

Hirono, Sheldon Whitehouse, Richard Blumenthal, Barbara Boxer, Kirsten E. Gillibrand, Charles E. Schumer, John D. Rockefeller IV, Bernard Sanders, Cory A. Booker.

The ACTING PRESIDENT pro tempore. 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 Michelle T. Friedland, of California, to be United States Circuit Judge for the Ninth Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Texas (Mr. CRUZ).

Further, if present and voting, the Senator from Oklahoma (Mr. COBURN) would have voted "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 41, as follows:

[Rollcall Vote No. 106 Ex.]

YEAS—56

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

NAYS—41

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

NOT VOTING—3

Coburn	Cruz	Markey
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The ACTING PRESIDENT pro tempore. On this vote the yeas are 56 and the nays are 41.

The motion to invoke cloture is agreed to.

VOTE EXPLANATION

● Mr. MARKEY. Mr. President, I was necessarily absent from the roll call vote on the motion to invoke cloture on the nomination of Michelle Friedland to be a U.S. Circuit Judge for the Ninth Circuit. Had I been present,

I would have supported cloture on the nomination of Michelle Friedland.●

NOMINATION OF MICHELLE T. FRIEDLAND TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT—Resumed

The ACTING PRESIDENT pro tempore. The Republican whip.

A SHARED COMMITMENT

Mr. CORNYN. Mr. President, I start by making an obvious point that every Member of the Senate is dedicated to helping law enforcement officials get dangerous criminals off the street and deliver justice to victims of sexual assault, every one of us.

As we mark National Crime Victims' Rights Week and National Sexual Assault Awareness Month, let's all keep that shared commitment in mind.

Ten years ago I was proud to join with my colleagues and President Bush to enact the Justice for All Act, which has made it easier for America's law enforcement agencies to protect the innocent, to identify the guilty, and to bring peace of mind to the victims of violent crime. Justice for All dramatically increased the resources available to test DNA samples from crime scenes, to improve our DNA-testing capabilities and to reduce the rape kit backlog which had become a national scandal.

The backlog was—and remains—a national scandal of the highest order, but we are beginning to make some progress. In the city of Houston, for example, a backlog that once reached 6,600 untested rape kits—one of the largest in the country—is now in the process of being completely eliminated thanks in part to the support provided from the Justice for All Act.

Just to refresh the memories of my colleagues and for those who might be listening, these rape kits consist of forensic evidence collected at crime scenes that will help by testing the DNA to identify the perpetrator and, in the process, potentially exonerate people who have been falsely accused. The DNA tests are that good and that effective. What is extraordinary about DNA testing in the field of sexual assault is that sexual assault offenders rarely commit that crime once. They are typically serial offenders. In other words, they keep at it until they are caught. As we have learned from law enforcement officials, when there is not an adult victim available, these offenders are opportunistic and they will attack children, the most vulnerable among us. So this is enormously powerful evidence that is available to law enforcement to exonerate the falsely accused, to make sure the guilty are identified with scientific precision, and to take serial offenders off the street so they can't commit other acts of violence.

Last year I joined with the senior Senator from Vermont, the chairman of the Judiciary Committee, to introduce bipartisan legislation that would

reauthorize the Justice for All Act and continue these beginning steps of progress. If it were up to me, we would have passed that bill a long time ago. If it were up to me, I would prefer to reauthorize the entire Justice for All Act right now—today. It has been hugely successful, and it commands strong support across party lines and across the country.

That said, it doesn't appear we are going to be able to do that today, but we do have an opportunity to take immediate action on two of the law's most critical components. Indeed, they could and should be reauthorized right now—today. I am referring, of course, to the Debbie Smith Act and the Sexual Assault Forensic Exam Program, both of which have been invaluable tools in our efforts to eliminate the rape kit backlog and to improve public safety.

Earlier this week our House colleagues passed a bill reauthorizing those provisions, and the Senate now has an opportunity to take up that more narrow House bill to reauthorize the Debbie Smith Act and the Sexual Assault Forensic Exam Program, even if we can't do the Justice for All Act today. I am hoping that colleagues here in the Chamber, and anyone who might be listening to my voice, will join us in this effort to do what we can do today to reauthorize the Debbie Smith Act and the Sexual Assault Forensic Exam Program and then, when it is possible for the Senate to act, to pass the Justice for All Act, the larger piece of legislation.

As I said, I would prefer to reauthorize the entire Justice for All Act, and I know there are many of our colleagues who share that sentiment with me. But regardless of whatever minor disagreements Members may have, we should immediately—today—reauthorize the Debbie Smith Act and the Sexual Assault Forensic Exam Program.

Again refreshing the memories of some of my colleagues, and others who may not be familiar with it, the Debbie Smith Act was named after Debbie Smith who has dedicated her life to making sure Congress keeps focused on this rape kit backlog problem and scandal. She is one of the biggest cheerleaders for this law that now bears her name. This is also the name for the portion of the law that allocates funds to the Department of Justice to use for grant programs to forensic laboratories, police departments, and other law enforcement agencies around the country that may not have the money or the expertise or the wherewithal to be able to test these rape kit backlogs.

It is not just my position that these two provisions the House has passed should be taken up and passed by the Senate and then catch up in due course with the entire Justice for All Act. It is also the position of the Rape, Abuse & Incest National Network, the National Center for Victims of Crime, and, of course, Debbie Smith herself,

and I am confident many of my colleagues have heard from her.

All of those folks support the provisions of the bigger bill. But if we can't do that today, they support the Senate's passing the provisions that have passed the House as soon as possible. We now have an opportunity today to do something to support countless victims of sexual assault during National Sexual Assault Awareness Month and National Crime Victims' Rights Week. All of these groups and individuals support the immediate reauthorization of the Debbie Smith Act.

I am proud to stand here with the heroic people who have dedicated their lives to helping address this backlog scandal of untested rape kits, and even more proud to stand with those who are willing—and spending their time and treasure—to help folks who need to heal, who need justice, and who are asking for our support. In all my years of public service, Debbie Smith is among the most inspiring people I have ever had the privilege of meeting. I sincerely hope my colleagues will keep her in mind and others like her as we move forward with this legislation.

Earlier this week, Debbie reminded me that the rape kit backlog is not just about numbers and DNA samples and scientific testing. It is about people, it is about justice, and it is about recovery. As she so eloquently put it:

These aren't rape kits that need to be tested. These are lives that need to be given back to their owners. These are fragments of lives that have been torn apart.

I hope my colleagues will remember those words as they contemplate how we should move forward on the House provisions that have been passed, as well as the larger Justice for All Act, both of which I support. By reauthorizing the Debbie Smith Act—and later, in due course, whenever we can do it, the larger Justice for All Act—Members of Congress can continue doing our part to help people like Debbie Smith heal wounds, repair lives, and make our country a safer place.

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

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alabama.

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

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

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Michelle T. Friedland, of California, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. The Senator from Alabama.

#### IMMIGRATION

Mr. SESSIONS. I wish to share with my colleagues some recent developments that I believe are important on

the immigration front. My office did a report and an analysis recently that pointed out that this administration, unlike what had been done historically, has been counting border apprehensions as ICE deportations from the United States. Classically, before that ICE officers—the Immigration Customs Enforcement officers—apprehended people inside the border and did removal proceedings and that was what was counted. So they have used those numbers to create the impression that a great deal more removals are occurring than actually are. That is not good. The administration should not be doing that, and it has created confusion. It is just one more example of this administration's willingness, unfortunately, to misrepresent and twist numbers to advance an agenda they believe ought to be advanced.

We are a nation of immigrants. We believe in immigration, but we believe in a lawful system of immigration. Most Americans believe the lawlessness should end and we should have a system that creates a mechanism by which people apply and they are admitted based on a fair evaluation of the people most likely to be prosperous in America and do well and contribute to the Nation and should be given priority—and we are just not doing that.

So the administration contends and says openly that we will not deport people, except those who commit serious crimes, which apparently does not include DUI's. The crimes almost always have to be a felony, it appears, in order for people to be deported, according to the administration. We will ignore the law for that company down the street in a high unemployment area which has five employees working illegally. They would not be removed. They will be allowed to stay and continue to work unlawfully, while Americans who cannot get a job are drawing unemployment insurance and other subsidies. This is happening all over America.

So getting to this fundamental point: Government is not being operated in ways that it should, conducted by a President who is charged to see that the laws of the United States are faithfully executed. He has issued prosecutorial removal policies that go beyond creating a mechanism to enforce the law but in fact wipe out the law, eliminate the law.

There has never been a requirement in the law that if someone is in the country illegally, they can stay as long as they don't get convicted of some other felony unrelated to an immigration violation. Indeed, under the policy as it is being executed, if an individual has false documents, which is a felony for an American citizen, that doesn't count as a deportable crime. It is only drug dealing or a crime of violence or robbery under the policies that we are carrying out.

They say they are faithfully executing that policy in part, deporting the individuals who are convicted of se-

rious crimes. A study came out from CIS, Center for Immigration Studies, that found 1 in 3 criminal alien encounters last year resulted in a release. They are being released, in one form or another, and are remaining in the country.

We have so much going on that is very troubling to me. Former ICE Director John Sandweg said recently:

If you are a run-of-the-mill immigrant here illegally, your odds of getting deported are close to zero—it's just highly unlikely to happen.

Now that is the truth. I was a Federal prosecutor. I know how the system works and I have worked with ICE officers and Border Patrol officers and prosecuted their cases. This is what the reality is, and it is not right. It should not be.

When we have the Vice President of the United States saying recently he considers the 11 million people here illegally as citizens anyway, what message does that send, colleagues, to an individual who would like to come to America permanently but has a visa to work so many months or be a student for so many months and the visa is over? What does the statement of the Vice President mean to him? It means he doesn't have to go home. All he has to do is just stay in the country. If he is in the interior and not caught at the border and came in by airplane, flew into Philadelphia or Denver, he gets to stay. As long as he doesn't get convicted of a felony, nobody is ever going to bother him. So this is an open border.

If they get past the border, get into the interior, go to St. Louis, go to Salt Lake City, go to Little Rock, Arkansas, then they can stay. That cannot be the policy of the United States of America. It cannot be the policy of a nation that expects its laws to be respected that if someone can get past the border or they can get a visa into the country and overstay, nobody will have any intention of removing them or enforcing the agreement they made or enforcing the law. I feel strongly about this issue.

People are unaware of how this is happening. I see in addition to the fanciful claims about who is being deported or removed, this was on the front page of the Washington Times today. Steven Dinan says the projections of the Washington Times show that Federal agents are “. . . on pace this year to remove the fewest number of immigrants of President Obama's tenure.”

It goes on to say:

That slower pace contrasts with the President's argument that he is enforcing the laws to the fullest extent possible by targeting criminals and recent border crossers.

The article goes on to say that the ICE officers are fully funded to remove at least 400,000 people, and at this rate they will be well below that figure. Why? Because it is the policy not to enforce the law. This is what is going on in this country.

On the same page there is the headline of an article that “Sheriffs warn of violence from Mexican cartels deep into interior of U.S.”

It goes on to say:

Outmanned and outgunned, local law enforcement officers are alarmed by the drug and human trafficking, prostitution, kidnapping and money laundering that Mexican drug cartels are conducting in the U.S. far from the border.

Not just at the border but away from the border. It goes on:

U.S. sheriffs say that securing the border is a growing concern to law enforcement agencies throughout the country, not just near the U.S.-Mexico boundary.

“If we fail to secure our borders, then every sheriff in America will become a border sheriff,” said Sam Paige, sheriff of Rockingham County, NC. “We’re only a two-day drive from the border and have already seen the death and violence that illegal crossings brings into our community.”

Other sheriffs joined in expressing that similar concern.

We are not where we need to be. Since the President took office, interior removals have been cut nearly in half. They have dropped by 44 percent. More than half of the ICE removals since 2009 are the border apprehensions, where they just caught them at the border and sent them back. These are not interior deportations as the statistics used to be focused on. Two-thirds of all ICE removals last year were border apprehensions. So—I said “half” earlier—it is two-thirds of the numbers that they are counting as deportations and removal are border deportations that weren’t previously counted as such.

Ninety-four percent of the people removed last year—get this—were either apprehended at the border, which is not attributable to apprehension, or were convicted of a crime while in the United States.

Do you hear that, colleagues? Ninety-four percent of the people who were removed were either people captured at the border or committing a serious crime, and even those who commit serious crimes are not deported. Most of the rest were repeat violators or fugitives.

So 99.9 percent of the 12 million illegal immigrants and visa overstays, without known crimes on their record, including those fleeing from authority, did not face removal last year. So if someone was here as a visa overstay or an illegal entrant inside the country and did not commit a crime, 99 percent of that—99.92 percent of the 12 million here were not involved or no action was taken to remove them. It just goes to show our law enforcement system is in a state of collapse. It is a deliberate plan by the President of the United States, and it is wrong. People need to be aware of it and need to stand up to it and I think the American people are beginning to do so.

This administration has effectively declared that anyone in the world who illegally gains access to the interior of the United States through a border,

through an airport, through a seaport, is free to illegally remain in the United States, free to claim certain tax benefits, free to work and take jobs that unemployed Americans need. This deprives millions of Americans of their jobs, wages and represents a dramatic, breathtaking nullification of Federal law.

This law enforcement collapse is evident everywhere—872,000 aliens have been ordered removed but haven’t left. So we order people removed. They get released on bail or get released in order to remove themselves or show up for removal. How many are showing up? Not many. It is called a catch and release, as has been referred to.

There are 872,000—almost 1 million—who at one time or another have been ordered removed but haven’t left, and 68,000 potentially deportable aliens deemed criminal by type were released by immigration officials last year. These were people who were charged with crimes and still didn’t leave.

The chief of the Border Patrol—this is the guy who runs the border effort with his team—predicted a tenfold increase in the presence of illegal youth crossing the border between 2011 and 2014. They have been told: Come on down, nothing is going to happen, and it has created more people coming, this lack of enforcement.

The Los Angeles Times reports that the number of asylum claims at the borders have increased sevenfold since 2009. Well, the administration developed a policy of stopping everything. All someone has to do is say, I am claiming asylum, and the whole process stops. Time goes by. Often the individuals who claim asylum are released on bail and then they don’t leave. We don’t know where they go. This is in effect a postmodern view of challenging the very idea that we are a nation-state with real borders. Attorney General Holder and Cecilia Munoz, who is the President’s Assistant and Director of the Domestic Policy Council, who used to be with La Raza, described amnesty as a civil right. If you come into the country illegally, the Attorney General of the United States declares that these individuals have a civil right to amnesty. How can this possibly be? This is the chief law enforcement officer in America?

Vice President BIDEN recently said:

You know, eleven million people live in the shadows. I believe they’re already American citizens . . . eleven million undocumented aliens are already Americans.

Goodness. The Vice President of the United States would make such a statement. It is stunning beyond belief. Apparently, if somebody is supposed to get on an airplane to leave this country because their visa is up and then they read the Vice President’s statement, they could just say: Well, I will just stay. Why should I go back? I would rather stay now. I kind of like this place. If I go back, I will have to wait in line. I will have to compete within the system like everybody else

who comes lawfully. Since I am here, I am not going to leave.

Is it any wonder we have more people staying, as the border patrol chief said?

President Obama made a series of nominations—Mr. Jeh Johnson, the head of Homeland Security, a lawyer at the Department of Defense and a political campaigner. He heads the Department of Homeland Security, which is a huge department. He can be counted on to know one thing: He is very close to the President, and he is to carry out the President’s wishes. He doesn’t know anything else about running a big, major law enforcement operation such as this. Mr. Perez, the former Assistant Attorney General at the Department of Justice’s Civil Rights Division, was very active with the pro-amnesty group in Maryland before this. Mr. Rodriguez, who has been nominated to be the Director of USCIS—they were installed not to be good and smart law enforcement officers but to effectuate the President’s agenda. You want to know the truth? That is the truth. They were put in there to carry out the agenda, not to carry out law enforcement.

The morale at Homeland Security is the lowest of any major entity in the U.S. Government. They have actually sued supervisors because they are being blocked from enforcing the law as they have taken oath to do.

I see my colleagues are here, and I will yield the floor. First, I will conclude by saying that I hope my colleagues will look at this. These facts are not disputed. This is not acceptable. It cannot be that the U.S. Government would carry on its business in this way. It is dangerous not only on immigration law but any other law that might come up in the future.

Presidents cannot, Attorneys General cannot, and Homeland Security people cannot fail to enforce plain law without creating serious damage to the great American constitutional legal system that has protected us and produced our prosperity.

I thank the Chair and yield the floor.

THE PRESIDING OFFICER. The Senator from Delaware.

AMTRAK

Mr. COONS. Mr. President, I would like to start this afternoon by thanking Chairman MURRAY for her tireless work on the Budget Committee—on which I serve—to develop and pass a bipartisan budget, a budget that sets us on a path to return to regular order.

Senator MURRAY has also been a tireless advocate for transportation and infrastructure programs, and as chair of the Transportation, Housing and Urban Development, and Related Agencies Subcommittee of the Appropriations Committee—on which I also serve—she fought tirelessly to include adequate funding for Amtrak back in the fiscal year 2014 omnibus and moving forward.

The topic I would like to take up today is the role of Amtrak in our country and our communities and its appropriate role as a central piece of

Federal transportation policy going forward.

