

moral ground in conference with the House conferees in fighting for payment limitation. She represents a majority of the Senate; whereas, the House conferees, in opposing her, represent a minority of the House of Representatives.

HOMELAND SECURITY NOMINEE

The last issue I am going to speak about, then I will yield the floor, deals with the some correspondence I am trying to have with the nominee to be Secretary of Homeland Security.

On July 12, Secretary Napolitano announced she would be leaving the Department of Homeland Security after 4 years heading up one of the largest departments of the Federal Government. On October 17, the Obama administration announced it had finally found a replacement. The Committee on Homeland Security moved quickly on Jeh Johnson's nomination, approving him by voice vote on November 20.

On November 15, before the committee approved him, I sent a letter to Mr. JOHNSON, along with several colleagues on the Judiciary Committee. We on the Judiciary Committee asked for his views on a number of important matters, including our Nation's immigration policies and the fair treatment of whistleblowers.

We asked if he would cooperate with us on oversight matters and work with us to improve immigration policies going forward. Because the Judiciary Committee has primary responsibility on immigration matters, it is necessary for us to know any nominee's position on almost any issue. It has been nearly 1 month, and there has been no response to our letter and no indication that he might respond.

In fact, I would be surprised that any nominee would respond to Congress any more given the majority only needs a simple majority to vote for confirmation. Thanks to a rule change done unilaterally by the majority, there will no longer be a proper vetting of executive branch nominees. The rule change essentially takes away the Senate's constitutional role of advice and consent, thereby allowing nominees to ignore Congress on issues of extreme importance such as immigration.

But I am still going to pursue these questions, even though we do not have the leverage we used to have when a 60-vote majority was necessary, because Congress has a responsibility to know how laws are going to be enforced by the President's appointees. President Obama promised this would be the most transparent administration in history. Yet getting answers from this President or his administration on legitimate Congressional oversight has been like pulling teeth.

They have stonewalled Congress at every turn. Over the last 5 years, the administration has gone around Congress and pushed the envelope with their authority. He has ignored his constitutional duties to faithfully execute the laws by picking and choosing which laws he wants to enforce. Con-

gressional oversight, an important responsibility that holds the government accountable for its people has been nearly impossible.

In other words, the checks and balances of government do not work the way the Constitution writers intended. Now it is going to get worse. There will be more blatant disrespect for checks and balances than we have ever seen. So I would like to take time to read some of the questions—just some of the questions—that we asked Mr. JOHNSON. I think these would be reasonable questions that any Secretary ought to tell us what he is going to do if he gets sworn into that office. I think they underscore how important it is that we have answers before we move forward on the nomination.

First and foremost, we asked Mr. JOHNSON about his commitment to uphold the laws on the books. We asked if he would continue the lawless policies created by the former Secretary and her deputy. We asked about what he would do to improve the morale of immigration officials and agents who are concerned about their nonenforcement protocols. We want to know how he would strengthen cooperation between Federal and local law enforcement entities.

Secondly, we asked Mr. JOHNSON what he would do to improve border security. We want to know what specific measures he will implement to ensure that the Department will comply with the Secure Fence Act of 2006. In 2010, Secretary Napolitano suspended our Nation's only comprehensive border security measurements, known as the operational control metric.

More than 3 years have passed and the Department of Homeland Security has failed to replace that metric. Will Mr. JOHNSON then hold the Department accountable by regularly releasing a comprehensive border security metric? Will he commit to achieving operational control of the borders as required by our law? We do not know that. We would expect him to answer that he is going to enforce the laws. But will he? Will he answer?

Individuals who overstay their visas account for about 40 percent of the undocumented population of this country. This presents a national security risk. Without a biometric exit system, this country will have no clue who remains on our soil undocumented. Will Mr. JOHNSON make it a priority to finally implement the entry-exit system Congress mandated in 1996, still not being enforced?

Third, we asked about the culture of the U.S. Citizenship and Immigration Service. In January 2012, a Department of Homeland Security inspector general released a report criticizing the USCIS for pressuring its employees to rubberstamp applications for immigration benefits.

In that report, nearly 25 percent of the USCIS officers surveyed said supervisors had pressured them to improve applications that should have been de-

nied. We want to know if he will take measures to better screen applicants and do away with the get-to-yes philosophy. That get-to-yes philosophy is a gigantic risk to our national security.

Just look at the EB-5 Program which allows foreign nationals to obtain green cards if they invest in the United States. We asked whether he would make it a priority to improve that program. We asked Mr. JOHNSON about his position on immigration reform, especially since the bill passed the Senate, and the House could act, sending a bill to the President.

