

following business meeting of the Committee if a written request by a Member for consideration of such measure or subject has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b). Any bill, resolution, or other matter to be considered by the Committee at a business meeting shall be filed with the Clerk of the Committee. Notice of, and the agenda for, any business meeting of the Committee, and a copy of any bill, resolution, or other matter to be considered at the meeting, shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The notice and agenda of any business meeting may be provided to the Members by electronic mail, provided that a paper copy will be provided to any Member upon request. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

(c). Any amendment(s) to any bill or resolution to be considered shall be filed with the Clerk not less than 24 hours in advance. This rule may be waived by the Chairman with the concurrence of the Vice Chairman.

#### QUORUM

Rule 6(a). Except as provided in subsection (b), a majority of the Members shall constitute a quorum for the transaction of business of the Committee. Except as provided in Senate Rule XXVI 7(a), a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee.

#### VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). A measure may be reported without a recorded vote from the Committee unless an objection is made by a Member, in which case a recorded vote by the Members shall be required. A Member shall have the right to have his or her additional views included in the Committee report in accordance with Senate Rule XXVI 10.

(c). A Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and conforming changes to the measure.

(d). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

#### SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8(a). Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary.

(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. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive

session, determines that special circumstances require a full or partial exception to this rule.

(c). Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

#### CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part, or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

#### DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

#### BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, Internet, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

#### AUTHORIZING SUBPOENAS

Rule 12. The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.

#### AMENDING THE RULES

Rule 13. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

### MARITIME DEFENSE

Mr. MCCAIN. Mr. President, I ask unanimous consent to have printed in the RECORD the recent testimony of former Secretary of the Navy John Lehman before the Seapower and Projection Forces Subcommittee of House Armed Services Committee. In my view, Secretary Lehman presents important testimony that highlights the need for maintaining a strong maritime defense capability in an increasingly uncertain international security environment.

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

Testimony before the House Seapower and Projection Forces Subcommittee by John Lehman, February 26th, 2013.

Mr. Chairman it is a special honor for me to appear today before this historic committee of Congress. In my six years as SecNav I spent hundreds of hours testifying and consulting with Chairman Charlie Ben-

were truly equal partners with the Reagan Administration in building the 600 ship Navy and a rejuvenated Marine Corps.

Perhaps the greatest among its many accomplishments was the role of the Committee (then a full committee titled The Naval Affairs Committee) and its legendary chairman, Carl Vinson, in first persuading and then partnering with President Franklin Roosevelt in urgently rebuilding the US Navy through the shipbuilding acts of 1934, 1936, 1938, and 1940. Those bills authorized every new capital ship that fought to victory in WWII. Without that Robust leadership of this committee, we could not have won the war.

It is with that historic perspective that the Committee should approach its current task.

The current administration has called for a 300-ship Navy, up from the current 286. It is their belief that such a number at half the size of the Reagan Navy, is sufficient for our security on the grounds that newer ships are better than the ones they replace.

While that is true in some cases, such as submarines, it is not true for other ships such as the new LCS (littoral combat ship), which does not have the capability of the older frigates that they replace. Moreover, our potential adversaries, from North Korea to the Iranian Navy, have improved their technology as well.

But most important, numbers still count: The seas are great and our Navy is small. The administrations position that "the United States Navy will be everywhere in the world that it has been, and it will be as much [present] as the 600-ship navy" is not persuasive.

The size of the Navy in the Reagan administration (it reached 594 ships in 1987) reflected a strategy to deter the Soviet Union's world-wide naval force. Today we face no such powerful naval adversary, but the world is just as large, and there is now greater American dependence on global trade and many more disturbers of the peace.

While we do not need 600 ships today, no naval experts believe a 300-ship Navy is large enough to guarantee freedom of the seas for American and allied trade, for supporting threatened allies, for deterring rogue states like Iran from closing vital straits, and for maintaining stability in areas like the western Pacific. For example, the bipartisan Quadrennial Defense Review Independent Panel led by Stephen Hadley and William Perry last year concluded that the Navy should have at least 346 vessels.