Senator MURRAY has been a terrific advocate for investing across a wide range of transportation modalities. As a member of the Appropriations Committee, I look forward to working with her and our leading full committee chair Senator MIKULSKI to make sure we are successful in fighting ardently and steadfastly for Amtrak this year and into the future.

I come to talk on the floor today about the importance of our national passenger rail system—Amtrak—because this is not just about getting people from point A to point B. Investing in Amtrak also means creating jobs, making our whole economy more dynamic, and making America more competitive.

Amtrak is performing better and better each and every year. As the Presiding Officer knows all too well, ridership over the last decade has steadily increased. In fact, 10 of the last 11 years have seen record numbers, and last year we broke through 31.6 million riders on Amtrak. The trains are more and more crowded, but they are arriving more and more frequently on time and the quality of the train sets and the quality of the service provided by the conductors and the other folks who work for Amtrak has steadily increased.

As the value proposition of Amtrak has increased, so has ridership. Record ticket sales and other revenues have made this possible. Today Amtrak covers nearly 89 percent of the cost of operating their trains, which is by far the best of any passenger rail operation in the United States. They are, in fact, on track to cover 90 percent, through revenues, of their total operating costs in 2014. Because of this success, since 2002 Amtrak has decreased its debt by more than half.

My home State of Delaware and the Presiding Officer's home State of New Jersey are part of one of the oldest and most critical sections of our national passenger rail system, the so-called Northeast corridor, which goes from Boston to Washington. If it were its own separate economy, the Northeast corridor would produce \$3 trillion a year—21 percent of our Nation's total economic output—which would make it the fifth largest economy in the world if it were on its own. But it is not. It is an integrated part of our Nation, and its passenger rail infrastructure is an integrated part of our national commitment to efficient and effective transportation.

In this region in particular, Amtrak is not a luxury; it is a fundamental and critical part of our economy and moving our community and our people forward. If Amtrak service were cut off in the region for just a day, it would cost our economy \$13 million. One-third of all the jobs in the Northeast corridor—or 7 million jobs—are within 5 miles of a station.

Amtrak's impact on my home State of Delaware is particularly large be-

cause Amtrak employs over 1,000 men and women in the State of Delaware. Many of them work at two maintenance facilities—Wilmington and Bear—where they repair everything from train seats to the heavy trucks to the cars themselves. I have had a chance to visit them on a number of occasions. It is incredible to see the work ethic and capabilities of the men and women of Amtrak. These shops have been there for a long time. They have worked hard to modernize, to be relevant, and to contribute to the strengthening bottom line of Amtrak overall.

I would like to mention “Irish” John, who is a good friend of mine and has been a leader for the sheet metal workers for a long time. Sheet metal workers with Amtrak were one of the unions that worked with management to find ways to significantly save costs on overhaul work on Acela train sets, which resulted in Amtrak choosing not to farm out their service work and instead do a \$125 million job to overhaul 20 Acela sets in-house. This is union labor, and this helps support good middle-wage jobs. This helps support good middle-class families and middle-class communities in Delaware and our region. This particular work on this Acela overhaul will last more than 3½ years and sustain dozens of jobs at our Bear repair facility.

My friend Bill, who is with the IBEW Amtrak union, is another friend who has helped me understand the critical role of the employment Amtrak provides to our whole region—not just to Delaware, not just to the Philadelphia area, but to the whole Northeast corridor.

When we talk about investing in Amtrak, we are not only investing in new options for commuters and businesses, we are talking about investing in our communities and in workers who will build and maintain the next generation of American rail. As I said, these are great, high-skilled jobs. By investing in Amtrak's present and giving them a predictable future, we will preserve and continue these important skills and these important workers and their families in our communities.

Amtrak's benefits go beyond just the immediate skilled workers and their families and the communities that benefit from them.

In Delaware, the services Amtrak provides help to keep and draw in new businesses through a ripple effect in our whole economy. Last week there was an announcement of a new company that is spinning off out of Sallie Mae that will be locating its headquarters and 120 jobs in Wilmington. They have chosen a site specifically because it is walking distance from our Amtrak station—from the Joseph R. Biden Amtrak Station in Wilmington, DE.

In Newark, the University of Delaware is building a new campus called the Science, Technology and Advanced Research—STAR—Campus, which will

build partnerships between several important entities, such as the Thomas Jefferson University in Philadelphia and the Aberdeen Proving Ground in Maryland. What makes that partnership possible is the backbone of the Northeast corridor—the connection between these different cities that has made all of us stronger and better because of passenger rail.

I hope from these few examples it is clear that passenger rail is also a critical component of economic development. Passenger rail tends to link downtown urban areas and tends to be absolutely central to anchoring their revitalization, as the Presiding Officer knows so well.

Passenger rail is also critical not just in the Northeast corridor but in communities across the country that rely on it to connect with other communities and our country's major economic centers.

State-supported services have become a major source of ridership growth for Amtrak as well, with that ridership nearly doubling between 1998 and 2013.

Long-distance ridership across the great heartland of our country has also grown by roughly 20 percent without the introduction of any new services, frequencies, or equipment. In fiscal year 2013, long-distance ridership reached its highest point in 20 years.

However, we are at the proverbial crossroads—or I suppose I should say crossing—now because ridership is soaring, Amtrak is more popular than ever before, and demand will continue to grow, but we are not keeping up with the investment in infrastructure that we need to sustain this growth into the future.

For instance, right now there is nearly \$6 billion in outdated, delayed investments that need to be made just in the Northeast corridor to bring it to what is called a state of good repair. I will focus on a few of the critical infrastructure needs in the Northeast corridor, but there are also needs across the country.

Baltimore is a city I traveled through this morning on my way to this Capitol on the Amtrak train. In Baltimore, Senator MIKULSKI's home State, the B&P tunnels have stayed open since 1873. Although they have undergone periodic repairs, none of them were built to be permanent. We can't be competitive if we continue to rely on tunnels that have been around since roughly the time of our own Civil War. We need to invest in modernizing this infrastructure.

Between the Presiding Officer's home State of New Jersey and the great State of New York, preliminary planning is underway on the Gateway Tunnel, which is a critical tunnel that will ease the bottleneck under the Hudson that causes delays throughout the whole region, limits the options of travelers, and ends up costing the economy more in the short and long run. We need to invest in our infrastructure.

In Delaware, we have a bottleneck around our most popular station, the Joseph R. Biden Station in Wilmington. The rail lines north and south of that station slim from three lines to two, restricting service and preventing the addition of new rail service. Thanks in part to a Federal high-speed rail grant, construction will soon be underway to add a third track to alleviate this critical chokepoint, the main one just south of the station. Without new investment, that chokepoint will continue north of the station.

And that is not to mention the hundreds of bridges and tunnels and other connection points—including the overhead centenary lines—that require repair and replacement on the Northeast corridor alone. We need to invest in our infrastructure not just in the Northeast corridor but across this whole country. We do spend a lot of time here on this floor, as we should, talking about our Nation's fiscal deficit and debt, but we should also focus on our physical deficit and debt—the delayed repair of critical pieces of infrastructure that we rely on for our economy and for our communities but that we are not focused on.

If we invest in our infrastructure today, it will employ people in repairing it and lay the groundwork for improvement of our economy over the long term. I recognize the reality that while the budget picture has improved, it is not yet as good as it should be. We are still facing real fiscal challenges.

I ride between Wilmington and Washington nearly every day on Amtrak, and our workers are responsible for repairing and retrofitting a lot of the trains on which I ride. I am impressed with their skill and the caliber of their repair work. As a rider and our State Senator, I see how critical Amtrak is to our economy, our communities, and to our country as a whole. I hope that is clear to the rest of the Members of this Chamber.

I hope that anyone watching who has appreciated the value of Amtrak's connecting power that links this country together from east to west and north to south will communicate with their Senator and convey the importance of strong and sustained investment in the Northeast corridor, yes, but across the whole reach of our country. Only by strengthening Amtrak and ensuring the vibrancy of the entire Nation's system of passenger rail can we really ensure that American rail will be there for years and generations to come.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. BALDWIN). Without objection, it is so ordered.

Mr. BARRASSO. Madam President, I ask unanimous consent to be allowed to speak as in morning business.

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

OBAMACARE

Mr. BARRASSO. Madam President, I come to the floor today, as I have repeatedly since the health care law has been passed, with concerns I have and to share some information with the Senate because of my concerns that in order to help some people who did not have insurance, I am afraid we have hurt many people who did have insurance, did have care they liked. The President continued to focus on coverage, and I have more concerns, as a doctor, about people actually getting care, getting health care, the care they need from a doctor they choose at lower costs.

So I come to the floor today to talk about a new story out this morning, actually in the Huffington Post, called "How Obamacare Leaves Some Patients Without Doctors."

I recall how the President had said: If you like your policy, you can keep your policy. He said: If you like your doctor, you can keep your doctor. Yet we are hearing stories from all around the country of people who have found that not to be true.

I have heard the majority leader come to the floor and say in a statement that so many stories are lies, they are made up. But I will tell you that this morning, in this publication, there is a lengthy story of several patients in California who have had pain, problems, medical concerns, signed up for insurance, and, as a result, have found out they have insurance, they have coverage, but they cannot find care.

So I would like to share with the Senate today a story, and it has some of the concerns I raised during the debate and the discussion of the health care law. But the Speaker of the House at the time, NANCY PELOSI, from California—the State where this happened—said: First you have to pass it before you get to find out what is in it. Well, now people all across the country are finding out what is in it, and they are finding out they are terribly disappointed and they feel they have been sold a bill of goods and they are getting stuck with a bill, and they are finding out it is not very good for them.

The report in this morning's Huffington Post starts out:

In January, a doctor told [Ms.] Friedlander, who was suffering from excruciating lower back pain, that she needed surgery to remove part of a severely herniated disc.

Well, she had Blue Shield insurance, as they report, through Covered California, which is California's version of ObamaCare, and she planned to use that coverage to pay for the operation. It makes sense.

This is what happened. It says:

But when she started to call surgeons covered by Blue Shield, she ran into a roadblock. Surgeons who were covered by her insurance—

amazingly—

operated out of hospitals no longer covered by her insurance. . . .

So if the surgeon was covered, the hospital was not or, vice versa, she could find a hospital that would cover her surgery but could not find a surgeon who was covered by her insurance that was on the staff of that hospital.

It says:

[Ms.] Friedlander spent days on the phone, hours on hold, making dozens of calls across Southern California, trying to match a surgeon with a hospital that would both be covered. In total, she reached out to 20 [different] surgeons and five [different] hospitals.

"No one could help me. Some expressed sympathy," Friedlander, 40, told The Huffington Post in an email. "They told me, 'I'm so sorry—it's all just so new. You're a victim of the changes. No one knows what they're doing.'"

So what we have here is a victim of the Obama health care legislation because first we had to pass it before we get to find out what is in it.

Unable to match a hospital and a surgeon that were both covered, [Ms.] Friedlander started haggling between doctors for a cash price for the surgery. She chose a surgeon who wasn't covered by her insurance but who operated in a hospital that was covered.

Because she could not, with her insurance, get both the hospital and the doctor.

She expects her insurance to pay the hospital bill, but she had to pay her surgeon's bill herself.

All out of her own pocket.

The article goes on to report:

. . . nationwide, about 70 percent of Obamacare plans—

About 70 percent of the plans purchased on the Obama health care law—offer fewer hospitals and doctors than employer-sponsored group plans or pre-ACA individual market plans, according to a study by consulting firm KcKinsey & Company released in December. This narrowed number of doctors and hospitals is what [Ms.] Friedlander encountered when trying to match a surgeon and hospital that would both be covered.

What we are hearing today is that about 70 percent of ObamaCare plans offer fewer hospitals, fewer doctors, in spite of the President's promise to the American people that if you like your doctor, you can keep your doctor; if you like your plan, you can keep your plan.

Now, Covered California says they are aware of the problem. A spokesman for the group—a senior medical adviser with the ObamaCare plan in California—says:

We understand that some people are having trouble getting access to the doctors and hospitals they need. And we're working very hard to fix [that] as fast as we can.

Well, perhaps if people had actually read the law, understood what was in it, they would have seen this coming.

The President said your insurance premiums would drop. He said families would save \$2,500 a family. But the article says:

To make up for ACA costs and keep premiums low, Blue Shield asked its doctors

and hospitals to accept payments from the insurer at rates [well] reduced—

Reduced from what they normally got—

reduced [by] up to 30 percent.

The article goes on:

Not surprisingly, some doctors and hospitals rejected Blue Shield's reduced payment rates and decided not to re-sign contracts with the insurer. At least three major Los Angeles hospitals previously covered by Blue Shield—

And, Madam President, I will tell you, these are first-class hospitals, these are highly thought-of hospitals, hospitals with incredibly good reputations.

. . . three major Los Angeles hospitals previously covered by Blue Shield—UCLA—

The University of California-Los Angeles—

Cedars Sinai and Good Samaritan—have opted out of the insurer's new network. . . .

According to [the communications manager from Blue Shield], Blue Shield of California now has about 40 percent fewer physicians and 25 percent fewer hospitals in its network than last year.

You listen to what is happening, and they talk about the significant gaps occurring in California.

These are the concerns I hear about when I go home to Wyoming every weekend. These are the concerns I heard about this past weekend in Casper, in Douglas, in Riverton, in Thermopolis, and in Newcastle traveling around the State. People are not able to keep their insurance. They are not able to keep their doctors. It is happening all across the country, and we see this story out of California today.

The interesting part of the issue with California is that—the article goes on and they talk to an insurance agent in Sacramento who says: “. . . people who already had insurance”—“. . . people who already had insurance”—“especially healthy, young people, may be paying more under Covered California”—“may be paying more”; not what the President promised—“for fewer hospitals and doctors.”

That is not what the intent of the health care law was but it is what the health care law has delivered.

This is what is happening to real people, real families, all across the country. The majority leader says: false, made up, whole cloth. But I will tell you, these stories will continue to occur.

It is interesting, in today's article in the Huffington Post it says:

And when signing up for a plan, it's difficult to determine which doctors and hospitals are still covered.

They are talking about California now. The article says, quoting an insurance agent in California:

“You can sign up on Covered California and think you're totally fine, only to find out later that you're totally hosed”. . . .

This man, David Fear, goes on to say:

Specialist doctors, such as surgeons, ob-gyns and urologists, declined Blue Cross and Blue Shield's lower payments most fre-

quently. Fear estimates that about two-thirds of Blue Cross and Blue Shield's specialists have opted out of the networks.

It is not just that one patient whom I talked about. There is, like Ms. Friedlander, Ruth Iorio, a 35-year-old new mother from Los Angeles. She is struggling to find the care she needs in Blue Shield's smaller network.

She signed up for Blue Shield through Covered California in November because the Covered California website listed her hospital—

The Web site, the President's Web site, the Covered California Web site—listed her hospital, UCLA, as accepting Blue Shield. . . .

Continuing:

However, after Iorio gave birth in December, she was told that her ob-gyn at UCLA was not covered by her insurance. So she paid out of pocket.

Iorio has not been able to find a urologist for her son or an ob-gyn who is both covered by her insurance and practicing in a hospital that is covered.

The President said: You can keep your hospital, you can keep your doctor, you can keep your plan.

She's called over a dozen doctors who are covered by her insurance, and each has told her that if she or her son needs an operation in the hospitals the doctor contracts with, it won't be covered.

So even if they get a doctor who is under their plan, they cannot go to a hospital to get actually a procedure done.

As this lady says:

“My insurance is pretty useless. And I'm not fussy about what doctor I see,” Iorio said. “I don't know what to do. I may just drop it for myself and keep my son on it. It's really depressing.”

It is really depressing what the President and the Democrats have forced down the throat of the American people with this health care law.

The article continues:

Before joining Covered California, Iorio had an individual Blue Shield plan that was cheaper than what she now pays and that gave her wider access to doctors and hospitals.

Cheaper, wider access. Exactly what the President had promised her is exactly what this woman has lost because of the health care law.

She goes on and says:

“I'm paying \$500 a month and every doctor I'm calling is saying, ‘No, I can't see you,’” she said. “I feel like a second-class citizen.”

Is that what the President's health care law is all about: making people feel like second-class citizens, hearing from folks when they call and ask for help that, sorry, you are just a victim of the Obama health care law—a nation of more and more victims? It does seem, as you look around the country, for those who have been helped, we should not have had to hurt this many people because of a law the American people said “we do not want” and was forced, on single-party lines, down the throats of the American people.

This law is bad for patients. We have seen that today. It continues to be bad for providers—the nurses, the doctors,

who take care of those patients—and it is terrible for taxpayers. Tax rates will continue to go up. Taxes are continuing to go up as a result of the health care law and the expenses related to it. It has failed repeatedly in dealing with the needs of the American people, who knew what they wanted in the first place, which was they wanted the care they need from a doctor they choose at lower costs. Instead, they got this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

THOMASINA JORDAN INDIAN TRIBES OF VIRGINIA  
FEDERAL RECOGNITION ACT

Mr. KAINÉ. Madam President, I rise today to speak on behalf of S. 1074, the Thomasina Jordan Indian Tribes of Virginia Federal Recognition Act of 2013. This is a bill granting Federal recognition to six Indian tribes. The bill has recently been reported out of the Senate Committee on Indian Affairs, and I want to thank Chairman TESTER, the former chairwoman, Senator CANTWELL, and all members of the committee for this action.

