

Now, for those of you who may be wondering, Tom Emberton ended up losing his race for governor. But as I indicated, one losing campaign wasn't quite enough to drive John out of politics. A few years later, he helped me win my own first political campaign, as County Judge Executive here in Jefferson County. And once elected, he gave me some very good counsel as a lawyer on my staff.

In repayment for his services I invited John to join my ticket for a run of his own . . . and then proceeded to run what was hands-down the worst campaign of my life. The defining artifact of the race was a billboard we put up along I-65. It was basically just three disembodied heads on a big neon board. I looked like Howdy Doody. John looked like Hitler. We took it down after a day and a half. And John's hopes for a career in politics were dashed once again . . .

It would take one more run for a political office to extinguish John's political ambitions, and to show him where his greatest talents lay. One of his recent judicial decisions led him to make an unexpected cameo in this year's Senate primary. But aside from that, he's been pretty quiet. For the past 22 years, John Heyburn has put all his might into this courtroom. And his impact has been enormous.

The truth is, John's such a friendly presence, it's easy to forget what a penetrating intellect he has or what an influential jurist he's been. But his skills and his focus as a judge are by now legendary.

As Chair of the Judicial Panel on Multi-District Litigation, he's interacted with some of the best lawyers in the country. It's one of the main reasons he enjoys the job. It's a welcome duty for him, yes, and a testament to his very laudable commitment to public service. But mostly, I think, it's just a great opportunity for John to put his mind to work and to engage other legal minds on a very high level.

In more than two decades as a judge for the Western District, John has also untangled countless legal knots and delivered far-reaching opinions on some mind-numbingly complex and important cases. And that's to say nothing of the countless settlement conferences, which require a subtle genius of their own.

Others can speak more intelligently about the ins and outs of specific cases and the day-to-day demands of a judge. John has clearly excelled at both. But I think one of the far less-appreciated contributions he's made in his many years here has been his strong, positive influence on the culture of the place.

So let me just say that as someone who's played an active role in nominations to the court over the years, it's very gratifying to hear about the deep camaraderie and mutual respect that the district court judges in the commonwealth, and particularly in this district, enjoy. And of their reputation for excellence.

I think there's no question that no one is more responsible for that than John. And I'm grateful.

One veteran of the Kentucky bar summed it up like this: "It is a privilege," he said, "to practice law in Kentucky federal courts. The judges are fair, they're even-handed. They follow the statutes . . . they follow precedent . . . but they're [also] independent and they're really fine human beings."

I've heard of young lawyers dreading their first day in court but leaving here encouraged and energized not just because they made it through, but because Judge Heyburn was so kind and generous to them.

Experienced court-watchers say he's tougher on the lawyers he knows than on the ones he doesn't. And as for John's clerks,

well, some speak of their time here as nothing short of a revelation. It's the dignified but humane way he conducts his chambers. It's the methodical way he decides a case. But it's also just the sheer joy he brings to his work on the bench, or to talking politics over a sandwich at the City Cafe, or even to teaching a high school civics class with his clerks.

I'm told that on some of these field trips, by the way, John actually has his clerks act out the characters in famous court cases. It's not exactly something law school prepares you for. But they seem to enjoy it. At least they pretend to.

The larger point is this: in a field that isn't exactly known for excitement, John has always found a way to make the law interesting. His enthusiasm is contagious. And that's been one of his great gifts to the profession, and to everyone whose lives intersect with the work of this court.

One of John's former clerks put it like this. He said that after law school he was totally burned out, and not really looking forward to the career ahead of him. Then he met Judge Heyburn.

"Judge Heyburn," he said, "he just made me fall in love with the law."

That's why John attracts some of the best and the brightest. It's why his clerks love him.

He brings the law to life. He looks beyond the facts at hand and forces his clerks to ask "Why." He takes an interest in their lives long after they leave here. And he also gives them something else. He gives them a model for how to do their jobs well without forgetting that their first and most important job is at home.

And that's the third thing I would like to say about John Heyburn. He's a scholar. He's a giant on the bench. He's a good friend to his friends. He's a lot of fun. But he is a husband and a father first.

Ask his clerks what they remember about his chambers and they're just as likely to remember all the photos of Martha and Will and Jack as the wood paneling. Ask Martha about their marriage and she'll tell you they have as much fun together today as they did the day they met. Ask the boys what they remember, and they'll tell you something about their dad that a lot of other kids wish they could.