We asked if people who are in the country illegally, in removal proceedings or subject to an order of removal, should be eligible for immigration benefits, including legal status. We asked whether illegal immigrants convicted of a felony or convicted of multiple misdemeanors should be eligible for benefits, including legal status.

We want to know if gang members, drunk drivers, domestic abusers, and other criminals should be allowed to stay in the country. It is important for us to know from Mr. JOHNSON because the Senate bill provides a way for those law breakers to gain citizenship. Mr. JOHNSON may be responsible for implementing that.

Finally, we asked Mr. JOHNSON to comment on issues generally impacting the Department. We asked if he would pledge to cooperate with congressional oversight efforts and be responsive to all congressional requests for information and do it in a timely manner. We asked that because we have received very little cooperation in the last 5 years from that Department. We asked if he believed whistleblowers who know of problems with matters of national security should be prevented from bringing that information to Congress. We asked if he would commit to ensuring that every whistleblower is treated fairly and that those who retaliate against whistleblowers would be held accountable.

No matter what department one manages, the answers to these questions are very important and should be simple to answer. We need a Secretary who is well versed on these issues. We need a Secretary who will implement policies that truly protect the homeland. We need cooperation and transparency. We need answers. In other words, what is wrong to expect answers to these questions I just related before we give advice and consent to this nomination?

Majority Leader REID has indicated through his cloture motion on Mr. JOHNSON that answers to these critically important issues are not warranted.

Senators cannot consent to just anyone to head this department. We should not fail in our constitutional responsibility of advice and consent.

This body should not move forward with this nomination, and I encourage my colleagues to consider these issues when the cloture vote ripens.

I yield the floor.

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

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

The PRESIDING OFFICER. The majority leader.

Mr. REID. I ask unanimous consent that at 9 a.m., Thursday, December 12, all postcloture time on the Pillard nomination be considered expired and the Senate proceed to vote on confirmation of the Pillard nomination; that upon disposition of the Pillard nomination, the mandatory quorum required under rule XXII be waived with respect to the cloture motion on the Feldblum nomination and the Senate proceed to vote on the motion to invoke cloture on the Feldblum nomination; that if cloture is invoked on the Feldblum nomination, all postcloture time be yielded back and the Senate proceed to vote on confirmation of the Feldblum nomination; finally, that the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. GRASSLEY. I object, and I wish to state the reason I object.

The PRESIDING OFFICER. The objection is heard.

The Senator's time has expired.

Mr. REID. I ask unanimous consent that the Senator be allowed to speak for whatever time he feels appropriate.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. The reason I object for the minority to moving these votes is we should follow what regular order we have left on nominations, especially after the way the majority changed the rules on nominations 2 weeks ago.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. My friend, the senior distinguished Senator from Iowa, that is what we are talking about here, the face of obstruction—not him, but the Republican caucus, stalling for no reason other than to stall for time.

No wonder the rules were changed. No wonder the American people look at the Senate as a dysfunctional body. A couple of weeks ago we voted to make it a functional body so that nominations can be confirmed for any President. The President deserves to have his team.

We have been wasting days, weeks, and months on nominations. We have scores of people and positions that need to be filled. We are only dealing with a handful. People understand the rules. We have changed the rules the last cou-

ple of Congresses—very little—but we have changed them.

If we have a Supreme Court Justice or a Cabinet officer or someone of that level, they get 30 hours of time following the cloture vote. What are they supposed to do during that 30 hours? Come and explain their position why they oppose a person.

For virtually every one of these nominations there hasn't been a single, single complaint about any of them. This culminated by virtue of the Republicans in the Senate making a decision that people who serve in the prestigious DC Circuit Court of Appeals were not entitled to have a full court. There are eight there now, and they said that is enough. That is, some say, the most important court in America; some say more important than the Supreme Court.

The Republicans arbitrarily have said we are not going to fill those spots, not only because of qualifications, not because of their education, their experience or their integrity, only because they don't want them filled. That is a new low.

I am disappointed to have to inform the Presiding Officer and all Senators tonight that because Republicans are wasting time, all of this staff, police officers—and some of them are getting paid over time—will have to work. Why? Because the Republicans are wanting to waste more of this body's time and this country's time. No wonder the American people feel about the Senate as they do. For 5 years the obstruction that has taken place is unprecedented.

We are going to continue to work tonight and remain in session as long as we need to. Republicans are forcing us to waste this week on nominees they know will be confirmed. Every one of them will be confirmed.