These six Indian tribes—the Chickahominy, Chickahominy Eastern Division, Upper Mattaponi, Rappahannock, Monacan, and Nansemond—are among the best known tribes in American history, but they have never received Federal recognition. Madam President, 566 tribes have received Federal recognition—the vast majority by congressional action—but these tribes have not been recognized.

The story of these tribes and why they have never been recognized is why I take the floor.

It is an amazing story but it is also a deeply tragic story. But the tragedy can be redeemed if Congress acts to correct a gross historical injustice that has deprived these tribes of their rightful place. This is about a full accounting of our past, but it is also about a fair and truthful recognition of living people who have maintained their own tribal identity, customs, and traditions against unbelievable odds for hundreds of years.

The English settlers who arrived at Jamestown in 1607 established a settlement on an island, on land that was already under the control of the Powhatan Indians. The Powhatan Indians were a confederation of numerous Eastern Algonquian Indian tribes who had organized in the Chesapeake region.

The interaction among these Powhatan Indians and these six tribes that were part of this Powhatan Confederacy and the English is known to virtually every American. The original settlement of England in the United States was on the verge of failure numerous times and had to be rescued by a commoner who was part of that group, John Smith.

Only John Smith could keep this little settlement alive. Early after the arrival of the English, John Smith was captured by the Powhatan Indians and was on the verge of being executed by

Chief Powhatan because they were unsure about what they thought of these English settlers. In this wonderful story, as he was about to be executed, Pocahontas, the daughter of Chief Powhatan, saved his life. By saving his life, that act paved the way for the survival of this very struggling colony. That colony then grew into English-speaking America, as we know, with the arrival of later groups of English at Plymouth Rock and thereafter.

That act by Pocahontas is known to virtually all Americans. Over the course of the next few decades, they went back and forth in the relationship between these tribes and the English colonists and then between these tribes and African slaves. The first Africans who came to the new world also came to Jamestown Island in 1619.

But after Pocahontas' act, it was generally a peaceful relationship. There were some times of hostility, but in treaties in the 1640s and then again in a final treaty in 1677, the Treaty of the Middle Plantation, the Powhatan Confederacy and these six tribes basically said to their English colonist neighbors: We want to live in peace with you.

Pocahontas got married to John Rolfe, an English tobacco planter. That was a seminal event in early Virginia colonial history. So by the 1680s, 75 years after the settlement of Jamestown Island, the Powhatan Confederation was no more. But these Virginia Indians continued to live and maintain their tribal identity, but they lived in complete peace with the settlers that were their neighbors. The Treaty of Middle Plantation was signed 100 hundred years before the Declaration of Independence. That peace that was made between the Indians and the settlers paved the way for modern Virginia and modern English-speaking America. It has been continuous since 1677—the peace of these tribes. The relations between Virginians and the tribes have been strong. They have endured significant adversity. Their numbers of population have dwindled from 25,000 down to about 3,000 or 4,000 enrolled tribal members today. They converted to the religion of the English settlers, Christianity. They fought as American patriots in every war this country has been in, from the Revolutionary War to the wars in Iraq and Afghanistan. They faced discrimination as Indians, often kept out of schools in Virginia because of the color of their skin, because they were not deemed to be “Caucasian” by State leaders at the time.

But the relationship is a peaceful one, and these tribes still exist. Two tribes in Virginia have small reservations, and the other tribes own land in common. They have tribal churches, tribal cemeteries, and community centers where they still gather. There is a wonderful tradition if you are the Governor of Virginia. On the day before Thanksgiving Day every year, the Virginia tribes come to the Governor's

mansion and they present to the Governor deer, turkey, fish, and gifts as a tribute to the peaceful relationship between these tribes and the Commonwealth of Virginia since 1677. It was a beautiful aspect of my time as Governor. It was something we looked forward to every year. The members of these tribes look forward to it as well. Tribal members who have moved all across the country and all across the world come home for a homecoming, and it begins at the Virginia Governor's mansion.

Now I get to the injustice. The interactions between these Indians and the first English settlers is known to everybody—that story about Pocahontas and John Smith, and then Pocahontas' wedding to John Rolfe and her moving to England and dying there. You can go to Pocahontas' grave at Gravesend, which is where the Thames River dumps into the sea. She died coming back to Virginia. The English tend her grave with reverence at a small Episcopal church in that seaside community.

This is the most archetypal story of the interaction between European settlers and the Indians who were our native inhabitants. But despite the importance of this interaction, despite the fact that the tribes have lived and maintained their existence intact since before the settlers arrived here, the tribes have never been recognized along with the 566 tribes who have.

Why? Why have they never been recognized? Well, unbelievably, the first reason they have not been recognized is: They made peace too soon. They made peace with the English. If they had waited until 1780 and made peace with the Americans, that treaty, a treaty with the Americans, would have been the basis immediately for Federal recognition. But they became peaceful too soon with their European neighbors.

Tribal recognition often begins with a treaty. But the treaties are treaties with the American government. All historians acknowledge that the treaties of 1646 and 1677 happened. There are copies of the treaties. The originals are still maintained. All acknowledge that these treaties and the Indians' decision to live in peace with their neighbors was a precondition for the modern Virginia. If there had not been peace, our history may well have been very different.

I will tell you something else. These treaties are recognized by a government, the English government. When our tribes, which have never been recognized by the United States go to visit England, they are given a royal welcome and treated as the sovereign people they are by the government with which they made a treaty in 1646 and 1677. So that was the first “mistake” that was made: These tribes made peace too quickly.

There is a second mistake that is in some ways even more difficult to acknowledge. Many of these tribes live in

six counties in Virginia. Five of the county courthouses where all their birth, death, and marriage records were stored were burnt during the Civil War. But there were still some records that existed—some.

But in a bizarre bit of our 20th century history, Virginia passed a law, the Racial Integrity Act, in the 1920s. Under a misguided and bizarre notion of “racial purity,” the eugenics movement, State officials determined that you were either white or you were colored. There was no such thing as an Indian. The leader of the State Bureau of Vital Statistics, a man named Walter Plecker—this is well documented—sadly held the position of head of the Bureau of Vital Statistics from 1924 to 1967, 41 years.

Remaining records such as they were in that 41-year period, he undertook what is known in Virginia as the “paper genocide.” He systematically went into every remaining record he could find and recharacterized anybody who had claimed a descent and a tribal connection as an Indian to “colored.” Records were destroyed or altered in a very significant way.

Both of these reasons have made tribal recognition through the BIA process—the Bureau of Indian Affairs—very difficult. Of the 566 tribes that have been recognized, only about one-fifth have gone through the administrative process. That process usually requires heavy documentation.

But the treaty was with the wrong government, and the birth, death, and marriage records were destroyed because of a racist State policy and the burning of courthouses during the Civil War. These six tribes should be rewarded, not punished, for making peace with their neighbors in the 1640s and 1670s, and they should not be held back because of a horribly misguided State policy that stripped them of the means to easily demonstrate by paper what all historians acknowledge to exist—the continuous history of these tribes.

We started, in Virginia, to correct this in the 1980s. In 1983, Virginia began a process of State recognition of all of these tribes. The six tribes have all been recognized by the State in the 1980s. All tribes that are part of this bill are now recognized by Virginia.

A full effort to finally receive Federal recognition began in 1999, supported overwhelmingly by all Virginians, including the current entire Virginia congressional delegation, Democratic and Republican, House and Senate, and all 10 living Virginia Governors. Recognition bills have passed out of the House for these tribes twice. In the 112th Congress, a bill passed out of the House and then came to the Senate, and it passed out of the Senate committee, only to die because of inaction on the Senate floor.

It is my deep hope that the 113th Congress will finally see the realization of this long-held dream. We should pass this bill because it is right. These tribes exist. They still live in Virginia

and uphold their tribal traditions. They deserve to have their existence acknowledged just like the hundreds of other tribes in this country.

But there is a final reason why recognition has a very immediate importance to these Virginia tribes. If you walked 3 blocks from here down the Mall, you arrive at the National Museum of the American Indian. It is part of the Smithsonian, America's National Museum. The Smithsonian is every bit as much a part of our American Government as Congress is.

It is a marvelous museum. It tells the story of our Indian tribes and their amazing history of adversity and triumph. The Smithsonian curators recognize what Congress has failed to do. Go to the second floor. There is a permanent exhibit on the second floor of the museum. The title of the exhibit is, "Return to a Native Place: Algonquian Peoples of Chesapeake." That permanent exhibit in the museum, with the plastic dioramas, highlights the Powhatan tribes that are the subject of this bill.

Here is how the museum describes the permanent exhibit dedicated to these tribes:

Thru photos, maps, ceremonial and everyday objects, this display provides an overview of the history of the Native Peoples of the Chesapeake region from the 1600's to the present day.

So we do recognize these tribes—in a museum. We acknowledge that they are not just a part of history, but in the words of the museum display description, that the people continue to maintain their tribal identity to the present day. But while we recognize the tribes in the museum three blocks from the Capitol, we will not, we have not, and we do not yet recognize these tribes in law.

Finally, the failure to recognize these tribes in law has an unusual and very tragic consequence. It also deals with the Smithsonian. There is another department in the Smithsonian that is far out of the prying eyes of tourists on the mall. It is the warehouse of the Smithsonian where they hold remains of archaeological exhibits. They hold all kinds of remains and all kinds of artifacts from archaeological exhibits from all over the United States and all over the world.

One set of remains that the Smithsonian is holding is the bones of about 1,400 Virginia Indians that were disturbed and unburied during the course of archaeological expeditions in Virginia.

The tribes that we are talking about today, the bones of their ancestors are held in a warehouse by the Smithsonian. For years, these tribes have gone respectfully to the Smithsonian, and they have asked them: Please return to us the bones of our ancestors. We want to bury the bones of our ancestors in accord with our tribal customs. We want to rebury the bones of our ancestors in accord with the customs of Christianity, which we embraced under

the tutelage of the English settlers. But the Smithsonian will not return these bones to the tribes. It seems like such a reasonable request. It seems so reasonable, but the Smithsonian will not return the bones of these tribes for one reason: They are not federally recognized. The law governing the antiquities and objects held by the Smithsonian leads the Smithsonian to conclude that they can't give these bones back for reburial unless the tribes are federally recognized.

Our great national museum recognizes the tribes in a great display behind plastic glass and talks about these tribes, but at the same time we recognize them for one purpose, we will not hand the bones back to these folks in a manner they deserve.

To conclude, it is long past time that these tribes receive the tribal recognition that hundreds of other tribes have received. It is long past time that these tribes be accorded the same respect in America—for which they fought since the Revolutionary War—that they receive in England when they go visit. It is long past time that the bones of these Powhatan ancestors be returned to Virginia so that they can be buried by their families in the only land they ever knew as home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent to speak as in morning business.

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

#### RWANDA AND SYRIA

Mr. MCCAIN. Today we commemorate the 20th anniversary of the Rwandan genocide. This week, again and again, I will rise to remind my colleagues and fellow citizens of the humanity we share and appeal to their conscience about the mass atrocities the Assad regime is perpetrating in Syria.

This past Sunday the world joined Rwanda in marking 20 years since the beginning of the genocide that claimed the lives of more than 800,000 innocent men, women, and children. As we reflect on our failures to stop the genocide there, I can't help but think of the lessons we learned from Rwanda and those we didn't.

President Obama stated in his remarks on Sunday that the Rwandan genocide was "neither an accident nor unavoidable. . . . The genocide we remember today—and the world's failure to respond more quickly—reminds us that we always have a choice. In the face of hatred, we must remember the humanity we share. In the face of cruelty, we must choose compassion. In the face of intolerance and suffering, we must never be indifferent." I couldn't agree more with the President of the United States.

The United States, along with the international community, failed to take the necessary action to prevent a tragedy in Rwanda. We chose to ignore the death of hundreds of thousands of

people, and in so doing we forsook our humanity. And now we are dangerously close to doing the same in Syria.

While I would like to believe that "never again" means something in this context, I look around the world today, and I am haunted by the fact that we simply haven't learned the fundamental lesson from Rwanda that preventing the slaughter of innocents means taking hard political action.

Nowhere is this truer than in Syria, where President Bashar Assad's regime continues its brutal assault against the Syrian people with increasing ferocity. The slaughter of innocent men, women, and children is being carried out by Syria's national army and loyal paramilitaries as a result of state policy, and the terror continues to escalate every day that Assad's crimes go unpunished.

The regime has accelerated attacks against civilians by indiscriminately dropping barbaric barrel bombs on mosques, schools, and bakeries, systematically detaining, torturing, and killing thousands of people—including hundreds of children—and starving entire neighborhoods to death. It was over 5 months ago that Secretary John Kerry wrote that "the world must act quickly" to stop a "war of starvation" being waged by Assad's regime against "huge portions of the population." Yet the world did nothing, and hundreds have died of starvation—thousands—in those 5 months.

Eventually the international community responded by passing resolution 2139 through the U.N. Security Council, which ordered the regime to promptly allow unhindered humanitarian access and threatened further consequences for noncompliance. This was 2 months ago, and yet again the world did nothing to back the resolution. In fact, the U.N. humanitarian coordinator, Valerie Amos, reports that the war of starvation has worsened since its passing. The number of Syrians cut off from aid since January has grown by over 1 million people. The Syrian Government continues to prevent supplies of food from entering opposition-held areas, in direct contravention of the U.N. resolution, and it is using U.S.-provided humanitarian aid as leverage in its war against the people. Meanwhile, Iran sends 30,000 tons of food supplies to Assad's regime. While children starve throughout Syria, the government is at least well fed.

Although 800,000 people have not been slaughtered in mere months, as was the case in Rwanda, over the course of 3 years of conflict in Syria, we have witnessed 9 million people forced from their homes, with 2.5 million refugees escaping the violence in neighboring countries, and an estimated 150,000 people dead, with casualties escalating daily.

Regardless of the scale or scope, one fact is clear: The world is watching genocide in slow motion, but it seems that regardless of how many innocent men, women, and children die in Syria,



the world's conscience will not be tipped.

What is happening in Syria should be an affront to our conscience, and it should be a call to action. Each day the media floods our newspapers and television screens with some gruesome and horrific evidence of Assad's war crimes. We cannot claim ignorance as we have in the past. Yet we do nothing. It is as if watching all the suffering and simply feeling bad about it has become an adequate moral response. Conventional wisdom tells us that this is because the American public is war-weary. We are scarred by our experience in Afghanistan and Iraq and thus unwilling to get involved in another conflict in the Middle East.

This sentiment is reinforced by the President, who prides himself on having opposed the war on Iraq and getting America out of the region as quickly as possible regardless of the ramifications. He has emphasized the need to "contain" the conflict in Syria, calling it a "civil war" and neglecting the dangerous spillover effects we are already witnessing, including the destabilization of all of Syria's neighbors and the growth of an Al Qaeda safe haven in eastern Syria and western Iraq.

Following the President's lead, the American public has largely applauded his restraint and opposed greater U.S. involvement in Syria. But in so doing we have again failed the legacy of Rwanda.

Stopping the slaughter in Syria will require difficult political action, but it is not only profoundly in our national interest to act but also our moral obligation to do so. In his remarks on Sunday, President Obama said that we should be reminded of "our obligations to our fellow man." As President, he is the one who should be showing to the American people why it is so vital to our national interest to carry out our moral obligations to our fellow man.

Our policy should be determined by the realities of the moment, not by today's isolationism dictated by the past. The wars in Afghanistan and Iraq have nothing to do with how we carry out our responsibilities today. Let there be no mistake; we have a responsibility to stop genocide when we see it happening, as in Syria. "Never again" should mean something whether or not we are paralyzed by war-weariness.

Of course we would all like to see the slaughter of Syria's innocent men, women, and children be stopped by diplomacy and through nonviolent means. We all want an end to the violence. We all want to believe that a political solution is possible. But there are only two ways to end the violence. One is for all parties to put down their weapons—something President Bashar Assad and his Iranian partners are clearly unwilling to do, as they believe a military solution is possible. So that leaves us with only one other option: to neutralize the party dedicated to the slaughter of innocents and force them

to put down their guns. There are options to achieve this goal that fall far short of putting boots on the ground. We do not need to concede and allow genocide to continue or to go to war to prevent it. There are steps in between that the United States, along with our international partners, can take to stand by our international commitments and guarantees of protection.

President Assad has already shown that U.N. resolutions mean nothing to him and that he has no intention of negotiating his departure through the Geneva process. It is clear that military pressure is the only lever that will convince Assad that a political solution is in his favor. We must be ready to prove to Assad that not achieving a diplomatic solution will cost his regime dearly, and there are meaningful actions we can take to help in Syria that will not require us to rerun the war in Iraq. It is not a question of options or capabilities, it is a question of will.

There is a famous quote that states, "All tyranny needs to gain a foothold is for people of good conscience to remain silent." As we sit back and place our hopes on negotiations and meaningless guarantees of protection, we watch as hundreds of innocent men, women, and children are brutally slaughtered every day; reinvigorated Al Qaeda affiliates operate with more freedom than ever before; terrorist groups loyal to Iran proliferate and threaten our allies; and the region descends into chaos and turmoil that will inevitably reverberate in the United States of America. This is the price we will pay for choosing to remain disengaged, and the consequences to U.S. national interests will be felt.

I ask unanimous consent to have printed in the RECORD two articles. One is a Reuters story entitled "Assad says fighting largely over by end of year," a statement by a former Russian Prime Minister with a quote:

Assad's strength now lies in the fact that, unlike Yanukovich, he has practically no internal enemies. He has a consolidated, cleansed team.