They'll say: "My dad was never MIA."

Now, for the past year or so, young Jack has had the great misfortune of being one of the very first people that I see in the morning when I'm up in Washington. I'm sure he doesn't look forward to that. But to me it's a great comfort. Not just because I like him too, but because whenever I see Jack I see Martha and John.

It reminds me of home. It reminds me of good times past. And it makes me hopeful about the future. Because these are really good people. They're both impressive in their own right.

And they really care about others.

So I'm delighted to be here to honor the judge on this happy occasion.

John Heyburn finally found his calling. And to the surprise of absolutely no one, he has lived it out with all his might. He has earned the respect of his peers and the gratitude of many clerks. He is greatly admired. And as the impressive crowd that's gathered here attests, he is very deeply loved.

Congratulations, old friend.

#### NOMINATION OBJECTION

Mr. GRASSLEY. Mr. President, I intend to object to consideration of the nomination of Lourdes Castro Ramirez to be the Assistant Secretary of the

Department of Housing and Urban Development, HUD, for the Office of Public and Indian Housing.

Over the last 4 years, I have been raising concerns about serious problems at public housing authorities and HUD's failure to address them. The Office of Public and Indian Housing is responsible for overseeing the public housing authority program.

I recently learned that HUD is negotiating new, 10-year contracts with the 39 housing authorities participating in the Moving to Work, MTW, demonstration program. The Office of Public and Indian Housing is also responsible for administering this program but has failed to conduct proper oversight for years.

The current contracts don't expire until 2018 so there is no need to rush into signing new contracts. Instead, I recommend HUD takes serious steps to address the program deficiencies and determine if this demonstration should continue.

A group of housing advocacy organizations sent a letter to HUD on November 7, 2014, raising concerns about the lack of transparency in the MTW contract negotiations. I am requesting that a copy of this letter be included with my statement in the RECORD. These organizations represent the people directly impacted by HUD decisions. They are asking questions that would strengthen the program and protect funding from abuse. But HUD is blocking them from participating in the process. Only the MTW agencies are allowed to review the contracts and comment on the proposed changes.

According to HUD briefing materials, the MTW housing authorities operate about 14 percent of the Nation's housing stock and receive over \$3 billion in funding per year, equal to about 20 percent of total program funding. Yet HUD has failed to require any meaningful accountability or transparency.

This has led to financial abuses at the Chicago Housing Authority and other MTW housing authorities. On October 23, I sent a letter to HUD about the Chicago Housing Authority (CHA), a Moving to Work participant. CHA has diverted approximately \$432 million in Federal funding into a reserve fund instead of issuing over 13,500 vouchers to Chicago families who need affordable housing assistance.

For example, the Atlanta Housing Authority has at least 20 employees receiving annual compensation ranging between \$150,000 and \$300,000 per year. The executive director explained that these high salaries are necessary "to both 'attract and retain' competent staff."

The executive director of the Philadelphia Housing Authority also received a high salary over \$300,000 per year. He also threw lavish parties, provided patronage to friends and supporters, and secretly paid sexual harassment claims.

Instead of providing safe, affordable housing for those in need, housing authority officials are using Federal

funding to feather their own nests. HUD tells me these problems are anomalies, which lead me to believe the Department may be turning a blind eye to program failures no matter what the costs.

Both the HUD inspector general and the Government Accountability Office, or GAO, audited the MTW program. Both determined that little program oversight is actually being done. HUD has no procedures to verify agency self-reported performance data and HUD officials weren't even aware that they were required to perform annual risk assessments. HUD also has no program-wide performance indicators that would help determine if this program is a success or failure.

Worse yet, HUD never performed mandatory program evaluations to determine if the agencies complied with their MTW agreements or whether they should still be in the program. Department officials said they lack the funding to performing the evaluations. Under the current budget climate, additional funding may not be available anytime soon. In other words, HUD can't tell me if the Moving to Work program actually works or if it will work in the future.

GAO officials informed me that the agency may be close to closing three recommendations. For the other five recommendations, they are waiting for HUD to provide additional documentation about what steps are being taken or what is needed to close each of them. Instead of taking steps to improve program performance and provide more effective oversight, the Agency is, instead, rushing to extend contracts for an additional ten years.

I expect a lot more answers and accountability before there is a vote on Ms. Castro Ramirez's nomination. HUD must also refrain from adding new housing authorities to the MTW program until the agency provides GAO with the requested information and a definitive timeline for closing the outstanding recommendations.

