

Harry Reid, Patrick J. Leahy, Tom Udall, Mark Begich, Brian Schatz, Al Franken, Barbara Boxer, Richard J. Durbin, Christopher A. Coons, Tammy Baldwin, Debbie Stabenow, Benjamin L. Cardin, Sheldon Whitehouse, Patty Murray, Barbara A. Mikulski, Kirsten E. Gillibrand, Tom Harkin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. HATCH (when his name was called). "Present."

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Pennsylvania (Mr. CASEY) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. MORAN), and the Senator from Kentucky (Mr. PAUL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 38, as follows:

[Rollcall Vote No. 6 Ex.]

#### YEAS—55

|            |              |             |
|------------|--------------|-------------|
| Baldwin    | Heinrich     | Nelson      |
| Baucus     | Heitkamp     | Pryor       |
| Begich     | Hirono       | Reed        |
| Bennet     | Johnson (SD) | Reid        |
| Blumenthal | Kaine        | Rockefeller |
| Booker     | King         | Sanders     |
| Brown      | Klobuchar    | Schatz      |
| Cantwell   | Landrieu     | Schumer     |
| Cardin     | Leahy        | Shaheen     |
| Carper     | Levin        | Stabenow    |
| Collins    | Manchin      | Tester      |
| Coons      | Markey       | Udall (CO)  |
| Donnelly   | McCaskill    | Udall (NM)  |
| Durbin     | Menendez     | Warner      |
| Feinstein  | Merkley      | Warren      |
| Franken    | Mikulski     | Whitehouse  |
| Gillibrand | Murkowski    | Wyden       |
| Hagan      | Murphy       |             |
| Harkin     | Murray       |             |

#### NAYS—38

|           |              |           |
|-----------|--------------|-----------|
| Alexander | Enzi         | McConnell |
| Ayotte    | Fischer      | Portman   |
| Barrasso  | Flake        | Risch     |
| Blunt     | Graham       | Roberts   |
| Boozman   | Grassley     | Rubio     |
| Burr      | Heller       | Scott     |
| Chambliss | Hoeven       | Sessions  |
| Coats     | Isakson      | Shelby    |
| Cochran   | Johanns      | Thune     |
| Corker    | Johnson (WI) | Toomey    |
| Cornyn    | Kirk         | Vitter    |
| Crapo     | Lee          | Wicker    |
| Cruz      | McCain       |           |

ANSWERED "PRESENT"—1

Hatch

#### NOT VOTING—6

|       |        |       |
|-------|--------|-------|
| Boxer | Coburn | Moran |
| Casey | Inhofe | Paul  |

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 38, and one Senator responded "Present." Upon reconsideration, the motion is agreed to.

#### NOMINATION OF ROBERT LEON WILKINS TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Mr. LEAHY. Mr. President, as we begin 2014, I hope we can set aside our differences and do what is best for this country by confirming qualified nominees to fill critical vacancies facing our Federal judiciary. We can do this today by voting to end the filibuster of Judge Robert Wilkins, who has been nominated to serve on the U.S. Court of Appeals for the DC Circuit. Judge Wilkins was nominated last June, and it is time that he received an up-or-down vote on his nomination. Last month, before we adjourned the Senate, we were able to confirm two other exceptional nominees to this court—Patricia Millett and Nina Pillard. Once Judge Wilkins is confirmed, the DC Circuit, which is often considered to be the second most important court in the Nation, will finally be operating at full strength. The American people deserve no less.

Judge Wilkins is an outstanding nominee. He was unanimously confirmed to the U.S. District Court for the District of Columbia less than 3 years ago. He has presided over hundreds of cases and issued significant decisions in various areas of the law, including in the fields of administrative and constitutional law. Prior to serving on the bench, he was a partner for nearly 10 years in private practice and served more than 10 years as a public defender in the District of Columbia.

During his time at the Public Defender Service, Judge Wilkins served as the lead plaintiff in a racial profiling case, which arose out of an incident in which he and three family members were stopped and detained while returning from a funeral in Chicago. This lawsuit led to landmark settlements that required systematic statewide compilation and publication of highway traffic stop-and-search data by race. These settlements inspired an Executive order by President Clinton, legislation in the House and Senate, and legislation in at least 28 States prohibiting racial profiling or requiring data collection.

Despite the progress made in the past several decades, the struggle to diversify our Federal bench continues. If confirmed, Judge Wilkins would be only the sixth African American to have ever served on the DC Circuit.

Judge Wilkins earned the ABA's highest possible rating of unanimously "well qualified." He also has the support of the National Bar Association, the Nation's largest professional association of African American lawyers and judges, as well as several other prominent legal organizations. I ask

unanimous consent to include a list of support in the RECORD.

I urge my fellow senators to end the filibuster on this outstanding nominee. This Nation will be better off with Judge Robert Wilkins serving on the DC Circuit.

I would also note that on December 31, 2013, before the new year, Chief Justice Roberts once again issued his annual year-end report on the Federal judiciary. In this report, he focused on the significant financial strain on our Federal courts. The cuts from sequestration have had a real impact for Americans seeking justice and pose real threats to the dedicated public servants who work in our Nation's Federal courts as well as to members of the public. I hope that we can return to regular order in our appropriations process and ensure that our courts have the resources they require. As the Chief noted, the Federal Judiciary's entire budget "consumes only the tiniest sliver of Federal revenues, just two-tenths of 1 percent of the Federal government's total outlays." We receive the benefit of the greatest judicial system in the world for less than 1 percent of our entire Federal budget. It makes no sense to indiscriminately cut services from our independent Federal judiciary. There are better and smarter ways to save taxpayer dollars.

Another threat facing our courts which is unaddressed in the Chief's year-end report are the continuing vacancies experienced by the Federal courts. Over the last year, the number of vacancies has hovered around 90 because obstruction in Congress has led to filibuster after filibuster of qualified nominees. And the unfortunate action taken by Republicans at the end of the first session of this Congress will only mean further delay in filling these vacancies—Republicans, for the first time ever, refused to allow any currently pending judicial nominees to be held over so that they could be ready for immediate action this year. For purely political reasons, Senate Republicans are forcing us to duplicate work this year that we already completed in 2013. In the jurisdiction of the Senate Judiciary Committee alone, more than 65 judicial and executive nominees were returned to the President and had to be renominated this week. It is a waste of taxpayer dollars and valuable resources that could be spent addressing the difficult issues facing our Nation. We must not take for granted that we have the greatest justice system in the world, and ensuring this continues requires the Senate to fulfill its constitutional duty of advice and consent.

Fortunately, due to the procedural posture of the nomination from last year, we did not have to send the nomination of Robert Wilkins to the U.S. Court of Appeals for the DC Circuit back to the President for renomination. I thank the majority leader for prioritizing this nomination in the first week of the second session of this Congress. I hope my fellow Senators

will join me today to end the filibuster of the nomination of this good man to serve on this important court.

#### VOTE EXPLANATION

• Mrs. BOXER. Mr. President, I was unable to attend the roll call vote on the motion to invoke cloture on the nomination of Robert Wilkins to be U.S. Circuit Judge for the D.C. Circuit. Had I been present for this vote and the two related procedural votes, I would have voted aye. •

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be recognized to proceed as though in morning business for 15 minutes, but prior to that I be able to yield to Senator REED of Rhode Island for 5 minutes and that not be counted against my time; and that I then be recognized after he is done.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from Michigan is recognized and yields to the Senator from Rhode Island.

#### UNEMPLOYMENT INSURANCE

Mr. REED. Mr. President, I wish to thank the Senator from Michigan, my chairman of the Armed Services Committee, and I simply wish to make a few comments about this afternoon's proceedings with respect to unemployment insurance. The reason we were here, and we can't lose sight of that, is that 1.3 million Americans, as of December 28, lost their extended unemployment benefits. They are without the modest support of roughly \$300 to \$350 a week. Every week, 73,000 more Americans lose this support. We are going to see this number grow and grow and grow and grow while we talk and talk and talk.

Along with Senator HELLER, we proposed a very straightforward mechanism: a 90 day extension and picking up retroactively those who had lost it, unpaid for, so we could work on some of the difficult issues my colleagues have all explored this afternoon.