The second is "Hezbollah confident in Assad, West resigned to Syria stalemate."

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

[From Reuters, Apr. 7, 2014]

ASSAD 'SAYS FIGHTING LARGELY OVER BY END OF YEAR'—FORMER RUSSIAN PM

(By Steve Gutterman)

MOSCOW.—President Bashar al-Assad has forecast that much of the fighting in the Syrian civil war will be over by the end of the year, a former Russian prime minister was quoted on Monday as saying.

"This is what he told me: 'This year the active phase of military action in Syria will be ended. After that we will have to shift to what we have been doing all the time—fighting terrorists,'" Itar-Tass news agency quoted Sergei Stepashin as saying.

Stepashin, an ally of Russian President Vladimir Putin and former head of Russia's FSB security service, portrayed Assad as se-

cure, in control and in "excellent athletic shape" after a meeting in Damascus last week.

"Tell Vladimir Vladimirovich (Putin) that I am not Yanukovich, I'm not going anywhere,'" Stepashin quoted Assad as saying during their meeting, state-run news agency RIA reported.

Yanukovich fled to Russia in February after he was pushed from power by protests that followed his decision to spurn closer ties with the European Union and turn to Moscow. Russian leaders have criticized him for losing control of his country.

Stepashin suggested Assad faced no such threat and was likely to win a presidential election this year.

"There is not a shadow of a doubt that he knows what he's doing,'" RIA quoted Stepashin as saying.

"Assad's strength now lies in the fact that, unlike Yanukovich, he has practically no internal enemies. He has a consolidated, cleansed team.

"Moreover, his relatives are not bargaining and stealing from the cash register but are fighting,'" he said, appearing to draw a contrast with Yanukovich and his family.

"FIGHTING SPIRIT"

Stepashin, who served as prime minister in 1999 under President Boris Yeltsin and now heads a charitable organization called the Imperial Orthodox Palestine Society, added that "the fighting spirit of the Syrian army is extremely high".

Russia has been Assad's most powerful supporter during the three-year-old conflict that activists say has killed more than 150,000 people in Syria, blocking Western and Arab efforts to drive him from power.

Russia and the United States organized peace talks that began in January between Assad's government and its foes. But no agreement was reached and a resumption appears unlikely soon, in part because of high tension between Russia and the West over Ukraine.

Russian officials say Moscow is not trying to prop up Assad and but that his exit from power cannot be a precondition for a political solution. Their assessments of his future have varied with the fortunes of his military.

Assad has lost control of large swathes of northern and eastern Syria to Islamist rebels and foreign jihadis. But his forces, backed by militant group Hezbollah and other allies, have driven rebels back from around Damascus and secured most of central Syria.

The head of Hezbollah said in an interview published on Monday Assad no longer faced a threat of being overthrown, and would stand for re-election this year.

Stepashin predicted Assad would win.

"The majority of the Syrian population will vote for him," Itar-Tass quoted him as saying.

[From Reuters, Apr. 9, 2014]

HEZBOLLAH CONFIDENT IN ASSAD, WEST RESIGNED TO SYRIA STALEMATE

(By Samia Nakhoul and Laila Bassam)

BEIRUT.—Bashar al-Assad's Lebanese ally Hezbollah said his Western foes must now accept he will go on ruling Syria after fighting rebels to a standstill—a "reality" to which his foreign enemies seem increasingly resigned.

Echoing recent bullish talk coming out of Damascus, Sheikh Naim Qassem, deputy leader of the Iranian-backed Shi'ite militia which is supporting Assad in combat, told Reuters that the president retained popular support among many of Syria's diverse religious communities and would shortly be re-elected.

"There is a practical Syrian reality that the West should deal with—not with its wishes and dreams, which proved to be false,"

Qassem said during a meeting with Reuters journalists at a Hezbollah office in the group's southern Beirut stronghold.

He said the United States and its Western allies were in disarray and lacked a coherent policy on Syria—reflecting the quandary that Western officials acknowledge they face since the pro-democracy protests they supported in 2011 became a war that has drawn al Qaeda and other militants to the rebel cause.

Syria's fractious opposition—made up of guerrillas inside the country and a largely impotent political coalition in exile—had, he said, proved incapable of providing an alternative to four decades of rule by Assad and his late father before him.

"This is why the option is clear. Either to have an understanding with Assad, to reach a result, or to keep the crisis open with President Assad having the upper hand in running the country," said the bearded and turbaned cleric.

Qassem's comments follow an account from another Assad ally, Russian former prime minister Sergei Stepashin, who said after meeting him last week that the Syrian leader felt secure and expected heavy fighting to end this year.

Officials said this week that preparations would begin this month for the presidential election—a move that seems to reflect a degree of optimism in the capital and which may well end with Assad claiming a popular mandate that he would use to resist U.N.-backed efforts to negotiate a transition of power.

Hezbollah chief Sheikh Hassan Nasrallah also said this week that Assad is no longer at risk and that military gains mean the danger of Syria fragmenting was also receding.

#### WESTERN RESIGNATION

It is a view of Assad that—quietly—seems to be gaining ground in Western capitals. Calling it bad news for Syrians, the French foreign ministry said this week: "Maybe he will be the sole survivor of this policy of mass crimes".

France, which last year was preparing to join U.S. military action that was eventually aborted, now rules out force and called the stalled talks on "transition" the "only plan"—a view U.S. officials say is shared in Washington, notably among military chiefs who see Assad as preferable to sectarian chaos.

While rebels do not admit defeat, leaders like Badr Jamous of the Syrian National Coalition accept that without foreign intervention "this stalemate will go on". A U.S. official, asked about a deadlock that would leave Assad in control of much of Syria, conceded: "This has become a drawn-out conflict."

Assad, 48, has weathered an armed insurgency which started with protests in 2011 and descended into a civil war that has sucked in regional powers, including Shi'ite Iran and Hezbollah who back the Alawite president and Sunni states like Saudi Arabia and Qatar behind the rebels.

With Russia blocking a U.N. mandate, and voters showing no appetite for war after losses in Afghanistan and Iraq, Western governments have held back from the kind of military engagement that could have toppled the well-armed Syrian leader.

More than 150,000 people have been killed in three years, as Assad has lost the oil-producing and agricultural east and much of the north, including parts of Syria's largest city, Aleppo.

But he did not suffer the fate of other autocrats in the Arab Spring, whether the presidents of Tunisia, Egypt and Yemen or Muammar Gaddafi, the Libyan leader toppled and killed by rebels who rode into Tripoli under cover of Western air power.

Instead, he has clawed back control near Damascus, where a year ago rebels hoped for a decisive assault, and the center of the country which links the capital to the coastal stronghold of Assad's Alawite minority. His troops, backed by Hezbollah fighters, took another key town on Wednesday.

Though as much as half the country is being fought over, Assad could hope to hold at least a roughly southwestern half, including most of the built-up heartlands near the coast, and more than half of the prewar population of 23 million.

This leaves Western powers reflecting on a perceived loss of influence in the Middle East. Many now see a new strategy of "containing" Assad—and the fallout from a bitter war that has created millions of refugees and legions of hardened guerrillas.

"The U.S. has a stated policy of regime change, but it has never devoted the resources to effect that change," said Andrew Exum, a former U.S. official who worked on Middle East issues at the Pentagon. "The de facto U.S. strategy of containment is very well suited for what is likely to be a very long war."

#### "STALEMATE WILL CONTINUE"

Qassem said the United States, which backed away from military action in September after blaming Assad for gassing civilians, was hamstrung by fears over the dominance in rebel ranks of al Qaeda's Syrian branch, the Nusra Front, and another group, the Islamic State in Iraq and the Levant (ISIL).

"America is in a state of confusion. On the one hand it does not want the regime to stay and on the other it cannot control the opposition which is represented by ISIL and Nusra," he said.

"This is why the latest American position was to leave the situation in Syria in a state of attrition."

President Barack Obama said last month that the United States had reached "limits" after the wars in Afghanistan and Iraq and questioned whether years of military engagement in Syria would produce a better outcome there.

Qassem said: "I expect that the stalemate will continue in the Syrian crisis because of the lack of an international and regional decision to facilitate a political solution."

U.N.-mediated talks at Geneva failed in February to bridge a gulf between Assad's government and opponents who insist that Assad must make way for a government of national unity.

Western and regional powers who support the Syrian opposition say it would be a "parody of democracy" to hold an election in the midst of a conflict which has displaced more than 9 million people and divided the country across frontlines.

Syria's electoral law effectively rules out participation by opponents who have fled the country in fear of Assad's police—candidates must have lived in Syria continuously for 10 years.

"My conviction is that Assad will run and win because he has popular support in Syria from all the sects—Sunnis and secularists," Qassem said. "I believe the election will take place on its due date and Assad will run and win decisively."

Fear of hardline Islamists has undermined support for some rebels even among the 75 percent Sunni majority, and bolstered support for Assad among his fellow Alawites, and Christians.

Qassem said it was too soon to speak of Hezbollah pulling out of Syria, despite an increase in Sunni-Shi'ite tensions within Lebanon caused by the intervention across the border of a movement that is Lebanon's most accomplished military force and also

holds cabinet seats in the government in Beirut.

"Until now we consider our presence in Syria necessary and fundamental," Qassem said.

"But when circumstances change, this will be a military and political matter that requires a new assessment.

"But if the situation stays as is and the circumstances are similar, we will remain where we should be".

Mr. MCCAIN. I won't include it in the RECORD, but there is an interesting article that states, "Syria's Assad secure, will seek re-election: Hezbollah leader."

To show, I think, the very incredible naivety, there is an article in the Washington Post by Secretary Kerry entitled "Kerry: US strike in Syria wouldn't be devastating."

The Secretary of State says:

"It would not have had a devastating impact by which he had to recalculate, because it wasn't going to last that long," Kerry told the Senate Foreign Relations Committee. "Here we were going to have one or two days to degrade and send a message. . . . We came up with a better solution."

We came up with a better solution. The President of the United States said that if Bashar Assad crossed a red line and used chemical weapons, we would act. He announced we would act. All our allies knew we were going to act. Then he took a walk with his national security adviser and said he was going to go to Congress. Meanwhile, Senator Kerry, in a bizarre, incredible act, issued a statement that any attack on Syria would be "incredibly small." It is remarkable.

Finally, our conscience should be shot, but it is not. We get kind of immune to day after day after day of these various reports of the slaughter that is going on.

Look at the situation in Syria 3 years ago and look at it today: 150,000 dead, millions displaced; entry of jihadist fighters from all over the world who continue brutal bombing with barrel bombs which will slaughter innocent men, women, and children; and our Secretary of State says: Well, it wouldn't have been much if we would have struck them anyway.

This is a shameful chapter in American history, I say to my colleagues. Historians in future generations will judge us very harshly, and future generations and younger generations may have to pay the price for our inaction and our neglect of our basic human values.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

UNANIMOUS CONSENT REQUEST—S. 1596

Mr. MANCHIN. I thank my good friend Senator PAT TOOMEY from my neighboring State of Pennsylvania—I am from West Virginia—for working with me on this vital issue to make sure our kids remain safe in every single school across this country.

I am a father of three, a grandfather of eight, and there is nothing more important to me than protecting my children and grandchildren. The bill Senator TOOMEY and I are working on is

common sense. Our bill makes sure all employees who work with our students pass a background check to make sure they have no criminal records or an abusive history. That includes everyone from principals, teachers, secretaries, cafeteria workers and janitors—anyone who has contact with our schoolkids. This is a real problem that demands our attention and demands it now.

Since January 1, 130 teachers across America have been arrested for sexual misconduct. At this rate that is more than one teacher per day who will sexually assault a student. As a parent, as a grandparent, and as a representative of the great State of West Virginia, inaction is simply unacceptable.

There are more than 4 million teachers and school staff employed by our public school districts throughout the United States, and there are millions of additional workers who have direct access to students, including bus drivers, cafeteria workers and janitors. Yet there is no—I repeat, there is no—national background check policy in place for people who work directly with our kids every day. Even worse, not all States require checks of child abuse and neglect registries or sex offender registry checks.

A recent report by the Government Accountability Office found that five States—five States—don't even require background checks at all for applicants seeking employment in our school systems. In addition, not all States use both Federal and State sources of criminal data, such as a State law enforcement database or the FBI's interstate identification index.

Our bill would simply require mandatory background checks of a State criminal registry, the State child abuse and neglect registries, an FBI fingerprint check, and a check of the National Sex Offender Registry for existing and prospective employees.

Every child deserves to have at least one place where they feel safe and that harm cannot enter their life. For many of our kids these days that place is at school—not always in the home. This is truly a commonsense bill that aims to help protect our kids from sexual assault, predators, or any individuals who inappropriately behave in our schools.

This is a piece of legislation that is long overdue. It is not an unfunded mandate. I know some people will say that, and the reason I am saying it is not an unfunded mandate is because the people who want the employment have to pay. They have to pay for the background check if they want in the system.

I know there is a section in this legislation that says if a person has been an offender they have to be rehabilitated for 5 years—be clean, have a clean record for 5 years—before they can get in the system. I think that is common sense.

I would like for all my colleagues, if they would, to please consider this

piece of legislation. Again, I appreciate the hard work of my colleague Senator PAT TOOMEY, and at this time I yield the floor.

THE PRESIDING OFFICER (Ms. HIRONO). The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I thank my colleague from West Virginia, Senator MANCHIN, for his terrific efforts on this legislation. I also want to thank our other cosponsors, Senators MCCONNELL and INHOFE, for their support as well.

The tragic story that inspired this bill has a connection to my State of Pennsylvania and Senator MANCHIN's State of West Virginia, so it made it kind of a natural for us to work together on this. It is a terrible story indeed, and I want to summarize it because it goes to the heart of why I am here this morning.

The story begins in Delaware County, PA, where one of the schoolteachers was found to have molested several boys and raped one. Prosecutors decided there was not enough evidence to actually press charges, but the school knew what had happened. So they dismissed the teacher for this outrageous behavior. But shockingly, and somewhat disturbingly, the school also helped this teacher get a new job so they could pass him along and let him become someone else's problem. It happened the new job was in West Virginia. The Pennsylvania school even went so far as to send a letter of recommendation for this monster to get that job in West Virginia, which he did get. He became a teacher, then a school principal, and while there he raped and murdered a 12-year-old boy named Jeremy Bell in West Virginia.

Justice finally caught up with that teacher, and he is now in jail, serving a life sentence for that murder. For Jeremy Bell, unfortunately, justice came way too late. But Jeremy Bell's father decided he would not rest until he had done everything he possibly could to minimize the chance that any other child or parent would ever experience a similar tragedy. Roy Bell is Jeremy's dad. He worked with Congress to create protections for children to ensure they would not be victimized at school, and the House of Representatives responded.

In October of last year, the House unanimously passed the Protecting Students Against Sexual and Violent Predators Act. Unfortunately, there too, in a way, it was a few days too late. Jeremy Bell's dad passed away 3 days before the vote. But it passed the House, and it passed, as I said, unanimously in the House. Now we are here in the Senate with a chance to pass the same bill so it can become law.

This is a bipartisan bill. It is a bill I introduced with Senator MANCHIN. It is a bill that has other cosponsors. I know there are some folks who say: Well, let's wait, we need more time. I say we have had enough waiting. We have waited too long. Let me explain why we shouldn't wait another day.

I will start with two numbers. The first number is 130. Senator MANCHIN mentioned this number. Since January 1 of this year, 130 teachers have been arrested across America for sexual misconduct with children. That is more than one teacher every day. And these are the ones who have been caught. How many more are happening?

The stories are absolutely heartbreaking: A teacher's aide who undressed and sexually assaulted a mentally disabled boy in his care; a child whose abuse began at age 10 and only ended when at age 17 she found herself pregnant with the teacher's child; the 16-year-old raped by her instructor in a classroom closet; one teacher after another caught with images of child pornography; a special education kindergarten girl forced to go shirtless in class.

These things are unbelievable. But every day we delay, we delay rooting out one of these predators.

The other number I want to share is the number 73. According to the GAO—the Government Accountability Office—the average pedophile molests 73 children over the course of a lifetime. These predators are very devious. They are clever and they are smart. What they do is go where the potential victims are. And where are there potential victims for a pedophile? What better place than a school. So they do in fact go to schools, and from school to school and school district to school district. Every day we delay, we increase the risk a predator is moving on to the next of his 73 victims.

So what can we do? Here is what our bill does. Our bill, the Protecting Students from Sexual and Violent Predators Act, is an important first step. It would require mandatory background checks for existing and prospective employees and then require the checks be periodically repeated, the timing of which would be left to the discretion of the States. There are five States that do not require checks at all.

The bill would also check to make sure all employees or contractors who have unsupervised contact with children would be subject to this background check—not just teachers but coaches, schoolbus drivers, anyone who has unsupervised contact with the kids. There are 12 States that don't require that now.

The bill requires a more thorough background check. For instance, in Pennsylvania, there is a background check requirement. But if you have lived in the State for more than 2 years, it does not require a background check on the Federal criminal database, and yet we know these people move across State lines.

A fourth and important piece is that our bill forbids what has sadly developed its own name—passing the trash. This idea, this practice, unfortunately, of actually recommending the predator to another job in another school or another State so as to get rid of the problem and let him become someone else's

is so disturbing it is hard to imagine anyone would do this, but we know it happens. We know it happens. And a given State doesn't have the power to prevent some school district in another State from doing exactly this, as happened in the case of Jeremy Bell.

