the 36th State of the Union. Nevada is only one of two States to join the Union during the war. The first was West Virginia, which seceded from Virginia to form a new State and remain part of the Union. It gained its statehood before Nevada, on June 30, 1863.

Union sympathizers had rushed to finalize Nevada's statehood in order to ensure Lincoln's reelection—because, remember, this is right before his reelection. In fact, they were so eager to mint a State they telegraphed the new Nevada constitution to Congress. At that time, it was the longest telegram ever sent—coming in at 16,543 words and costing $59,294.92. Eight days later, President Lincoln was reelected President of the United States.

Nevada is only one of two States to significantly expand its borders after its admission to the Union. Eastern and southern Nevada joined the State in the late 1860s after gold was discovered in the regions. Many Nevadans believe the State was only allowed to join the Union so its mineral riches could help fund the northern war effort, but in truth that is a myth. It is not true. The tale probably stems from the fact that the Nevada Territory was created in 1861 so its gold and silver could be used to help the Union rather than the Confederacy. So the State's slogan, Battle Born—a reference to the war—and an erroneous episode of ''Bonanza,'' which depicted a constitutional convention in Carson City I guess helped cement the legend.

The 150th anniversary of our admission to the Union is a wonderful time to study and reflect in this shared history we have as States and as a nation. It is also time to build a foundation for another 150 years of innovation and accomplishment for our State.

Nevada—from the mountains and high deserts of the east, to the geothermal wells of the north, including Lake Tahoe to the west, of course, to southern Nevada with the Las Vegas strip, from Indian Country to the mining towns and ranching communities—is a unique State in today's modern Union.

I like to say that people don't understand Nevada is more than the bright lights of Las Vegas. From the glittering waters of Lake Tahoe, Nevada is the most mountainous State in the Union, except for Alaska. We have more than 300 mountain ranges. Other than Alaska, it is the most dangerous place to fly a private plane because of the weather patterns which develop so quickly. I have been involved as I have flown in some of the smaller airplanes around the State.

We have magnificent wildlife. We have the famous bighorn sheep, we have mountain goats, the largest antelope range in the world. We have 1 mountain almost 14,000 feet high, and we have 32 mountains over 11,000 feet high. It is a magnificent State, and I am so fortunate to be able to represent that State—the State where I was born.

So today and throughout this special year we should celebrate everything that makes Nevada extraordinary and successful.

Happy Nevada Day, Nevadans.

CONGRATULATING CARL FRITTER

Mr. REID. Mr. President, I wish to take a minute to congratulate a man who has been part of the Senate for a long time. With more than four decades of service to the Federal Government and some 32 years here in the Senate, a man by the name of Carl Fritter will retire today. He began his career at the Government Printing Office and gave 44 years of service to the Federal Government. He is respected by his colleagues in the Secretary's Office and admired throughout the Senate community for his craftsmanship. Carl learned the art of bookbinding as an apprentice in the Government Printing Office. He received special training in bookbinding from experts across the globe.

In 1977, Carl was detailed to the Senate Library, where he eventually became Director of the Office of Conservation and Preservation. My son, during one of the summers, worked in that office, and that was a great experience. There he got to know Carl.

In addition to binding and repairing books, he has built many beautiful boxes and other things. He is a modern-day artisan. It is amazing the things he has built and can build. He has built, for example, boxes to contain gavels, books, and other works of art. Later today when we swear in the new junior Senator from New Jersey, the oath book Vice President BIDEN will use to swear in Senator-elect BOOKER was made by Carl Fritter.

I wish him the very best in his retirement. He is going to go to Key West, FL, where he wants to spend more time there with his wife Bunny and his children and grandchildren. I thank Carl for his decades of dedicated service to this institution and the Federal Government, and congratulate him on a career of success building and preserving artifacts here in the U.S. Capitol.

RECOGNITION OF THE MINORITY LEADER

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

TRIBUTE TO CARL FRITTER

Mr. MCCONNELL. Mr. President, I wish to say a few words of thanks this morning to a member of the Senate family who is leaving us today. After 44 years of government service, including 32 here in the Senate, Carl Fritter has decided it is time to go.

Carl has been a real friend to my office over the years, through his work in the Office of Conservation and Preservation, and we are sorry to see him leave us. But before he does, I want to say how grateful we are for his outstanding work over the years.

Carl learned the art of bookbinding in an apprentice program at the Government Printing Office many years ago. He says he never saw himself as a bookbinder, but after working outside one January during the construction of the Kennedy Center, he started thinking about getting a job indoors, and his supervisors over at the GPO gave him the opportunity. Carl would learn his trade from bookbinders from all over the world, each of whom taught him different techniques, which he put to good use in the Senate Library for many years.