In listening to my colleagues, we made the determination there was a sincere concern and desire on the part of my Republican colleagues particularly that any extension of benefits be paid for. Most frequently, we don't pay for these benefits. We have on occasion, but most times we consider it emergency spending. We go ahead and authorize the payments and we don't offset it. But the concern was raised repeatedly and very strenuously that these benefits should be paid for. Also, there were several proposals to do that.

So working closely with my colleagues, we considered the best approach for it was not simply to bring up the Reed-Heller bill, the 90 day extension, but to respond as best we could to these concerns. So the provision we brought up today is fully offset, but it goes beyond 90 days because the simple logic was that going through the travail of finding pay-fors is not something we want to do every

90 days. It is something we should do seriously but for as long as possible. So our provision would be able to carry these benefits through to the middle of November, and it required finding off-sets.

The other thing we have heard from our Republican colleagues is that we shouldn't use any revenue—no tax provisions. In the Democratic caucus we have seen this extension of extended unemployment insurance benefits come up so many times under Republican Presidents and Democratic Presidents completely unpaid for. But also in terms of seriously and thoughtfully balancing the way we pay for provisions, we have many times suggested, which I think is common sense, let's have a mix of revenue and other provisions—spending provisions. Let's do that; 50-50 or some fair combination. In fact, I think the American people would see that as the most sensible approach to doing the work of government. But once again we yielded to the perceptions and the demands, in some respects, that there be no revenue provisions in this bill.

As a result, we had to look for a series of pay-fors that didn't involve revenues. That was a deliberate attempt to reach across and to say: We hear you. You want it fully paid for, you want no spending, and you want provisions that will not involve revenue. So we proposed a major provision—an extension of the mandatory sequestration—that was included in the budget agreement and that had overwhelming support in the Senate—for a bit over an additional year, which gained us, roughly—and these are rough figures—about \$17 billion.

Then we took one of the provisions that was offered by my colleague Senator PORTMAN, who has been working very assiduously and very thoughtfully on these issues, with respect to the double collection of both SSDI benefits and unemployment compensation benefits and we tried to focus it and make it narrower, and that resulted in \$1 billion, giving us sufficient funds to carry this program through—if we voted today, starting as soon as the House passed it—all the way to the middle of November. That is where we are today.

We still are open to alternatives to try to deal with this issue. I know many of my colleagues on the Democratic side have a long list of revenue provisions. In fact, Chairman LEVIN has, through his work, a list of what many would call—many Americans—egregious loopholes that corporations enjoy. But certainly there are other ways to pay for this. But we are still trying to work through this.

We are still trying to find a bipartisan approach to deal with the issue of the moment, the crisis of the moment, and that is 1.4 million Americans today—and that number is growing—who worked hard and through no fault of their own lost their job and who are now struggling to get by with a modest \$300 or \$350 a week.

One final point. This is a crisis of the moment. I know some of my colleagues are talking about an issue—the issue of military pensions—that doesn't become effective, as I understand it, until 2015. There are other ways to deal with it. But that is a fair position to advance at any time, and I have great sympathy for that position.

I would hate to see other issues, systematic reform of our training programs—which takes time, effort, and focused attention by committees typically—essentially prevent a response to the immediate crisis of people who are without jobs, who are desperately looking, and now don't have very modest support to pay for their rent, pay for their heat, and provide some support for their families.

We are still engaged. We will have a vote Monday. I hope we can succeed on that procedural vote. Regardless, we are going to come back and back, because this number of Americans—growing each week by approximately 70,000—needs our response, not just our comments on the floor of the Senate.

I yield back.

The PRESIDING OFFICER. The Senator from Michigan.

#### IRAQ

Mr. LEVIN. Mr. President, the current situation in Iraq is deeply disturbing. The violence there is a human tragedy, and the resurgence of Al Qaeda-affiliated forces in Fallujah and elsewhere represents a threat not just to the people of Iraq but to our own security and that of our friends and allies in the region. So I very much share in concerns many of us have expressed about recent developments in Iraq.

The United States has announced it will expedite military assistance, including delivery of unmanned aerial vehicles and HELLFIRE missiles. That is appropriate. The administration has stepped up intelligence sharing to help Iraq security forces in their fight. That is appropriate. The administration is holding ongoing conversations with Iraq about other ways in which the United States might assist, and that is appropriate.

One form that assistance might take is in the sale of weapons such as attack helicopters to Iraq. The issue is not whether such aircraft would help Iraq fight violent extremists; they would. The question is whether the Maliki government would use those aircraft, for instance, only against violent extremists, and whether we receive credible assurances that such weapons will be used to target Iraq's real enemies and not to further sectarian political objectives. With credible assurances, it would be appropriate to provide Iraq such assistance.

What it is wrong to do is to blame the Obama administration for the political failures of Iraqi leaders. Blaming the administration for failures and decisions by the Iraqi Government ignores not only history, it also leads to policy approaches that would not be in our interest or in the interests of the Iraqi people.

For example, here is what Senator MCCAIN and Senator GRAHAM said recently:

When President Obama withdrew all U.S. forces from Iraq in 2011, over the objections of our military leaders and commanders on the ground, many of us predicted that the vacuum would be filled by America's enemies and would emerge as a threat to U.S. national security interests. Sadly, that reality is now clearer than ever.

That argument ignores some important history. First, it ignores the fact that the 2011 withdrawal date for U.S. forces in Iraq was not set by President Obama but by President Bush. In December of 2008, just before he left office, President Bush signed an agreement with the Iraqi Government that called for withdrawal of U.S. troops from Iraqi cities in 2009, and the complete withdrawal of U.S. forces by the end of 2011. President Bush himself, standing next to Prime Minister Maliki in Baghdad as they announced their agreement, said, "The agreement lays out a framework for the withdrawal of American forces in Iraq." So the 2011 withdrawal date was set by President Bush, not by President Obama.

As to whether our military commanders objected to our withdrawal from Iraq, here is what happened: While there was no mention from President Bush or Prime Minister Maliki when they announced their agreement of a U.S. troop presence after 2011, Secretary Gates and others discussed the possibility of some U.S. forces remaining in Iraq after 2011. Then, during 2011, the Obama administration entered into negotiations with the Iraqi Government with the goal of keeping some U.S. troops, in limited roles, in Iraq to assist Iraqi security forces after the 2011 withdrawal date set by President Bush. I and many other Members of Congress supported the idea of continuing a smaller, specialized U.S. military assistance force. While there was disagreement in the administration over the size of a residual force, what decided the issue wasn't how many troops would remain; rather, it was the Iraqi Government's refusal to agree to legal protections for U.S. troops, whatever their number. In the absence of such protections, it was the opinion of the military leaders that no U.S. forces should remain in Iraq, regardless of whether the number was 3,500 or 20,000.

At a November 2011 Armed Services Committee hearing, I asked General Dempsey, then Chairman of the Joint Chiefs of Staff, about the importance of legal protections for our troops as part of any agreement to keep troops in Iraq after 2011. This is what the questions and answers were:

Sen. Levin: Are you willing to have those forces remain without an agreement relative to immunity for those troops?

Gen. Dempsey: No, sir, I am not. . . . It was the recommendation, advice and strong belief of the Joint Chiefs that we should not leave service men and women there without protections.

Sen. Levin: And why is that?

Gen. Dempsey: Because the—of the many institutions in Iraq that are still evolving and immature. The Iraqi judicial system is certainly among those. And we did not believe it was—it was appropriate, prudent to leave service men and women without judicial protections in a country that still had the challenge, as we know it has, and a very immature judicial system.

Later in that same hearing, I asked General Dempsey if our commanders on the ground in Iraq shared that opinion. He responded:

It was the topic of many secure video teleconferences and engagements person to person. . . . I can state that they also believed we needed the protections, both General Austin and General Mattis, in order to leave our troops there.

Before our committee in February of 2013, General Austin, our commander on the ground in Iraq during the 2011 negotiations, testified that there were extensive discussions with Iraq about a continuing U.S. troop presence. He testified:

We worked with the Iraqi leadership all the way up until the point in time when they decided they weren't going to be able to give us the protections that we needed to keep our troops there.