The more troubling problem is that the administration goal of 300 is counting ships that won't be built at all. Last year, the president's budget called for cuts of \$487 billion over the next decade. The President's proposal for the sequester would mean an additional half-trillion dollars in mandatory defense reductions over the next decade.

Naval readiness is already highly fragile. In order to meet current operational requirements, the shrunken fleet stays deployed longer and gets repaired less. There is now a serious shortage of Navy combat aircraft, and for the first time since World War II there are essentially no combat attrition reserves. But the biggest effects of budget cuts will be on drastically curtailing naval operations now and naval shipbuilding for the future.

The Navy has cancelled the deployment of one carrier strike group, halving our deterrence in the Mid-East, and the CNO has testified that even more drastic cuts to deployments will immediately result when sequester takes effect. This is the correct policy by Navy leadership. The Navy cannot do more with less, they can only do less with less.

Currently the Navy has 286 ships. In order to pay for even drastically reduced current

operations, the Administration will be retiring a score or more of modern combat ships (cruisers and amphibious vessels and frigates) well before their useful life. In order to reach a 350-ship fleet in our lifetime, we would need to increase shipbuilding to an average of 15 ships every year. The latest budget the administration has advanced proposes buying just 41 ships over five years. It is anything but certain that the administration's budgets will sustain even that rate of only eight ships per year, but even if they do, the United States is headed for a Navy of 240–250 ships at best.

So how is the Obama administration getting to a 300-ship Navy? It projects a huge increase in naval shipbuilding beginning years down the road, most of which would come after a second Obama term. In other words, the administration is radically cutting the size and strength of the Navy now, while trying to avoid accountability by assuming that a future president will find the means to fix the problem in the future.

This compromises our national security. The Navy is the foundation of America's economic and political presence in the world. Other nations, like China, Russia, North Korea and Iran, are watching what we do—and on the basis of the evidence, they are undoubtedly concluding that America is declining in power and resolution. Russia and China have each embarked on ambitious and enormously expensive naval buildups with weapons designed specifically against American carriers and submarines.

#### WHAT SHOULD THE COMMITTEE DO?

I urge the committee to step up to the challenge of the current crisis just as its former leader Carl Vinson did. That does not just mean adding money and ships to the Administration's request. It means instead providing a new framework of debate based on a sound and simple strategy just as Vinson did. It means focusing the Debate on those key issues where legislation can be determinant.

The current fiscal crisis should be harnessed as a catalyst to enable the undertaking of deep changes.

The two highest priorities for the Committee should be fundamentally changing the disastrous systemic dysfunction of the DoD procurement process, and completely re-setting the military compensation system.

#### PROCUREMENT

The Department of Defense acquisition process is seriously broken. Under the current system, it takes decades, not years, to develop and field weapons systems. Even worse, an increasing number of acquisition programs are plagued by cost over runs, schedule slips and failures to perform. The many horror stories like the F-35, the Air Force tanker scandal, the Navy shipbuilding failures and the Army armor disasters are only the visible tip of an iceberg. The major cause has been unbridled bureaucratic bloat (e.g. 690,000 DoD civilians, 250 uniformed Joint task forces) resulting in complete loss of line authority and accountability. As the House Armed Services Committee formally concluded:

"Simply put, the Department of Defense acquisition process is broken. The ability of the Department to conduct the large scale acquisitions required to ensure our future national security is a concern of the committee. The rising costs and lengthening schedules of major defense acquisition programs lead to more expensive platforms fielded with fewer numbers."

That is, of course, an understatement. We are really engaged in a form of unilateral disarmament through runaway costs. Unless the acquisition system is fixed it will soon be

impossible to maintain a military of sufficient size and sophistication with which to secure our liberties and protect the national interest. The solution is clear and achievable.

#### MILITARY COMPENSATION

Just as entitlements are steadily squeezing out discretionary spending in the Federal budget, personnel costs in the Pentagon are squeezing out operations and modernization. There has not been a comprehensive overhaul of military compensation, retirement, and medical care since the original Gates Commission during the Nixon Administration. It is long overdue. Over the last several years the Pentagon has done the difficult work through the Defense Business Board to establish the hard facts necessary to undertake such an effort. The Independent QDR panel two years ago recommended the establishment of a bi-partisan commission to undertake the task and report to Congress and the President. Now is the time to act on that recommendation.