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

NOVEMBER 7, 2014.

Hon. JULIAN CASTRO,  
*Secretary, U.S. Department of Housing and Urban Development, Washington, DC.*

DEAR SECRETARY CASTRO: We represent housing advocates who work with clients and community members in the jurisdictions of public housing agencies (PHAs) that have Moving to Work (MTW) status. We look forward to working with you to further HUD's mission to create strong, sustainable, inclusive communities and quality affordable homes for all.

We are writing to ask HUD to take immediate action to create a more open, inclusive, and transparent process as HUD negotiates the terms for any potential extensions to Moving to Work Agreements past their current 2018 expiration. Consistent with the statutory language creating the MTW program, we specifically request that HUD consult with advocates during the contract negotiations. Indeed, Congress was clear that "in making assessments throughout the

demonstration, the Secretary shall consult with representatives of public housing agencies and residents." As a first step, we urge HUD to make the baseline language it is crafting for MTW extension contracts available for public comment and discussion, and solicit and consider input from resident and community advocates on the conditions for extensions and the terms of the extension agreements.

As you undoubtedly know, HUD's MTW demonstration is steeped in controversy. In addition to receiving criticism from advocacy agencies providing services to PHA residents in deregulated jurisdictions, HUD's own Office of the Inspector General and the U.S. Government Accountability Office have released studies critical of the MTW program's underlying structure and HUD's implementation and oversight of the program, including the GAO's 2012 Evaluation and the HUD IG's 2013 Study. These studies indicate that the Moving to Work program lacks performance standards and evaluation, and HUD has not provided critical oversight to agencies participating in the MTW program to evaluate agencies' compliance with statutory requirements or verify agencies' self-reported performance data.

Based on these pervasive critiques, we believe that any extension of the MTW demonstration must be done with thoughtfulness, diligence, and open discussion of the lessons learned from HUD's previous experiments in deregulation, which simply have not demonstrated any of the programmatic results this venture was designed to achieve.

The current MTW Agreements do not expire until 2018. We understand that HUD's stated goal for beginning MTW extension discussions in 2014 has been to develop better tools and standards to enable more effective regulation and oversight of MTW Agencies moving forward. We support any process that will ensure that new language in MTW contracts will provide clear metrics for performance, clear processes for evaluation, and clear protocols for HUD to monitor and enforce Agencies' compliance with statutory requirements and standards, even amidst the flexibility the MTW program intentionally allows.

We strongly support some goals HUD has put forward for the extensions, including establishing requirements that agencies use the bulk of their voucher funds for vouchers, higher baselines to determine if agencies are assisting "substantially the same" number of families, and more rigorous evaluation of policies that pose risks to participants. Effective requirements in these areas would have major benefits for low-income families. Without more information on the details, however, it is impossible for us to assess whether the changes HUD plans will bring about meaningful improvements.

As advocacy organizations who work with tenants who are the "end-users" of HUD's programs in regions de-regulated under the MTW program, we believe we have experiences and observations that can help contribute to HUD's success in amending the program.

We have documented concerns with the current MTW Agreements that are not adequately addressed by the limited information HUD has released about the planned extensions. These concerns include but are not limited to:

How new MTW Agreements will prevent de-regulated PHAs from diverting significant resources out of their housing programs into unrestricted cash reserves or towards other questionable uses such as excessive executive compensation. These actions clearly contradict MTW's statutory goal to, "reduce cost and achieve greater cost effectiveness." The agreements should, for example, include

clear limits on reserve levels and specific sanctions for agencies that exceed those limits.

How HUD will evaluate the real effects of proposed or existing major policy changes allowed under MTW, such as time limits, work requirements, and major rent changes, to assess whether these changes are achieving the program's statutory goals of helping families achieve economic self-sufficiency and increasing housing choice, or instead just creating a revolving door of homelessness and hardship. HUD has indicated that it will require more rigorous evaluation of some new policies, but it should also seek to evaluate policies already in place and should make clear that it will prohibit agencies from adopting risky measures like time limits and work requirements unless funding for a rigorous evaluation is available.

How HUD will define, monitor, and enforce, the new standard of 90% voucher utilization, both before and after new MTW agreements go into effect. This standard will be far more effective if HUD uses the voucher funding formula to enforce it, and if it prohibits agencies from counting funds spent for purposes other than rental assistance toward voucher utilization.

How HUD will define and enforce the requirement to assist substantially the same number of families. HUD has indicated that it will adjust the baseline number of families agencies must assist upward, but unless HUD also defines "assisted families" to include only families receiving substantial rental assistance this requirement will have little meaning.

How HUD will ensure appropriate hardship exemptions are in place.

How HUD will ensure MTWA jurisdictions increase housing choices and mobility to opportunity communities among program participants.

Thank you for considering this request.

Through a collaborative, thoughtful, transparent and inclusive approach, we are confident that we can work with HUD and participating public housing agencies to create targeted revisions to the MTW program which clarify performance metrics, and create clear processes for evaluation and oversight. Our goal is to create a structure that provides both flexibility and discipline—A well-considered framework for any continuation of the program will better ensure we realize the original goals of the MTW program, which were to expand housing choice, increase cost effectiveness, and help families achieve self-sufficiency.

Congratulations on your confirmation as HUD Secretary.

Sincerely,

Asian Americans Advancing Justice—Asian Law Center, San Francisco Bay Area, California, Christina Dang and Thomas Lee, Staff Attorneys; Atlanta Legal Aid Society, Inc., Atlanta, Georgia, Margaret L. Kinneer; Cabrini Green Legal Aid Clinic, Chicago, IL, Jill Roberts and Ryann Moran, Staff Attorneys; Center for Tax and Budget Accountability, Ralph Martire, Executive Director; Chicago Housing Initiative, Chicago, IL, Leah Levinger, Executive Director; Community Alliance of Tenants, State of Oregon, Steve Weiss, Board President; Community Legal Services, Philadelphia, Pennsylvania, Rasheedah Phillips, Housing Law Division.

Delaware Housing Coalition, State of Delaware, Trish Kelleher, Director of Housing; Housing Action Illinois, State of Illinois, Bob Palmer, Policy Director; Jane Addams Senior Caucus, Chicago, IL, Lori Clark, Executive Director; Law Foundation of Silicon Valley,

San Jose, California, Nadia Aziz, Senior Attorney; Legal Aid Society of San Mateo County, San Mateo County, California, Shirley E. Gibson, Directing Attorney; Legal Assistance Foundation, Chicago, IL, Lawrence Wood, Housing Practice Group Director; Logan Square Neighborhood Association, Chicago, IL, John McDermott, Housing & Land Use Director.

Lugenia Burns Hope Center, Chicago, IL, Rod Wilson, Executive Director; Massachusetts Alliance of HUD Tenants, State of Massachusetts, Michael Kane, Executive Director; Metropolitan Housing Coalition, Louisville, Kentucky, Cathy Hinko, Executive Director; Metropolitan Tenants Organization, Chicago, IL, John Bartlett, Executive Director. Mid-Minnesota Legal Aid, Minneapolis, MN, Dorinda L. Wider; National Alliance of HUD Tenants, National, Charlotte Delgado, Board President.

National Housing Law Project, National, Deborah Thrope, Staff Attorney; North Carolina Justice Center, State of North Carolina, Bill Rowe, General Counsel and Director of Advocacy; Northwestern University School of Law, Chicago, IL, John S. Elson, Professor of Law; Organizing Neighborhoods for Equality, Chicago, IL, Jennifer Ritter, Executive Director; People for Community Recovery, Chicago, IL, Cheryl Johnson, Executive Director; Sargent Shriver National Center on Poverty Law, Chicago, IL, Kate Walz, Director of Housing Justice; Tenants Union of Washington State, State of Washington, Jonathan Grant, Executive Director.

#### CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT

Ms. MIKULSKI. Mr. President, this week, the Senate will once again consider S. 1086 as amended by the House, the Child Care and Development Block Grant Act of 2014. This is bipartisan legislation that I introduced along with Senators BURR, HARKIN, and ALEXANDER.

A version of this bill was passed by the Senate earlier this year by an overwhelming bipartisan vote of 96-2. An amended version passed the House on September 15th, by unanimous consent. I stand here today, on the side of families and children across the nation, encouraging the Senate to once again pass this child care bill and send it to the President's desk to become law.

Before I was the Senator for Maryland, I was a social worker for Baltimore families and worked with children and the elderly. At the dawn of the civil rights movement, I went from being a social worker to a social activist in elected office. Today, I'm a social worker in Congress, working to build opportunities for families throughout America. I stand here today, proud that with this bill, we can make a difference for parents and children across America. Every family deserves child care that is affordable, accessible, and exceptional.

Child care is one of the most important decisions a parent will make when raising their child. But we live in the

age of scrimp and save. Times are tough and budgets are tight. Every day, parents across America struggle to put food on the table, pay their bills, and provide care for their kids. Maybe you are a single parent, working double shifts, wondering if your child is safe and sound, or maybe you are a student, working to get your degree for a better job and a brighter future. But instead of studying statistics, you are calculating the cash you need to pay your babysitter. Those worries weigh heavily on the shoulders of parents everywhere. Our bill helps lift that burden by giving families and children the child care they need to succeed.

That is why I am so proud to move this bill forward. This bill is the product of brilliant bipartisan effort between Senators BURR, HARKIN, ALEXANDER, and myself. We also worked on a bicameral basis with Representatives KLINE and MILLER from the House Education and the Workforce Committee.

This bill reforms and refreshes important child care legislation, so moms and dads earning lower incomes can afford child care for their kids while they go to work or school. Child care is something all families worry about, regardless of income or zip code. People want care that is reliable and undeniable, safe, affordable, and accessible. This bill helps ensure that all children get the care they need and deserve so they and their families can have a better, brighter future.

In 1990, the CCDBG program was first signed into law by President George H.W. Bush to assist working families with the cost of providing child care. It has not been reauthorized since 1996. Through the CCDBG program, the Federal government provides states and Indian tribes and territories with funding. That funding is used to help lower-income families afford child care while parents work, train for work, or attend school. Families are given vouchers based on their income level to help cover costs of care. These vouchers can be used by parents for the provider of their choice: care in the home, at a relative's home, or in a child care center. Every month, CCDBG serves more than 1.5 million children in the United States, including 19,000 children in Maryland.

Why is this program so important? Because child care is expensive. It is the highest household expense faced by dual income households and averages \$14,872 per year for two children. In Maryland, families spend, on average, 20% of their family income on child care. This is about \$14,000 per year or \$249 per week. Keep in mind that the Department of Health and Human Services recommends that families not spend more than 10% of their income on child care. Child care isn't a luxury, it is a necessity. It shouldn't reach beyond the bounds of the family budget, especially in these tough economic times.

CCDBG has not been reauthorized since 1996. At the time, the program

was envisioned solely as workforce aid—something to help moms and dads get back to work. This was and remains an important goal, but we have learned a lot since 1996. What we know today, but didn't know 18 years ago, is that the most rapid period of development for the brain happens in the first five years of life. That is why it is so imperative that we ensure our young children are in high-quality child care programs that give kids building blocks for a lifetime of success. It is not enough to ensure that kids have someplace to go. We must ensure that they go someplace safe that nurtures their development, challenges their mind, and prepares them for school. The current program is outdated. It does not go far enough in promoting and supporting high-quality child care, safeguarding health and safety of children, ensuring children have continuity of care, and focusing on infant and toddler care.

Senators BURR, HARKIN, ALEXANDER, and I got together more than two years ago. We held three bipartisan Subcommittee on Children and Families hearings, got input from more than fifty stakeholder organizations, worked with every member of the Health, Education, Labor, and Pensions Committee to put together a comprehensive reauthorization bill. It does not solve every program for every family, but it does a lot of good for families relying on CCDBG.

First, the reauthorization requires states to prioritize quality. States will be required to eventually set aside at least 9% of funding for quality initiatives, 5% more than current law. States will choose what is best for them, whether it is training of the workforce, supporting early learning guidelines, expanding quality rating systems, or improving quality and quantity of child care programs and services for infants and toddlers.

Second, it requires that providers meet health requirements so parents know that the individuals taking care of their children are capable and competent when it comes to handling first aid and CPR, child abuse, sudden infant death syndrome, or shaken baby syndrome. Third, it requires mandatory background checks. And lastly, this reauthorization gives families using the CCDBG program more stability by ensuring that their kids get care for at least one year, even if a parent sees a change in their pay check.

We know that increasing funding for this program is important. More kids and families are in need of access. That is why as Chairwoman of the Senate Appropriations Committee, I am pushing for \$2.46 billion for child care in the FY15 Labor, Health and Human Services, Education, and Related Agencies appropriations bill. This is an increase of \$100 million over FY14. This funding would ensure that countless additional children have access to this vital program, bringing more families of very modest means peace of mind when it comes to child care.