As Secretary Panetta put it before our committee, the key moment in the negotiations was "once [the Iraqis] made the decision that they were not going to provide any immunities for any level of force that we would have there."

So our military leaders were very much unwilling to leave any U.S. forces on the ground in Iraq if they could be subjected to the vicissitudes of the Iraqi judicial system. It is therefore wrong to say that the withdrawal took place "over the objections of our military leaders." It was Iraq's refusal to grant important legal protections to our troops that decided the matter.

This criticism of the administration's Iraq policy also understates the importance of factors that have come to the forefront since the 2011 withdrawal. Foremost among these has been an Iraqi Government that has repeatedly pursued a sectarian agenda, disenfranchised Sunni Iraqis, failed to address Kurdish concerns over the status of Kirkuk and the hydrocarbons law, and alienated moderate Shia Iraqis who seek a more democratic and inclusive government. Prime Minister Maliki's governance shortfalls has stoked the sectarian tensions on which Al Qaeda and other extremist groups try to capitalize.

Many Members of Congress have made clear that it is extremely difficult to support more robust assistance to the Iraqi Government unless the Iraqi leadership places the good of their country ahead of sectarian politics and unless it produces a practical strategy for governing Iraq on a more inclusive and less sectarian basis.

For example, last October, I joined five colleagues—Senators MCCAIN, MENENDEZ, CORKER, INHOFE, and GRAHAM—in writing to President Obama,

expressing our concern about deteriorating conditions in Iraq.

I ask unanimous consent that our October 29, 2013, letter be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, October 29, 2013.

Hon. BARACK OBAMA,  
President of the United States,  
The White House, Washington, DC.

DEAR PRESIDENT OBAMA: We are deeply concerned about the deteriorating situation in Iraq. As Iraqi Prime Minister Nouri al-Maliki visits Washington this week, we urge you to press him to formulate a comprehensive political and security strategy that can stabilize the country, enable Iraq to realize its vast potential, and help to safeguard our nation's enduring national security interests in Iraq.

By nearly every indicator, security conditions in Iraq have dramatically worsened over the past two years. Al-Qaeda in Iraq has returned with a vengeance: It has regenerated the manpower, terrorist infrastructure, resources, and safe havens to sustain and increase the tempo and intensity of attacks and to penetrate deeper into all parts of Iraq than at any time in recent years. Indeed, an analysis this month by the Washington Institute for Near East Policy found, "In 2010, the low point for the al-Qaeda effort in Iraq, car bombings declined to an average of 10 a month and multiple location attacks occurred only two or three times a year. In 2013, so far there has been an average of 68 car bombings a month and a multiple-location strike every 10 days." The United Nations estimates that more than 7,000 civilians have been killed in Iraq thus far this year—a level of violence not seen since the worst days of 2008.

What's worse, the deteriorating conflict in Syria has enabled al-Qaeda in Iraq to transform into the larger and more lethal Islamic State of Iraq and al-Sham (ISIS), which now has a major base for operations spanning both Iraq and Syria. As the situation in both countries grows worse, and as ISIS gathers strength, we are deeply concerned that Al-Qaeda could use its new safe haven in Iraq and Syria to launch attacks against U.S. interests and those of our friends and allies.

Unfortunately, Prime Minister Maliki's mismanagement of Iraqi politics is contributing to the recent surge of violence. By too often pursuing a sectarian and authoritarian agenda, Prime Minister Maliki and his allies are disenfranchising Sunni Iraqis, marginalizing Kurdish Iraqis, and alienating the many Shia Iraqis who have a democratic, inclusive, and pluralistic vision for their country. This failure of governance is driving many Sunni Iraqis into the arms of Al-Qaeda in Iraq and fueling the rise of violence, which in turn is radicalizing Shia Iraqi communities and leading many Shia militant groups to remobilize. These were the same conditions that drove Iraq toward civil war during the last decade, and we fear that fate could befall Iraq once again.

We therefore urge you to take the following steps as Prime Minister Maliki visits Washington:

First, we believe the Prime Minister's visit is an important opportunity to reengage with the American people about the continuing strategic importance of Iraq. Though the war in Iraq is over, Americans need to understand that the United States has an enduring national security interest in the development of a sovereign, stable, and democratic Iraq that can secure its own citizens

and territory, sustain its own economic growth, resolve its own internal disputes through inclusive and pluralistic politics, and cooperate as a strategic partner of the United States—a vision of our relationship that was best expressed in the 2008 Strategic Framework Agreement.

Second, we urge you to make clear to Prime Minister Maliki that the extent of Iran's malign influence in the Iraqi government is a serious problem in our bilateral relationship, especially for the Congress. Published reports demonstrate that the Iranian regime uses Iraqi airspace to transit military assistance into Syria to support Assad and his forces. Furthermore, attacks against the residents of Camp Ashraf in Iraq are reprehensible, especially because the Iraqi government pledged to protect these people. Prime Minister Maliki must understand that actions such as these need to stop. Not only do they make it difficult for Iraq's friends in the United States to build public support, especially in the Congress, to enhance our strategic partnership, but they also undermine Iraq's standing as a responsible member of the international community.

Third, we encourage you to step up our counterterrorism support for Iraq. It is in our national security interest to enhance the effectiveness of Iraq's security forces, especially through greater intelligence sharing. However, in addition to our aforementioned concerns, we must see more evidence from Prime Minister Maliki that U.S. security assistance and arms sales are part of a comprehensive Iraqi strategy that addresses the political sources of the current violence and seeks to bring lasting peace to the country.

This leads us to the final and most important point that we urge you to stress with Prime Minister Maliki: If he devises and implements a real governance strategy for Iraq, the United States is ready to provide the appropriate support to help that strategy succeed. Iraq's challenges will never be solved through security operations alone. Indeed, as the United States learned through its own hard experience in Iraq, applying security solutions to political problems will only make those problems worse.

It is essential that you urge Prime Minister Maliki to adopt a strategy to address Iraq's serious problems of governance. Such a strategy should unite Iraqis of every sect and ethnicity in a reformed constitutional order, based on the rule of law, which can give Iraqis a real stake in their nation's progress, marginalize Al-Qaeda in Iraq and other violent extremists, and bring lasting peace to the country. To be effective, an Iraqi political strategy should involve sharing greater national power and revenue with Sunni Iraqis, reconciling with Sunni leaders, and ending de-Baathification and other policies of blanket retribution. It should include agreements with the Kurdistan Regional Government to share hydrocarbon revenues and resolve territorial disputes. And it requires a clear commitment that the elections scheduled for next year will happen freely, fairly, and inclusively in all parts of Iraq, and that the necessary preparations will be taken.

If Prime Minister Maliki were to take actions such as these, he could cement his legacy as the leader who safeguarded his country's sovereignty and laid the foundation for the new Iraq. In this endeavor, Prime Minister Maliki and our other Iraqi partners would have our support, including appropriate security assistance, and we would encourage you to provide U.S. diplomatic support at the highest levels to help Iraqis reach the necessary political agreements before the 2014 elections. However, if Prime Minister Maliki continues to marginalize the Kurds, alienate many Shia, and treat large

numbers of Sunnis as terrorists, no amount of security assistance will be able to bring stability and security to Iraq. That is not a legacy we want for Prime Minister Maliki, and that is not an outcome that would serve America's national interests.

Sincerely,

CARL LEVIN.  
JOHN MCCAIN.  
ROBERT MENENDEZ.  
BOB CORKER.  
JAMES M. INHOFE.  
LINDSEY GRAHAM.

Mr. LEVIN. In our letter, written as Prime Minister Maliki was visiting Washington, we supported an increase in support for Iraq's counterterrorism efforts. But we made clear that the Iraqi Government must provide a practical plan for using such aid and provide assurances relative to whom advanced weapons would be used against. We wrote President Obama as follows:

It is in our national security interest to enhance the effectiveness of Iraq's security forces, especially through greater intelligence sharing. However . . . we must see more evidence from Prime Minister Maliki that U.S. security assistance and arms sales are part of a comprehensive Iraqi strategy that addresses the political sources of the current violence and seeks to bring lasting peace to the country.