There is a list of folks who under our legislation a school would simply not be able to hire: anyone ever convicted of any violent or sexual crime against a child. I think that makes a lot of sense. There are certain felonies that would also preclude a person from ever being hired: homicide, child abuse or neglect, rape or sexual assault, and a few others. In addition, a person who was convicted in the last 5 years of a felony physical assault or battery or a felony drug-related offense would create a 5-year prohibition against hiring such a person.

The enforcement mechanism we have is withholding Federal funds, which would be the inducement for the States to adopt these requirements.

Let me stress that this bill has broad support. I mentioned before this passed the House unanimously. There was not a single objection in the House. It has bipartisan support here in the Senate. Various child advocacy groups are fully in support: the National Children's Alliance, the Children's Defense Fund, and the National Center for Missing and Exploited Children. Prosecutors and prosecutor associations—the Association of Prosecuting Attorneys and the Pennsylvania District Attorneys Association—both fully endorse this legislation. Teachers groups: the American Federation of Teachers and the Pennsylvania School Boards Association.

I forget how many former teachers in the House—I think 19 or so—all voted for this bill. I am willing to venture the overwhelming majority of the American people would support this effort to keep our kids as safe as we can.

I would also stress there is nothing radical about these proposals. In the Senate we just passed a very similar background check requirement in the child care development block grant legislation, where we insist on almost identical background checks for employees of daycares. That makes perfect sense to me. It is a good step. It is very likely to help protect children in our daycares. But why in the world would we protect the kids in daycare and not provide comparable protection for kids who have gone on to later grades?

This is a bipartisan commonsense bill that has passed the House unanimously. This is our opportunity to pass it in the Senate and send it to the President for his signature. I believe it is a moral imperative we do this to protect these kids. It didn't come soon enough for Jeremy Bell. And sadly, every day we learn there are more victims. But now is the time we can act.

Madam President, I ask unanimous consent that the HELP Committee be discharged from further consideration

of S. 1596 and the Senate proceed to its immediate consideration. I further ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

Mr. HARKIN. Madam President, I certainly favor the goals of this legislation. The Senator will remember we passed a childcare bill that included many of the same background check provisions for childcare employees. Those provisions were negotiated between Democrats and Republicans on our committee to address issues that were raised about the implementation of any federally prescribed background checks for childcare settings.

We would like to undertake a similar process in the K-12 context to ensure any concerns raised by either side be addressed. That is what the committee process is for.

What the Senator from Pennsylvania is asking for in this bill will have an impact on nearly every public school in the country and every employee, not just teachers—not just teachers—who might have any unsupervised access to children. So that requires us to do some due diligence.

I don't want anyone to misunderstand me. I am willing to work with the Senator from Pennsylvania and others on this legislation, but I do believe we need to take a closer look at it, talking with relevant stakeholders—States, school districts, employees—about the bill and some perhaps unintended consequences of it. We were able to do that in the childcare bill, and I believe we can achieve similar success with the legislation of the Senator from Pennsylvania. I am ready and willing to engage with the Senator, his staff, and his office in that process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I support the Senator from Iowa and his request that this bill go to the Health, Education, Labor and Pensions Committee.

In the Republican Conference, we talk a lot about the importance of taking legislation through committee so it can be amended and considered through the regular order. This is certainly important legislation. All of us would agree on that.

The Senator from Pennsylvania and the Senator from West Virginia deserve a lot of credit for bringing this terrible story to our attention and proposing we address it. And I think we should. But the appropriate way to do that here, is to take it to the committee of jurisdiction to be considered in a markup, amended, and see if anyone has a better idea.

My second reason for hoping this bill goes to the HELP committee is that I

have my own idea. I think this bill poses an important question to the Senate about whether we want to constitute ourselves as a national school board. That is, in fact, what we would be doing if we passed it into law.

In our country there are 100,000 public elementary and secondary schools. They all have a principal who is in charge of the employees in that school.

This bill is about determining what kind of criminal background check those school employees should have. What is the principal supposed to do? Doesn't the principal have any responsibility for this? Can the principal just say that this is the job of the United States Senate, so I don't have to worry about that?

There are 14,000 local school boards across West Virginia, Tennessee, Iowa, Pennsylvania, and all of our other States. What is the responsibility of these local school boards when it comes to determining the qualifications of their teachers or the health and safety of their students? Do the members of the local school board say: We don't have to worry about those questions too much because the U.S. Senate will determine for us what the qualifications for teaching will be or how we will keep students healthy and safe in our local public schools?

There are 50 Governors of our states. I used to be one of them, as was the distinguished Senator from West Virginia. I got pretty tired of people flying to Washington, D.C. thinking that they were the only ones who had any sense of responsibility for the public school students in Tennessee. In fact, I felt like the more Washington, D.C. intruded into Tennessee by making decisions that we should be making for ourselves, the less responsible we felt for those decisions and the less effective we were at doing our jobs.

I remember in the early 1990s there was a piece of legislation which whizzed through the Senate and the House just like this piece of legislation has been doing. It was called the Gun-Free School Zones Act, and it came after a particularly terrible shooting at a school. We still have those shootings today, and it wrenches our heart every time they happen.

So, after the shooting, the U.S. Congress said: We will fix it. The Supreme Court ruled it unconstitutional because it exceeded the authority of Congress under the commerce clause—that in effect it wasn't Washington's job; it was the job of the states and local communities to determine the issue of gun possession around schools.

I submit that the safety of our schools is the job of the parents of those schools, of the principal in that school, of the community which supports that school, of the local school board, of the supporting organizations, and of the governor and the legislature of the state. If they can pretend they can kick that responsibility up to Washington, I think that is wrong. I do

not think that is within our constitutional framework in the United States. Those responsibilities belong locally.

The Senator from Iowa and I have a terrific relationship and ideological differences on many occasions. I spent the morning debating with him about whether his proposal for early childhood education would in effect create a national school board.

He basically made the same argument that is being made here. He said: If we are going to give states money from Washington for early childhood education, we have a responsibility to define how that money is spent, including the parameters for what the teachers' salaries should be.

So if we can define what criminal background checks ought to be for school employees in Maryville, TN, public schools, we can define what the teachers' salaries ought to be in the Maryville, TN, public schools. If we can decide what the safety measures in the school ought to be, we can decide what the maximum size of classes ought to be. We can decide what the length of the school day ought to be and what kind of vision and health screenings we ought to provide. Those decisions are important for children as well. Whether the children are fed properly is important as well. Are we going to kick those decisions upstairs to the U.S. Senate and say: You set the rules for that.

Physical activity programs. The distinguished Senator from Iowa has been a champion for more physical activity his whole career here. He would like to set that as a goal from Washington. I think that is the job of a local community.

Professional development for school staff. If we make decisions about criminal background checks for staff, we can make decisions about their professional development as well.

How about academic standards and curriculum? In the State of Tennessee and in many other States there has been a near rebellion over the so-called Common Core State Standards. The important issue is about how we raise standards for children who need to learn more to succeed. But the problem is that Washington got involved with the standards, and people in our State and many other States don't like national school boards and Washington-control of public schools.

So I think we should stop and think about this. I would prefer to see the federal government in Washington act as an enabler of States and local school boards rather than a mandator.

I would like to see us take this terrific focus the Senators from Pennsylvania and West Virginia have put on the importance of criminal background checks and the safety of our children by making it easier for States and local school boards to search a State criminal registry, a State-based child abuse and neglect registry, a fingerprint-based FBI criminal history, a search of the national sex offender registry.

Forty-six States already require all public school employees to go through some form of a background check. Are we to say we know better than they do? If so, what does that say about our entire structure of public education and whether we should just tell the 14,000 local school boards in the U.S. to disband. We don't need you to make decisions about the safety of the schools in your district. We will do it in Washington. We don't need you to make decisions about academic standards and curriculum. We will do that here?

I think we in Congress should be enablers, not mandators. I think we should take this powerful focus the two Senators have put on criminal background checks for school employees, take it to the HELP committee, and put a spotlight on making it easier and more important for all 100,000 principals, all 14,000 local school boards, all 50 State Governors to do it, help parents to be aroused, and put the spotlight where the spotlight ought to be.

If they want a gun-free school zone, put the spotlight on the school and the community around it. If they want a safe school, put the spotlight on the school and the community around it. If they want to have a criminal background check system to keep predators out of schools, put the spotlight on the principal, the school board, and the community around it. That is the way to effectively do it. That is the way to respect our federalist system of government and our constitutional framework. That is the way to avoid creating a national school board.

So I look forward to working with the Senator from Iowa, the Senator from West Virginia, and the Senator from Pennsylvania. This is an important issue. I would like to see it become law. But I would like for our government in Washington to be more of an enabler of local school boards and school principals than a mandator from Washington.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, needless to say, I am extremely disappointed that we find ourselves here at this impasse with nothing accomplished, and who knows how long it will take to get something accomplished.

I will point out that the Senate, I think just last week, voted for nearly identical background check language in the Child Care and Development Block Grant Act. We voted for this. This is the language vetted by this committee.

If it is vital to keep kids safe at a daycare—which I think it is—why isn't it just as vital to keep kids or their older siblings safe for the rest of the day? I don't think we need to go through the committee to answer that question. We have waited long enough.

This is the 16th background check bill which has been introduced in the House or the Senate since 2009, and here we have nothing on the Senate

floor. The committees had 5 years to act. The committees had 5 months when they could have taken up this bill at any time, marked it up, and moved it through the process, but they didn't do this.

As far as using the committee process, I am generally a fan of going through the committee. But let's not pretend that is how we normally operate around here. There are 27 bills so far in this Congress which have received floor consideration without going through a committee at all—7 under the jurisdiction of this committee. Last Congress there were 42 bills which received floor votes without going through committee.

Let's be candid. In just the last week or so, and looking forward another week or two, we have more legislation under the jurisdiction of this committee. Whether it is paycheck fairness or a minimum wage bill, those are under the jurisdiction of this committee. They are going to be brought to the floor without having gone through the committee.

By the way, those are bills we know are going nowhere. Those are political statement bills. So is it more important to get bills that are political statements to the Senate floor than it is legislation which could actually be signed to protect kids from violent predators? This seems to me to be a very misordering of priorities.

I say to my colleague, for whom I have a great deal of respect and with whom I generally find myself in agreement, on this issue I happen to disagree with the senior Senator from Tennessee. In my view, this is not a mandate on the States.

If a State chooses not to develop the background checks we have put into this bill, then we would withhold the ESEA funding, which is 3.5 percent of total funding. That is not insignificant. But it leaves it up to the State to decide. We think kids ought to be safe in schools. If they disagree about the background checks, OK, then they don't have to take this funding. The Supreme Court, by the way, has agreed that this does not represent coercion. It does not amount to coercion when it is on this scale.

The second point I would make in this regard is part of this legislation absolutely requires Federal legislation. As I mentioned briefly in my comments earlier, this all originated from a case where a school in one State sent a letter of recommendation to a school in another State for one of these monsters to be hired. Frankly, I don't know how the school in the State where this person ended up could have prevented that from happening. But Federal legislation can prevent that, and I think it should.

So I am deeply disappointed we are not able to move to this today. I hope we will be able to soon.

I think my colleague from West Virginia had a point he wished to make, so I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I first thank my colleague from Pennsylvania, Senator TOOMEY. I also thank the Senator from Tennessee, for whom I also have the greatest regard for his knowledge and commitment to our children and education, to which he has dedicated his life, and also the Senator from Iowa. This is very serious and very personal to both of us. Our States have been affected. But every State has been affected.

I am not in favor of a national school board in any way, shape or form. I strongly believe in the Tenth Amendment to the Constitution and States rights. But I believe that certain standards have to be set, and we have done that before as far as on a national level.

There are five problems we have always talked about, and those five problems apply to every child in America—not just every child in West Virginia, Pennsylvania, Tennessee or Iowa but in America.

The first is every child should have a loving, caring adult in their life. Those are not always the biological parents or family. It could be you. It could be somebody next door. It could be an extended family member.

Every child should have a safe place in their life. Unfortunately, as has been said, it is not always the home. It might be the school.

Every child should have a healthy start. Nutrition—for many children across America, their breakfast, lunch, and nutrition comes from the school.

Every child should be taught to have a livable skill. Again, that is in the school. We depend upon that.

And the fifth thing—which is the hardest to teach—is that every child should grow to be a loving, caring adult, and be able to give back. That is set by us. We set the standards for that. A child will emulate what they see. If they love it and respect it, they will do it.

For us to say we don't believe raising to a Federal standard the well-being and safety of every child in a school system—guaranteeing that the person who is going to be teaching them, nurturing them, taking them to school, and feeding them has a clean background check and is not a child molester—is the least we can do. That is all we are asking for in this bill. I hope that it would get the attention it needs. Again, I am also very disappointed that we cannot move it forward, and I know that precedent has been set and has been articulated by the Senator from Pennsylvania. But I would hope that both the ranking member and the chairman of the HELP Committee would maybe reconsider and take another look at it.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I am willing to support holding a hearing on the bill,

moving it rapidly through the HELP committee, and moving it back to the Senate floor. I will make my argument in committee or on the floor, and I may win or I may lose. But I have thought about the gun-free school zones act for more than 20 years, and I thought about it from the point of view of a parent and of a Governor.

The Health, Education, Labor and Pensions Committee has conservative Republicans on one side and liberal Democrats on the other. I spend most of my days on the committee trying to argue my Democratic friends out of their good ideas that they want to impose on every local school district in America. There is a moral imperative to have high academic standards for children. There is a moral imperative to have physical education for children. There is a moral imperative to have breakfast for children. There is a moral imperative to help disabled children. There is a moral imperative to do all these things. We all feel that. But just because we in Washington contribute 10 percent of the money spent on elementary and secondary education doesn't mean we should substitute our judgment for that of the local school board and the principal who is accountable to that community for the safety of each child in their school. We ought to think about that before we start assuming these responsibilities because if we pass this bill into law, leave people to think that we solved the problem, and another problem happens, then who is going to be held accountable? The local principal? The local school board? The Governor? No. Maybe the Senate will be held accountable because we took it upon ourselves to say to the parents: We have kept your child safe.

We should enable parents. We should enable schools. We should enable local school districts to create safe and effective schools with high standards. We should give parents choices of schools with effective teachers, but we shouldn't mandate it or define it from Washington. That is my argument, which I would like to be considered when we think about the extent to which we ought to say to a local school board or principal: We are going to define for you what a criminal background check should consist of for the people you hire in your schools.

I pledge to work on it as rapidly as Senator HARKIN can move it through the committee. I will make my argument, and we will come to a conclusion.

I appreciate the Senators from Pennsylvania and West Virginia putting a focus on such an important issue, and I look forward to a speedy conclusion to the debate and a passage of an appropriate bill on an important issue. I just hope it enables instead of mandates.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Massachusetts.

COMMEMORATING THE BOSTON MARATHON TRAGEDY

Ms. WARREN. Madam President, 1 year ago I rose to speak in this Chamber. I rose with a heart heavy with mourning and yet filled with gratitude because 1 year ago cowards set off bombs at our beloved Boston Marathon, trying to terrorize our city, but Boston responded with courage and community.

Today I rise with a heart filled with the spirit of healing and restoration to commemorate the anniversary of the Boston Marathon bombing and celebrate the strength and character of the people of Boston.

One year ago terror knocked on Boston's door. It was not just the momentary terror of smoke and sound but the terror of uncertainty and speculation, the terror of siege and lockdown. Such terrors can break a people's spirit. They seek to do no less. But Boston was fearless.

Our first responders, our protectors and investigators, our heroes, our citizen heroes, our families, our friends, and our neighbors—we did not waiver. In that moment when all the world had its eyes upon us, we responded with a cry of defiance, not of fear.

Scripture says: "Be brave, be strong. Let all that you do be done with love." In the last year we have seen what bravery and strength and love can do.

Friends and family, classmates and teachers have come together to keep alive the memories of Krystle Campbell, Lu Lingzi, Martin Richards, and Sean Collier, and to celebrate their lives and to promise they will live on in our hearts.

Investigators and prosecutors have pursued justice, impartial and fair but with righteous conviction and an unwavering sense of purpose.

Healers and neighbors, friends and family have restored life and energy to those who thought it lost and in doing so have felt their own spirits lift.

Inventors and doctors have returned a ballroom dancer to the dance floor and helped children run and play, focused not on what they have lost but on what they can do next.

Families have rejoiced with graduations and birthdays, weddings and children, with the sweetest and most hopeful moments of life.

In the last year we have found that when we are united as one community, bravery and strength and love can heal the body and restore the spirit.

One hundred years after the original Patriots' Day of 1775, an orator celebrating the anniversary of the first battles of the Revolutionary War told the people of Massachusetts that "our common liberty is consecrated by a common sorrow." From time to time, as a community and as a country we are reminded of this wisdom, through the awful grace of God. Our common tragedies and sufferings unite us as one people, and that unity brings with it strength and courage and ultimately renews our commitment to liberty.

Now, with the strength of One Boston still with us, we look ahead to justice that has yet to be served, to healing that remains to be done, to a future of achievements, of celebrations, and of memories.

May God bless those we have lost. May He inspire those who survived to carry forward. May He keep our community united in bravery and strength and love. And may He always watch over the people of Boston, of Massachusetts, and of the United States of America.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

Mr. MURPHY. Thank you, Madam President.

