. Brown and ending with Michael E. Samples, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(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. SCHATZ:

S. 618. A bill to require the Secretary of the Interior to conduct certain special resource studies; to the Committee on Energy and Natural Resources.

By Mr. PAUL (for himself and Mr. LEAHY):

S. 619. A bill to amend title 18, United States Code, to prevent unjust and irrational criminal punishments; to the Committee on the Judiciary.

By Mr. CORNYN:

S. 620. A bill to withhold the salary of the Director of OMB upon failure to submit the President's budget to Congress as required by section 1105 of title 31, United States Code; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MANCHIN (for himself, Mr. KIRK, Mrs. FEINSTEIN, Mr. ROCKEFELLER, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 621. A bill to amend the Controlled Substances Act to make any substance containing hydrocodone a schedule II drug; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 622. An original bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize user fee programs relating to new animal drugs and generic new animal drugs; from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

By Mr. CARDIN (for himself and Mr. VITTER):

S. 623. A bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services; to the Committee on Finance.

By Mr. BURR (for himself, Ms. MIKULSKI, Mr. RUBIO, Mr. HATCH, Mrs. BOXER, and Mr. BENNET):

S. 624. A bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks for child care providers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mrs. SHAHEEN, Mr. ISAKSON, and Mr. CARPER):

S. 625. A bill to provide for a biennial appropriations process with the exception of defense spending and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

By Mr. SANDERS:

S. 626. A bill to de-link research and development incentives from drug prices for new medicines to treat HIV/AIDS and to stimulate greater sharing of scientific knowledge; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS:

S. 627. A bill to provide incentives for investment in research and development for new medicines, to enhance access to new medicines, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself, Mr. BAUCUS, Mr. BEGICH, and Ms. KLOBUCHAR):

S. 628. A bill to amend title 10, United States Code, to extend the duration of the Physical Disability Board of Review and to expand the authority of such Board to review of the separation of members of the Armed Forces on the basis of mental condition not amounting to disability, including separation on the basis of a personality or adjustment disorder; to the Committee on Armed Services.

By Mr. PRYOR (for himself, Mr. BOOZMAN, Mr. TESTER, Mr. GRASSLEY, Mr. LEAHY, Mr. JOHNSON of South Dakota, Mr. HARKIN, Mr. BEGICH, Mr. FRANKEN, and Mr. WYDEN):

S. 629. A bill to amend title 38, United States Code, to recognize the service in the

reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MURKOWSKI (for herself, Ms. LANDRIEU, Mr. BEGICH, and Ms. HEITKAMP):

S. 630. A bill to establish a partnership between States that produce energy onshore and offshore for our country with the Federal Government; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. CASEY, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. MURPHY, Ms. WARREN, Mr. LEVIN, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Ms. HIRONO, and Mr. COWAN):

S. 631. A bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND
SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BEGICH (for himself, Mr. SESSIONS, and Ms. AYOTTE):

S. Res. 82. A resolution commemorating the 30th anniversary of the proposal for the Strategic Defense Initiative; to the Committee on Armed Services.

By Mr. CASEY (for himself, Ms. COLLINS, Mr. BROWN, Ms. LANDRIEU, and Mr. BLUMENTHAL):

S. Res. 83. A resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. BARRASSO, Mr. CASEY, Mr. JOHNSON of South Dakota, Mr. CHAMBLISS, Mr. LEVIN, Mr. DURBIN, Mrs. SHAHEEN, Mr. REED, Mr. WYDEN, Mr. KIRK, Mr. CARPER, Mr. SCHUMER, Ms. MIKULSKI, Mr. CARDIN, Mr. COCHRAN, Mr. WHITEHOUSE, Mr. MANCHIN, Mr. LAUTENBERG, Mr. MURPHY, Mr. BEGICH, Mr. BROWN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. ROCKEFELLER, Mr. RUBIO, Mrs. FEINSTEIN, Mr. BLUNT, Mr. NELSON, Mr. ISAKSON, and Mr. ENZI):

S. Res. 84. A resolution recognizing the 192nd anniversary of the independence of Greece and celebrating democracy in Greece and the United States; considered and agreed to.

By Mr. SESSIONS (for himself and Mr. CARDIN):

S. Res. 85. A resolution designating April 2013 as "National Congenital Diaphragmatic Hernia Awareness Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. VITTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 17, a bill to stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

S. 169

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 169, a bill to amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes.

S. 288

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 288, a bill to increase the participation of historically underrepresented demographic groups in science, technology, engineering, and mathematics education and industry.

S. 294

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 294, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

S. 309

At the request of Mr. HARKIN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Montana (Mr. TESTER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 309, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 316

At the request of Mr. SANDERS, the name of the Senator from Michigan (Ms. STABENOW) 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. 330

At the request of Mrs. BOXER, the names of the Senator from Illinois (Mr. KIRK) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of 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).

S. 350

At the request of Mr. CORNYN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of 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.

S. 392

At the request of Mr. UDALL of New Mexico, the name of the Senator from

South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 392, a bill to support and encourage the health and well-being of elementary school and secondary school students by enhancing school physical education and health education.

S. 484

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 484, a bill to amend the Toxic Substances Control Act relating to lead-based paint renovation and remodeling activities.

S. 496

At the request of Mr. INHOFE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 496, a bill to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms.

S. 504

At the request of Mr. FRANKEN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 504, a bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market.

S. 603

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. RISCCH) was added as a cosponsor of S. 603, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 610

At the request of Mr. JOHANNES, the name of the Senator from Idaho (Mr. RISCCH) was added as a cosponsor of S. 610, a bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on health care benefits.

S. 614

At the request of Mr. INHOFE, the names of the Senator from Colorado (Mr. UDALL) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 614, a bill to require the continuation of tuition assistance programs for members of the Armed Forces for the remainder of fiscal year 2013.

S. 615

At the request of Mr. BLUMENTHAL, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 615, a bill to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes.

S. CON. RES. 6

At the request of Mr. BARRASSO, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 37

At the request of Mr. BROWN, the name of the Senator from Missouri

(Mr. BLUNT) was added as a cosponsor of 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.

S. RES. 65

At the request of Mr. GRAHAM, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. Res. 65, a resolution strongly supporting the full implementation of United States and international sanctions on Iran and urging the President to continue to strengthen enforcement of sanctions legislation.

S. RES. 77

At the request of Mr. MENENDEZ, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 77, a resolution expressing the sense of Congress relating to the commemoration of the 180th anniversary of diplomatic relations between the United States and the Kingdom of Thailand.

AMENDMENT NO. 65

At the request of Mr. COBURN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 65 proposed to H.R. 933, amend the title to read: "An Act making consolidated appropriations and further continuing appropriations for the fiscal year ending September 30, 2013."

AMENDMENT NO. 67

At the request of Mr. COBURN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 67 intended to be proposed to H.R. 933, amend the title to read: "An Act making consolidated appropriations and further continuing appropriations for the fiscal year ending September 30, 2013."

AMENDMENT NO. 72

At the request of Mr. INHOFE, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Colorado (Mr. UDALL), the Senator from Oregon (Mr. WYDEN), the Senator from Delaware (Mr. COONS), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. HOEVEN), the Senator from Louisiana (Mr. VITTER), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Nevada (Mr. HELLER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Nebraska (Mrs. FISCHER), the Senator from Indiana (Mr. DONNELLY), the Senator from South Dakota (Mr. JOHNSON), the Senator from Florida (Mr. NELSON), the Senator from Montana (Mr. BAUCUS) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of amendment No. 72 proposed to H.R. 933, amend the title to read: "An Act making consolidated appropriations and further continuing appropriations for the fiscal year ending September 30, 2013."

At the request of Ms. AYOTTE, her name was added as a cosponsor of

amendment No. 72 proposed to H.R. 933, supra.

AMENDMENT NO. 126

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of amendment No. 126 intended to be proposed to H.R. 933, amend the title to read: "An Act making consolidated appropriations and further continuing appropriations for the fiscal year ending September 30, 2013."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHATZ:

S. 618. A bill to require the Secretary of the Interior to conduct certain special resource studies; to the Committee on Energy and Natural Resources.

Mr. SCHATZ. 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. 618

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 "Pacific Islands Parks Act of 2013".

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Interior.

SEC. 3. SPECIAL RESOURCE STUDIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a special resource study of each of the following sites:

(A) The Ka'u Coast on the island of Hawaii, Hawaii.

(B) The northern coast of Maui, Hawaii.

(C) The southeastern coast of Kauai, Hawaii.

(D) Historic sites on Midway Atoll.

(E) On request of the Governor of the Commonwealth of the Northern Mariana Islands, the island of Rota in the Commonwealth of the Northern Mariana Islands.

(2) CONTENTS.—In conducting each study required under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the site and the area surrounding the site;

(B) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the site by Federal, State, or local governmental entities or private and nonprofit organizations;

(D) consult with any interested Federal, State, or local governmental entities, private and nonprofit organizations, or individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under the study.

(b) UPDATES.—

(1) IN GENERAL.—The Secretary shall update the study authorized by section 326(b)(3)(N) of the National Park Service Studies Act of 1999 (as enacted in title III of Appendix C of Public Law 106-113; 113 Stat. 1501A-195) relating to World War II sites in the Republic of Palau.

(2) CONTENTS.—In updating the study described in paragraph (1), the Secretary shall—

(A) determine whether conditions have changed to justify designating the site as a unit of the National Park System;

(B) consider other alternatives for preservation, protection, and interpretation of the site by Federal, State, or local governmental entities or private and nonprofit organizations;

(C) consult with any interested Federal, State, or local governmental entities, private and nonprofit organizations, or individuals; and

(D) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under the study.

(c) APPLICABLE LAW.—The studies and updates to the study required under section 8 of the National Park System General Authorities Act (16 U.S.C. 1a-5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available for the studies and updates to the study under this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the results of each study and updates to the study; and

(2) any conclusions and recommendations of the Secretary based on the results described in paragraph (1).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as are necessary.

By Mr. PAUL (for himself and Mr. LEAHY):

S. 619. A bill to amend title 18, United States Code, to prevent unjust and irrational criminal punishments; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I join with Senator PAUL to introduce the Justice Safety Valve Act of 2013, which will start to take on the problem of the ever-increasing Federal prison population and spiraling costs that spend more and more of our justice budget on keeping people in prison, thereby reducing opportunities to do more to keep our communities safe. This bill will combat injustice in Federal sentencing and the waste of taxpayer dollars by allowing judges appropriate discretion in sentencing.

As a former prosecutor, I understand that criminals must be held accountable and that long sentences are sometimes necessary to keep violent criminals off the street and deter those who would commit violent crime. I have come to believe, however, that mandatory minimum sentences do more harm than good. As Justice Kennedy said, "In too many cases, mandatory minimum sentences are unwise and unjust."

Currently a "safety valve" provision allows low-level drug offenders to avoid mandatory minimum penalties if certain conditions are met. The bill we introduce today would extend that safety valve to all Federal crimes subject to mandatory minimum penalties, allowing a judge to impose a sentence other than a statutorily designated mandatory sentence in cases in which key factors are present. The judge would be

required to provide notice to the parties and to state in writing the reasons justifying the alternative sentence.

The United States has a mass incarceration problem. Between 1970 and 2010, the number of people incarcerated grew by 700 percent. Although the United States has only 5 percent of the world's population, we incarcerate almost a quarter of its prisoners. At the end of 2011, 2.2 million people were in jail or prison in the United States. That means we incarcerate roughly 1 in every 100 adults.

As of last week, the Federal prison population was over 217,000. Almost half of those men and women are imprisoned on drug charges. Compare this with 1980, when the Federal prison population was just 25,000. Since 2000 alone, the Federal prison population has increased by 55 percent.

As more and more people are incarcerated for longer and longer, the resulting costs have placed an enormous strain on the Justice Department's budget and have at the same time severely limited the ability to enact policies that prevent crimes effectively and efficiently. At a time when our economy has been struggling to recover from the worst recession in the last 75 years and our budget is limited, we must look at the wasteful spending that occurs with overincarceration.

At the federal level, over the last 5 years, our prison budget has grown by nearly \$2 billion. In 2007, we spent approximately \$5.1 billion on Federal prisons. Last year, the Federal Bureau of Prisons requested more than \$6.8 billion. That means less money for Federal law enforcement, less aid to State and local law enforcement, and less funding for crime prevention programs and prisoner reentry programs. In short, we have less to spend on the kinds of programs that evidence has shown work best to keep crime rates down. Building more prisons and locking people up for longer and longer—especially nonviolent offenders—is not the best use of taxpayer money and is, in fact, an ineffective means of keeping our communities safe.

The proliferation of Federal mandatory minimum sentences is not the only factor driving the increase in incarceration rates, but it is an important factor. The number of mandatory minimum penalties in the Federal code nearly doubled from 1991 to 2011. Even those defendants not subject to mandatory minimums have seen their penalties increase as a result of mandatory penalties being incorporated into the U.S. sentencing guidelines.

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