We further wrote:

This leads us to the final and most important point that we urge you to stress with Prime Minister Maliki: If he devises and implements a real governance strategy for Iraq, the United States is ready to provide the appropriate support to help that strategy succeed.

And:

If Prime Minister Maliki continues to marginalize the Kurds, alienate many Shia, and treat large numbers of Sunnis as terrorists, no amount of security assistance will be able to bring stability and security to Iraq.

It is a tragedy for the Iraqi people and a real security concern for the United States that Prime Minister Maliki has yet to produce a strategy for broadly based governance in Iraq. We should not forget the 2011 withdrawal date for American troops from Iraq was negotiated by President Bush. We should not forget the decision to reject an ongoing U.S. troop presence after 2011 was Iraq's, because of Iraq's refusal to assure us that our troops would have protections from Iraqi courts and prosecution. We should not forget that our military leaders supported the decision not to leave our troops in Iraq without legal protections from Iraqi prosecution. We should not forget that while an ongoing relationship is in our interests, no amount of military equipment from us will protect the Iraqi people if their government continues to place sectarian goals ahead of sound governance.

So we should use opportunities to assist Iraq in its struggle against violent extremism and for stability and security, but Iraq's fate ultimately rests with its people and their leaders.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that when I conclude my remarks, Senator MURKOWSKI of Alaska be recognized.

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

Mr. SESSIONS. Mr. President, I have been honored to serve with Senator LEVIN on the Armed Services Committee. He does an excellent job. He has spent a lot of time and many hours working to try to help us be successful in Iraq and other areas of national defense.

I think Generals Dempsey and Austin were right to say we could not keep our troops there unless they had immunity from local prosecutions. But as I recall the net feeling about the President's decision to withdraw from continued negotiations on this contentious issue, the military felt this was not wise—at least many of them did—and they believed that had we continued to pursue negotiations, we may have been able to reach the kind of agreement which would allow us to help the Iraqi Government be stable and successful. Pulling out as we did always seemed to me to be too rapid, too precipitous, and created dangers which could place at risk that which our soldiers fought and died for. I do believe that is what happened. It is a tragic thing.

I was in Falluja, not long after that bitter battle. We had hundreds wounded and almost 100 killed. The Marines performed with such valor and courage. It was one of the great, courageous performances of the U.S. Marine Corps. It is sad, sad to me to see that today Al Qaeda is flying its flag in parts of that city. It is a tragedy. It did not maintain the faith that we ought to have maintained with those that we in Congress directed to go out and fight this war and to be successful. Maybe yet something can be done successfully to deal with this situation, which I feel deeply about.

#### UNEMPLOYMENT INSURANCE

Mr. SESSIONS. I am here to share some thoughts about the remarks delivered today by President Obama on the growing problem of poverty and our chronic unemployment that has occurred during the 6 years of his Presidency, after he has declared that the recession is over and was over. Just this week the Senate majority leader, HARRY REID, said that “the rich keep getting richer and the poor keep getting poorer and the middle class is under siege.”

Wages are not doing well. Americans in large numbers are not doing well, and they are hurting. Washington Democrats, led by the President, are now proposing increased unemployment insurance and new wage-price controls, wage controls to mandate wages that have to be paid, to treat the consequences of a failed economy—a stagnant, slow-growth economy that is not creating jobs. These words and actions represent an admission that the

White House economic agenda has been a disaster for poor and middle class people. It has not worked.

I know he believed it would work. I know he has advocated these policies. I know he promised that they would work. But they are not working. Worst still, the President remains fully committed to the policy regime that he has been advocating, and that is not working. These policies have failed, not just for the last 5 years; they have failed for the last 50 years. They will never work. The President and Majority Leader REID are correct, a nervous American business community is hoarding profits because they don't know what the future is going to be like. Those struggling to get by are feeling the results of corporate cost cutting and the policies that we are seeing executed by the government are impacting this situation negatively. They just are.

I know the people proposing these solutions think they are caring about people who are hurting today. But if we care about them, we will use our heads as well as our hearts, and we will think through as to how to make growth occur in our economy, how to help jobs be created, how to have wages rise instead of stagnating or declining.

Mr. President, \$16 trillion has been spent fighting poverty since the war on poverty began 50 years ago, yet where do we stand today? Mr. President, 47 million Americans are on food stamps, 91.5 million are outside the labor force not working, and 46 million are living in poverty. In low-income communities the pain is especially severe. For example, in the city of Baltimore, 1 in 3 residents receives food stamps. In Chicago, 51 percent of the city's children live in a single-parent family. In Detroit, almost 1 in 3 households had not had a single person working at any time throughout the year—almost 1 in 3 households. The city's violent crime rate is among the worst in the country. More than half of all Detroit children live in poverty.

The welfare bureaucracy that the left is determined to defend and expand is failing our fellow Americans. It is just not working. We can do better. We have to do better. No longer can we define compassion by how much money we spend on poverty but by how many people we lift out of poverty.

The amount of money State and Federal governments spend on the welfare bureaucracy each year amounts to more than \$1 trillion. That is a huge sum. It is twice the Defense Department budget. If all these funds were converted to cash and mailed to every household in poverty, it would equate to \$60,000 per household. Yet as the President now admits, chronic poverty and a widening income gap is the new normal.

We have huge bureaucracies, huge multiple conflicting programs, and programs that are not working and are not helping the people we are supposed to help. They just are not.

Isn't it time that we broke from decades of policies that are proven not to

work? Imagine how much better it would be if we combined dozens of overlapping welfare programs into a single credit with better oversight standards focused on the goal of helping people become financially self-sufficient. We need fresh approaches. We have to have fresh approaches. I believe it will happen. The sooner it happens the better off this country will be and the better off poor people will be.

But all we get from the White House are the stale policies of yesterday. What is the agenda the President persists in pushing? Consider the cornerstones of the President's economic agenda, the things he has been pushing in the Senate and the Congress and advocating unilaterally through the powers of the executive President—some beyond all law, it seems to me. These are the things he has consistently advocated for. He wants a government health care takeover, and that is proven to be a job killer. It is killing jobs and two-thirds of the jobs this year that have been created were part-time and in large part that has been a reaction to the Affordable Care Act.

What else? He has a hostility, a consistent hostility to the production of American energy, which makes the country more wealthy, to produce our own energy rather than transferring our wealth abroad, to buy energy from abroad. It creates jobs in America, high-paying jobs.

We have proposals for more and more taxes and more and more regulations that make it more difficult for U.S. workers to compete in the global marketplace. It makes it harder for their companies to be able to export and therefore create more American jobs.

We have a lawless immigration policy that undermines American workers and their wages. It just does. They can say whatever they want to say, but the bill that passed the Senate, the comprehensive immigration bill, would have doubled the number of guest workers. Some say: Well, Jeff, they are just going to be agricultural workers. That is not so. Only a small number are going to be agricultural workers. They are going to be a million-plus workers traveling around the country taking jobs all over America—twice as many lawfully as would be the case under current law. This is supposed to be immigration reform? This is supposed to help American workers find a job or have a pay raise?

We have a weak trade policy. We have to stand up for the American workers on the world stage and make sure that our trading partners are accepting our products like we accept their products, and if they do not, we have to defend the interests of the American worker. That is the way to help them have more jobs and better pay.

We have a welfare bureaucracy that penalizes work. The President is proposing more massive spending, creating more debt. He has had the greatest debt increases in the history in our

country. That is destroying and weakening growth in America. It places a cloud over the American economy, as experts have told us.

These policies have been the order of the day for 5 years. That is what we heard. We need to spend more, we need to invest more, and we need to tax more. We have had more regulations than we have ever had in American history. We have had trillion dollar deficits the likes of which we have never seen before, and people wonder why the economy is not doing well.

We blocked oil production in the gulf for an inordinate period of time and are only slowly allowing that to occur. We blocked a Canadian pipeline that would create thousands of American jobs. We blocked energy production on Federal lands. We make it harder for energy production on private lands to occur, and we wonder why we cannot create sufficient jobs and growth. We need lower-cost energy, cheaper energy. That is good for the economy. Falling natural gas prices have been a help because of new techniques in the production of natural gas.