#### SUMMARY

This committee has an historic constitutional responsibility, and in the present fiscal crisis a unique opportunity to put our Navy back on the proper course to secure our future security. The Committee can't do everything and must concentrate its efforts on the highest priorities where its unique power can be decisive. I urge you to do so.

#### NOMINATIONS OBJECTIONS

##### CHRISTOPHER MEADE

Mr. GRASSLEY. Madam President. I intend to object to proceeding to the nomination of Christopher Meade to be General Counsel to the Treasury Department for the following reason: At his confirmation hearing, I asked Mr. Meade for the Treasury Department's legal basis for not responding to an oversight request I made regarding the Committee on Foreign Investment in the United States. Mr. Meade is currently the Acting General Counsel and his response appeared to indicate that he interpreted a statute which states: "Nothing in this subsection shall be construed to prevent disclosure to either House of Congress or to any duly authorized committee or subcommittee of the Congress" as a limitation on Congress' ability to access information. The plain reading of the statute appears contrary to this interpretation.

In addition, Mr. Meade appeared to interpret a statute which requires CFIUS to brief certain specified Members of Congress as restricting CFIUS' ability to brief anyone except those members. Again, the plain reading of the statute appears contrary to this interpretation. There is nothing in this statute which restricts Treasury from briefing any other Members of Congress.

In an attempt to give Mr. Meade an opportunity to clarify his statements and explain his legal reasoning I wrote Mr. Meade another letter asking him to explain his logic and legal reasoning. I expect his reply shortly.

The most important role a Department General Counsel plays is in the interpretation of statutes passed by

Congress. If Congress cannot be satisfied that Mr. Meade will impartially and accurately interpret statutes, this is a grave concern. The issues I have raised appear uncontroversial. If a statute says that "nothing" in it can be construed to prevent the disclosure of information to Congress, I do not expect it to be interpreted to limit Congress' ability to access information. If a statute does not limit CFIUS' ability to brief Members of Congress, I do not expect it to be interpreted to limit CFIUS' ability to brief Members of Congress.

I strongly believe that Congress' job does not end once it passes a statute. It is our job to ensure that the Executive Branch enforces the statute the way it was written. I will object to proceeding to Mr. Meade's nomination until he demonstrates that he will interpret these statutes consistent with their plain meaning.

##### BILL SCHULTZ

Madam President, I would also like to express my opposition to moving forward with Bill Schultz as the General Counsel for the Health and Human Services Administration. My objection is due to the agency's refusal to respond to my oversight requests. It is not based on Mr. Schultz's qualifications or ability to do the job. I have met with Mr. Schultz and believe him to be fair and hard working.

However, as I mentioned to him during his nomination hearing and when I met with him personally—I have many unanswered letters and document requests pending with HHS. Specifically: I have received no response to my December 6, 2011, letter eliminating the age restriction on Plan B; I received no response to Chairman ISSA and my April 5, 2012, letter to FDA regarding the monitoring of FDA employees; I received no response to my July 16, 2012, letter to FDA regarding the monitoring of FDA employees; I received no response to my July 24, 2012, letter to FDA regarding the monitoring of FDA employees.

This is unacceptable.

FDA intentionally spied on confidential communication with Congress, the Office of Special Counsel, and the whistleblowers private attorneys. Furthermore, in a meeting with my staff you indicated that one month was too long for letters from Congress to go unanswered. My letters have gone unanswered ranging from 7 months to over a year.

Until I receive answers to my letters and document requests, I am hesitant to agree to any movement on this nomination.

#### KALMBACH FEEDS 50TH ANNIVERSARY

Mr. PORTMAN. Madam President, today I wish to congratulate Kalmbach Feeds, a family-owned company, on 50 years of serving Ohio farms and agribusiness. Kalmbach Farms was founded in 1963 by Milton and Ruth Kalmbach,