There are no objections to the qualifications of these nominees, with one exception, and there are only little squeaks here and there about what could be wrong. But the outcome of each vote we will take over the next 4 days is a foregone conclusion. Yet the Republicans insist on wasting time simply for the sake of wasting time. There is no reason these votes couldn't take place right now or in the morning, and we could move to some important items.

I have Senators come to me all the time—the chairman of the Veterans' Affairs Committee was here a few minutes ago, the distinguished junior Senator from Vermont. He has some important work he wants to move on this floor. They have passed some things in the House—and that doesn't happen very often, but they passed it. They sent it over, and it deals with veterans.

He wants to bring that to the floor, have a debate, and offer an amendment. We can't do that because we are wasting time in the Senate on this senselessness.

The junior Senator from the State of Delaware has spent weeks and weeks

on manufacturing, which has shown some promise in America the last few years. Jobs are being created. Working on a bipartisan basis with other Senators, they have legislation they want to bring to the floor to talk about ways of improving manufacturing, capabilities, and capacity in the United States.

We can't do that. We are here postcloture looking at each other and doing basically nothing, as we have done for vast amounts of time because of Republican obstructionism.

I had a meeting with the chairman of the Environment and Public Works Committee and the junior Senator from the State of Rhode Island a few minutes ago. In the world today we have something called climate change. It is here. Climate is changing all over the world. We have global warming.

Are we doing anything legislatively to address that? No, nothing. She has a portfolio of legislation that she would like to take care of.

There is going to be zero done because we are sitting under these lights complaining about the Republicans wasting time. We could finish these votes now, but we are going to work into the weekend.

We had a break for Thanksgiving. It was very pleasant for me to be home for 2 weeks. Unfortunately, I had a death in the family that put a real cloud over things, and that is an understatement.

Christmas is coming. Everyone should know that we are going to work until we finish the items we have before us this week. I am going to file on a number of other nominees as soon as I get a chance, and we are going to finish those. If we have to work the weekend before Christmas, we are going to do that. If we have to work the Monday before Christmas, we are going to do that. If we have to work through Christmas, we are going to do that. I know the game they are playing. They have done it before. A lot of nominations they will ask to be sent back to the administration, and they will have to start all over again. We are not going to start all over again.

We need a director of the Internal Revenue Service. I think that is a very good idea. We need to fill Chairman Bernanke's spot as chairman of the Federal Reserve. That would be very important for us to do with all the problems we have financially.

We are going to do that before we leave. If it means we have to work through Christmas, we will work through Christmas.

Even if we are spending a lot of time—as we have done over the last 5 years because of their obstructionism—looking at the lights, and that is about all we have to look at because we are not looking at substantive legislation as we should be, the only impediment to holding votes without delay in reasonable hours is blatant, partisan Republican obstructionism.

It is pointless spending an entire week wasting time and waiting for a

vote. This is a foregone conclusion that is going to happen to every one of these votes. This is exactly the kind of blatant obstructionism and delay that has ground the Senate to a halt and prevented Congress from doing the work of the people over the last 5 years.

I remind Members that without cooperation there will be rollcall votes, perhaps after midnight tonight, and as early as 5:30 in the morning. With only a little cooperation, Senators can stop wasting time and resources.

The only way the Senate can stop wasting time is if we get some reasonableness and clarity from the Republicans. If there were ever an example why the rules had to be changed and how we tried during two successive Congresses to be reasonable—remember the exercise? Judges would only be opposed under extraordinary circumstances. There isn't a single judge that the President of the United States has nominated who has problems that are extraordinary. I think what is going on is a shame.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. I came to speak to a bipartisan bill which I hope to take a few minutes to talk about, but first I wish to comment on what is happening or not happening on the floor and the comments of the majority leader.

I have been a Senator for only 3 years, as the Presiding Officer well knows. We were sworn in as a group of those elected to the class of 2010. I just came from an inspiring event where the Vice President, who previously held this seat on behalf of Delaware, gave an award to the former majority leader, a real patriot, a veteran, former Senator Bob Dole. They talked about how compromise, principled compromise, made it possible for Senator McGovern and Senator Dole, folks from opposite ends of the political spectrum, to work together in the interests of hungry children in the United States.

Frankly, what I have seen in the 3 years that I have been in the Senate, the 3 years that we have served together on the Judiciary Committee, has been a slow walk.

There are minority rights in this body, but there are also minority responsibilities. There are majority rights but also majority responsibilities.

I wish to add to the comments of the majority leader that the nominees to serve on the DC Circuit, the nominees to many district court seats, whose confirmations I have either presided over or attended, were not objected to on substantive grounds. I have trouble with the idea that the three empty seats on the DC Circuit do not need to be filled.

I have listened at great length to the arguments about caseload and about workload. As the chair of the courts subcommittee of the Judiciary Committee, I presided over the presentation of the Judicial Conference's report on where we need additional judgeships and where we don't.

I will note briefly and in passing that Judge Tymkovich, who presented this report, did not suggest there was some need to reduce the DC Circuit by eliminating these currently vacant spots.

We could go through this chapter and verse. This has been debated to death on this floor. In my view, we have three excellent, qualified candidates. I regret that we have spent so much time burning the clock and that we have had to make changes that ultimately will make it possible for qualified nominees to be confirmed. It is, to me, a subject of some deep concern that we cannot work better together, Republicans and Democrats, to move work forward.

If I might, I would like to move for a moment to an example of exactly the sort of bipartisan bill that we should be able to move to here, that if there weren't this endless obstruction, if we weren't running out the clock on nothing, we might be able to get done together. This is an example of the sort of reaching across the aisle that used to dominate this body when giants such as Dole and McGovern served here but is no longer the case. They are no longer the daily diet of this body. We are no longer reaching across the aisle and finding ways to make our country more competitive, create more manufacturing jobs in partnership with the private sector, and responsibly reduce our deficit.

I was encouraged as a member of the budget conference committee that we seemed to be moving toward enacting a significant—small in scale but significant in its precedence—deal for the Budget Committee that could allow us to go back to regular order for appropriations. But here, as we waste hour after hour running out the clock to confirm nominees, I wonder. I wonder whether we are going to be able to take up, consider, and pass substantive legislation.

CHILDREN'S ADVOCACY CENTERS

If I might, I would like to take a few minutes to talk about why I initially came to the floor today; that is, to talk about the power of children's advocacy centers. Children's advocacy centers exist across the country today in large part because this Congress, on a bipartisan basis, passed back in 1990 the Victims of Child Abuse Act—a bill that for the first time authorized funding for an important nationwide network of what are called children's advocacy centers. These centers help deliver justice, they help heal victims of violence and abuse, and we must act to continue empowering their service to our Nation.

Today is a time when we could work together to reauthorize that initial landmark bill from 1990 and rededicate ourselves on a bipartisan basis to something that is one of our most sacred obligations: protecting our children, protecting the victims of child abuse and delivering justice for them. That is what this bipartisan bill does that was introduced earlier today along with my colleagues, Senators

BLUNT and SESSIONS and HIRONO—a great example of being able to work together across the aisle.

As parents, as neighbors, as leaders of our Nation, we have no more sacred obligation than protecting our children. In most of our cases, we dedicate everything we have as parents to ensuring our children's safety, to providing for their future, and that is what this bill is all about—that responsibility.

Tragically, too often, despite our best efforts, too many of our children fall victim to abuse. We cannot guarantee their safety, but what we can do is ensure that when children in this country are harmed, we can deliver justice without further harming them. Thankfully, children's advocacy centers, for which this bill reauthorizes funding, are critical and effective resources in our communities that help us perform this awesome and terrible responsibility. Through this bill, we can continue to prevent future tragedies and deliver justice in ways that are effective and less costly than communities can deliver alone.

This bill helps prevent child abuse proactively. Just last year its programs trained more than 500,000 Americans, mostly in school settings, in how to spot and prevent child sexual abuse.

Secondly, and in my view most importantly, this bill delivers justice. Children's advocacy centers increase prosecution of the monsters who perpetrate child abuse. One study showed a 94-percent conviction rate for center cases that carried forward to trial.

Third, and in many ways equally as important, this bill helps to heal. Child victims of abuse who receive services at a child advocacy center are four times more likely to receive the medical exams and mental health treatment they desperately need compared to children who are served by non-center supported communities. No parent ever wants to go to one of these places or have to bring their child to one of these places, but those parents who have under these tragic circumstances, nearly 100 percent of them say they would recommend seeking this help to other parents.

How do these advocacy centers achieve all these different results of prevention, of justice, and of healing? Well, they are unique because they bring together under one roof everybody who needs to be present to help deal with the tragedy of child abuse: law enforcement, prosecutors, mental health and child service professionals—all focused on what is in the best interest of the child.

Through a trained forensic interviewer, they interview the child to find out exactly what happened. They ask difficult, detailed questions, and they structure the conversation in a trained and nonleading way so the testimony can be used later in court, preventing what otherwise is retraumatization, making it possible for child victims to testify in a way that will lead to justice but without forcing those children