These statist, leftist policies have been tried in America before, and they have been tried throughout the world for decades, and they will never work. Taxes, regulating, more government, and taking over the health care industry will not create prosperity and jobs in America. It just won't. If it would, we would be doing so much better.

Since the President has entered office we have added an incredible \$7 trillion to the debt of the United States, and what do we have to show for that? Real wages are lower today than they were in 1999. Take-home pay has fallen for 5 consecutive years. Average household wealth is 60 percent lower today than it was in 2007; 1.3 million fewer people are working today than in 2007. Have we had a recovery? We have fewer people working today than we had 6 years ago, and every month we add 150,000 or more people, basically, to the age cohort of Americans that could be working, because the population is increasing that much. So you have to create real jobs to stay ahead of just normal population growth. There is 1.3 million fewer people working today, even though the population has grown by 14.5 million. There are 1.3 million fewer people who are working today than in 2007, even though the population has grown 14.5 million. That is not good.

So the President is right to be worried about the health of the American middle class and lower-income workers in America. It sure has not been going well. I know he thought his statist ideas would work, and he pushed them steadfastly. He had a Senate that rubber stamped for 2 years what he wanted, including a \$800 billion stimulus bill that was supposed to create jobs and prosperity in America, every penny of that borrowed.

If we continue down this road, I fear we are going to sentence an entire generation of young Americans to poverty,

joblessness, and stagnant economic growth in our economy. Majority Leader REID said this week that, "We should realize that today there is only one job available for three people seeking a job. Think about it."

I agree that we absolutely must think about that. We should think seriously about it. My first thought is this. Since three people are looking for every one job that is open, then why has the President embraced an immigration bill that would double the flow of guest workers into America? They will take jobs that would be available for American workers. Why? That is what I think about.

As David Cameron, the prime minister of the United Kingdom, said recently: Immigration cannot be a substitute for training our own workforce. Is there something wrong with him saying that? Isn't that an honest, correct statement, speaking for the interest of the average Briton?

We need to help struggling Americans get off welfare, off unemployment, and into good-paying jobs.

We have a loose labor market. We don't have a tight labor market. Byron York recently wrote an excellent column. He showed that the very same companies that signed letters to the President and the Congress demanding more guest workers are laying off American workers by the thousands. Big companies are signing letters that demand more workers, and they are laying off thousands of workers. It is a fact. He listed them. There were 10 or 15 companies. Some of them laid off thousands of people the very year they wrote to this Congress demanding more foreign workers. So now we have to extend unemployment benefits because people can't find jobs. We have to pass a law to set the wage so the wage can be higher because it is not going up through the natural free market as it should if we had a normal market for labor.

Whom do we work for? I know who I work for, and that is the hard-working people of Alabama and the United States. I don't work for the masters of the universe. They are demanding more workers from Congress when millions of Americans are unemployed.

America is not an oligarchy. House Republicans need to firmly tell this President that we work for the American people. We reject any immigration plan that puts special interests or corporate interests before working Americans. They need to say: We are going to defend the working people of this country. They are not being defended in the Senate by the Democratic majority, that is for sure, with regard to the immigration policy.

A small group of CEOs don't get to set immigration policy for the country, no matter how much money they have. How many ads do they buy? We are not going to enrich the political class at the expense of the middle class, and we will reject the immigration bill that passed the Senate.

That is one of the things we could do to help improve job prospects for Americans. It wouldn't cost us a dime. We wouldn't have to borrow money. It would actually get people off welfare and food stamps. It would put them back into the workforce, and put us on a better path.

If we want to reverse the middle-class decline, we need a new economic vision. We need concrete steps to restore opportunity to the American people without adding a penny to the national debt. We need policies that work to create prosperity without borrowing and creating more debt. We just have to do that.

What are some of the things that we can do? Produce more American energy. We can turn the welfare office into a job-training center. We can do this. We are going to have to do this. We are going to have to move people from dependence to independence. We need to streamline the Tax Code and make it more growth oriented, which will help us to be more competitive worldwide. We need to eliminate every Washington regulation that is not needed. These are regulations that kill jobs and kill competitiveness.

We need to enforce trade rules with our partners that defend the legitimate interest of U.S. workers. We need to enforce an immigration policy that serves the national interest—the people's interest—and protects jobs for Americans. We need to make our government leaner and more accountable. Our government needs to do more for less just like good businesses and good corporations and good companies are doing all over America. We need to do that with our government. That will help the economy.

We need to balance the Federal budget, restore the confidence of the American people, the world financial community, the vitality and the future of America, and spare our children from a lifetime of debt.

These are all positive steps that are true to our constitutional heritage and our legacy of freedom and opportunity. Those are the things we should be doing and we can do. They are all steps that will create more jobs and more growth without borrowing money, and these are all steps that will lift millions out of poverty, and help struggling Americans realize the dream of financial independence.

I don't know what the President was thinking when he talked about a few little promise zones—is that what he called them—around the country. This is somehow going to deal with the unemployment problem in America?

He announced this today. I haven't had a chance to study it yet, but these are just a few spots on the map of the country. This is not going to have any kind of systemic impact on our declining growth and the weak recovery we are seeing today. If the recovery doesn't exceed 2 percent GDP growth per year, it will not create jobs faster than the population grows.

I am afraid we are not in a good position there. We are not seeing the growth that we had, and experts are predicting slow growth in the years to come. We have to get off the path we are on and get on the path to growth, job creation, and prosperity. We have to make sure our American citizens are trained, skilled, and moved into good jobs so they can be independent and take care of their families without being dependent on the government of the United States.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### UNEMPLOYMENT COMPENSATION

Ms. MURKOWSKI. Mr. President, it has been a disappointing week here in the Senate. I started out the week feeling pretty good and optimistic. I had a major presentation before the Brookings Institution. I talked about the enormous potential in this country for energy production and the fact that we are at the highest level of energy production domestically than we have been in 20 years and what great prospects we have for that. When we talk about jobs and economic opportunity, it is really one of the bright spots out there.

Of course, the debate this week has been over unemployment compensation and the extension, initially proposed by the President to be a 3-month extension—an emergency, temporary extension. I was one of six Republicans who came together and said: This is an important conversation for us to be having at this particular point in time.

As we know, the long-term employment benefits expired on December 28, 2013. It impacted over 1 million Americans around the country. In my home State of Alaska about 6,500 people lost long-term benefits at the end of the year, and it was one of these cold turkey things. Those who still had eligibility for certain benefits were cut off hard. There was no tapering down. This is hard.

Back here in Washington, DC, we have been living with some pretty cold weather. It is cold weather all the time in Alaska at this time of the year. It is hard to be out of work. It is expensive to keep your homes heated. It is expensive to live there, and so I recognize that the safety nets we put in place are important. It is important for us to have discussions and debates so we can argue and compromise on the issue of long-term employment benefits. That is a conversation we should have. I wanted to have that debate.

I wanted the opportunity for full-on amendments so we could bring up good ideas, such as, good ideas about reform and perhaps tying benefits to job training, retooling, giving people that opportunity to move forward, and debate about how we pay for it. There have been times when we extended long-term unemployment benefits with an offset, and then there have been times



when we extended it on an emergency basis with no offset. But let's talk about it, let's debate it, and let's put up some amendments.

I was part of that group that really thought we would not only be able to talk, but that we would actually be able to weigh in as Members representing our States, presenting our ideas, and speaking for our constituents on issues that are very important around the country. Usually in a body such as the Senate, actions don't happen unless there is an opportunity to vote on issues.

So this afternoon when I listened to the majority leader's statement, he said very clearly that we weren't going to have any amendments on the Emergency Unemployment Compensation Extension Act. In fact, his words were: We get nowhere with doing amendments. I find that so disturbing.

I have only been in the Senate for 10 years, but what I have seen in my 10 years is a change in the process—a change in an institution where we are no longer taking the good ideas from this side and the good ideas from the other side through an amendment process—or even from a committee process for that matter—and building better policy based on the good ideas that we all have.

Why would we be afraid to vote on amendments? They may take us a little bit longer throughout the day to go through. It disrupts our schedules. My schedule is to work for the people of Alaska, and if that business isn't conducted here through debate and voting, then what is it? What is it?