#### HEALTH CARE

There was a new announcement today from the Secretary of Health and Human Services that 7.5 million people have signed up for private health care through the exchanges by virtue of the Affordable Care Act. The initial estimates from CBO last fall were that in the best case about 6 million people were going to sign up. We have blown through that enrollment expectation, and still, on this floor and in committee hearings as recently as this morning, Republicans continue to criticize and critique this law with blistering attacks—not because they have data on their side, not because they have evidence on their side, but because their entire electoral strategy for the fall depends on an assault on the Affordable Care Act.

The problem is that increasingly day by day, as more information comes out about the life-changing, life-altering success of this law, there simply is not the evidence to back up the claim from the Republicans that the Affordable Care Act isn't working. In fact, the reason why a new Washington Post poll shows that for the first time more Americans support the Affordable Care Act rather than oppose it is because they know the Affordable Care Act is working. Yet my good friend Representative PAUL RYAN says that despite 7 million people signing up for the law, "the architecture of this law is so fundamentally flawed that I think it is going to collapse under its own weight."

One of our own colleagues said, "I don't think the 7 million enrollment figure means anything. They are cooking the books on this."

Conservative columnist Charles Krauthammer says that the 7.1 million enrollment figure was a "phony number" and that all the changes and delays must mean the majority of the law is already on its way out.

Well, that is the story Republicans are telling here in Washington, but our constituents in Democratic States and Republican States are telling a very different story.

I would like to talk about the numbers for a second because data can be pretty tricky when it gets in the way of your political argument. As one of our former colleagues from New York said—and I am paraphrasing—we are all entitled to our own opinions, but we are not entitled to our own facts.

Here we are. This is the percentage of uninsured in the United States by quarter. We start in 2008, which is essentially the beginning of the recession, and, as would be expected over the course of the recession, the number of uninsured rises from 14.5 percent to a peak of 18 percent. But guess what happens when it hits the peak. The Affordable Care Act goes into operation. The Affordable Care Act begins to be implemented, and in a very short period of time from the beginning of enrollment until the end of the first period of enrollment being March 31, the number goes from 18 percent uninsured to 15.6 uninsured. That is a remarkable decrease over a very short period of time that can only be explained by the fact that 7 million people now have access to private health care insurance, another 3 million people have access to Medicaid, and another 3 million people on top of that have access to insurance on their parents' plans.

When we look at what has happened to young people over a similar period of time, we can see the same dynamic playing out. This is the rate of uninsured of 18- to 25-year-olds in this country. Here, they are at 28 percent. I mean, how on Earth, in the most affluent, most powerful country in the world, did we ever allow for more than one-quarter of our young people to be uninsured? But we were at 28.4 percent, and when the Affordable Care Act was passed and the first provision went into effect, it allowed people who were under 26 to stay on their parents' plans.

Look. The number starts to move downward. It is a pretty consistent downward slope, moving from 28 to about 24. Then the ACA plans start, and then the number—just as in the uninsured data for the population at large—drops again from 24 down to 21. It was 28 percent at the passage of the law, and it is 21.7 percent today.

Other studies show the same. This is survey data from Gallup, which is generally the gold standard on tracking the rate of uninsured in the country. But we also have a RAND study that was done. This is a very well-known consulting study which said that from the period of September of last year until mid-March, 9.3 million people who were uninsured became insured.

So when Republicans say this data doesn't really tell you the true story because these are all people just shifting from one plan to another, that is not true. The RAND study tells us that

9.3 million people who were uninsured became insured. The RAND study also says that 7.2 million people got access to employer-based insurance who didn't have it previously. And that data doesn't even include the surge of enrollment at the end of March. The RAND study only brings us up to about mid-March.

So this is the real story. This is what the numbers and the data tell us: that people are getting access to insurance for the first time ever. The Affordable Care Act isn't just shifting people from one insurance plan to another insurance plan; it is actually having a remarkable effect on the number of insured in this country.

I am not suggesting this trend line is going to continue along that axis, but, boy, if the next couple of years looks anything like the first 6 months of Affordable Care Act plans being available to people, we are going to see a revolution in this country in terms of the number of people who are outside our health care system. Yet this week was the 52nd, 53rd, 54th vote to repeal the Affordable Care Act in the House of Representatives. The Presiding Officer and I sat through probably 40 of those votes and there is another one today.

A budget presented, again, by Representative PAUL RYAN would take away insurance from 7 million people who now have it, take away Medicaid coverage from 3 million more people who have it, would repeal a law that has provided \$9 billion in savings for seniors when they are in the doughnut hole. And \$9 billion is a big number and hard to comprehend. By the way, his bill would return that \$9 billion to the drug industry because that is where it came from. It didn't shift money from one set of taxpayers to another set of taxpayers. The way we closed the doughnut hole was asking the drug industry to put up some money in order to help seniors.

The irony of all ironies is that the Ryan budget—while repealing all of the provisions that have provided insurance to over 10 million people and discounted health care for millions more—would keep in place the \$716 billion in Medicare savings that Republicans and outside groups have hammered Democrats for supporting over the course of the last 5 years.

Over and over we have been told we are killing Medicare Advantage by asking Medicare Advantage to run their insurance plans for the same costs that Medicare charges. Yet despite all of the rhetoric, the Republican budget in the House would keep in place all of the Medicare cuts they have been running against outside of this building.

What our constituents know is that despite bumps in the road, the Affordable Care Act works. Anytime you reorder one-sixth of the American economy, you are going to have problems and you are going to have people who are going to be unhappy. The reality is that for decades we had the most expensive health care system in the

world, times two, compared to any other industrialized nation, and we were getting results that didn't measure up to the amount of money we were spending. We had 30 million people who were uninsured, rates of infant mortality and infections that were way above countries spending half as much as we did. We had to make a change. That there were 54 votes in the House of Representatives to repeal the bill, and not a single effort to replace it, tells you that it has been Democrats who have been willing to step to the plate and do the tough reform necessary to try to make changes that were 100 years overdue. The numbers don't lie in the end.

I get it that Republicans think they can win an election by continuing to hammer away at the Affordable Care Act, but there are 7½ million people who now have private health care. There are 3 million people who now have access to Medicaid. There are 3 million more young adults who can stay on their parents' plans. RAND and Gallup tell us that the number of people without insurance in this country is absolutely plummeting by the day. All of that is evidence that despite the best intentions from our Republicans to undermine the law the ACA works.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### EMERGENCY UNEMPLOYMENT INSURANCE

Mr. REED. Madam President, it has been 103 days since emergency unemployment insurance expired and 3 days since the Senate sent a bipartisan agreement to the House which would restore these benefits for up to 2.7 million Americans. These benefits are fully paid for and would lift the entire economy. That is why the nonpartisan Congressional Budget Office has estimated that failing to renew the benefits for a full year would cost the economy 200,000 jobs. We recognize our bill is a partial restoration, not a full year. The restoration we proposed will increase jobs in the economy as attested by the CBO.

Unfortunately, it appears that the House has no intent to take up the Senate-passed agreement to restore these benefits before they leave town for 2 weeks.

That is right if the House fails to pass what the Senate has passed on a bipartisan vote—and this was a bipartisan, fiscally responsible measure—the Speaker, who says he wants job creation, will be rejecting a portion of those 200,000 new jobs projected by the Congressional Budget Office, which is headed by his own appointee.

Contrary to the criticism that our proposal does not create jobs and

doesn't do anything with jobs, it does. More importantly, it restores benefits to people who are desperately looking for work in a very difficult economy, and who need these benefits to keep searching for work as well as supporting their families.

In my view, the failure to act is not defensible. Restoring these benefits is the right thing to do for job seekers and the smart thing to do for our economy. The very modest \$300-a-week average benefit, which our bill restores, helps workers stay afloat and cover the necessities as they search for a job. That modest benefit gets pumped back into the economy at the local supermarket or gas station. It is just commonsense. People will get this—I hope—benefit, and they will go right along and take care of the daily needs of life. They are not in a position to stash it away—most of them—and they are not in a position to do anything else but to try to stay afloat through very difficult financial circumstances.

Unemployment remains stubbornly high in my State, and across the United States. The March employment report, while positive, showed we still have much more to do to strengthen our economic recovery, especially for the 10.5 million Americans looking for work, including 3.7 million of the long-term unemployed. Again, this benefit we propose is particularly directed at these long-term unemployed Americans.

That is why this is a critical effort in our attempts to strengthen our economy—restoring these benefits. We have never let these benefits lapse when the long-term unemployment rate is higher than 1.3 percent—and today it is nearly twice that at roughly 2.6 percent. We have acted on a bipartisan basis, on a fiscally responsible basis, on a basis that recognizes not only the needs of families but the need to help further grow our economy. Now it is time for the House to act that way—responsibly fiscally and responsibly to our neighbors and our constituents, on a bipartisan basis, to get this bill done quickly and get it to the President.

It is my hope the House of Representatives stops blocking this. This is fully paid for. It is fiscally responsible. It is a bipartisan effort. It is what every one of our constituents says we should be doing more of—responsible, thoughtful, bipartisan legislation. We have done our part in the Senate and now it is up to the House. I hope they move quickly—this week indeed—to get this relief to millions of Americans.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Utah.

#### THE BUDGET

Mr. HATCH. Madam President, I rise today to take a look back at the evolution of our Federal budget over the past few years, as we moved from deficits and debt not seen since the years surrounding World War II to our current budget predicament, which still involves deficits and debt that are far too high.

The Federal deficit in fiscal year 2009 was nearly 10 percent of our economy. This was due partly to efforts to battle the financial crisis and partly to ineffective and reckless spending measures like the so-called stimulus.

Since then, the deficit has fallen. From the rhetoric of the administration and its allies here in Congress, you would think that deficit reduction has been accomplished almost exclusively through spending cuts. Indeed, in an effort to demonstrate his reasonableness in calling for even more tax hikes, President Obama often touts the “tough spending cuts” that have taken place under his administration.

Of course, after spending ballooned in fiscal years 2009 and 2010 to almost a quarter of the size of our entire economy, it eventually had to be curtailed. With a recovering economy, along with tax hikes engineered by the administration and its allies in Congress, deficits have admittedly come down.

Unfortunately, however, as the nonpartisan Congressional Budget Office has told us, the deficit reprieve will be short lived. The CBO tells us clearly that after 2015, the deficit will rise again and, as a consequence, the Federal debt remains on an unsustainable path.

As the CBO and every credible budget analyst has made clear, our fiscal path is unsustainable because our entitlements are unsustainable—that means Social Security, that means Medicare and Medicaid, and that means the Affordable Care Act.

We know those programs cannot be sustained on their current trajectories. Yet the administration and its allies refuse to do anything about it.

The Senate Democratic budget left entitlements virtually untouched. The President's budget offers little in the way of structural entitlement reforms necessary to put these programs on sound fiscal footing. In fact, with his latest budget, President Obama has even retreated on reforms that he has offered in the past.

But let's look back on how our budget has evolved over the last few years. If you listen to my friends on the other side of the aisle and their supporters, the Federal Government has significantly scaled back on spending which, they say, is responsible for almost all the changes in the Federal deficit since the outsized deficits in fiscal years 2009 and 2010.

We hear from our friends on the other side of the aisle about how they have “slashed” spending. We hear about “austerity,” as though it is something inherently evil.



For example, in June of 2013, the left-wing Center for American Progress said that “we have enacted about \$2.5 trillion in deficit reduction with about three-quarters coming from spending cuts.”

In March of this year, Vice President BIDEN’s former aide Jared Bernstein wrote in the *New York Times* that we have generated \$2.5 trillion in deficit savings, with 77 percent coming from spending cuts.

In February of this year, the Senate Budget Committee chairman wrote to her Senate Democratic colleagues that since August 2010, we have had “\$3.3 trillion in deficit reduction put in place over the last few years” with 77 percent claimed as coming from spending reductions.

Depending on who you listen to, deficits have been reduced by \$2.5 trillion or \$3.3 trillion or maybe more. No matter the number, the claimed reduction stemming from spending cuts usually ends up at around 75 percent or more. That would mean that deficit reduction has been accomplished by a 3-to-1 or higher ratio of spending cuts to tax hikes. Of course, all of those deficit reduction and spending reduction claims represent promises for the future.

They are measured relative to some artificial so-called budget baseline or yardstick, which can pretty much be anything that you want it to be. Pick one yardstick and you get one result. Pick a different yardstick and you get a different result. But it has been recorded that in fiscal year 2009, the Federal deficit was more than \$1.4 trillion or almost 10 percent of GDP at the time.

Also on the books is that in fiscal year 2013, our most recently closed fiscal year, the deficit was around \$680 billion or just over 4 percent of GDP at that time. Therefore, deficit reduction we have seen between fiscal years 2009 and 2013, which is a 4-year period, has been about \$735 billion. That is not \$2.5 trillion. That is not \$3.3 trillion.

The larger deficit reduction numbers are derived almost entirely from future promises to reduce spending, promises that we are pretty darn sure are never going to be kept, based upon all of the past history of this country and the Democratic Party, by the way.

Once again, in terms of real actual deficit reduction, the number comes in at roughly \$735 billion. Keep in mind all the rhetoric about deficit reduction consisting of 3-to-1 spending reductions to tax hikes. Well, if that is what we would have enacted, we would imagine those ratios would have been at least somehow reflected in the deficit reduction realized over the past 4 years or so.

If not, then, let’s be clear that they are only promises to reduce spending, promises that the current and future Congresses can undo with the stroke of a pen. If past experience is the norm, you can count on it. You can count on undoing those promises. I have been in the Senate—this is my 38th year. I

have heard countless promises to rein in spending in the future. The fraction of those promises that have ended up being kept is very small.

Promises notwithstanding, let’s go back over the past 4 fiscal years and see what has happened. As I said, from fiscal year 2009 to 2013, the deficit has gone down by \$735 billion. No one disputes this, certainly not my friends on the other side of the aisle, who have used this number as justification for turning their spending engine back to full throttle.

Given all that they said about spending cuts having been responsible, on a 3-to-1 basis for deficit reduction, the question becomes: Is 75 percent of the deficit reduction we have seen over the last 4 years attributable to spending cuts or austerity? The answer is not even close. The \$736 billion of deficit reduction has been accomplished with \$670 billion of increased revenues, and only \$65 billion of spending reductions, which on a basis of around \$3.5 trillion of annual spending is a reduction of below 2 percent.

I will say that again. The \$735 billion of deficit reduction from fiscal year 2009 to 2013 has been accomplished by and large through higher tax revenue. Specifically, more than 91 percent of the deficit reduction has stemmed from higher taxes, and less than 9 percent from reductions in spending.

Less than 9 percent of deficit reduction stems from spending cuts is a far cry from the 75 percent or more that my friends on the other side of the aisle claim. Those claims are based on promises of future spending reductions and budget projections. Yes, those claims are based on carefully crafted budget baselines or yardsticks that my friends creatively construct. All of this is future, which we all know will never come to pass.

But if we had enacted budgetary changes aimed at reducing deficits that involved anything near a 3-to-1 ratio of spending cuts to tax increases, then you would think it would have at least started to slow up over the past 4 fiscal years. As I said, however, it is not even close. Of course, some of the revenue increases have reflected the economy recovering from the recession to its current state, which by the way remains sluggish.

But the 2013 numbers begin to reflect recent tax hikes, engineered by my friends on the other side of the aisle. Moving forward, we can expect even more revenue to be extracted from economy from tax hikes, including the higher tax rates that were passed last year in the fiscal cliff deal, along with the myriad of taxes included as part of the Affordable Care Act.

We have already seen in fiscal year 2014 through February Federal tax revenues hitting a record high for the first 5 months of the fiscal year relative to a similar period of any past fiscal year. Yet, even as the revenue gushes in, my friends on the other side of the aisle want to double down with even more

tax hikes. Let’s not think for a minute that their demand for higher taxes has anything to do with reining in the deficit or reducing our debts.

Instead, the proposals from Democrats are for even more spending, more redistribution, and an even more bigger government. The President’s recent budget is exhibit No. 1. Of course, you will not hear it being called “inefficient and wasteful government spending.” No, you will hear about investments. You will not hear the term “redistribution.” No, you will hear about the wonderfully egalitarian goal of fairness, as judged by the norms of Democrats.

You will not hear about big government controlling an outsized and increasing share of economic activity in our country. No, you will hear about how virtually every private sector company in virtually every sector of the economy acts abusively or out of greed, without regard for others, in search of tax loopholes to exploit to the detriment of the middle class.

Once again, it is clear from the budget data already in the books over the past 4 fiscal years that the vast majority of deficit reduction, more than 91 percent of it, has come from increased revenue extracted from the private sector. Less than 9 percent has come from any kind of spending restraint. Those are facts. Those are the numbers on the books. Those data do not depend on CBO projections. They do not depend on picking a baseline. They do not rely on budget assumptions.

What these numbers tell us is that virtually none of the so-called austerity or slashed spending that my friends on the other side of the aisle have pretended to endure have occurred in the real world.

As we continue to hear from my friends on the other side of the aisle about how our budget challenge has faded away, and about the trillions and trillions of deficit reduction that has been accomplished through spending cuts, let’s keep in mind our recent track record. That record is clear.

I will say it again just to make sure the point is not lost on anyone.

The spending restraint we have seen since the outside spending sprees in fiscal years 2009 and 2010 has been minor. The vast majority of deficit reduction we have seen to date, more than 91 percent of it has resulted from increased revenue. The past 4 fiscal years have shown no evidence of the ongoing promises of 3-to-1 spending cuts to tax hikes.

