

It is time to wake up.

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

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

The assistant legislative clerk proceeded to call the roll.

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 I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. WHITEHOUSE. I ask 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.

#### EXECUTIVE NOMINATIONS

Mr. LEAHY. Mr. President, yesterday was a good day for the Senate. I want to praise the majority leader, who brought the Senate back from the brink, and the hard work of Senators from both parties who listened to each other during a lengthy discussion. In particular, I thank Senator WICKER for suggesting Monday night's bipartisan caucus, which allowed for a much needed dialogue among all Senators, and Senator MCCAIN for his efforts to bring both sides together. The last time we held a bipartisan caucus meeting, in April, it was to hear Senator MCCAIN discuss his experience as a prisoner of war. In all my time in the Senate, that was a particularly memorable evening for me. It is my hope these kinds of bipartisan discussions, like the one we had Monday night, will lead to better communication in the Senate and help us work together more effectively so we can address the problems that Americans face.

Until yesterday, Senate Republicans had been blocking votes on several important Executive nominations, including Richard Cordray to be Director of the Consumer Financial Protection Bureau; Gina McCarthy to be Administrator of the Environmental Protection Agency; Tom Perez to be Secretary of Labor; and three of the five nominees to the National Labor Relations Board. Rather than arising from substantive opposition to these individual nominees, this obstruction was a partisan attempt to sabotage and eviscerate these agencies which protect consumers, the clean air and water that the American people want and deserve, and American workers. For example, I am unaware of any personal opposition to Richard Cordray, but Senate Republicans simply refused even to allow a confirmation vote for the director of an agency that they dislike. His confirmation last night, 2 years after he was first nominated, means that the CFPB is now truly empowered to protect American consumers.

During my 38 years in the Senate, I have served with Democratic majori-

ties and Republican majorities, during Republican administrations and Democratic ones. Whether in the majority or the minority, whether the chairman or ranking member of a committee, I have always stood for the protection of the rights of the minority. Even when the minority has voted differently than I have or opposed what I have supported, I have defended their rights and held to my belief that the best traditions of the Senate would win out and that the 100 of us who represent over 310 million Americans would do the right thing.

Yet over the last 4 years, Senate Republicans have changed the tradition of the Senate with their escalating obstruction, and these actions threaten the Senate's ability to do the work of the American people.

Instead of trying to work across the aisle on efforts to help the American people at a time of economic challenges, Senate Republicans have relied on the unprecedented use of the filibuster to thwart progress. They have long since crossed the line from use of the Senate rules to abuse of the rules, exploiting them to undermine our ability to solve national problems.

Filibusters that were once used rarely have now become a common occurrence, with Senate Republicans raising procedural barriers even to considering legislation or to voting on the kinds of noncontroversial nominations the Senate once confirmed regularly and quickly by unanimous consent. The majority leader has been required to file cloture just to ensure that the Senate makes any progress at all to address our national and economic security, and a supermajority of the Senate is now needed even to allow a vote on basic issues.

That is not how the Senate should work or has worked. The Senate has a tradition of comity, with rules that function only with the kind of consent that previously was almost always given. The rules are not designed to encourage Senators to obstruct at every turn. The Senate does not function if an entire caucus takes every opportunity to use obscure procedural loopholes to stand in the way of a vote because they might disagree with the result. Without serious steps to curtail these abuses, the approach taken during the Obama administration by Senate Republicans risks turning the rules of the Senate into a farce and calls into question the ability of the Senate to perform its constitutional functions.

I was hopeful that the agreement reached earlier this year by the majority leader and the Republican leader represented a serious step toward restoring the Senate's ability to work for the American people. I was hopeful that the Republican Senators who joined with Senate Democrats in January would follow through on their commitment to curtail the abuse of Senate rules and practices that have marred the last 4 years.

That is why I was so disappointed by the continued obstruction President

Obama's nominees have been facing. This obstruction has serious consequences for the American people. The harm being done is no more readily apparent than with the Republican effort to shut down the National Labor Relations Board. It was critical that we reach a workable agreement with Senate Republicans to confirm nominees to the NLRB to ensure it will be able to function—rather than leave it in its current situation of facing a shutdown due to lack of quorum at the end of next month. Shutting down the NLRB would deny justice to American workers, stripping them of their right to organize and to speak out in favor of fair wages and decent working conditions without fear of retaliation. It would also prevent employees from creating a union, or for that matter, voting to end union representation. Without an NLRB, employers will also be hurt because they will be unable to stop unlawful activities by unions, including unlawful strikes. Workers and employers depend on the NLRB, and Senate Republicans should allow votes on the President's nominees so that the Board can do its job.

Last week, some Senate Republicans declared that they could never allow a vote on the NLRB nominees who had received recess appointments to those positions, because the recess appointments have been determined by the DC Circuit to be illegal. However, according to that ruling by the DC Circuit, a total of 141 of President Bush's recess appointments were illegal. I do not recall any Senate Republicans arguing that those nominees should not be allowed a vote.

Senate Republicans should have considered President Obama's NLRB nominees on their own merits, and, even if they would ultimately have opposed them, they should have allowed the Senate to hold an up-or-down vote. I have no doubt that if considered on their own merits the two previously recess-appointed NLRB nominees would have been confirmed and would have continued to serve the Nation well.

These filibusters have been damaging to the Senate and our Nation. When it comes to Executive nominations, a President should have wide discretion to staff his or her administration.

Our form of representative democracy requires a degree of self-restraint from all of us for the legislative system to work for the good of the Nation and for the well-being of the American people. I believe that the strong cloture and confirmation votes on Richard Cordray's nomination yesterday reflect an acknowledgement of this principle by some Senate Republicans. While this deal leaves in place both the majority's ability to pursue further rules reform and the minority's ability to filibuster executive branch nominations, I hope that neither tool will be used. If the Senate Republicans who voted with us yesterday to invoke cloture on Richard Cordray continue to cooperate and work with us to allow

fair consideration of President Obama's, or any President's, executive branch nominations, the deal reached yesterday will rightfully be seen as an important step in restoring the Senate's ability to function.

#### SAFE ACT

Mr. HATCH. Mr. President, I ask unanimous consent to have printed in the RECORD the following seven letters expressing support for S. 1270, the Secure Annuities for Employee (SAFE) Retirement Act of 2013: Fidelity Investments, National Benefit Services, LLC, National Rural Electric Cooperative Association, Principal Life Insurance Company, Small Business Council of America, Transamerica Retirement Solutions, and the U.S. Chamber of Commerce.

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

FIDELITY INVESTMENTS,  
July 11, 2013.

Hon. ORRIN HATCH,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR HATCH: On behalf of Fidelity Investments, I would like to thank you for advancing the discussion on retirement security. The private employer pension system has been a great success; however, we share your concerns that more needs to be done to ensure that millions of Americans are ready for retirement.

The SAFE Retirement Act of 2013 includes several provisions that will improve retirement security. For example, the bill would enhance the use of automatic enrollment—a tool that has proven to increase participation in workplace savings plans. We recordkeep over 20,000 corporate defined contribution plans, representing over 12 million participants. Our data and analysis reveal that participation rates in plans with automatic enrollment is on average 90%. Currently 60% of those defined contribution plans that offer automatic-enrollment have elected the safe harbor default deferral of three percent. A higher minimum default rate, such as six percent in the bill, may result in more participants saving at higher rates sooner.

The bill also facilitates electronic delivery and includes other provisions that would simplify plan administration, making it easier for small businesses to adopt plans. Our data show that participants who receive electronic statements and notices are more likely to take actions than participants who receive paper statements and communications. We find that electronic mail yields response rates three times higher than print (13.7% vs. 3.8%).

We applaud your leadership on retirement security and appreciate your efforts to advance needed reforms to the private retirement system. We look forward to working with you on these important issues.

Regards,

PAMELA D. EVERHART,  
Senior Vice President.

NATIONAL BENEFIT  
SERVICES, LLC,  
Jordan, UT, June 24, 2013.

Hon. ORRIN HATCH,  
Hart Senate Office Building, U.S. Senate,  
Washington, DC.

DEAR SENATOR HATCH: I am writing to you to express my support for the Pension Reform Bill, a New Pension Plan for State and Local Governments. The Pension Bill pro-

poses many improvements and needed changes to the pension/retirement system. Among its many proposed improvements, it supports and strengthens the need to work through employers to promote retirement savings programs. In my opinion, the proposal would make it easier and less costly for an employer to implement and maintain a retirement plan for either employees. The Multiple Employer Plan proposals are particularly encouraging, as many employers and administrators are discouraged with the current statute of the law in this area. As you may know, National Benefit Services, LLC ("NBS") is committed to helping employers design and maintain productive retirement savings programs. As a whole, the Pensions Bill is important to NBS because we have experienced firsthand how positive legislation can help small employers offer a full-fledged retirement program to employees at a fraction of the cost.

Thank you for the opportunity to share my views on the Pension Bill. I support and appreciate your offices efforts in improving the retirement system. If there is anything I can do to help in your further pension reform efforts, please let me know. Thank you again for your time and interest.

Sincerely,

SCOTT F. BETTS,  
Senior Vice President,  
National Benefit Services, LLC.

NATIONAL RURAL ELECTRIC  
COOPERATIVE ASSOCIATION,  
Arlington, VA, July 3, 2013.

Re SAFE Retirement Act of 2013.

Hon. ORRIN HATCH,  
Ranking Republican Member, U.S. Senate, Committee on Finance, Washington, DC.

DEAR SENATOR HATCH: Thank you for your consistent leadership on so many issues affecting rural electric cooperatives in Utah, and throughout the country.

NRECA members are committed to preserving and enhancing the voluntary employer-sponsored retirement system and the tax policies that support it. We applaud your consistent leadership on private retirement plan issues, and look forward to working with you on your most recent bill, the "SAFE Retirement Act of 2013", which would help address many critical challenges facing the private retirement plan system.

NRECA is proud that the vast majority of its members offer comprehensive retirement benefits through a traditional defined-benefit plan (the NRECA Retirement Security Plan) and a defined-contribution plan (the NRECA 401(k) Plan). Both of these critical "multiple-employer" benefit plans (under §413(c) of the Internal Revenue Code) are operated to maximize retirement savings for employees, retirees and their families and provides each co-op employee the financial means to enjoy a comfortable and secure retirement.

Your support for rural electric cooperatives has been critical to our success, and we look forward to continuing our work with you on the important issues that impact our dedicated employees and our consumer-owners.

Sincerely,

KIRK D. JOHNSON,  
Senior Vice President, Government Relations.

PRINCIPAL LIFE INSURANCE COMPANY,  
Des Moines, IA, July 2, 2013.  
Re Title II of "Secure Annuities for Employee Retirement Act of 2013".

Hon. ORRIN HATCH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR HATCH: Employer sponsored 401(k) plans and other worksite retirement plans have helped millions of workers save trillions of dollars. These plans have proven

to be resilient even in challenging times but more is needed to expand access to worksite retirement plans. By removing barriers to new retirement plan formation and encouraging plan designs that increase participation and savings, more Americans can gain access to retirement plans and be encouraged to save more effectively through them.

On behalf of Principal Financial Group, I want to thank you for furthering this discussion through the inclusion of Title II, "Private Pension Reform" as contained in "Secure Annuities for Employee Retirement Pension Act of 2013." In our view, the key challenges that need to be addressed to expand retirement savings are: expand coverage of employees in voluntary, employer-sponsored retirement plans; increase retirement savings to adequate levels; and secure income to last through retirement. Each of these areas is addressed in the proposed legislation.

Thank you for your leadership in this area. We are still reviewing the specifics of the bill and look forward to working with you as the process continues. Seeking solutions to these important policy considerations to expand the current employer based retirement system is vital to the economic wellbeing of millions of future retirees.

Sincerely,

GREGORY J. BURROWS,  
Senior Vice President.

SMALL BUSINESS COUNCIL OF AMERICA,  
July 2, 2013.

Hon. ORRIN HATCH,  
Ranking Member, Senate Finance Committee,  
Washington, DC.

DEAR RANKING MEMBER HATCH: On behalf of the members of the Small Business Council of America ("SBCA") and its advisory boards, we want to thank you for all of your efforts in support of the private retirement system and express our strong support for the private retirement system provisions in Title II and 111 of the SAFE Retirement Act of 2013.

The Small Business Council of America (SBCA) is a national nonprofit organization which has represented the interests of privately-held and family-owned businesses solely on federal tax, health care, pension and other employee benefit matters since 1979. The SBCA, through its members, represents well over 20,000 enterprises in retail, manufacturing and service industries, virtually all of which provide health insurance and retirement plans. SBCA's Advisory Boards contain many of the nation's leading small business advisors in the legal, actuarial, accounting and plan administration fields. The expertise of these board members in the small business retirement plan area is unmatched in the small business world.

Longer life expectancies are requiring increased retirement savings. The present qualified retirement plan system, which is largely dependent on federal tax laws, has been very successful in providing retirement security. However, there is still room for significant improvement. By simplifying the administrative requirements of sponsoring a qualified retirement plan and providing employers with new options, the private pension reform provisions of the SAFE Retirement Act will encourage employers to both maintain existing plans as well as to establish new plans.

The existing notice and other administrative requirements of sponsoring a plan are costly and burdensome. For small business owners, the decision of whether to sponsor a qualified retirement plan is largely based on the balance between the burdens of sponsoring a plan and the benefit to its key employees. By simplifying the operation of