I was really quite discouraged after the exchange on the floor earlier. Colleagues have worked hard to come up with some good proposals. These are not "gotcha" amendments as was suggested by the majority leader.

I think the proposal of the Senator from Ohio—a proposal that is actually contained in the President's budget proposal—was absolutely legitimate. So to suggest that it is an amendment without merit is not fair.

At the end of the day, don't we judge the merit of an amendment, of an idea or of a proposal by presenting it to the body for a vote?

If we truly are at that point where we are simply not going to amend bills, that we are simply going to vote straight up or down on a bill that has been presented to us—probably not even out of the committee process but more likely from the majority leader's chambers—that is a tough place for us to be as a body. That is not what this process is all about.

The minority leader reminded us yesterday that we can do better. We can do better as an institution, but we sure didn't demonstrate that today.

I want to work with my colleagues on the issue of unemployment compensation. I want to be able to recognize that compassion that we show for other Americans who are dealing with great difficulty right now. I want to

try to move this country forward with policies that are good and strong and create those jobs.

#### ENERGY

When I started my comments, I talked about energy production being that bright light. Look at what is happening in the State of North Dakota where, boy, anybody who wants a job can get one. In fact, they can get two or three jobs.

They are ground zero in this type of oil revolution. Their unemployment rate was 2.7 percent last October. There has been a lot of back-and-forth going on about Keystone and its potential for providing direct jobs, direct and indirect end use jobs around the country—42,000 jobs around the country. Wouldn't that be helpful?

When we talk about our opportunities in this country, we need to be putting in place policies that help advance jobs and job creation and the wealth then that comes with it. We can and must be doing more.

One of the areas we need to address is where this administration, in my view, has seen some real policy failures; that is, in restricting access to Federal lands for resource development, blocking and slowing the permitting process. We need to be doing more. The President has touted the gains made in energy production. But I think it is important to recognize that most of those gains have been on private and State lands. The Presiding Officer and I know there are enormous resources on our Federal lands. Let's access them. Let's access them safely and in an environmentally responsible way but in a way that is going to help our economy, help the job situation in this country. I feel we can do so much more. I am hopeful again that we will, in this body, in this institution, be able to work together to solve some of the issues that confront us. But, again, I am disappointed.

I did not come to the floor this evening to talk about the comments made earlier on where we are in the amendment process and not being able to advance an amendment process. But my colleagues can tell I care deeply about this institution. I care deeply about our responsibility to govern around here. I am not convinced we are governing to our ability. We need to make some changes, and it only comes when we acknowledge that those changes have to come and that co-operation has to come from both sides.

#### EMERGENCY CONNECTOR ROAD

Tonight I come to the floor to talk about a decision that came out of the Department of Interior the day before Christmas Eve. This is a decision that in my view is absolutely unconscionable, and it is a decision that was made by the Secretary of the Interior the afternoon of December 23, in which she rejected a medical emergency connector road between two very remote Alaskan communities, the community of King Cove and Cold Bay.

I have thought long and hard about my public comments to my colleagues

in the Senate because I have spoken out about this at home and I was very direct. I was very direct about my anger, my disappointment, and my frustration. I recognize I have to work with folks in this administration, and when we are talking about the Secretary of the Interior, I recognize she is effectively Alaska's landlord. I need to be able to figure out a way to get along with her. But I have to tell my colleagues that this was absolutely a heartless decision by Secretary Jewell. It was a decision that she alone made, and it will only serve to endanger the Alaskan Native village residents of King Cove.

With the decision the Secretary made, she has put the interests of certain environmental groups and the alleged peace and comfort of the birds, the waterfowl in the Izembek National Wildlife Refuge above the lives of hundreds of Alaskans, because 950 Alaskans live in King Cove. By the Secretary's act of denying this short road needed to ensure the people of King Cove reliable and safe access to an all-weather airport in nearby Cold Bay, Secretary Jewell has effectively turned her back on the Aleut people of western Alaska. She has discarded her duty to uphold the trust responsibility the Federal Government owes to its Native peoples.

The uncle of the Presiding Officer served as Secretary of the Interior. He knew full well that trust responsibility. It is a high trust and the Secretary has turned her back on the Native people out in King Cove.

To add insult to what could very well be real injury or even death, Secretary Jewell did this on the day before Christmas Eve. On the day before Christmas Eve, I received a voice mail message from the Secretary telling me that she later in that afternoon was going to deny the road to King Cove. What was I doing? I was doing the exact same thing most of the people around me were doing—we were at the last minute getting ready for Christmas. I was in the parking lot of a Fred Meyer store going inside to get Scotch tape and wrapping paper.

The decision made by the Secretary is one that goes beyond building a 10-mile, one-lane, gravel, noncommercial-use road between King Cove and Cold Bay. This decision makes clear to us in Alaska that our lives—the lives of the people, the human beings who are there—just don't seem to matter to the Secretary. It is clear to me that either she does not understand or she does not care about the most basic needs of our remote residents, and it is quite clear that we have, once again, received unfair treatment at the hands of our Federal Government.

Sometimes it just feels as though those on the outside, whether it is the Federal Government, back here, 4,000 miles away from home, that there is this sense that Alaskans need to be protected from themselves. Quite honestly, that is offensive. Quite frankly, I

have a very hard time believing that if this same situation occurred somewhere in the lower 48, the decision would be the same. The fact is we are out of sight, we are out of mind. There are only 720,000 people in Alaska. There are only 950 people, or thereabouts, in King Cove. Who is going to be upset? Well, I am upset. I am upset. Not only have the people of King Cove been wronged, but the people of Alaska have been wronged. This is not a decision that is going to just go away because we all got caught up in the Christmas holidays. This is not going to be something the people of Alaska or this Senator will forget, because we are not done.

I have been to this floor many times—many times—in fact, I think the Presiding Officer has been in the chair on previous occasions—when I have come to call attention to this life-saving road and the land exchange that was approved by Congress, signed into law by the President. I feel as though I have told this story so many times I don't need to remind folks, but I am going to provide a brief refresher.

The recent story of King Cove actually started pretty well. Congress came together almost 5 years ago to give the Interior Secretary reason and authority to act in the public interest when it comes to providing access. But as is so often the case, this has become yet another terrible example of the interests of our people put at risk by their own Federal Government. So back in 2009 we passed—I introduced legislation—we passed legislation that proposed to add more than 56,000 acres of State and tribal land to the Izembek Refuge in exchange for a 206-acre road corridor through a corner of the refuge. Again, I wish to repeat the numbers because some people say I must have forgotten a zero: In exchange for 56,000 acres of State and tribal land, a 206-acre road corridor. In addition to the fact that this is basically a 300-to-1 exchange that was offered, there was agreement that this road would be so limited—so limited as to have an infinitesimally small impact on the refuge. The people of King Cove are not insensitive to the fact that this is a very rich ecosystem out there. This is a very rich area. This is where the birds come through. They have no interest in harming or damaging the refuge.

So the agreement was for a one-lane, between 10 and 11 miles long, gravel road, severely restricted by law—restricted by law; not just an agreement where the mayor says, oh, during my tenure, we are not going to use it for commercial purposes. This is in law: noncommercial purposes, one-lane, 11-mile-long gravel road. In addition, there were going to be roping corridors so that if a vehicle is on the road, it wouldn't be able to go off the road and onto the refuge and lay tire marks or impact the refuge at all.

The Department of Interior EIS clearly showed that the actual acreage inside the refuge to be impacted by fill

material was just around 2.7 acres. Again, think about the exchange. They are giving up 56,000 acres in exchange for a 206-acre road corridor and, of that, the impact by fill material is just about 2.7 acres. So consider also that the exchange would have added 2,300 acres of eelgrass beds to the refuge.

This is prime habitat and feed for the black brant, and this was something that clearly Secretary Jewell felt was very valuable because she chose to place higher value on those black brants than she did on human and wildlife values. That 2,300 acres, then, is about 20 times more than the eelgrass that the EIS said might have been impacted by erosion as a result of the road. So the rejection of this exchange just dumbfounds me. I don't understand it.

The State of Alaska and the local tribal groups were willing to give up 56,000 acres of land. Keep in mind, these are lands that were given to them under the Native Land Claims Settlement Act. These lands represent who they are, and they are willing to give up 56,000 acres of it for a lousy one-lane, 11-mile gravel, noncommercial-use road. That is how much this road meant to them, because it was more than a road. It was a lifesaving connector. It was a way for them to get to an all-weather airport, the second longest runway in the State of Alaska that was built during World War II; an amazing runway, actually, that isn't encumbered by the topography and the weather as the King Cove Airport is.

So you have a people who are desperate for a solution, so desperate for their solution that they are willing to give up their lands. The most prized thing the Native people have in our State are the lands around them, and they are willing to exchange them for a small road corridor—a 300 to 1 exchange—and the proposed land that would have been provided to the Federal Government is pristine land that is valuable for the waterfowl, for the wildlife, certainly would enhance and benefit the refuge.

But Secretary Jewell said no to this. She said no to this 300 to 1 exchange—an exchange that would enhance the habitat for the birds she wants to protect. It really makes you wonder: Has there ever been such a lopsided land exchange that has been rejected by the Federal Government?

The former head of the U.S. Fish and Wildlife Service, Dale Hall, was the one who largely picked the lands and had approved of this exchange back in 2006—long before this legislation was ever introduced. So the Federal agencies, the Fish and Wildlife Service, and the head of the Fish and Wildlife Service had looked at all this and said: OK, in order to get this corridor, there is going to have to be some exchange, so let's figure out what it is going to be. He gave his blessing to that back in 2006.

But what this does speak to is how strongly Alaskans feel about pro-

tecting the health and safety of our residents, and rightly so. I would submit to you, Mr. President, if Secretary Jewell and the U.S. Fish and Wildlife Service truly had—truly had—the best interests of both the human residents and the birds of the Izembek Refuge in mind, they would have recognized that adding 56,000 acres, while taking out just 206 acres—and, then again, of that, the amount that would have actually been impacted by fill is 2.7 acres—I think they would provide far greater benefit to the refuge than any small, single-lane, gravel, noncommercial road ever possibly could subtract.

The legislation directed the U.S. Fish and Wildlife Service to conduct an EIS for the road. So the 2009 legislation that passed the House, that passed the Senate, that was signed into law by the President, directed Fish and Wildlife to conduct an EIS. That agency prepared a faulty EIS. They failed to adhere to the underlying law, choosing a “no action” alternative and failing to adequately account for health and human safety when selecting the preferred alternative. This is more evidence of systematic disregard for the well-being of the Aleut who have lived in this region for thousands of years.

I also want to touch very briefly upon Interior's trust responsibility to Alaska Native peoples. The Assistant Secretary for Indian Affairs, Kevin Washburn, went to King Cove. He visited. He actually spent 2 days there. In fact, they actually had some pretty stinky weather when he was there, and I think he saw firsthand what the residents of King Cove deal with in getting in and out. The Assistant Secretary wrote a report for Secretary Jewell. It was not made public until after the Secretary announced her decision, which I think was unfortunate. But again, back to the trust responsibility—the responsibility that the Federal Government has to protect the health and safety of Native Americans.

But here you have the Fish and Wildlife Service, you have Assistant Secretary Washburn, and now, finally, Secretary Jewell, who had the opportunity to encourage or actually make a decision that would improve the lives of the residents of King Cove. They turned their backs on these people, and they diminished the hopes of these first peoples.

The EIS, which recommended no action—no action—to help the people of King Cove has a clear negative impact on the health and safety of Alaska Natives who live in that village. The official report that was prepared by Mr. Washburn regarding his visit to King Cove, I believe, was inadequate—wholly inadequate—and, quite frankly, very weak.

He, the Assistant Secretary, is viewed as a leading legal scholar on Native trust responsibility. I truly have high hopes for him because I believe that his heart clearly is in that right place. But his report falls woefully short of his duty to the Aleut people, and I expected more of him—truly



I did—and I know the people of King Cove deserve better.

The health and safety of the people of King Cove is not some speculative issue. We are not just talking about, oh, the weather is bad there or somebody might get hurt. The fact of the matter is that since 1980, 18 people have died, and they have died because of medevac delays or because of the dangers connected with the medevac flights out of the fishing village.

It is not easy to get in and out of King Cove. They have an airstrip, yes, they do, but they are surrounded on three sides by mountains, and a valley on one and the ocean on another. The Coast Guard describes medevacs into King Cove as one of the more frightening, more challenging operations that the Coast Guard is tasked to do. You might say, why is the Coast Guard doing medevacs? Well, because medevac flights from Anchorage—some 600 miles away—cannot get in. They say: The risk to us to fly in for somebody who is in the midst of a difficult labor and needs to get out to the nearest hospital—which is Anchorage, 600 miles away—is too great or we are not willing to risk our lives. So whom do you call? You call the Coast Guard.

In 2012, the Coast Guard was called in, I believe, five times, at a cost of up to \$210,000 to the taxpayers per trip, to bring in a crew to medevac that individual out. So if you can fly in—if the Coast Guard is able to do it, they will be there. But, in the meantime, you have had people die, and you have had planes crash.

If you cannot get out, the alternative is—because there is no road; there is no 10-mile, one-lane, gravel, noncommercial-use connector road—you can go across the water. Think about it. If the weather is bad enough up in the air, think about what it is doing down in that ocean. It is pretty tough.

So you can come across the water for hours in 15-, 20-foot seas, but then, once you get over to Cold Bay, it is not like they can just load you into a nice airplane on the runway there. You have to get docked, and up off the dock to get to the airport.

The fact of the matter is King Cove and Cold Bay—it is a little bit rustic out there. What is in this picture I have in the Chamber is probably a little difficult to see. This is the top of the dock at night. This is about a 20-foot drop to the ocean here. You have metal ladders that you climb up, if you are able. But if you are able, you probably do not need to be medevaced out. A person with a heart condition, how is he climbing up this metal ladder—as the waves are crashing against him in the dark and in the wind? What you are seeing here is basically a sled that has been hoisted up on a crane, swinging around in the wind in the dark.

I do not have the picture here of the elder who had suffered a heart condition and could not make it up the steps. They could not hoist him up. They put him in a crab pot and hauled

him up by crane on to the top of the dock so that they could then take him to the airport, where he was safely evacuated out and made it to Anchorage.

As I say, when we are talking about the health and safety of the people of King Cove, it is not speculative. People are dying. People have died. People are afraid to fly. The testimony that the Secretary heard, that my colleagues have heard—as the people of King Cove have come back, they have said: Enough.

The Secretary, in her visit to King Cove in August, stood before the schoolchildren there at an assembly—and she is very good with children, and it was good to watch the exchange—but those children spoke up to her and told her why they needed a road out of King Cove. To hear a child say: We need a road so that I am not afraid to fly and because I don't want anyone to die. This is an issue, again, where the stories we have heard, the Secretary has heard—because I was there with her; we heard the stories together—they are heartwrenching. They bring tears to your eyes. The people, the families who have lived with this have been devastated. The Secretary heard all this, and yet it seems that she has just chosen to ignore the voices of those children, the stories of those elders, the pictures of an elder being hauled up in a crab pot so he can make a medevac to Anchorage.

I want my colleagues to know here in the Senate, as well as the administration, that I am not going to let this issue die. There is a simple reason why. Because I am not willing to let anyone in King Cove suffer or die because they do not have emergency access out of their village.

This decision rested squarely on the shoulders of Secretary Jewell, who then announced this devastating news only hours before Christmas Eve—a heartless decision delivered at a heartless time. The Secretary said to me that there is no good time to deliver bad news, and I would agree. But the timing of this decision was solely hers. There was no deadline within which she had to act. She chose to announce it on Monday afternoon, at 3 p.m., Washington, DC time, knowing that everyone was going to be skating out of here for the holidays, hoping that everyone was going to be distracted with their family events, hoping that no one was going to be watching. She knew that the people of King Cove would be upset. She knew that I would be upset—but less than a thousand people, she thinks. That is not how you do things. It is not how you do things.

The people of King Cove are without hope right now for one reason; and that is because of this decision from the Secretary. I have come here to tell the Senate what happened to them in what was supposed to be—what was supposed to be—a season of joy and celebration. I truthfully cannot use strong enough words to show the depth of my anger for this decision.

I cannot fathom why she came to it, why she was willing to sign her name to it. But I, for one, never thought that we would see a day where, under the guise of making a public interest determination, a Cabinet Secretary would so blatantly disregard the public's health and safety. But we have.

So the question now is, does it stand? Are we going to do what we know is right and make sure that those who live in King Cove are protected? I have my answer. I am going to stand in solidarity with the people of King Cove and others in Alaska and across the country whose well-being is put at risk by misguided government decisions, devoid of proper balance between human and wildlife considerations.

I have not yet identified every opportunity I may have to draw attention to, resist, and seek redress from Secretary Jewell's bad decision.

An obvious and perhaps an easy step would be to introduce yet another bill. But I am not willing to concede that the last word has been spoken on the law, the law we enacted in 2009. That law passed after a great deal of effort. There was debate. There was significant compromise as I have outlined. But that was a law we had all negotiated. I do not believe that law has been properly implemented. Who knows how and whether the courts may address that injustice.

A messaging bill might get some attention. But I am concerned that its immediate consequence may be to legitimize in the eyes of many a bad decision we should be fighting rather than accepting. I think the people of King Cove deserve better.

The Department of Interior needs more balance. The U.S. Fish and Wildlife Service needs better direction. I am not ruling out any possible remedy. In this case, Alaskans have been made the victim. But I think that all Americans are at risk from this kind of unbalanced decisionmaking. I pledge to my colleagues and my constituents that I am going to keep fighting for what is right, both morally and legally.

This fight is not over. Again, the attention is drawn to the residents of King Cove and a small connector road in a very remote part of our country. But I do think it is emblematic of the bigger struggle, the bigger fight we are seeing as a State with our own agencies, with our own Federal Government.

I have taken a great deal of time this evening. I appreciate the Presiding Officer's attention as I have made my case. I am certain the administration is listening to my words as well. As I indicated at the outset, in Alaska we have no choice but to figure out how we deal with our agencies because they consume, they occupy so much of how we are even able to move forward as a State. I will continue to do what I can to work with this administration in a manner that is going to benefit the people whom I work for. But I will always put the health and safety and best interests of Alaskans first.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### UNEMPLOYMENT INSURANCE

Mr. REID. Mr. President, today has been an eventful day on the unemployment compensation front. We began the day working with Republican colleagues to put together what we thought was an amendment they would join us in pushing forward. But surprisingly and disappointingly to me, those whom we worked with were unable to join on the amendment.

I am disappointed for a number of reasons, not the least of which is we gave the Republicans what they wanted. It is entirely paid for. The amendment made structural reforms in the unemployment compensation bill, which is something they said they wanted. The amendment includes a proposal, much like that advocated by Senator PORTMAN, that would prevent people from collecting both unemployment insurance and disability insurance at the same time.

Our amendment includes an offset that is PAUL RYAN's offset. It was the same thing we used in the Murray-Ryan budget agreement this body supported a few weeks ago.

So it is totally paid for with something PAUL RYAN suggested and we adopted a short period of time ago. It makes structural reforms they said they wanted—maybe not all of them, but it made structural reforms. It is hard to understand why they cannot take yes for an answer. Maybe it is because they do not want the legislation passed. It is possible.

But I have not given up. I have discussions with a number of Republican colleagues this evening. They said they are going to try to come up with something else. I certainly hope that is the case. We need to understand that there are 1.4 million Americans hurting. It is hard for me to comprehend why something that meets the outlines of what we understood they wanted is not good enough.

Maybe they do not like it because it does not give them an opportunity to—I withdraw that. I think we have had enough talk here today. I am not going to add to that. All I wish to close the Senate with tonight is it is very unfortunate for a lot of people who are truly hurting.

It is paid for with something that is certainly standard around here. We won't be able to use that anymore. States won't be able to use the same money anymore, but it doesn't affect the budget in any way. It doesn't raise the deficit one penny. It sounds as if it is a very good deal to help 1.4 million people.

Explain to somebody who is on long-term unemployment in the State of Colorado, State of Illinois, State of anyplace, and they will say they didn't vote for this because they didn't get to offer unlimited amendments, even though there was a proposal that wouldn't run up the deficit one penny. It was all paid for. It is hard for me to comprehend that. We could explain it to someone, but it is their job to explain it, not mine. My explanation is that it is something the American people want, need, and should have.

#### MORNING BUSINESS

Mr. REID. Mr. President, 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.

#### VERMONT ARMY NATIONAL GUARD AWARD

Mr. LEAHY. Mr. President, as the U.S. mission in Afghanistan winds down this year, one thing can be said with certainty: The dedication and service our men and women in uniform is unparalleled. It will truly be with the thanks of a grateful nation that our troops will finally withdraw from Afghanistan by year's end.

This weekend, that appreciation will be front and center in Vermont, when the 3rd Battalion, 172nd Infantry Regiment, Mountain, will receive the Valorous Unit Award for extraordinary heroism in action, against an armed enemy of the United States, during their 2010 deployment to Afghanistan. The Mountain Battalion, as they are known, led Task Force Avalanche in Paktia, a province in western Afghanistan, and they were responsible for security in an area the size of Delaware so that aid and development efforts could go forward.

In the best tradition of the ever ready Green Mountain Boys, the Mountain Battalion knows a thing or two about operating in mountainous terrain. They are the only unit in the U.S. Army specifically designed to neutralize the enemy in a mountainous terrain—expertise that proved invaluable as they supported seven forward operating bases and combat outposts spread throughout the mountains of Paktia. Upon their arrival in 2010, in advance of the parliamentary elections, they found many unsecured roads and zones. The men and women of the Mountain Battalion helped to neutralize supply lines and occupied formerly safe zones to provide a level of security during the election that increased voter turnout in those districts by 15 percent. In large part because of their efforts, Paktia province held the distinction of being the only province that cycle with zero civilian casualties during the election.

Throughout their deployment, the men and women of Task Force Ava-

lanche formed close partnerships with their counterparts in the Afghan National Security Force, living and operating together. They credit success in increasing proficiency and dedication of these forces in Paktia to the close relationship they forged. When the area of operations was hit hard by flooding, it was the Mountain Battalion and their Afghan partners who were there to respond for the civilians facing devastation. They even dispatched a platoon across the border to Pakistan to help flood victims—a border more often in the news for the crossing of foreign fighters and the Haqqani Network. The Task Force trained more than 50 Afghan National Army medics, who in turn provided care to U.S. personnel as well. These medics are just one part of the lasting contribution left by the Mountain Battalion in Paktia.

Also remaining in Afghanistan as a testament to their valor are 2 schools, 4 mosques, a community center, and 22 other projects. The Mountain Battalion is estimated to have contributed \$700,000 into the local economy in money and jobs, and it is further estimated that almost 30,000 Afghans were beneficiaries of humanitarian assistance alone after the floods. Despite having been one of the most chaotic provinces in Afghanistan, our Green Mountain Boys left Paktia a better place for the people who live there, and they did so in partnership with the people who live there.

Through 5 months in Paktia, these men and women led 4,300 combat patrols, 9 air assault operations, and 65 named operations. A total of 600 individuals were awarded combat badges, 26 individuals were awarded the Purple Heart, and, tragically, 2 of these brave soldiers sacrificed their lives. Those who returned home brought with them the wisdom and experience of their deployment. As a Vermonter, I could not be more proud of these men and women. They and the mission they so ably performed help define what valor means.

Importantly, this incredible unit is a National Guard unit. Made up of citizen soldiers from Vermont, Maine, and New Hampshire, the men and women of the 3rd Battalion, 172nd Infantry Regiment, Mountain returned from their distinguished service and went back to their jobs and their neighborhoods throughout Vermont and New England. This story was duplicated repeatedly in Afghanistan and also in Iraq. Because of soldiers like these, today's National Guard is a ready and reliable component of America's fighting force, indistinguishable on the battlefield from their Active Duty counterparts, and trusted with essential missions.

I congratulate the Mountain Battalion of the Vermont National Guard on the Valorous Unit Award. You make us proud. You have given us and you have renewed and built upon an incredible legacy.