We do not need to increase taxes yet again. We have already done that. We do not need to declare deficit and debt victory and turn the speeding spigots back on to maximum flow. Our fiscal challenge remains where it has been for some time now. We have unsustainable growth in our entitlement spending and we need to discuss and enact structural reforms to our entitlement programs in order to put them and our fiscal position on a more sustainable course.

Democrats, of course, have other ideas. For instance, take a look at page 33 of the President's budget. The document discusses the future unsustainable deficits and debt and alludes to a large tax increase that is undefined. Here is what it says, "Even with reforms to Medicare and other entitlements and tough choices . . . we will need additional revenue to maintain our commitments to seniors."

As I said, my friends on the other side never tire of asking for more money from our American people—never tire of it. For example, both the President's budget and the budget proposed by Senate Democrats last year envisioned revenue increases of over \$1 trillion. That apparently is their answer to the entitlement question—not reforms, not structural changes, but "additional revenues."

If you are going to try to fix our entitlement problems entirely on the revenue side of the ledger, it is going to take far more revenue than what my friends on the other side of the aisle have previously proposed. If that is the route they want to go, they should at least be honest with the American people about where the revenue will come from and who will be paying for it. The American people deserve to know. I think it is about time our friends on the other side explained it to them. Do not count on that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

The Senator from Arizona.

Mr. FLAKE. I ask unanimous consent to speak as in morning business.

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

#### CUBA

Mr. FLAKE. Madam President, we heard news a week or so ago that the U.S. Government, through the Agency for International Development, was conducting a program in Cuba titled ZunZuneo.

It was an attempt to set up a kind of alternative twitter account, and the intent was certainly noble—to increase access of ordinary Cubans to information that would help and assist them.

I have no issue with programs such as this. I think overall they are good. The more we can have people have Internet access and meaningful content is good, but I and many others do have an issue with the Agency for International Development—USAID—undertaking this program.

USAID's mission is to help with humanitarian needs and to promote democratic development around the world. It need not, should not, engage in covert—or in their case they are saying it wasn't covert, they are calling it discreet. Either way, it casts sus-

picion on other activities that USAID is undertaking around the world.

USAID is in some very tough places around the world—delivering supplies into South Sudan, for example. We work with the people in Syria—not within the country but just outside the country. We work in many dangerous parts of the world, and the last thing we need is suspicion cast on USAID where people think it is an arm of the CIA. It just shouldn't be done. I think USAID does great work around the world and shouldn't involve itself with work of this type.

With regard to Cuba itself, as I said, I think our goal should be to make sure that Cubans are better informed, that we have increased contact, and that we have more American influence there.

That could be most easily forwarded by simply allowing Americans to travel to Cuba. It is the only country in the world where we have a policy that you have to get a specific license—where only certain classes of people are allowed to go there. That simply makes no sense at all.

If our goal is to make sure that Cuban people are aware of what is going on in the world, that they get real information outside of the government sources—the government in Cuba denies Cuban people the ability to get good, meaningful information—we ought to be all about making sure they have access to that, but the best way to do that is simply allowing Americans to travel there. We do that with other repressive regimes around the world.

It has been said—I think Freedom House has Iran as the only government that is more restrictive, more authoritarian, and more repressive than the Cuban regime. Yet we allow Americans to travel to Iran. In Iran, the Iranian Government may restrict who may come in—as will the Cuban Government, I am sure, once we lift our travel ban there. But that ought to be their province. I have often said if someone is going to limit my travel, it should be a Communist government, not my government.

As we review this program and as we talk about it in the coming weeks—we had a hearing this morning with the head of USAID testifying about it—I hope we simply keep in mind the best way to help the Cuban people to have access to information and to have contact with Americans, to be subject to American influence, freedom, and economic opportunity, is to allow Americans to travel freely there. That would do more than any program we could install, any program administered by USAID, the State Department, the CIA or anybody else—just allow Americans to travel to Cuba.

Mr. DURBIN. Would the Senator yield for a question?

Mr. FLAKE. I yield to the Senator.

Mr. DURBIN. I will make a statement in the nature of a question since we discussed this this morning. We had a lengthy discussion in the Foreign Re-

lations Committee about this twitter project, whatever it was, and whether it was wise—and I think it was the consensus of our committee—that if it opens up Cuban people to other ideas and more information, it is a positive thing.

You and I discussed afterward the fact that there are other things we can do. I think you just alluded specifically to them on the floor, and I wanted to associate myself with your thinking on this and hope that after some 50-years-plus, some fresh thinking on our foreign policy in terms of Cuba may lead to what we ultimately want, and that is giving the Cuban people an opportunity to be part of a real democracy and have real freedoms. Isn't that right?

Mr. FLAKE. It is. I thank the Senator.

I suggest the absence of a quorum.

#### QUORUM CALL

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

#### [Quorum No. 1 Ex.]

Carper	Hirono	Walsh
Durbin	Reid	Warren
Flake	Tester	

The PRESIDING OFFICER. A quorum is not present.

The majority leader.

Mr. REID. Madam President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

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

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CRUZ), the Senator from Kansas (Mr. MORAN), the Senator from North Dakota (Mr. HOEVEN), the Senator from North Carolina (Mr. BURR), and the Senator from Missouri (Mr. BLUNT).

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

The result was announced—yeas 55, nays 37, as follows:

#### [Rollcall Vote No. 107 Ex.]

#### YEAS—55

Baldwin	Casey	Heinrich
Begich	Coons	Heitkamp
Bennet	Donnelly	Heller
Blumenthal	Durbin	Hirono
Booker	Feinstein	Johnson (SD)
Brown	Franken	Kaine
Cantwell	Gillibrand	King
Cardin	Hagan	Klobuchar
Carper	Harkin	Landrieu

Leahy	Pryor	Tester
Levin	Reed	Udall (CO)
Manchin	Reid	Udall (NM)
McCaskill	Rockefeller	Walsh
Menendez	Sanders	Warner
Merkley	Schatz	Warren
Mikulski	Schumer	Whitehouse
Murphy	Shaheen	Wyden
Murray	Shelby	
Nelson	Stabenow	

NAYS—37

Alexander	Flake	Paul
Ayotte	Graham	Portman
Barrasso	Grassley	Risch
Boozman	Hatch	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Scott
Cochran	Johanns	Sessions
Collins	Johnson (WI)	Thune
Corker	Kirk	Toomey
Cornyn	Lee	Vitter
Crapo	McCain	Wicker
Enzi	McConnell	
Fischer	Murkowski	

NOT VOTING—8

Blunt	Coburn	Markey
Boxer	Cruz	Moran
Burr	Hoeven	

The motion was agreed to.  
 The PRESIDING OFFICER. A quorum is present.

The majority leader is recognized.  
 Mr. REID. We are here this afternoon because Republicans are holding the confirmation of two important nominations. Earlier today the Senate voted to invoke cloture on Michelle Friedland to the Ninth Circuit Court of Appeals. So the only question is, when will she be made a Federal judge in the Ninth Circuit.

There are some who say that 30 hours should run. They can speak for themselves why they insist on doing so. There is no question it is not to debate the nomination. It is just to do nothing, to stand around here and do nothing.

Few, if any, Senators have come to the floor to express any reason to oppose this good woman. She was nominated 9 months ago by President Obama. So it is time to confirm this well-qualified nominee. Enough stalling has taken place.

She graduated second in her class at Stanford University Law School. She clerked for Sandra Day O'Connor in the Supreme Court. She has been a partner in a prominent law firm.

The Ninth Circuit is the busiest circuit in the entire country. The Senate confirmed 18 of President Bush's circuit court nominees within a week of being reported out of committee. This woman, as I already indicated, was 13 months ago. We have 30 other judicial nominees pending on the calendar. We have 85 vacancies on the Federal courts. There is no reason to delay this nomination.

There is no reason to delay the nomination of David Weil to lead the Wage and Hour Division of the Department of Labor. He is a Boston University professor, a Harvard University researcher.

I am sure it is a little difficult for people watching this to understand why Republicans are demanding that we waste time, because that is all it is. But I guess the American people have

become accustomed to wasting time. That is what they have tried to do for 5 years. We have wasted time because of issues such as this. The staff has to be here. We have wasted so much time that we could be working on important issues.

The Republicans have come to the floor saying: We want amendments. The reason we don't deal with that kind of stuff is because we spend so much time on this. We have wasted thousands of hours during the 5 years, and that is very unfortunate. The Republicans are stalling so much.

UNANIMOUS CONSENT REQUEST

I ask unanimous consent that the time until 4:00 today be equally divided and controlled in the usual form; that at 4:00 p.m. all postcloture time be yielded back and the Senate proceed to vote, with no intervening action or debate, on Calendar No. 574; further, following disposition of the nomination, the Senate proceed to vote on cloture for Executive Calendar No. 623; if cloture is invoked, all postcloture time will be yielded back and the Senate will proceed to vote on confirmation of the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY addressed the Chair.  
 The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Reserving the right to object, and I would offer an alternative; but before I do that, I wish to say to my colleagues in the U.S. Senate that, first of all, there is controversy about this nominee. Let's make that clear. And second, the majority leader said maybe the people of this country don't really understand what is going on.

They understand what is going on. We are working under the rules that the majority changed by ignoring the rules of the U.S. Senate in November. So as the majority leader knows, we have not yielded back postcloture time on judicial nominations since the so-called nuclear option was triggered last November.

We have followed the rules of the U.S. Senate for regular order on all judges before the Senate in the last 5 months, just exactly the way the rules were changed in November. So there is 30 hours of postcloture debate on this nomination.

Therefore, I would ask the consent request be modified so that the vote on confirmation would occur at 5:30 p.m., Monday, April 28, when we return from the April recess. This would allow the Senate to process the pending cloture nomination on the wage and hour nominee this afternoon and set that

confirmation vote also for Monday, when we return on April 28. That is the alternative I offer to the majority.

The PRESIDING OFFICER. Will the majority leader so modify his request?  
 Mr. REID. I reserve my right to object.

Madam President, obviously this is not a dissertation on logic, because if it were, why in the world would we want to waste 30 hours doing nothing? And that is what we are doing, 30 hours.

I know my friend from Iowa has been on the Judiciary Committee a long time. I appreciate all he has done, but it is apparent the only reason the Senator from Iowa expresses delay is for delay itself, no other reason.

Now, I may have missed it. There could have been someone talking about what a bad person she is or why she is not qualified, but I must have missed that. I heard little, if any, opposition. In fact, I have heard none for this nominee. I have heard only obstruction for obstruction's sake, delay for delay's sake.

This has been going on for 5 years. It appears that the Senator wishes his caucus to be the caucus that "just says no," and that is what they did here.

So, Madam President, I object to the modification.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. GRASSLEY addressed the Chair.  
 The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Reserving the right to object, and I will object, but to remind everybody, when the majority leader says that nothing is being done on judges, we have confirmed 233 judges and only disapproved the 2; so don't ever try to sell the American people on the idea that the Senate is not doing its work on getting judges approved.

I object.  
 The PRESIDING OFFICER. The objection is heard.

The majority leader.

Mr. REID. As I indicated, this is something without logic. We have had a lot of judges approved after wasting hundreds of hours of time doing nothing. We have judges reported out of the Judiciary Committee unanimously, led by our good friend, the senior Senator from Vermont, the chairman of the Committee, who does such an admirable job. They were reported out unanimously, and they stall—the Republicans stall, delay, obstruct, and then we have a vote here and it passes very easily. Their only purpose for the delaying is for delay's sake. They are obstructing this as they have obstructed everything over the last 5 years.

I know people complain about the rule change that was made. Where would we be in this country without having changed that rule?

I got a letter today from Secretary of Defense Chuck Hagel, outlining nine important people in the Department of Defense who need to be confirmed. Most of the positions have been without anybody there for more than a

year. We have numerous ambassadors to important countries around the world, and they are not being confirmed because they are being stalled. Why? Why could we not have these people go do their work? They have been nominated. Countries all over the world are without ambassadors from the United States. Where would we be if we had not changed that rule?

Now we are slogging through these nominations. It is kind of slow because of the inordinate amount of time that we are caused to eat up. But the longer my friend from Iowa talks, the more reason there is that maybe we should have changed the rules more than we did.

So, unless something changes, we will have a vote tomorrow at 5:00 p.m. We will have three votes here tomorrow at 5:00 p.m. on Friday.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I think it is important to put all of this in context. My good friend, the majority leader, broke his word last year when he said we had settled the issue of what the rules were going to be for the Senate for this Congress. He then broke the Senate rules in order to change the Senate rules, setting a very unfortunate precedent, and continues to abuse the Senate rules by using the device called filling the tree to prevent Members of the Senate, from his party and from our party, from even offering alternatives.

Despite this heavyhanded behavior, he expects the minority to simply expedite consideration of, in the case of the matter we are discussing, a lifetime appointment. As Senator GRASSLEY has pointed out, we are simply exercising our rights under the rules of the Senate. I might say many of these nominees would have been confirmed last December had we not experienced this event perpetrated by the majority in a heavyhanded attempt to alter the balance, to change the nature of the Senate with a simple majority. It was an unfortunate decision, but those kinds of decisions have consequences. And all we have done here is exercise, as Senator GRASSLEY pointed out, the rights that Senators have under the rules of the Senate. If the majority leader doesn't like the way the Senate is working, I would recommend that he change his behavior.

You know, we don't have a rules problem. We have a behavior problem.

We have had a couple of examples of trying to edge back to normal here, where we brought up a bill that was actually open for amendments, and amendments were processed from Members on both sides. But it seems of late we are back to the old Senate. All we are about is scoring partisan points and denying Members the opportunity to offer amendments.

I think most Members on both sides of the aisle came here to be Senators, which involves having your committee work taken seriously and having the opportunity to offer amendments

taken seriously. This body—when it was at its peak and operating the way it should under Members of majorities of both parties—has been a more civil place in which rights were respected.

The Senator from Iowa—the ranking member of the Judiciary Committee—is pointing out that we are simply exercising our rights under the rules of the Senate.

The PRESIDING OFFICER (Ms. WARREN). The majority leader.

Mr. REID. I am a patient man. At least I try to be. For my friend to come here and have the audacity to talk about my breaking my word—the trouble with that statement is that the whole Senate is here to see what happened.

He said something and I said something. What he said was that we are not going to have all of these filibusters on motions to proceed.

For the viewing audience, we wasted so much time just trying to get on a bill. It is not that easy. You have to file something in the Senate, and then you have to wait a day to get on the bill. If they object—and they object hundreds of times—it takes 2 days to get on the bill. Then we vote, wait 30 hours, and then we are only on the bill. To get off the bill, we have to go through that process all over again, and we have done that hundreds of times.

There have been more filibusters on President Obama's judicial nominations than in the entire history of the country for other Presidents. We have been a country for a long time—roughly 240 years. There have been more filibusters for President Obama in the course of 5 years than for the previous 235 years.

I went to New York and had the good fortune to watch a wonderful play—“All the Way”—about LBJ. That good man—during the time he was majority leader for 6 years—had to overcome one filibuster.

As the majority leader in the Senate—because of the performance we have had over here—I had to overcome over 500 filibusters. This is for the country. It is not for me. We have been stymied on everything we have tried to do—everything.

We know—it is public record now—that 3 days after Obama was elected the first time, a meeting was held here in Washington, and it has been written up all over the place. Karl Rove called the meeting with others. They made the decision that their goal was to make sure this man never got reelected. To the credit of the Republican leader, he said: Our goal is to make sure he is never reelected.

Well, Obama surprised everybody—except us—and was overwhelmingly elected by the American people.

They also said in that same meeting: The way we are going to stop him from being reelected is to object to everything, and that is what they have done. It is unprecedented in the history of our great Republic.

I have been here a while. I know how people used to work together, but you can't work together if one side says no to everything. Once in a while we have had the good fortune to be able to piece together some work with the Republicans. It is getting harder and harder to do, but we have been able to get it done a few times.

They have wasted the time of the American people. If there is an objection to this woman, then come to the floor and talk about what is wrong with her. She attended one of the finest law schools in America. A battle goes on every year, whether it is Harvard, Yale or Stanford, and they flip back and forth. It doesn't matter. She is a very fine academic. She clerked for one of the finest Supreme Court justices we have had in the history of the country—by the way, a Republican.

What is wrong with her? What do we gain by holding this up? The country gains nothing. As I have indicated, we have about 140 nominations that are being held up over here. My friend, the Republican leader, said: Hey, listen, we would have approved them all in December anyway. Please. Who in the world thinks that there is a bit of credibility to that?

I say to everybody that I am sorry. In 25 hours, I guess, we can come here to vote on these people. All we need is a majority, and that is the way it is. I am so sorry for the inconvenience to everyone, but the Republicans know that for them it is pretty easy. They can just walk out of here. They don't have to be here, but we do because it is our burden to run the country. They can walk away and take their little trips and go home. We are not going to be able to do that. We have to vote and approve these two people.

We have a very good judge we need to approve. We have somebody for the Wage and Hour Division at the Department of Labor. That job has been vacant for a long, long time.

Again, I am sorry for the inconvenience to Members, but we have an obligation. We have been elected to be Senators.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, I have just a couple of brief observations that are relevant to the point. No. 1, we have approved more judges at this point for President Obama than President Bush had approved at the same time in his Presidency.