In 1990, the Office of Conservation and Preservation was created. Carl was named Director 4 years later.

In addition to binding and repairing books, Carl taught himself a lot of other crafts. I am told he makes some pretty amazing decorative boxes, bowls, gavels, and books. One of Carl's most memorable projects was a fall-down box that he built as a gift for Margaret Thatcher. It was a box that opened to reveal a plate in the middle, with two congressional resolutions on either side. I am sure Prime Minister Thatcher loved it.

Carl, thank you for lending us your talents for so long and for giving so much of your life to this institution. We wish you and Bunny all the best in your retirement. I am sure you will enjoy passing down your skills to your grandkids. They will have a great teacher. But the entire Senate community will miss your craftsmanship and your commitment to excellence, and we will miss your friendship.

Carl, thank you very much.

FAMILY FRIENDLY AND WORKPLACE FLEXIBILITY ACT

Mr. MCCONNELL. Mr. President, given that October is National Work and Family Month, I wish to take the opportunity to discuss an issue that has become increasingly important to working families, and that is the need for workplace flexibility.

Yesterday my colleague Senator AYOTTE and I introduced the Family Friendly and Workplace Flexibility Act of 2013, which we hope will provide America's workers with the flexible work arrangements they need. Countless Americans have become increasingly familiar over the past several years with the same reality: more and more to do, with less and less time to do it. And while Congress can't legislate another hour in the day, we can help working Americans better balance the demands of work and family.

The Family Friendly and Workplace Flexibility Act is a commonsense measure Congress can pass to help alleviate that burden for millions of families by providing greater flexibility in managing their time. We all know working moms who are stretched between a job and supporting their kids,

and baby boomers with elderly parents who require care and attention. A 2010 study conducted by the White House Council of Economic Advisers found that work flexibility programs can ''reduce turnover and improve recruitment, [increase] the productivity of an employer's workforce, and are associated with improved employee health and decreased absenteeism.''

Another study conducted by the Society for Human Resource Managers found that women's responsibilities have increased at work and men's responsibilities have increased at home, resulting in 60 percent of wage and salaried employees believing they do not have enough time to spend with their loved ones. The American workplace has evolved dramatically since the industrial workplace of the post-Depression era. Yet the labor laws written during this time period are still in place today and the makeup of our workforce has also changed dramatically.

Today, 60 percent of working households have two working parents. Sixty-six percent of single moms and 79 percent of single dads work as well. American workers have had to adapt to keep pace with this changing environment. So should our laws. Instead of sticking with an antiquated labor law, I believe we need to update the Fair Labor Standards Act to actually meet the changing needs of workers.

That is why I am introducing the Family Friendly and Workplace Flexibility Act.

This bill will allow flexible workplace arrangements such as compensatory time and flexible credit hour agreements, which are currently available to employees working for the Federal Government—Federal employees already have this—to be extended to businesses regulated by the Fair Labor Standards Act.

Currently, the FLSA prohibits employers from offering compensatory time or comptime to their hourly employees. This bill would amend the FLSA to allow private employers to offer comptime to employees at a rate of 1½ hours for every hour of overtime work. I should add that this would be a completely voluntary process. An employee could still choose to receive monetary payments as their overtime compensation. This bill simply allows the option for employees to choose paid time off over work instead. There is no need for Washington to stand in the way of families earning the time that they need.

This bill also institutes a flexible credit-hour program under which the employer and employee can enter into agreements that allow the employee to work excess hours, beyond the typical number of hours he or she is typically required to work, in order to accrue hours to be taken off at a later time. This option is for employees who do not get the opportunity to work overtime, but still want a way to build up hours to use as paid leave. Like comptime, this program is voluntary and may not affect collective bargaining agreements that are in place.

Under this legislation, employers would not be mandated to offer flexible workplace arrangements, just as employees are not mandated to choose their benefits, rather than direct compensation for overtime work. Both parties are free to choose what works best for them.

I would like to take a moment to focus on some of the protections in the bill. Under this bill, an employee may accrue up to 160 hours of comptime per year. At any point in the year, a participating employee may request to revert back to receiving traditional overtime compensation in exchange for their accrued comptime, essentially cashing out their banked time. Further, the bill also requires employers to provide monetary payment at the end of the year for any unused comptime or flextime.

I have also included a provision that safeguards unpaid comptime and flextime in the case of bankruptcy. Thus, the bill takes steps to protect against any potential for lost wages in these kinds of circumstances.

If anyone understands the benefits of comptime, it is our public employees. That is because flexible work arrangements have been available to Federal employees since 1978. If the Federal law already provides these beneficial workplace arrangements to Federal and State workers, why should we not make them available to all employees? Public employees enjoy these arrangements so much that the unions representing them frequently fight for comptime arrangements when negotiating collective bargaining agreements.

It is very important to note this legislation does not do anything to alter the 40-hour work week. Let me repeat that: This bill in no way alters a 40-hour work week or how overtime is calculated.

Another way in which the Family Friendly and Workplace Flexibility Act protects employees is by prohibiting employers from coercing employees into accepting or rejecting comptime or flextime arrangements.

When we look at today's modern workplace, we see some companies such as Dell, Bank of America, and GE that already provide flexible workplace arrangements to their salaried employees who are not subject to the rules under FLSA. Perhaps it is no coincidence that workplaces such as these are also among the highest-ranked companies at which to work.

Now is the time to allow private companies to provide the benefits of flexible arrangements like comptime to their nonexempt workers as well. After all, it is not just workers at some places of employment who are parents or family members who need to be able to take time off to attend a function for their child's school, to see a son or daughter's supporting event, or to care for an aging parent. It is workers at all places of employment.

A report by the White House Council of Economic Advisers shows that nearly one-third of all American workers consider work-life balance and flexibility to be the most important factor in considering job offers.

Let me say that again. Nearly one-third of all American workers consider work-life balance and flexibility to be the most important factor in considering job offers.

It also shows that 66 percent of human resource managers cite family-supportive policies and flexible hours as the single most important factor in attracting and retaining employees. These numbers are pretty telling.

I am pleased that the Kentucky Chamber of Commerce has endorsed this legislation. I also thank my friend Congresswoman MARTHA ROBY for her leadership and dedication in advancing this cause over in the House. She introduced a bill to accomplish similar ends as the Family Friendly and Workforce Flexibility Act and actually saw her bill to passage. Now it is time for the Senate to act.

The effort to provide greater flexibility and support for families in the workplace is one I have long supported. I have previously supported legislation allowing flexible workplace arrangements. This is the fifth time I have sponsored legislation to establish comptime, and I am proud to continue that fight today.

I consider myself very fortunate to be joined by Senator AYOTTE in this effort. I suspect her predecessor, former Senator Judd Gregg, would be proud to see her leadership on this issue as well. Senator Gregg was a champion for flexible work arrangements throughout his entire Senate career, I was thankful to work with him on the issue in the past, and I am gratified to work with Senator AYOTTE on this issue moving forward.

Yesterday Senator LEE introduced a similar measure that seeks to provide for comptime for American workers. Senator LEE is helping with the effort, working with conservatives to find out-of-the-box solutions to the challenges Americans face today. I applaud Senator LEE for his commitment to this effort and look forward to working with him in the future on this issue.

In closing, I urge my colleagues on both sides of the aisle to support this commonsense bill because it is the right thing to do for working families.

MILLETT NOMINATION

Finally, I will be voting against cloture on the Millett nomination, and I would like to discuss why. Ms. Millett is no doubt a fine person. This is nothing personal.

Peter Keisler, of course, is a fine person too. But our Democratic colleagues pocket-filibustered his nomination to the DC Circuit for 2 years on the grounds that the court's workload did not warrant his confirmation. They did so despite his considerable skill as a

lawyer and his personal qualities. His nomination languished until the end of the Bush administration. He waited almost 1,000 days for a vote that never came.

The criteria our Democratic friends cited to block Mr. Keisler's nomination then clearly show the court is even less busy now. For example, the seat to which Ms. Millett is nominated is not a judicial emergency—far from it. The number of appeals at the court is down almost 20 percent, and the written decisions per active judge are down almost 30 percent.

In addition to these metrics, the DC Circuit has provided another. The chief judge of the court, who was appointed to the bench by President Clinton, provided an analysis showing that oral arguments for each active judge are also down almost 10 percent since Mr. Keisler's nomination was blocked.

These analyses show that not only is the court less busy in absolute terms now than it was then, it is less busy in relative terms as well, when one takes into account the number of active judges serving on the court. The court's caseload is so low, in fact, that it has canceled oral argument days in recent years because of lack of cases. After we confirmed the President's last nominee to the DC Circuit just a few months ago—and by the way we confirmed him unanimously—one of the judges on the court said that if more judges were confirmed there would not be enough work to go around. So if the court's caseload clearly does not meet their own standards for more judges, why are Senate Democrats pushing to fill more seats on a court that doesn't need them? What is behind this push to fill seats on the court that is canceling oral argument days for lack of cases, and according to the judges who serve on it will not have enough work to go around if we do?

We don't have to guess. Our Democratic colleagues and the administration's supporters have been actually pretty candid about it. They have admitted they want to control the court so it will advance the President's agenda. As one administration ally put it, ''The President's best hope for advancing his agenda is through executive action, and that runs through the DC Circuit.''

Let me repeat, the reason they want to put more judges on the DC Circuit is not because it needs them, but because ''The President's best hope for advancing his agenda is through executive action, and that runs through the DC Circuit.''

Another administration ally complained that the court ''has made decisions that have frustrated the President's agenda.'' Really? The court is evenly divided between Republican and Democratic appointees. According to data compiled by the Federal courts, the DC Circuit has ruled against the Obama administration in administrative matters less often than it ruled against the Bush administration.

Let me say that again. According to data compiled by the Federal courts, the DC Circuit has ruled against the Obama administration in administrative matters less often than it ruled against the Bush administration. So it is not that the court has been more unfavorable to President Obama than it was to President Bush. Rather, the administration and its allies seem to be complaining that the court has not been favorable enough. Evidently they do not want any meaningful check on the President. You see, there is one in the House of Representatives, but the administration can circumvent that with aggressive agency rulemaking. That is if the DC Circuit allows it to do so.

A court should not be a rubberstamp for any administration, and our Democratic colleagues told us again and again during the Bush administration that the Senate confirmation process should not be a rubberstamp for any administration. For example, they said President Bush's nomination of Miguel Estrada to the DC Circuit was ''an effort to pack the Federal courts.'' And they filibustered his nomination—seven times, in fact.

We have confirmed nearly all of President Obama's judicial nominees. As I said, we confirmed a judge to the DC Circuit unanimously just a few months ago. This year we have confirmed 34 circuit and district court judges. At this time in President Bush's second term the Senate had confirmed only 14.

Let me say that again. This year we have confirmed 34 circuit and district court judges. At this time in President Bush's second term the Senate had confirmed only 14 of those nominees. In fact, we confirmed President Obama's nominees even during the Government shutdown.

In writing to then-Judiciary Committee Chairman Arlen Specter to oppose the nomination of Peter Keisler, Senate Democrats said:

> Mr. Keisler should under no circumstances be considered—much less confirmed . . . before we first address the very need for the judgeship . . . and deal with the genuine judicial emergencies identified by the judicial conference.

That course of action ought to be followed here too. Senator GRASSLEY has legislation that will allow the President to fill seats on courts that actually need judges. The Senate should support that legislation, not transparent efforts to politicize a court that doesn't need judges in an effort to create a rubberstamp for the administration's agenda.

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 MELVIN WATT TO BE DIRECTOR OF THE FEDERAL HOUSING FINANCE AGENCY

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

The legislative clerk read the nomination of MELVIN L. WATT, of North Carolina, to be Director of the Federal Housing Finance Agency.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon will be equally divided and controlled between the two leaders or their designees.

The assistant majority leader.

LETTER OF RESIGNATION

Mr. DURBIN. Mr. President, first, I ask unanimous consent that an official letter of resignation as mayor of Newark, NJ, from Senator-elect CORY BOOKER of New Jersey be printed in the RECORD.

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

NEWARK, NJ,
October 30, 2013.

ROBERT P. MARASCO,
City Clerk, City of Newark, Broad Street, Newark, NJ.

DEAR MR. MARASCO: Serving as the mayor of Newark, New Jersey has been one of the greatest honors of my life. Since taking office more than seven years ago, I've had the privilege to work closely with countless residents, municipal employees, elected officials, community leaders and others to move Newark forward. It was not easy, but together, we have brought incredible positive change to our city and set the stage for this momentum to continue in the coming years.

On Thursday, October 31, 2013 at noon, I will be sworn in as one of New Jersey's United States Senators. Therefore, effective Thursday, October 31, 2013 at 12:00 a.m., I am officially resigning as mayor of Newark.

While I am leaving one position, I am not leaving Newark. I am proud to be able to now represent Newark and our entire state as a United States Senator. My level of dedication, passion and service will not falter as I serve New Jersey. Our best days lie ahead, and together, we will continue to achieve great things.

The work goes on.

Sincerely,

CORY A. BOOKER,
Mayor.

Mr. DURBIN. Mr. President, I listened carefully to the statement that was just made by the Republican leader. It is a shame what is about to occur on the Senate floor if he has his way. The President has submitted the name of a nominee to serve on the DC Circuit Court. This is not just another court. Some view it as the second most important court in the land. Some of the most technical and challenging legal cases come before this court. The judges who serve there are called on not just to do routine things but to do extraordinary things on a regular basis. That is why the appointments to this court are so critically needed when