No. 2, the majority leader has a curious definition of filibuster. The reason the majority leader has had difficulty getting onto bills is because as soon as we get on bills, there are no amendments allowed. Once you get past the motion to proceed—I would say to the people who may be listening and are not as deeply steeped in Senate rules—there is a 2-step process. You vote to get on a bill, and then you are on the bill.

What happens is that once we get on the bill, the majority leader has made

it impossible for Members of his party or ours to offer amendments more often than the last six leaders combined. In other words, he gets to decide whether anybody's amendments are considered—either on his side or our side. That is what has degraded the Senate. That is what has turned the Senate into looking more like the House. In fact, I am told of late that the House has voted on more amendments than the Senate. The assistant majority leader used to say—and he was quite right at the time—if you want to have a chance to vote, come to the Senate; that is what the Senate is about. That is not what it has been about in recent times.

All that is really required to get the Senate back to normal is for the one Member of the Senate who has the right of prior recognition and the right to set the agenda to open the Senate and let Members of both parties offer amendments.

When we used to be in the majority, I would tell our Members that the price of being in the majority is you have to give the minority their votes. It is an unpleasant experience for us, but that is the way the Senate operates, and that is the way you move a bill to completion.

There were a couple of times this year when it looked like we were going to get back to normal. I still hope it is not too late for that. It would be in the best interests of the institution and the best interest of both the majority and minority to begin to restore the institution to the way it used to operate.

Mr. REID addressed the Chair.

Mr. MCCONNELL. Madam President, I believe I have the floor.

Do I have the floor?

Mr. REID. I have the floor. The Senator yielded the floor.

The PRESIDING OFFICER. The Republican leader had not yet yielded the floor.

Mr. REID. I apologize.

Mr. CORNYN. Madam President, if the Senator would yield for a question.

Mr. MCCONNELL. I am happy to yield for a question.

Mr. CORNYN. Madam President, the majority leader said that there is urgent work the Senate needs to turn to, which is why we ought to amend the ordinary rules of the Senate which call for a 30-hour postcloture period.

I ask the distinguished Republican leader if he is aware of any urgent work that the majority leader has planned for us to turn to that would be a reason to expedite this particular nomination?

Mr. MCCONNELL. I am sure the majority leader will announce at some point what we are going to do next, but I am not quite sure what that is at this particular point.

Mr. CORNYN. Madam President, if the Senator will yield for another question, I ask the distinguished Republican leader if he is aware—and I am confident he is—that the majority leader and other leaders of his party

had a press conference last week, I believe it was, announcing their agenda from this point through the election in November, which involved issues such as the vote we had yesterday, the vote on the increase in the minimum wage, the vote on extending long-term unemployment, and the like. I believe there was a quote in the article—if the Senator will remember like I do—that basically said: We are not interested in legislating. We are just basically interested in posturing and politics to help distract the American people from the unpopularity of this President's policies and this party's policies.

Does the Senator remember something to that effect?

Mr. MCCONNELL. I do. The Senator from Texas is entirely correct. There was a rather candid admission at a press conference that the whole agenda was basically crafted by the Democratic Senatorial Campaign Committee and that getting an outcome was sort of irrelevant. It was mainly about scoring political points for the fall election here on the floor of the Senate.

If that is one of the urgent items the majority leader has in mind that would somehow be prevented if we had a vote on this judge on the Monday after the recess, it is perplexing to reach the conclusion that this is a matter of great urgency for the American people if there is no interest whatsoever in getting an outcome.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I have heard my friend the Republican leader come to the floor often and say: Why don't we work on Fridays? Most people work on Fridays. I want to make sure I am right, but I have not seen or heard a single Republican come to the floor and say a single word about the nominee of the Ninth Circuit—positive or negative. They have not said a single word.

A lot of words are being thrown about here—posturing. I wonder if somebody who is a long-term unemployed worker, someone who has been out of work a long time—I will give a profile of someone. Not everybody fits this description. Let's take the example of somebody who is 55 years old and was laid off because of the recession and can't find a job because he or she is overqualified, overeducated—lots of different issues as to why they can't find work.

We decided that it was important that they get an unemployment benefit extension. About 2 million people agree with that for sure because they are the ones who lost those benefits. I don't think that is posturing. We voted on that, and it passed here. I think we had to have five cloture votes to get there. But because of some very strong-willed Republicans, we were able to do that, and I admire those five who joined with us. They didn't want to do it by name. They said something we did yesterday. That something that we did yesterday

said that if a woman works the same job that a man works, that woman should be paid the same as a man.

Is that posturing? I don't think so. My daughter doesn't think so and my granddaughters don't think so. They think it is pretty fair. More than half of the people who are going to college now are women. Over half of the people in medical school and law school are women. Shouldn't they be paid the same as men? Is that posturing? I don't think so.

Again, there is diversion and distraction from the issue at hand. They wanted to offer amendments, and one was a 350-page amendment that covered everything. In fact, I said it even included the kitchen sink. They are not serious about this. They only want to move from what we are trying to do.

Do we have anything urgent to do when we get back? If we didn't have to go through all of this nonsense—and that is what it is—we would be voting today on minimum wage. That vote would help 1 million people get out of poverty and 26 million people would get a raise.

Why did we pick the number of \$10.10 an hour? Because that gets people out of poverty. It is really important that we understand that this is part of the mantra of the program that Karl Rove and others decided they would do 5 years or more ago, and that is to oppose everything that President Obama has done.

You cannot talk about what went on before because never in the history of our great Republic have we had a party—a minority party—determined to do nothing in the hope that it will get them the majority in November. We will find out if their noble experiment works; that is, oppose everything and people will like us a lot. I don't think that is going to work. We are here to do the work of the American people. Is it right that we have more than 100 people who are being held up for no reason other than they want to make sure that if we have somebody who is going to be a circuit court judge, we have to file cloture—that is 2 days—and then we have 30 hours, and then we have—simply moving to a piece of legislation, we waste a week getting to it because of their obstruction and delay. So it is unfortunate.

My friends talk about all the great things they have done. I will tell my colleagues the great things they have done. I can give lots of examples. We tried to do a highway bill—a highway bill—which is important for this country. We have a deficit in infrastructure of \$3 trillion. It wasn't much better a couple of years ago. So we brought that bill to the floor, and we had this great amendment process. They wanted to debate amendments. What did they do? They wanted to stop women from getting contraceptives. That held up things for a month—a month—before they finally got some sense and withdrew that.

The Republicans made a decision a little more than 5 years ago to oppose

everything President Obama wanted or tried to do, and they have stuck with that. It has not been good for the country, and we have situations just like we have here.

(Mr. SCHATZ assumed the Chair.)

Mr. CORNYN. Mr. President, would the Senator yield for a question?

Mr. REID. Sure.

Mr. CORNYN. Mr. President, the majority leader says there is important work for the Senate to do, and I can think of one urgent thing we could do today if the majority leader would consent.

The House has passed the reauthorization of the Debbie Smith Act.

To remind colleagues, this is money Congress appropriated to the Department of Justice for grants to local law enforcement agencies and forensic labs to test unprocessed rape kits. This is a national scandal, the number of unprocessed rape kits which have prevented law enforcement from identifying a serial perpetrator of sexual assault, many sometimes not just involving adults but also children.

The House has passed the reauthorization of that bill. All it takes is for the majority leader and the Senate to consent to take up that bill today and pass it to get it to the President's desk.

I think that, perhaps, is the most important and most urgent thing we could be doing right now. So I ask the majority leader if he would consent to taking up that bill and passing it in the Senate right now.

Mr. REID. Mr. President, the committee, of which I am almost certain my friend is a member—the Judiciary Committee; is that right?

Mr. CORNYN. I am on the Judiciary Committee.

Mr. REID. He is also a former supreme court justice of Texas.

They have reported the bill out of the Judiciary Committee, and my friend was part of that reporting situation. Part of what they reported out has the Debbie Smith language in it, but it has more stuff in it than just that. So I would be happy to take a look at that. We can talk to the chair of the committee and the ranking member, who is on the floor here today, and if they would be willing to separate this stuff here and have it rather than what was reported out of the committee—they can take a look at this. Senator LEAHY was on the floor. He is not here now, but I would be happy to take a look at that.

Mr. CORNYN. Mr. President, if I may ask one more question of the majority leader, one final question.

Mr. REID. I am sorry, I didn't hear that.

Mr. CORNYN. Will the majority leader yield for one last question?

Mr. REID. Yes. But before doing that, I have just been informed that this bill that was reported out of the committee on which the senior Senator from Texas serves—we have cleared it on our side. If they want to clear it today, we will get this out today. All they have

to do is clear it on their side. We have cleared it.

Mr. CORNYN. Mr. President, if I could ask the majority leader through the Chair, there is the Justice for All Act which, as the leader points out, includes things other than the Debbie Smith Act, which has not cleared the Senate, which, if it did clear the Senate, would include the Debbie Smith Act. That would be a positive development.

There is a separate bill—if the Justice for All Act is not cleared, there is a separate bill which would reauthorize the Debbie Smith Act which has passed the House. So we could take up just the Debbie Smith reauthorization that the House has passed and get that done today, which I would urge the majority leader to consider, if we can't clear the larger bill, the Justice For All Act. But, frankly, I would be happy with either one. But if we could just do the Debbie Smith Act today, I think we could call that great progress and a great win for justice and for some of these people who have been waiting too long for the law enforcement community to be able to identify the perpetrators and get these folks off the street.

Mr. REID. The bill that 55 Senators have cleared over here is a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide postconviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes. We will pass that right now. We are happy to do it.

Mr. CORNYN. Mr. President, if I may respond to the majority leader, the bill he is referring to is the Justice for All Act, which I support. But there has been some reason why that bill has not come to the floor and received floor time. I am worried that if we wait to pass that, we will delay the passage of the Debbie Smith Act, which is a component of that act, which we could take up, having passed the House, and we could take that up today and then deal with the Justice for All Act in due course.

So I ask the majority leader if he would grant unanimous consent to take up and pass the House-passed reauthorization of the Debbie Smith Act, and I ask unanimous consent to that effect.

The PRESIDING OFFICER. The majority leader.

Mr. REID. This is what we deal with here. We have a piece of legislation that has been reported out of the committee. It has been cleared by the Democrats here in the Senate, and the Republicans are now saying: Well, we

like that, but we don't want to do it that way; let's do it some other way.

The point is the committee met and reviewed the House legislation and decided they wanted to do more than what the House did. I think we should go forward with what the committee says.

I hear my friend the Republican leader and other Republican Senators say: Let's have the committees do their work.

They have done their work. We approved their work. We are ready to pass this right now, which includes the Debbie Smith language but does a lot more.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Mr. President, I asked the distinguished ranking member of the Judiciary Committee to remind me what the challenge is with the Justice for All Act. We have a Member on our side who is unfortunately not here today because of medical concerns who has concerns about that bill, so we cannot pass that bill by unanimous consent over that Senator's objection. What we can pass is the Debbie Smith Act, which is a piece of this. There is no objection to that, that I know of. Then we could get this rape kit issue addressed today, while we take up the concerns of the absent Senator, who is necessarily not here because of medical issues, when he returns and when the Senate returns.

So I would reiterate my unanimous consent request that the Senate take up and pass by unanimous consent the House-passed Debbie Smith Act.

Mr. REID. Mr. President, reserving the right to object, more diversion and delay. The Judiciary Committee took what the House did, reviewed it, and said: We can do better.

It is here on the floor right now. Now they are saying: Even though the Judiciary Committee did it—and we are being told all the time to let the committees do their work—we don't like what they did. Let them do something else.

The Debbie Smith Act is important, but the Justice for All Act is a lot better than that. Why don't we approve that?

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, the majority leader thinks this is a zero sum game. This could be a win-win. Debbie Smith, whom I have met and I daresay virtually every Member of this body knows, is a passionate advocate for this cause, hence the naming of this statute, this law, on her behalf. She recognized that these unprocessed rape kits are a national scandal and that people like her who had been victims of sexual assault needed help from the Federal Government to help provide funds to local law enforcement agencies to test and process these kits so as

to identify the perpetrators and get them off the street.

So what Debbie Smith has asked me and I daresay the majority leader and all of us to do is to take up this piece of the bill. We can do that, and I think we will have done a good thing today. If we can't take up the Justice for All Act because of other concerns people have—this shouldn't be a zero sum game. We could pass the Debbie Smith Act today, and then we could take up the Justice for All Act when we return following the recess. It doesn't have to be a zero sum game.

The PRESIDING OFFICER. The majority leader.

Mr. REID. This has been cleared on this side for more than 2 weeks—more than 2 weeks. This is what is going on in the Senate. The Republicans basically oppose everything. That is what they decided they were going to do, and they do it. And they come back and say: We reported this out of the committee.

I read what is in it. It is a very good piece of legislation. But they said: We don't like that. Let's forget about the committee process and do something with what the House did.

We have a committee structure here that I have tried to follow. I admire the work done by Senator LEAHY. He led this piece of legislation out of his committee. I accept it and I approve it, as do all other 54 Democratic Senators.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

DIGITAL ACCOUNTABILITY AND TRANSPARENCY ACT OF 2013

Mr. WARNER. Mr. President, I originally was going to engage in a colloquy with Senator PORTMAN on a very important piece of legislation that we, Senator COBURN, and Senator CARPER, were working on for 2 years, and he will come back.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 337, S. 994.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant bill clerk read as follows:

A bill (S. 994) to expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be withdrawn; the Carper substitute amendment, which is at the desk, be considered; the Carper amendment at the desk be agreed to; the Carper substitute, as amended, be agreed to; and the bill, as amended, be read a third

time and passed, with no intervening action or debate.

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

The amendment (No. 2970) in the nature of a substitute was agreed to.

(The amendment is printed in the RECORD of Wednesday, April 9, 2014, under "Text of Amendments.")

The amendment (No. 2971) was agreed to, as follows:

(Purpose: To allow the Secretary of Defense to request an extension to report financial and payment information data)

On page 9, strike lines 17 through 21 and insert the following:

"(2) AGENCIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 2 years after the date on which the guidance under paragraph (1) is issued, each Federal agency shall report financial and payment information data in accordance with the data standards established under subsection (a).

"(B) NONINTERFERENCE WITH AUDITABILITY OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS.—

"(i) IN GENERAL.—Upon request by the Secretary of Defense, the Director may grant an extension of the deadline under subparagraph (A) to the Department of Defense for a period of not more than 6 months to report financial and payment information data in accordance with the data standards established under subsection (a).

"(ii) LIMITATION.—The Director may not grant more than 3 extensions to the Secretary of Defense under clause (i).

"(iii) NOTIFICATION.—The Director of the Office of Management and Budget shall notify the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives of—

"(I) each grant of an extension under clause (i); and

"(II) the reasons for granting such an extension.

The bill (S. 994), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 994

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Digital Accountability and Transparency Act of 2014" or the "DATA Act".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) expand the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) by disclosing direct Federal agency expenditures and linking Federal agency contract, loan, and grant spending information to programs of Federal agencies to enable taxpayers and policy makers to track Federal spending more effectively;

(2) establish Government-wide data standards for financial data and provide consistent, reliable, and searchable Government-wide spending data that is displayed accurately for taxpayers and policy makers on USASpending.gov (or a successor system that displays the data);

(3) simplify reporting for entities receiving Federal funds by streamlining reporting requirements and reducing compliance costs while improving transparency;

(4) improve the quality of data submitted to USASpending.gov by holding Federal

agencies accountable for the completeness and accuracy of the data submitted; and

(5) apply approaches developed by the Recovery Accountability and Transparency Board to spending across the Federal Government.

SEC. 3. AMENDMENTS TO THE FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006.

The Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) is amended—

(1) in section 2—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking "this section" and inserting "this Act";

(ii) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (7), respectively;

(iii) by inserting before paragraph (2), as so redesignated, the following:

"(1) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.";

(iv) by inserting after paragraph (2), as so redesignated, the following:

"(3) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'Executive agency' under section 105 of title 5, United States Code.";

(v) by inserting after paragraph (4), as so redesignated, the following:

"(5) OBJECT CLASS.—The term 'object class' means the category assigned for purposes of the annual budget of the President submitted under section 1105(a) of title 31, United States Code, to the type of property or services purchased by the Federal Government.

"(6) PROGRAM ACTIVITY.—The term 'program activity' has the meaning given that term under section 1115(h) of title 31, United States Code.";

(vi) by adding at the end the following:

"(8) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.";

(B) in subsection (b)—

(i) in paragraph (3), by striking "of the Office of Management and Budget"; and

(ii) in paragraph (4), by striking "of the Office of Management and Budget";

(C) in subsection (c)—

(i) in paragraph (4), by striking "and" at the end;

(ii) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(6) shall have the ability to aggregate data for the categories described in paragraphs (1) through (5) without double-counting data; and

"(7) shall ensure that all information published under this section is available—

"(A) in machine-readable and open formats;

"(B) to be downloaded in bulk; and

"(C) to the extent practicable, for automated processing.";

(D) in subsection (d)—

(i) in paragraph (1)(A), by striking "of the Office of Management and Budget";

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking "of the Office of Management and Budget"; and

(II) in subparagraph (B), by striking "of the Office of Management and Budget";

(E) in subsection (e), by striking "of the Office of Management and Budget"; and

(F) in subsection (g)—

(i) in paragraph (1), by striking "of the Office of Management and Budget"; and

(ii) in paragraph (3), by striking "of the Office of Management and Budget"; and

(2) by striking sections 3 and 4 and inserting the following: